GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: March 30, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17137
1515 15th Street NW

Summary

The applicant is seeking to construct a new mixed-use retail and residential building. The applicant seeks variances from the lot occupancy requirements of §772 to allow 79.8% total lot occupancy, from the residential recreation space requirements of §773 to 3.1%, and from the loading requirements of §2201.1 for a reduction of the loading bays required. The Office of Planning **recommends approval** of the requested variances based on the analysis of variance tests below.

Site and Area Description

The subject property is located at 1515 15th Street N.W, Square 209, Lot 100. The lot is 26,300 square feet, of which the building will occupy 20,982 square feet. The building will contain seven above ground stories and three basement levels. The subject property and the properties to the north, east, and south are zoned Arts/C-3-A. Properties across 15th Street are zoned DC/R-5-B. The immediate area consists of a wide variety of commercial and medium density residential uses including a Whole Foods store, restaurants, condominium buildings, and row houses.

Project Description

The ground floor of the proposed building will have retail uses on the southern half and street accessed residential units on the north half. Above will be six stories of residential units. The first two underground levels will be half retail and half parking and the bottom level will be solely parking. Above the seventh story will be penthouse structures with roof access and mechanics.

BZA
Case No. 17137
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.17137
EXHIBIT NO.29



Figure 1: Aerial View

Zoning Requirements

The applicant is requesting a variance from the lot occupancy, loading berth, and residential recreation space requirements to allow construction of a new building.

Section	Item	Required/Allowed	Existing	Requested	Variance
772.1	Lot Occupancy	75%	N/A	79.8%	4.8%
1904	FAR	4.5(5.0)	N/A	5.0	N/A
773.3	Residential Rec Space	15%	N/A	3.1%	11.9%
2201.1	Loading Berths	2 berths @ 30 ft 1 berth @ 55 ft 2 spaces @ 20 ft 2 platforms @ 100 sq ft 1 platform @ 200 sq ft	N/A	1 berth @ 30 ft 2 spaces @ 20 ft 1 platform @ 209 sq ft	1 berth @ 30 ft 1 berth @ 55 ft 2 platforms @ 100 sq ft

