GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 9, 2004

SUBJECT: BZA Application 17115

APPLICATION
Rainbow Lofts LLC, the Applicant, is requesting a variance from the residential recreation space requirement under Section 733.3 for a residential renovation and addition project under construction on property located at 1445 Church Street, N.W. (Square 209, Lot 106) pursuant to Section 3103 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of this request to reduce the required minimum percentage of residential recreation space from 15% to 13% (3,060 square feet).

SITE AND AREA DESCRIPTION
The subject property is approximately 0.18-acre (7,740 square feet) in size and located immediately north of Church Street between 14th and 15th Street, N.W. The former Rainbow Paint & Auto Body Shop on the property is a three-story masonry building constructed in 1929. The alley immediately adjacent to the northern property boundary is approximately 10-feet wide.

The property is zoned C-3-A and Uptown Arts-Mixed Use (Arts) overlay district, and located within the Greater Fourteen Street Historic District. The former auto body shop has been determined to contribute to integrity of the historic district. Note that buildings on the adjacent properties to the east are also being converted from automotive to residential use.

On August 14, 2003, building permits were issued to adaptively-reuse and expand the former garage building to accommodate 21 apartments and roof deck, with parking for seven vehicles and 272 square feet of outdoor recreation space next to the alley. The new construction consists of a 5-story addition, and one new floor atop the garage building.

BZA
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CASE NO. 17115
EXHIBIT NO. 27

The principal pedestrian access will be from the Church Street frontage while on-site parking spaces will be located immediately adjacent and perpendicular to the alley.

Apartment buildings are permitted uses in C-3 as a matter of right. Because the existing building contributes to the historic district, the Historic Preservation Review Board (HPRB) reviewed the architectural design plans. After HPRB approval of the preliminary and conceptual plans, final construction plans were approved by the State Historic Preservation Office (SHPO) in March 2003.

APPLICANT'S PROPOSAL

This renovation and addition project is under construction. Building permits were issued based on the submit plans meeting all the applicable requirements of the Zoning Regulations. Since the proposed residential use is located commercial (C-3) zoning, Section 733.3 requires provision of residential recreation area equal to 15% of the gross residential floor area. The Pre-hearing Statement of the Applicant dated February 3, 2004, identified the combination of the 190 square-foot building lobby, an exterior roof deck with an area of 2,814 square feet, and 272 square feet next to the alley as meeting the requirement. The Applicant now requests that the residential recreation space requirement be reduced to allow the recreation space next to the alley to be utilized for additional parking.

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

The type of zoning relief needed is an "area" variance requiring that circumstances surrounding the requests are "unique" and that the usual application of the referenced regulations would result in "peculiar and extraordinary practical difficulties." The Application requires a variance to reduce the residential recreation space requirement in order increase on-site parking from 7 to 9 spaces.

Compliance with Section 3103.2:

In accordance with Section 3103.2 of the Zoning Regulations, the Applicant's application includes the following justifications for granting the requested "area" variance:

- Extraordinary or Exception Conditions: The Pre-Hearing Statement explains, "... the Rainbow Auto Body building ... has been deemed ... a contributing building to the historic district. Incorporating the existing historic building (which previously housed an industrial use) into the proposed residential development created a set of physical constraints within which Rainbow Lofts had to operate as part of this renovation and adaptive reuse of the historic building." It was further explained that, during HPRB review, SHPO staff requested that heat pump enclosures on the roof be moved as far way from the Church Street frontage as possible. At the same time, resident owners of row-house dwellings north of the alley requested the same structures be pushed to the south.

  The resulting location of these structures, in the middle of the roof, renders some portions of the roof deck less than 25 feet wide. The roof deck is the principal source of the required residential recreation space. However, since Section 773.7 requires the dimensions of rooftop residential recreation spaces to be at least 25 feet, portions of the roof deck cannot be counted toward the zoning requirement. In addition, this discrepancy was not discovered until after building permits until after construction is underway. The Statement concludes, "These constraints result in an exceptional and extraordinary condition inherent to the property." OP concurs that these are unique and exceptional conditions.

