GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 20, 2003

SUBJECT: BZA Application 17028

APPLICATION
RLA Revitalization Corporation and Donatelli & Klein, Inc., the applicants, originally requested variances from Sections 770.1, 775.5, and 2201.1 pursuant to Section 3103.2, and special exception relief under Sections 411.11 and 2108.1 pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of:

- a variance from Section 770.1 to increase the allowable height to 85 feet;
- a variance from Section 775.5 to reduce the required side yard along the 14th Street, N.W. frontage to five feet;
- a special exception under Section 411.11 to:
    - increase the allowable number of roof structures to four; and
    - allow one roof structure located northwest of the north open court to be six feet from the closest exterior wall of the proposed building; and
- a special exception under Section 2108.1 to reduce the on-site parking requirement for planned retail square footage from 60 to 45 spaces.

The applicant has withdrawn the requested variance from Section 2201.1.

SITE AND AREA DESCRIPTION
The subject 57,494 square foot (1.32 acre) site is the consolidation of Square 2843 Lot 836 with Square 2848 Lots 71, 824, 865 and 867 (entirely or in part), and intervening Kenyon Street and alley public rights-of-way totaling 10,638 square feet. A companion alley and street closing application (Surveyors Office Application No. 03-411) has been distributed to reviewing agencies and public utilities for comment. Most of the property is vacant and surrounded by a

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Board of Zoning Adjustment
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chain link fence nearly six feet tall. The southwest stem of the site, immediately northeast of the intersection of 14th Street intersection with Irving Street, is a concrete piazza and metal canopy over the underground Washington Metropolitan Transit Authority (WMATA) Columbia Heights Rail Station on the Green Line route. Diagonally across the intersection are a similar piazza and canopy over the other station entrance.

Surrounding development includes: vacant property to the north across Kenyon Place, and the historic former Trivoli Theatre building further north across Park Road; a two-story CVS Pharmacy building and nine-story Trinity Towers Apartments to the south across Irving Street; vacant property, four-story apartment and condominium buildings, and three-story row dwellings to the east along Irving and Kenyon Streets; and vacant property, vacant and occupied commercial building to the west across 14th Street, N.W. Properties within the development site, and to the north, south and west across 14th Street and Kenyon Place, are zoned Major Business and Employment Center (C-3-A) District. Properties to the east are zoned R-4 district (please refer to Exhibit 1).

APPLICANT'S PROPOSAL

The applicants propose to develop a seven-story mixed-use building with a total floor area of approximately 225,700 square feet consisting of 147 residential units with nearly 21,000 square feet designated for ground floor retail. A three-story parking garage would be constructed below-grade with 206 parking spaces. A public easement approximately 20 feet wide would be dedicated by the applicant along the eastern property boundary to provide service access from Kenyon Street to the remainder of the 16-foot wide alley (the eastern end of this alley would be closed for this project). The WMATA piazza and station entrance on-site would remain unchanged.

RLA Request for Proposal

The impetus for this project was a request for proposals (RFP) issued by RLA Revitalization Corporation (RLA) in August 2001. The RFP was a call for purchase and development concepts for mixed-use residential, retail and commercial projects on seven sites within the former 14th Street Urban Renewal Area (refer to Exhibit 2). These targeted properties, including the subject site ("Parcel 15"), total nearly 5 acres (214,417 square feet).

RLA announced the selection of the Donatelli & Klein, Inc., proposal for Parcel 15 on April 17, 2002. Negotiations on an Exclusive Right Agreement were concluded in November 2002. Negotiations continue on the final Land Disposition Agreement for transfer of the subject development tract to the developer.

The development framework for all seven sites was based on a 1997 community charette sponsored by the Development Corporation of Columbia Heights (DCCH) in partnership with other organizations and the District government. According to the RFP, the community "sentiment" that came out of this exercise was generally "... that enhanced 'main' street retail and residential development with some professional offices would restore the vibrancy of Columbia Heights."

