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 8, 2004

**SUBJECT:** BZA Application 17171
1151-3 14th Street N.W.

---

**APPLICATION**
PNH 14th Street, LLC is requesting a special exception to allow the extension of the C-4 zoning district five feet on property located at 1151-3 14th Street N.W. (Square 247 Lots 870 & 874) pursuant to Sections 2514.2 and 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

**SUMMARY RECOMMENDATION**
The Office of Planning **recommends approval** of the special exception to allow the extension of the C-4 zoning on the site. OP finds that this proposal is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and should have no adverse effect on the present character or future development of the neighborhood.

**SITE AND AREA DESCRIPTION**
This subject property is located on the east side of 14th Street N.W. immediately south of Thomas Circle. The lot is approximately 13,322 square feet in size. There is a hotel to the north, a parking lot to the south, and a residential building, Thomas House, to the east.

The majority of the subject property is zoned C-4 along with properties to the north, south and west. Property to the east is zoned DD/R-5-E. The area is developed with a mix of medium/high density commercial and residential uses.

Prior to 1993 a ten foot alley separated the subject property and the Thomas House to the east. The alley was vacated and five feet was allotted to each of the abutting properties. Thomas house is in the process of selling it's five feet to the applicant for development as a part of this project. The five feet being transferred to the applicant is zoned DD/R-5-E.

Case No. 17171
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17171
EXHIBIT NO. 26

**PROJECT DESCRIPTION**

The applicant is proposing a thirteen story residential building with a ground floor retail use and five levels of underground parking. The eastern portion of the property will be a 20' high community terrace covering the loading area and retail storage. This type of structure, up to 20', is allowed in the rear yard in the C-4 district. The R-5-E district however, requires the rear yard to be open from the ground up. The sale of five feet from Thomas House, along with this special exception, will allow the new building to be built flush with the neighboring structure and garage entrance. Without the special exception, a five foot wide space would remain between the buildings.

This review indicates that the proposed use would meet the bulk and height provisions of the Zoning Regulations, however a special exception is required for the terrace to extend to the lot line.