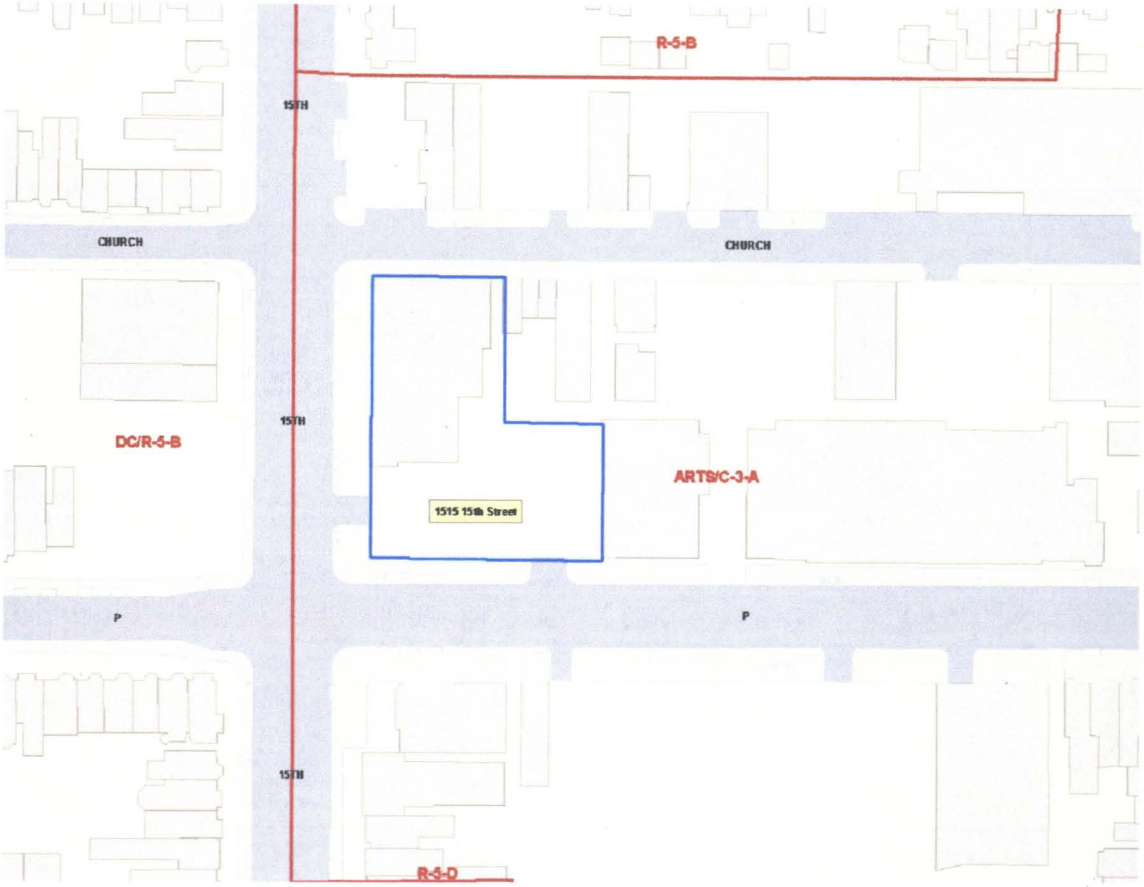


Figure 2: Project Area

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.

Exceptional Situation

The applicant has submitted arguments that the application meets the requirements of the first test due to unique shape and exceptional condition. The L shaped layout of the site in conjunction with the significant street frontage and an alley easement are cited as exceptional and unique to this site. While the shape of the lot itself does not appear to rise to the level of exceptional, OP agrees that combined with the large percentage of street frontage this lot does present a unique situation. The character of the neighborhood is such that a solid street front is preferable and this lot, with frontage on three streets at the end of a long, narrow block, is faced with unusual design constraints.

Practical Difficulty

The necessity to provide solid street presence on three sides of this lot presents a practical difficulty in complying with the requirements of all three sections from which variances are requested. The standard width requirements of a building of this type, combined with the need to create a U shaped building wrapping around the lot on all three street frontages, leaves little undeveloped space on the lot. This situation results in (A) less than the 25% open space required by the maximum lot occupancy, and (B) a limitation on the space that can be used for either recreational space or loading requirements. Thus, the practical difficulty in meeting these three requirements results directly from the exceptional circumstances of the lot.

Substantial Detriment

OP can find no evidence that the granting of these variances will have any detrimental impact on the neighborhood, the city, or the zone plan. The proposed lot occupancy is not significantly higher than the allowable square footage and will result in the positive benefit of a continuous street presence and a design appropriate to the neighborhood and the historic district.

Similarly, the reduction in loading spaces is the result of the same mitigating benefits. Further, the mixed use character of the building results in dual loading requirements that might be successfully combined by the proposed retail and residential uses. DDOT has commented favorably on this issue and has proposed conditions for approval of this variance that are listed below under agency comments.

Finally, the limited possibilities for residential recreation space due to design constraints are mitigated in several ways. First, every unit above the ground floor is provided with its own balcony or deck for private recreation. Second, the applicant proposes a public gym in the portion of the retail area below grade and providing residents with memberships to this gym for two years. This situation would (at least for two years) meet the spirit of the regulations without counting as residential recreation space under the zoning code. Third, the applicant has taken advantage of all available area, both outside and on each floor of the building, to provide public recreation space wherever possible.

Based on the above analysis, OP concludes that there is a unique situation on this lot that results in a practical difficulty in meeting the strict requirements of §§772, 773, and 2201.1 of the zoning code. Furthermore, the granting of variances from these sections will not result in substantial detriment to the neighborhood nor impair the purpose, intent, or integrity of the zoning code.

ANC Recommendation

ANC 2F has submitted a resolution expressing support of the application. OP is aware of no further comments on the application or opposition to this project from the neighborhood.