- Peculiar and Extraordinary Practical Difficulties: Project building plans were approved based on all zoning requirements being met including the recreational space requirement. OP requested Zoning Administrator (ZA) staff clarify how much recreational space is required for this project, and how much is provided. The response was that 3,591 square feet of recreation space is required based on a total residential square footage of 23,942 square feet. Further review of the plans by the ZA indicates that the total amount of recreation space provided is actually 3,332 square feet, which does not satisfy the requirement.

  One reason for the shortfall is roof deck dimensions less than the 25 feet due to the placement of heat pump enclosures. Providing 7 parking spaces on the remaining undeveloped portion of the property eliminated the possibility of providing additional exterior recreation space. However, the Statement observes that, "... while all the recreation space provided on the roof does not satisfy the requirements of the Zoning Regulations ... the square footage of recreation space (along with the building lobby ...) is equal to 11.8% of the gross floor area of residential uses included in the project."

  The Statement continues that Section 2101.1 would normally require one space for each of the 21 dwelling units (or 11 parking spaces) if this project were entirely new construction. Since a parking waiver is applicable under Section 2100.5, no on-site parking is required for this project. While the current proposal provides 7 spaces, OP notes that it is preferable that as much on-site parking as possible be provided to

reduce the need for visitors and residents to park within the narrow alley. As a result, the recreation space requirement does present a "practical difficulty" because:

- after construction commenced, Zoning Administrator staff determined that portions of rooftop deck are inconsistent with the Zoning Regulations resulting in this approved project no longer in conformance with the residential recreation space requirement;
- roof deck dimensions less than the width required to count as residential recreation space result from the Applicant shifting utility enclosures north to address historic preservation concerns; and
- the regulation prevents conversion of 272 square feet of less desirable recreation space by the alley to increase on-site parking to an amount more consistent with the usual zoning requirement.

The Statement concludes, "Granting the residential recreation space variance will not cause harm to the public good or to the zone plan because the proposed project will still provide a significant recreation space area on the roof of the project (3,332 square feet – 272 square feet = 3,060 square feet)." This amount of residential recreation space would equal 13% of the requirement. On this basis, staff concurs and thinks the requested variance can be granted without impairing the intent, purpose and integrity of the zone map as embodies in the Zoning Regulations and Map.

COMPREHENSIVE PLAN
The Comprehensive Plan designates the subject site for Moderate Density residential land use that includes row houses and garden apartments as predominant uses. This proposal is not inconsistent with this designation.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 2F recommended approval of this request during a regular meeting on January 7, 2004.

AGENCY COMMENTS
This application was distributed to the Department of Transportation, and Metropolitan Police and Fire Departments. No concerns have been expressed.

RECOMMENDATION
The Office of Planning recommends approval of this request to reduce the required minimum percentage of residential recreation space from 15% to 13% (3,060 square feet).

Attachment: Exhibit 1 Memorandum to Arthur Jackson, Development Review Specialist, Office of Planning, from Gary L. Palmer, Battalion Fire Chief, Fire and Emergency Medical Serviced Department dated January 26, 2003

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Arthur Jackson
Development Review Specialist
Office of Planning

FROM: Gary L. Palmer
Battalion Fire Chief

DATE: January 26, 2003

SUBJECT: BZA Application No. 17115 – Application From Rainbow Lofts LLC Requesting a Variance to Reduce the Existing Residential Recreation Space on Property Located at 1445 Church Street, N.W., (Square 209, Lot 106)

The D.C. Fire and EMS Department has reviewed the above request.

We have no objection to the applicant's request for a variance to reduce the existing residential recreation space along the alley to be replaced with parking.

If you have any questions concerning this review, please contact my office at 727-3659.