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 29, 2004

SUBJECT: **BZA Case No.17183, 1529 14th Street, NW**

I. APPLICATION-IN-BRIEF

Applicant: Holland & Knight LLP

Owner / Developer: Logan II, LLP

Address: 1529 14th Street, NW

Square 241, Lots 803-807 and 848

Zoning: Arts/C-3-A

Proposal: Construction of additions to existing 3 story former auto showroom (aka Capsco Building). Additions consist of 2 stories atop Capsco Building and 6 stories on vacant land to north and south of existing building. The result would be five and six story apartment building with ground floor retail and 14 parking spaces.

Relief Sought: The application is self-certified. The applicant requests the following relief pursuant to 11 DCMR §§3104 and 3103:

- Special exceptions from regulations governing 3 roof structures of unequal wall height (§411.5) and setback regulations (§770.6(b)), pursuant to §411.11, and;
- A variance to recreation space requirements (§773.3) pursuant to §3103.2.

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved, and that the applicant be encouraged to continue working with DDOT and HPRB staff on the enhancement of the nearby public space as an urban amenity area in lieu of providing the required residential recreation space.

BZA
Case No. 17183
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17183
EXHIBIT NO. 28

III. AREA AND SITE DESCRIPTION (*Attachment 1*)

Square 241, in the Logan Circle / Shaw neighborhood of Ward 2 in Northwest Washington is bound by P Street on the south, Q Street on the north, 14th Street on the west and Kingman Place on the east. A north-south alley runs through the square at mid-block, from Q Street to P Street. The site includes Lots 805-807, on which there is a vacant, 3-story former automobile showroom, as well as the unimproved Lots 803 and 804 to the south, and the unimproved Lot 848 to the north.

The site is on the rapidly revitalizing 14th Street corridor, less than two blocks from Logan Circle. Immediately adjacent land uses on 14th Street are primarily commercial, although the expanding Studio Theater, the subject of a recent BZA case is located in the same block. East of the alley behind the site, the land use is entirely residential. Across 14th Street, there is both retail and residential development. The Fresh Fields grocery story is less than two blocks away, on P Street. Several new residential developments have frontage on Church Street, which is just across 14th street from the applicant's site. These residential developments include:

- Sussex Court and Hudson Court residential development at 1440 Church Street and 1425 P Street,(variances reducing required recreation space from 15% to 5% approved by the BZA in March 2002 - case #16841 (1440 Church Street) and #16848 (1425 P Street);

- The Metro and the Desoto at 1444 Church Street and 1445 P Street, (variances reducing required recreation space approved by the BZA on September 7, 2002 (Case # 16914);

- 1515 15th Street (Duron Paint site). (Variance to required recreation space approved by the BZA on April 13, 2004, Case # 17137).

There are a number of churches, schools, and public recreation facilities including Logan and Dupont Circles and the Stead Playground and recreation center. The surrounding neighborhood also has many private recreation / entertainment facilities, including the above-noted Studio Theatre, as well as the Source Theater, Wooly Mammoth Theater, Black Cat Night Club, and many restaurants, some of which employ a lounge-music format to attract late-night crowds.

The site is central to a number of Metro Stations, the closest being the Dupont Circle Red Line station, 5 blocks to the west. Metro buses travel along near-by P, 13th, 14th and 16th Streets NW.

IV. PROJECT DESCRIPTION

The owners of the property wish to renovate the vacant auto showroom and construct additions north and south of the showroom, as well as building two stories (set back from the street) atop the showroom. The 52,265 square foot building would contain 40 apartments in 43,465 sf and have approximately 8,800 square feet of first-floor retail space fronting on 14th Street. There would also be 14 surface parking spaces along the alley at the rear of the building.

The apartment units' distribution is:

- 2 units-- loft 1-bedroom
- 8 units-- 1-bedroom

- 16 units--1-bedroom plus den
- 12 units-- 2-bedroom
- 2 units--loft 2-bedroom.

The roof deck will provide 2256 sf of zoning-compliant recreation space, as well as 823 sf of non-compliant (less than 25 feet wide) deck-space on the roof; 9 units with private outdoor spaces totaling 1014 sf, and 880 sf of paved usable (non parking) area between the rear of the building and the parking adjacent to the alley. Other than the rooftop deck, there is no community / recreation / amenity space proposed.