One highlighted objective of the process was "to encourage the development of a healthy mix of … rental residential units for families with a variety of incomes and retail development encompassing the full range of neighborhood scaled development." To that end, program requirements included the following:

- Not less than 20% of the total homeownership/rental units must be affordable, in addition: not less than 5% of units must be affordable to households earning 30% of the area median income (AMI); not less than 5% of units affordable to households earning 60% AMI; and not less than 10% of units affordable to households 80% AMI;
- Affordable housing must be provided in a variety of unit types (2-3 bedrooms);
- Projects must provide "civic open space" especially for active uses; and
- Neighborhood oriented retail was encouraged such as "cafes, convenience retail and small neighborhood office uses …"

Design guidelines for certain sites (including subject Parcel 15) called for first floor commercial bays at least 15-30 feet in height. Specific site requirements for Parcel 15 were:

- Development of a minimum of 80 homeowner and/or rental units; and
- Development of first floor retail along 14th Street.

Staff also notes that the RFP describes C-3-A zoning as permitting "… matter-of-right development for major retail and office uses to a maximum height of sixty-five (65) feet, a maximum floor area ratio (FAR) of 4.0 for residential use and 2.5 for other permitted uses, and a maximum lot occupancy of seventy-five (75%) percent for residential uses."

Statement of the Applicant

In the revised statement, the applicant withdrew the request for a variance from the loading requirement under Section 2201. Otherwise, justifications provided for the requested relief are summarized under the Analysis Section below.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned C-3-A. Section 741.1 of the Zoning Regulations (per Sections 721.1, 701, and 350.4) allows apartment, retail and other commercial uses in this zoning district as a matter of right. The property is also subject to the following provisions:

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Lot Area	N/A	57,494 s.f. [1]	Same	N/A
Lot Width	N/A	varies	54 ft. [2]	N/A

[1] Based on proposed consolidation of Square 2843 Lot 836, Square 2848 Lots 71, 824, 865 and 867, and the rights-of-way of Kenyon Place, N.W. and an existing alley (portion)

[2] Consolidated lot frontage along Irving Street, N.W.

[3] Includes 1,444 square feet under existing escalator canopy and elevator over underground WMATA rail station

Standard	C-3-A Requirement	Existing	Proposed	Required Relief
Floor Area	N/A	vacant	225,674 s.f. [3]	N/A
Floor Area Ratio	4.0 (4.0 residential/2.5 other)	--	3.93 [4] (3.18/0.75)	N/A
Height	65 feet/ unlimited stories	--	85 feet	Variance
Lot Occupancy (max.)	75%	--	67%	N/A
Rear Yard	2.5 inches/vertical ft., not less than 12 feet	--	29.3 feet	N/A
Side Yard	2 inches/vertical ft., not less than 6 feet	--	5.5 feet [5]	Variance
Residential Recreation Space	15% of residential s.f. (at least 50% outside)	--	27,550 s.f. (82% outside)	N/A
Parking (on-site)	1 space/2 units (147), 1 space/300 s.f. over 1,800 s.f. (60)	--	161/45 spaces	Special Exception

Sections 400.7 and 411 also require that:

- Penthouses and mechanical equipment enclosures set back from all exterior walls a distance at least equal to each structure's wall height;
- All penthouses and mechanical equipment be placed in one enclosure; and
- Enclosing walls of these structures be of equal height.

However, this proposal involves multiple roof structures of different heights, and one enclosure 18.5 feet tall would only be 6.5 feet from an exterior wall.

Based on this review, this proposal would require relief from the side yard requirement along the western (14th Street) property boundary, the allowable building height limit, the parking requirement for retail uses, and certain requirements for penthouse and mechanical enclosures.

ANALYSIS

Section 3103.2 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

[4] Representing residential and nonresidential floor areas of 182,580 and 43,094 square feet, respectively
[5] Minimum side yard dimension along 14th Street, N.W. frontage

relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

Variances from the allowable building height and required side yard are "area" variances requiring that the circumstances of each instance results from an exceptional condition or shape of the property, and that the usual application of the referenced regulations would result in "peculiar and extraordinary practical difficulties."