Agency Reviews

As stated above, DDOT has reviewed the application for variance from the loading berth requirements. The attached report expresses support for this variance subject to the following conditions:

- The applicant shall develop a management plan for deliveries and moves. The plan shall include scheduling of arrivals and berth use.
- The applicant shall inform condominium owners in writing that there is no place for a 55-foot truck to unload and instruct movers to utilize a 30-foot truck.
- The applicant shall write retail leases that include language stating that there are no facilities for 55-foot truck loading areas.
- The applicant shall request advance notification of tractor-trailer deliveries so that "emergency, no parking" signs can be obtained and posted with the required advance warning to the public, if a 55-foot truck is to be used. The 55-foot truck shall be instructed to unload from 15th Street to avoid blocking the alley entrance on P Street.

Penthouse Structures

OP has requested additional, detailed information about the penthouses. The roof plan identifies "stair penthouses" that appear to be between 150 and 250 square feet. This amount of space is much more than required for stair access and likely could be used by residents as habitable rooms. If this space could be habitable, a variance would be required from the height requirements of §1902. The plan also notes a screen wall, but the elevation drawings show neither the penthouses nor the screen wall. OP recommends that the applicant either provide detailed elevation and interior layout drawings proving that this space could not be used as habitable space by residents or request a height variance.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of the requested variances to permit construction of the proposed building. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the variances by the Board of Zoning Adjustment to allow the increase in lot occupancy and reduction of loading berth and residential recreation space requirements at 1515 15th Street N.W. However, the issue of roof structures remains outstanding and should be resolved by the applicant at the public hearing.

Attachment: DDOT Report
AA/tp

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

Memorandum

TO: Andrew Altman, Director
Office of Planning

FROM: Kenneth G. Laden
Associate Director

DATE: MAR 26 2004

SUBJECT: BZA Case No. 17137 Variance from the Requirements of Section 2201.

The District Department of Transportation (DDOT) has reviewed the application and other material submitted by the applicant. This report addresses the transportation elements of the proposal.

The Metropolis Development Company is proposing to construct 105 condominium units with a ground-level retail of approximately 9,075 square feet. In addition, the project will provide approximately 14,925 square feet at below-grade for a health club. Vehicular access to and from the loading and garage will be via an existing driveway from P Street.

The applicant is requesting a variance to allow the reduction of the required number of loading berths and the elimination of the 55-foot loading berth for the residential development. The applicant is instead proposing to provide one loading berth at 30 feet and two service/delivery spaces at 20 feet compared to the Zoning Regulation requirement of three loading berths and three service/delivery spaces at 20 feet. The project is a mixed-used residential and retail development located at 15 and P Streets, Northwest. The property is zoned C-3-A/Arts.

DDOT has worked closely with the applicant to review the variance request. We have met with, the applicant, its representatives and its traffic consultant, Wells and Associates, LLC. DDOT has reviewed various truck turnaround drawings and survey information on the use of loading facilities by similar residential and retail developments submitted by Wells and Associates. Based on the review of the truck turning diagram, DDOT concluded that tractor-trailers could not maneuver in and out the loading facility because the site is constrained geometrically. Considering that the residential component of the project is a condominium development, the need for a large truck is not frequent and may be only during the initial moving phase. Accordingly, DDOT supports the waiver of the required 55-foot loading facility because there is

no practical way to widen the existing 10 feet alley adjacent to the site. As stated previously, the project is mixed-use residential and retail development. Therefore a shared loading may work if certain conditions proposed by the applicant are implemented. To minimize the impact of trucks traffic circulation around the site, the applicant proposes, and DDOT supports, the following conditions:

- The applicant shall develop a management plan for deliveries and moves. The plan shall include scheduling of arrivals and berth use.
- The applicant shall inform condominium owners in writing that there is no place for a 55-foot truck to load or unload and to instruct movers to utilize a 30-foot truck.
- The applicant shall write retail leases that include language stating that there are no facilities for 55-foot truck loading areas.
- The applicant shall request advance notification of tractor-trailer deliveries so that "emergency, no parking signs" can be obtained and posted with the required advance warning to the public, if a 55-foot truck is to be used. The 55-foot truck shall be instructed to unload from 15th Street to avoid blocking the alley entrance on P Street.