The project is not required to provide parking, because it is categorized as an addition to (parking-exempt) historic structure. The 14 spaces that are provided are accessed from the north south alley behind the building.

V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(Attachment 2)*

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Mixed Use Low-Density Commercial/ Moderate Density Residential Land Use Category.*** The proposed development conforms to this category.

The proposal meets the following §1130 Uptown Arts Special Treatment Area objectives:

- (a) promote the heritage character of the area - the HPRB has approved the design as being in conformance with the heritage character of the area;
- (e) encourage street level retail and service uses – the project includes appropriately scaled street level retail on P Street; the applicant is considering an OP request for streetscape improvements to 14 Street;
- (k) address the narrow commercial sites common in the area – the 14th Street frontage is designed to appear as if 3 distinct buildings;
- (l) adequate parking facilities to support development policies – the project is exempt from parking requirements due to its historic status, but will still provide 14 parking spaces; and
- (n) the provision of new housing opportunities – the project provides 40 new housing rental apartments and a wide range unit types.

VI. GREATER 14TH STREET HISTORIC DISTRICT

The site is within the Greater 14th Street Historic District. The former auto showroom, also known as the Capsco building, is a contributing building that is not individually landmarked. The conceptual design of the project was reviewed and approved by the Historic Preservation Review Board (HPRB) on June 26, 2003. The style, design and detailing of the buildings are intended to compliment the streetscape, and building masses are broken up to conform to the general pattern of smaller frontages along the streets.

VII. AREA ZONING *(Attachment 2)*

The property is in the C-3-A zone district, which permits medium bulk residential / office development. The property is also within the Uptown Arts – Mixed Use Overlay, and meets the following §1900.2 Arts Overlay District objectives:

- (a) encourages a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrians and vehicular movement;
- (b) require retail, entertainment and residential uses that encourage pedestrian activity;
- (d) expand the area's housing supply in a variety of rent and price ranges; and
- (f) strengthen the design character and identity of the area.

VIII. REQUESTED ZONING RELIEF

The application is self-certified. The applicant is requesting special exceptions from the requirements that roof structures have equal wall height, and from roof structure setback regulations; as well as a variance to residential recreation space requirements.

The project and the requested relief is summarized in the following table.

Project Profile:

Standard	Zoning Regs.		Site		
	C-3-A:	Arts Overlay	Existing	Proposed:	
Lot Area:	-	-	13,125 sf	13,125 sq.ft.	
Lot Width:	-	-	125'	-	
Floor Area Ratio: Residential: Commercial: Total:	4.0 max 0.0 min; 2.5 max. 4.0 max.	4.5 max (§1904.3)[1] n/a 4.5 max.(§1904.1b)		3.31 0.66 3.97	
Floor Area: Residential: Commercial: Total:	-			43,465sq.ft. 8,800 sq.ft. 52,265sq.ft.	
Lot Occupancy:	75% max.	-	31%	75%	
Ground Floor Retail		Min. 50% opf ground floor		89%	
Residential Units:	-	-		40	
Front Yard:	None required	-	none	none-	
Rear Yard:	2.5" / foot of height = 13'4"	-	22' 4"	22' 4"-	
Side Yard:	None required	-	25' and 50'	None provided-	
Height:	65 feet max.	75 feet max (§1902)	64'	64'	
Street Wall		Min. 75% to 15'		100% to 40'	

[1] .5 FAR bonus for any building with a residential use FAR of 3.0 or greater.

Standard	Zoning Regs.		Site		
	C-3-A:	Arts Overlay	Existing	Proposed:	
Roof Structure Ht:	-	83.5 feet max		**70'6"; 76' 6"; 70'6"**	
Setback:	1'back per 1'ht..	-		**2 of 3 require variances**	
Enclosing Walls:	equal height	-		**unequal height**	
Recreation Space:	15% gross res'l = 15% of 43,365 sf = 6,356.25 sf.	-		**2256 sq.ft. = 5.19%**	
Closed Court Width:	If provided, 4" / foot of ht. = 25.6'	-	None	None provided-	
Open Court Width and Depth	4"/ foot = 15'		None	49'x21'x23' 25'x6.5'x62' 50'x6.5'x62'	
Loading Berths	None required	-		None provided	
Parking: Commercial: Residential: Total:	None required (historic waiver) 1/300 sq.ft 1 / 2 d.u	-	5 spaces	14	

IX. DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TESTS FOR ROOF STRUCTURE UNEQUAL WALL HEIGHT & ROOF STRUCTURE SETBACK?