Section 3104.1 grants the Board of Zoning Appeals (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."

Special exceptions relief from the roof structure and retail parking requirements are subject to provisions under Sections 411.11 and 2108.1, respectively.

Compliance with Section 3103.2:

- Extraordinary or exception conditions: The Statement of Justification provides that below-grade "complexities" of Metro facilities underground, the location of above-grade WMATA facilities, entrance piazza serving the Columbia Heights Metro Rail Station, the requirement to provide (ground floor) retail, and the unusual shape of the lot "... creates areas that are not easily built upon." OP staff agrees that exceptional conditions exist on this site.

- Practical difficulties presented by current regulations:

  1. **Variance from Permitted Height:** WMATA requirements for open space, and clearances around station canopy and access shafts (only recently confirmed to the developer) limit how much of the site can be developed. Because public space narrows along the 14th Street frontage, providing a pedestrian walkway 14 feet wide requires that the proposed building set back from 5.5 to 10.5 feet from the front property line, further restricting the building footprint, and possible floor area ratio. In addition, the project incorporates a ground floor ceiling height of approximately twenty feet to accommodate the ground-floor retail uses. These restrictions present a practical difficulty because they prevent the applicant from taking advantage of the full site floor area potential to provide more housing (and affordable housing) opportunities. Without these restrictions, the applicant indicates that the allowable 4.0 FAR could have been designed within six stories instead of the requested seven stories.

     The applicant has provided calculations showing that approximately 5,796 square feet of the potential floor area under the allowable 75% lot occupancy is unusable due to the unique constraints of the site associated with WMATA limitations and

restrictions. The proposed height variance will permit a 7th floor with 30,000 square foot for additional residential uses.

Under these circumstances, staff concurs that the height limitation presents a practical difficulty.

2. **Variance from the Required Side Yard:** Section 775.5 requires a side yard over 14 feet wide and "Compliance with the (RFP) setback requirement further exacerbates the Applicant's inability to achieve its permitted FAR." Since shifting the existing building east the required 8 feet "would create a (nonconforming) rear court", the side yard requirement presents a practical difficulty.

   During a meeting with staff, the applicant explained that the irregular shape and discontinuous eastern property line boundary make the eastern property line unsuitable for designation as the rear yard for the consolidated site. As a result, the Irving Street frontage was designated as the front yard, the 14th Street frontage designated as the side yard, and the rear yard was located along Kenyon Place. The western property boundary then became a series of courts. Section 775.5 allows no side yard in C-3-A, however, if a side yard is provided, a minimum of 14 feet 2 inches is required for the proposed building. Based on this additional background, staff concurs that the side yard requirement presents a practical difficulty.

Impact on the Zoning Regulations: Staff concurs with the applicant's conclusion that the requested relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The site is designated for mixed-use on the Generalized Comprehensive Plan Map, and is zoned appropriately. The proposed project and variances will result in a mixed-use project consistent with the zoning.

Compliance with Section 411.11:
All proposed roof structures comply with the minimum set back from an exterior wall under Section 400.7 (b) except one structure next to the north open court (refer the Exhibit 5). This structure contains the elevator to the rooftop terrace. The applicant states the 6-foot set back provided would be sufficient to ensure adequate light and air to adjacent property and abutting streets.

Enclosing all four penthouses in a single enclosure as required under Section 411.3 would eliminate the majority of the roof terrace; "create a significant mass which would not comply with the setback requirements…", and not meet the (Building Code) requirement for at least two means of roof terrace ingress/egress.

The applicant concludes that these structures would therefore be in harmony with the purpose and intent of the Zoning Regulations, and meets the standard for this special exception.