**Figure 1: Aerial View**

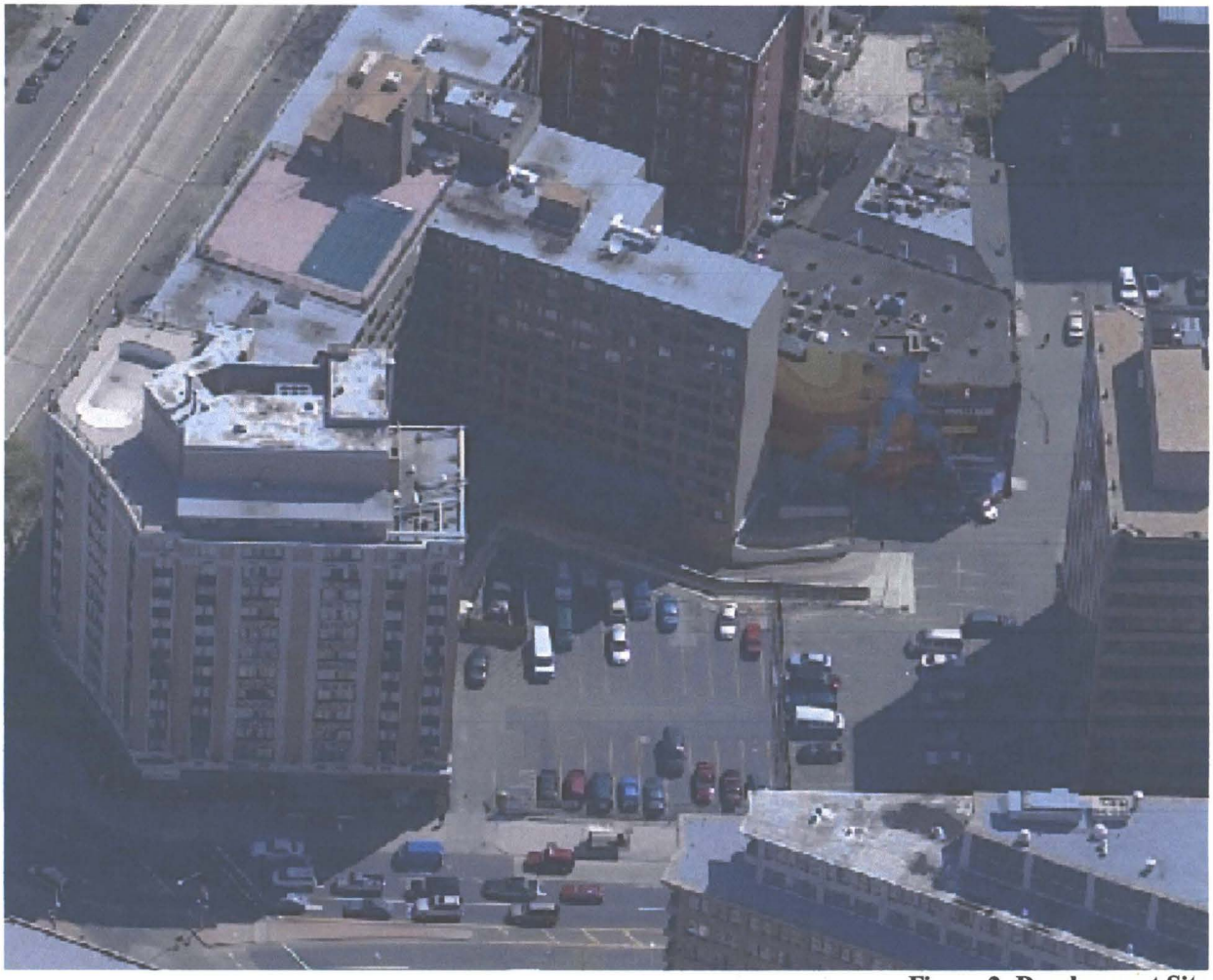


**Figure 2: Development Site**

## ANALYSIS

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."

The referenced Special Exception is subject to provisions under Section 2514.2 for the extension of a zone district. Below is an analysis of the requirements of Section 2514.2.

*2514.2(a)* *The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet.*

This special exception will extend the less restrictive zone, C-4, five feet into the more restrictive zone, DD/R-5-E.

*2514.2(b)* *In authorizing the extension, the Board shall require compliance with §2514.1(d).*

The referenced section applies only in the R-1 through R-4 districts.

*2514.2(c)* *The extension shall have no adverse effect upon the present character and future development of the neighborhood.*

The extension will allow the new building to be built flush against the neighboring structure rather than leaving a five foot dead space between the new building and the neighboring property that would have to be regularly cleaned and patrolled. Rather than an adverse effect, this special exception should have a positive effect on this property and the surrounding neighborhood.

*2514.2(d)* *The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP has no outstanding issues with this proposal that would need to be addressed by conditions on approval. Approval would result in the terraces of the two adjoining buildings being built flush to each other and would alleviate any potential for a five foot wide dead space that could otherwise be a maintenance problem. The applicant has shown willingness to work with OP or the Board to address any concerns that may arise.

It is the position of OP that this special exception is would be an asset to the project and to the surrounding properties. The proposed building could be built without this relief and the resulting gap between the building and the neighboring patio would only cause security and health concerns. The granting of this special exception appears to meet and exceed the standards of both §2514.2 and §3104.

**COMMUNITY COMMENTS**

The applicant has presented the proposal to ANC 2F. The ANC has submitted a letter to the Board supporting the application as in the interest of the adjoining property owners and the community at large.

**AGENCY COMMENTS**

No District agency comments have been received as of the date of this report.

**RECOMMENDATION**

Based on the standards of Section §§2514.2 and 3104 the Office of Planning is of the opinion that the proposed zone district extention will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, and will not adversely affect the use, character, or future development of the neighboring properties. OP **recommends approval** of the special exception.

AA/tp