Regulation:	Proposed
§411.5 – enclosing walls (for a roof structure) from roof level shall be of equal height and shall rise vertically to a roof	**There are 3 roof top structures. Each would have walls of unequal height.**
§770.6(b) – housing for rooftop mechanical equipment, a stairways or an elevator penthouse shall be set back from all exterior walls a distance equal to its height above the roof.	**The center rooftop enclosure complies. The north and south enclosures do not meet setback requirements from sidewalls. North enclosure setback 3' where 8'5" is required. South enclosure setback is 2'8" where 8'5" is required.**

§411.11 – Where impractical because of operating difficulties, size of building lot, or other conditions related 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 (roof) structures … provided that the intent and purpose of this chapter and this title shall not be materially imparted by the structure, and the light and air of adjacent buildings shall not be affected adversely.

Roof structure setback:	The roof plan must accommodate the exceptional circumstance of incorporating a contributing structure in an historic district into the overall building plan. The physical constraints of two Historic Preservation Review Board (HPRB) requirements, in combination with the residential recreation space requirements, make it exceptionally difficult for the applicant to meet the roof structure setback requirements from the side building walls. HPRB has required retention of the exterior elements of a two-story former car-elevator, located at center-rear of the existing building. It has also required a 21-foot setback from the front of the existing building and the greatest setbacks feasible of roof equipments atop both existing and new construction. Although the roof of the car-elevator structure will be used for recreation space, the dimensions of this space do not allow it to count toward required recreation space. The car elevator's location also impacts other roof deck dimensions, further reducing the deck space that can be counted towards meeting the recreation space requirement. Further, if the roof is to be used for common recreation space, the Building Code requires there be two stair towers located approximately equal distances from the center on opposite sides of the roof. Providing the required setback from the reduced penthouse footprint would likely result in a roof plan that would be unduly restrictive and unreasonable, and would further reduce the recreation space provided. The proposed roof structures provides a significantly greater than required setback from the property line / main portion of the buildings below..
Roof structure enclosing wall height:	Elevator access to the roof, and fire egress on opposite sides of the roof is required to provide resident and guest access to recreation space. The special exception would permit the rooftop structure to be "stepped" in height, corresponding to functional requirements, as the elevator shaft needs a higher height than the stairwell / mechanical room area. Requiring conformity would be both unreasonable and counter-productive, as either the recreation space would be eliminated, or the rooftop enclosures would be required to be made bigger and bulkier, thus increasing potential impacts on adjacent buildings.

Will the special exceptions be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Roof structure setback:	**Yes**. The rooftop structures provide more than the required setback from the street. The existing structure to the north will block the view of the northern roof structure from Q Street. The several existing structures to the south will block the view of the southern penthouse from P Street.
Roof structure enclosing wall height:	**Yes**. The special exception would minimize height and bulk of the roof structure, in line with zoning regulation intent.

Will the special exceptions adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

Roof structure setback:	**No.** The request should not result in a rooftop structure that has an impact on neighboring properties, due to its being stepped well back from both the front and rear property lines, and to the lack of visibility from streets to the north or the south.
Roof structure enclosing wall height:	**No.** The proposed design minimizes visual impacts, and responds to concerns expressed by both the ANC and by HPRB

X. DOES THE APPLICATION MEET THE ARTS OVERLAY SPECIAL EXCEPTION CRITERIA FOR ROOF STRUCTURE HEIGHT?

Regulation:	Proposed .
§1902.1(a) – No roof structure shall exceed 83.5'	Conforming – roof structure height of 79'
§1902.1(b) – Abutting a residence zone, no part of the project shall project above a plane drawn at a 45 degree angle from a line 50 feet above the dividing line from the residence district.	Conforming – see drawing, Attachment 4 to this report

§1906.1 – Exceptions from the requirements of the Arts Overlay District shall only be permitted if granted by the Board of Zoning Adjustment after public hearing, based on the following criteria:

Will the proposal advance the stated purposes of the Arts Overlay District, and not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of people living, working, or visiting the area?