As mentioned above, the proposed building will set back from adjacent streets and WMATA facilities. Staff also noted that the north, south and east open courts provide separation from the properties to the north, and the proposed building will share a common wall with the adjacent Victory Heights Apartment building to the south.

Concurrence with Section 2108.1:
Criteria for approving the requested special exception relief from the retail-parking requirement are as follow:

A. *The amount of required parking spaces shall not be reduced by more than twenty-five percent.* The proposed retail component of 20,850 square feet requires 60 parking spaces. The Applicant proposes to devote 45 of the total 206 parking spaces for the retail use, a reduction of twenty-five percent.

B. *The Board shall give consideration to the following:*

1. *Nature and Location of the Structure:* This mixed-use development would provide neighborhood serving rather than destination retail uses utilized primarily by area residents and WMATA passengers. A Traffic Impact Assessment (Report) prepared by O.R. George & Associates for the applicant anticipates the retail uses would result in "a high percentage (80%±) of pedestrian trips".
2. *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structures at one time:* The Report indicates "the proposed number of parking spaces, combined with the availability of other parking facilities in the area and the number of multi-purpose walk trips, support the requested parking adjustment and result in no adverse parking demand impacts."
3. *Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood*: The Report concludes that projected project trip generation "would have a minimal impact on traffic and parking conditions within the local area."
4. *Quantity of existing public, commercial or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use:* The "proposed parking on-site will be sufficient to meet the needs of the Site, without consideration of the additional parking opportunities" according to the Report.
5. *Proximity to public transportation, particularly Metro rail stations, and the availability of public transportation service in the area:* The site has immediate access to the WMATA Columbia Heights Rail Station and bus routes along 14th Street adjacent to the site.

OP believes that the referenced analysis meets the criteria for granting the special exception. The application and traffic impact analysis have been referred to DDOT for review.

Compliance with Section 3104.1:
Based on the above analysis, staff determined that granting these special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and whether proposed changes would not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for mixture of Moderate Density residential development characterized by row houses and garden apartments, and 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.

The Comprehensive Plan states, as its first principle, the importance of stability for residential neighborhoods. District elements of the Plan provides that the residential character of neighborhoods be maintained and improved, in fact:

> "Ensuring good quality neighborhoods is of utmost importance to the District."

In Title 11, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives include "(1) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; ..."

Policies in support of economic development outside of the Central Employment Area objective under Section 206.2 include:

> "(b) Support appropriate development of ... the 14th Street ... corridors, including making these redevelopment efforts priority items on the working agenda for the economic development entity;
> (c) Implement update plans for the longstanding urban renewal corridors that are consistent with the Plan's objectives and policies ..."

The Housing Element of the Plan also includes the following major policy:

"300.1 The District recognizes its obligation to facilitate the availability of adequate, affordable housing to meet the needs of current and future residents. However, government alone cannot provide affordable housing for all District citizens.

(a) Partnerships between the private sector, nonprofit housing providers, and the District government are necessary to meet the growing housing needs of District residents; and
(b) Community participation in the planning process is also essential to ensure that programs and actions are effective in meeting community needs, including a desired sense of community cohesion.

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 sound older stock and the production of new units for a wide variety of household types. The District will continue to use all available public and private resources to support a variety of programs designed to do the following: ...

(d) Stimulate the construction and rehabilitation of affordable housing by private for- profit and non-profit housing providers."

COMMUNITY COMMENTS
Advisory Neighborhood Commissions (ANC) 1A voted to support the project at a meeting on March 12, 2003 (refer to Exhibit 4).

AGENCY COMMENTS
Copies of the application were referred to the Fire and Police Departments, and Departments of Public Works and Transportation for comment. The Metropolitan Police did not express any concerns (refer to Exhibit 5). To date, no other agency comments have been received.

