GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman
Director

DATE: January 27, 2004

SUBJECT: BZA Application ~~17079~~ 17111 BAB.
417 A ~~Street~~ S.E. 2412 Limited Partnership

APPLICATION
2412 Limited Partnership/Castle Management Corporation is requesting area variances to expand an existing apartment building on property located at 2412 17th Street N.W. (Square 2566 Lot 819) pursuant to Sections 402.4, 403.2, and 2001.3 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
At this time the Office of Planning **cannot recommend approval** of the FAR variance to allow a two-story expansion to the existing building. While OP supports the rehabilitation of the building and the applicant's goals of price control, OP has not seen sufficient evidence to support an FAR increase that would be tantamount to a change in the zoning. OP does not oppose the lot occupancy and expansion of a non-conforming building variance requests.

SITE AND AREA DESCRIPTION
This subject property is on the west side of 17th Street between Euclid to the north and Kalorama to the south. The existing building was a 22-unit apartment building. It has two-stories and a basement and predates the modern zoning and building codes. It is currently empty except for the owner.

The property and the area to the north and west are zoned R-5-B while the neighborhood to the south and east is zoned C-2-B. The property borders, but does not lie within, the Reed Cooke Overlay Zone. The area consists of a wide variety of residential, commercial, and warehouse uses.

BZA
Case No. ~~17079~~ 17111
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17111
EXHIBIT NO. 29

PROJECT DESCRIPTION

The applicant proposes to completely rehabilitate the existing 22-unit structure by bringing all aspects of the building into code conformance and enlarging the units to fit modern needs and market requirements. The applicant proposes an increase of only one unit for a total of 23 with four compact parking spaces on the rear of the building. In order to maintain this number of units, however, two stories must be added to the structure bringing the height to the maximum allowed and the FAR to 2.97, which is 1.17 over the 1.8 allowed. In addition, the renovation would fill in existing courtyards raising the lot occupancy to 79% and necessitating relief from the maximum lot occupancy requirement of 60% and Section 2001.3(a) that prohibits enlargements to structures not conforming with lot occupancy requirements.



Figure 1: Aerial View of Property

COMPREHENSIVE PLAN

The property is identified as moderate density residential on the General Land Use map, which includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing. The Ward 1 Housing element of the Comprehensive Plan sets a goal to increase residential development and especially low-income residential units (§1206.1).

These two elements of the comprehensive plan appear to conflict on this proposal. While this project offers much needed moderately priced housing, the proposed building does not fall within the definition of moderate density residential structures intended for the area.

ZONING

The property is zoned R-5-B. This district allows residential uses up to an FAR of 1.8 and a lot occupancy of 60%. The size of building proposed by this application is more appropriate in an R-5-C zone which allows an FAR of 3.0 and a lot occupancy of 75%.

ANALYSIS

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

The applicant has stated that the building is unusable in its current condition. The building has an inadequate foundation that will require underpinning. The light wells are outdated and provide a complete lack of privacy. The apartments are incredibly small, with sizes ranging from 257 square foot efficiencies to 594 square foot two bedrooms, and will require significant improvements simply to meet code requirements. The hallways are not wide enough to meet current ADA or building code standards. The entire building will need to be rewired as the electric system is completely outdated. Overall, this building will require significant work and expense in order bring it into building code compliance and make it a viable and successful residential use.

Practical Difficulty

The applicant has claimed that the above situation creates a practical difficulty in rehabilitating the property. The loss of floor area due to modernizing the units and widening the halls, even with the filled in light wells, is such that only 13 units can be fit in the existing two stories and basement where 22 currently exist. The costs involved with the large amount of work required on the building make the extra floors a necessity in order to keep the prices of units in this building at a reasonable level. The applicant has submitted data showing the costs associated with the project and the unit prices related to the size of the building. Based on these numbers, the applicant has claimed that the project is not viable with fewer units than proposed.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan.

OP believes that this project would be good for the area and serves the public good. The building would serve an important housing need in the city in general and this area in particular. The costs of the proposed units, while high for the region, are reasonable for this neighborhood. Moreover, the improvement of this neighborhood requires the rehabilitation of buildings like this and OP would not like this building to remain in an underutilized and outdated condition.

With respect to the lot occupancy and §2001.3 variances, OP feels that the applicant's arguments justify these minor variances.

However, the significance of the relief in terms of FAR appears to impair the intent of the zone plan and the zoning code. The expansion of FAR (from 1.8 to 2.97) on this property nearly to the limits of the next higher zoning classification (R-5-B to R-5-C) is significant both in relation to other properties in the immediate area and in terms of consistency with the Comprehensive Plan. The Generalized Land Use Map identifies the area for "moderate density residential." The R-5-B zone is the most intense zone for the moderate designation. The R-5-C zone district is in the higher "medium density residential" land use designation.

There are several similar buildings on the same block as well as the surrounding neighborhood hat face similar constraints. The development of these buildings to nearly 3.0 FAR would significantly affect the integrity of the zone plan in this area.

OP believes that the applicant has made a strong case for minor zoning relief, however not to the level of an additional 1.17 FAR, which would impair the intent of both the comprehensive plan and zone plan.

COMMUNITY COMMENTS

OP is in receipt of a resolution from ANC 1C offering support for the application. The applicant has worked closely with the ANC and the neighborhood in order to design a project suitable to area residents.

RECOMMENDATION

The Office of Planning strongly supports the development of residential properties in the area, and particularly the provision of low to moderate priced housing. Unfortunately, the scale of this project is sufficiently large to bring into question the issue of compliance with the comprehensive plan and the intentions of the zoning district. OP recommends approval of the variances for lot occupancy and the expansion of a nonconforming use, however OP cannot recommend approval of the FAR variance at the level currently proposed.

AA/tp