RECOMMENDATION
The Office of Planning recommends approval of:

- a variance from Section 770.1 to increase the allowable height to 85 feet;
- a variance from Section 775.5 to reduce the required side yard along the 14th Street, N.W. frontage to five feet;
- a special exception under Section 411.11 to:

    - increase the allowable number of roof structures to four; and
    - allow one roof structure located northwest of the north open court to be six feet from the closest exterior wall of the proposed building; and

- a special exception under Section 2108.1 to reduce the on-site parking requirement for planned retail square footage from 60 to 45 spaces.

AA/afj

Attachments:

Exhibit 1	Aerial Including Zoning
Exhibit 2	Map of Sites in the 2001 RLA Revitalization Corporation Request for Proposal
Exhibit 3	Letter from Charles E. Matiella, Chair, Advisory Neighborhood Commission (ANC) 1A to Christopher Donatelli, Donatelli & Klein, Inc., dated March 12, 2003
Exhibit 4	Memorandum to Anton M. Bigelow, Commanding Officer, Regional Operations Command - Fourth District to Chuck Brown, Chief of Staff, Metropolitan Police Department dated June 9, 2003
Exhibit 5	Pertinent Zoning Regulations

Exhibit 1



Board of Zoning Adjustment
Application No. # 17028

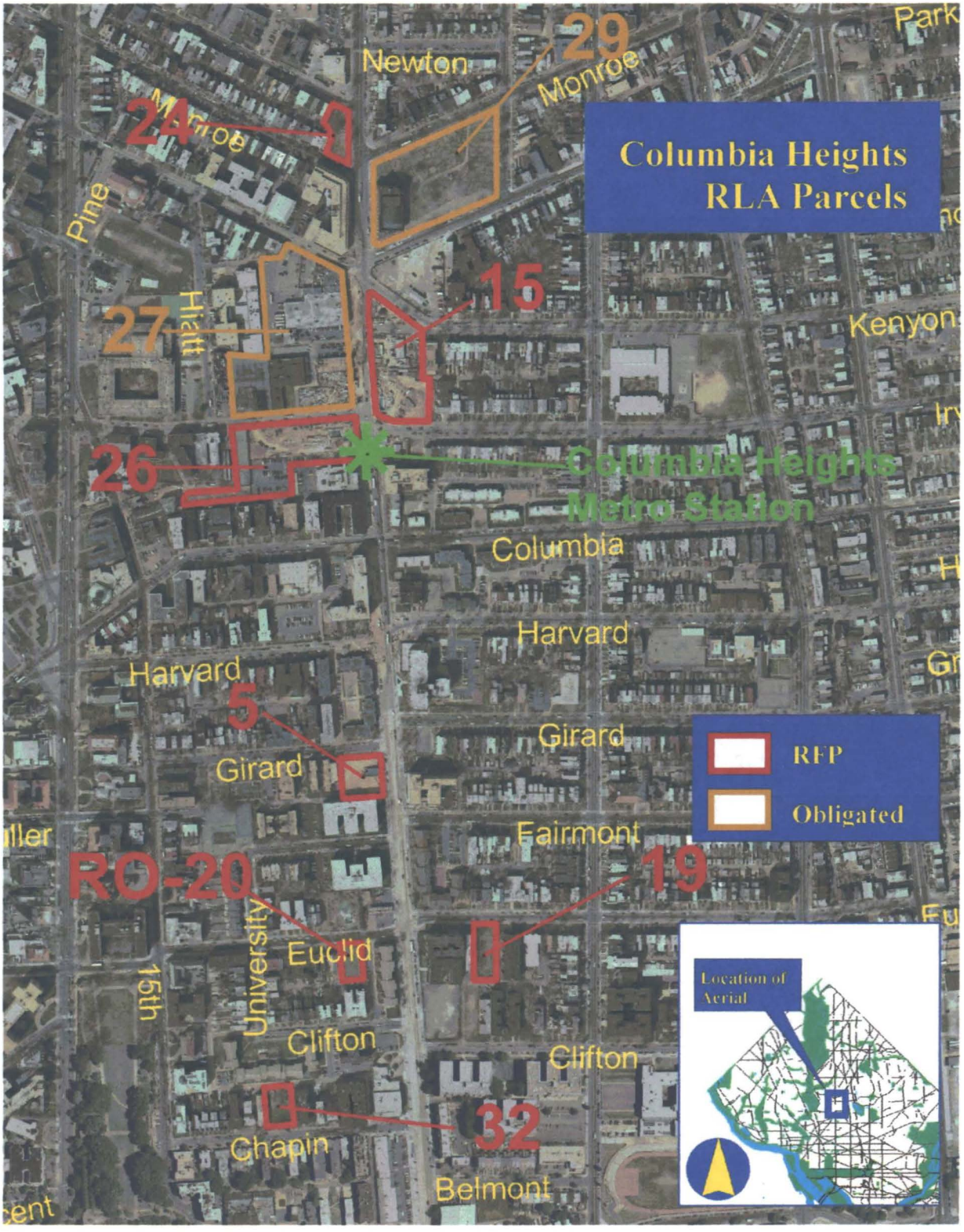
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DC Office of Planning
May 30, 2003

N

Scale 1:1800

Exhibit 2


Columbia Heights
RLA Parcels
RFP
Obligated
Location of Aerial
Columbia Heights
Metro Station
29
24
15
27
26
5
RO-20
19
32
Newton
Monroe
Pine
Hiatt
Kenyon
Columbia
Harvard
Girard
Fairmont
Euclid
University
15th
Clifton
Chapin
Belmont

Government of the District of Columbia
Advisory Neighborhood Commission 1A
3511 14th Street, NW, 2nd Floor
WASHINGTON, DC 20010
(202) 588-7278

March 12, 2008

Christopher Donatelli
Columbia Heights Ventures
c/o Donatelli & Klein, Inc.
7200 Wisconsin Avenue, Suite 810
Bethesda, MD 20814

RE: Exception and variance relief for Square 2848 (All or Portions of Lots 71, 824, 865, and 867), Square 2843 (Lot 836), and Portions of Alley and Street to be Closed

Dear Mr Donatelli:

This letter is to advise that ANC 1A, at its regularly scheduled public meeting, held March 12, 2008, at which a quorum was present, voted to support the above-referenced special exception and variance relief. The relief is requested by RLA Revitalization Corporation and Donatelli & Klein, owner and developer of the property respectively, to permit the development of the property with residential and retail uses.

The Applicant is requesting a variance from Section 770.1 of the Zoning Regulations to permit a building with a height of eighty-five (85) feet. The property is affected by several exceptional situations and conditions which result in the requested variance relief. Due to the set backs needed to accommodate the Metro facilities, the setbacks required to provide for additional public space and the complex foundation issues related to the below-grade Metro facilities, the project cannot accommodate the permitted gross floor area within the permitted height, creating a practical difficulty for the proposed development. Thus, in order to create a viable project, the additional height is necessary. The Commission finds that the variance relief can be granted without substantial detriment to the public good or the District's Zone Plan.

The Applicant also requests a variance from the side yard requirements. Section 775 of the Zoning Regulations does not require a side yard to be provided; however,

if a side yard is provided, the side yard must be at least fourteen feet, two inches for this project. The proposed side yard ranges in width from six feet to twelve feet and serves to increase the width of the sidewalk along 14th Street. If no side yard was provided, the sidewalk would be exceptionally narrow. Due to the limited amount of public space and the need to create a viable building, compliance with the technical side yard requirements creates a practical difficulty for the project. However, the Commission is confident that the variance relief can be granted without substantial detriment to the public good or the District's Zone Plan, and, in fact, the Commission finds that the granting of the variance is a benefit to the neighborhood and the public in general.

In addition, the Applicant requests a special exception pursuant to Section 2108 of the Zoning Regulations to reduce the required parking for the retail portion of the building. The project provides more parking than is required for the project as a whole. However, the Applicant requests a twenty-five percent reduction in the number of parking spaces required for the retail portion because the additional parking is not necessary at this development. The Commission believes that the retail portions of this building will be community-serving retail and, as such, will be accessed primarily by local pedestrian traffic. In addition, the project's adjacency to Metro will significantly reduce the amount of vehicular traffic at the site. The Commission supports this special exception and believes that the project satisfies the requirements of Section 2108.3(a) through (e).

Furthermore, the Commission supports the Applicant's request for a special exception from Sections 770.6 and 411 from the one enclosure and set back requirements. First, the Commission believes that the proposed design of the penthouse in multiple, smaller enclosures minimizes the impact and visibility of the penthouse, is consistent with the intent and purpose of Chapter 400 and the Zoning Regulations, and does not adversely affect the light and air of adjacent buildings. from Sections 411 and 770.6(b) with respect to the setback of the roof structure. Moreover, the Commission finds that compliance with the setback requirement is impractical because of operating difficulties and that full compliance would unduly restrictive, prohibitively costly, or unreasonable. In addition, the Commission determined that granting the special exception would not materially impair the intent and purpose of Chapter 400 and the Zoning Regulations and that the light and air of adjacent buildings would not be adversely affected.

Finally, to the extent that a variance from Section 773 of the Zoning Regulations relating to the amount of residential recreation space provided is needed, the Commission supports such a variance. The property is affected by several exceptional situations and conditions which result in the requested variance relief. Specifically, due to the utilization of space for Metro facilities on the property, the project may not be able to accommodate the required amount of residential recreation space. The space within the building and on the roof has been

maximized while exterior ground floor space is limited due to the location of the Metro facilities. The Commission finds that the variance relief can be granted without substantial detriment to the public good or the District's Zone Plan.

ANC 1A strongly supports the Applicant's requests for special exception and variance relief. The development of this property for residential and retail uses is important to the community and the District as a whole.

Sincerely,

Charles E. Matiella
Chair

Jenna Mohseyar
Secretary

Exhibit 4

METOPOLITAN POLICE DEPARTMENT
Regional Operations Command – North
Fourth District

June 9, 2003

MEMORANDUM

TO: Charles E. Brown
Chief of Staff

FROM: Commanding Officer A/CO Alton M Bigelow 6/6/03
Fourth District

SUBJECT: BZA Application 17028

This is in response to your memorandum regarding the application from RLA Revitalization Corporation requesting Special Exceptions and Variances to allow construction of a seven-story apartment building with first-floor retail on properties located at the intersection of 14th and Irving Streets, N.W. Captain Alton M. Bigelow, Assistant District Commander, inspected the site and he determined that the proposal apartment building would not have an adverse impact on parking, safety, or on police service.

If you have any questions, please contact Captain Bigelow on 202-576-6751.

Pertinent Zoning Regulations

400 Height of Buildings or Structures (R) ...

400.7 If housing for mechanical equipment, a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(a) It shall meet the requirements of §411;
(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and
(c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot six inch (18 ft. 6 in.) height of the housing.

411 Roof Structures (R) ...

411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in §411.6. ...

411.11 Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing, construction used if not in accordance with §§411.3 and 411.5; Provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

2108 REDUCTION OF PARKING SPACES: AUTHORITY OF THE BOARD

2108.1 The Board of Zoning Adjustment is hereby authorized to reduce the amount of parking spaces required for nonresidential uses by § 2101.1 pursuant to the provisions of this section.

2108.2 The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); Provided, that for a use which is in the category of "All Other Uses" in the table in §2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

2108.3 The Board shall give consideration to the following:

2108.2 The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); Provided, that for a use which is in the category of "All Other Uses" in the table in §2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

2108.3 The Board shall give consideration to the following:

(a) The nature and location of the structure;
(b) The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;
(c) The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;
(d) The quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and
(e) The proximity to public transportation, particularly Metro rail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

2108.4 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

2108.5 Prior to taking final action on an application, the Board shall refer the application to the District of Columbia Department of Public Works for review and report.