Yes. There should be essentially no impact with regards to the stated purposes of the Arts Overlay District. The roof structure will not be highly visible from the street, and will have no impact on people living, working or visiting in the area other than that it permits desirable access to the roof terrace by residents of the building and their guests.

Do exceptional circumstances affecting the property make compliance with the requirements difficult or impossible, or does the development provide alternative public benefits in achieving the purposes of the Arts Overlay?

Yes. As noted above in Section IX's discussion of the roof structure setback, the existing structure's status as a contributing structure to an historic district creates exceptional circumstances: the HPRB has required retention of the exterior portions of the car elevator, and has imposed significant setback requirements from the existing and proposed 14th Street frontages in order to make the proposed structure appear as-if three separate structures. Respecting the historic restrictions while also complying with roof structure uniform height requirements would result in either the loss of residential area in order to use that space for recreation space, or the elimination of access to a rooftop terrace on this building. Both would be contrary to the objectives of the Arts Overlay District.

Does the architectural design concept enhance the urban design features of the immediate vicinity in which it is located?

Yes. The roof structure is located and designed to minimize potential visible impacts, and its design complements the proposed building. The overall building enhances the 14th Street corridor.

Is vehicular access and egress located and designed to minimize conflict with principal pedestrian ways, to function efficiently, and to not create dangerous or objectionable traffic conditions?

Not applicable: The requested special exception has no relevance to parking.

The Board may impose design, signage, size, landscaping, and other requirements, as it shall deem necessary to protect neighborhood property and to achieve the Arts Overlay purposes.

OP is discussing possible streetscape improvements with the applicant. Such enhancements would emphasize the public, street-oriented nature of the recreational past-times in this area and would partially compensate for the requested reduction in on-site recreation space.

XI. DOES THE APPLICATION MEET THE RECREATION SPACE VARIANCE TEST?

Regulation:	Proposed
§773.3 – an area equal to not less than 15% of the gross floor area devoted to residential use shall be provided as residential recreation space.	Gross residential space proposed - 43,465 sq.ft. Required recreation space - 6,356.25 sq.ft. (15%) Recreation space provided - 2,,256 sq.ft. terrace (5.19%) **Variance pursuant to §3103.2 required.**

Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or other exceptional situations or conditions?

Yes: The property incorporates a contributing structure to the Greater 14th Street Historic District. The HPRB has required retention of the existing building, including the roof structure that former functioned as a car elevator. HPRB has required retention of the exterior elements of a two-story former car-elevator, located at center-rear of the existing building. HPRB has also required a 21-foot setback from the front of the existing building and the greatest setbacks feasible of roof equipments atop both existing and new construction. The applicant has maximized rooftop recreation space: in addition to the 2256 sf of zoning countable roof deck recreation space, the project includes over 800 square feet of common recreation space on the roof that cannot be towards the zoning requirements because portions of that space do not meet the 25-foot minimum dimension requirement due, in part to the exceptional circumstances of the existing building's being a contribution structure in an historic district. (See also the roof structure setback discussion in Section IX, above). Due to the historic nature of the existing building at the center of the site, the project proposes very limited excavation. Therefore the only way to increase the amount of recreation space would be to provide above-grade interior space. This would reduce the number of apartment units, which is contrary to many public policy objectives for this neighborhood.

With respect to the "practical difficulties" that would be "unnecessarily burdensome" and impose undue hardship to the applicant, should the application for a variance be approved?

Yes: Additional excavation is difficult due to the historic structure located at the center of the site. Additional rooftop deck space is also not possible without increasing the visual impact of the building on historic Church Street, as a higher elevator roof structure would be required.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Yes: *(See Attachment 3)* Relief can be granted without negatively impacting the neighborhood or the integrity of the Zoning regulations. The site is within walking distance of a number of public recreation resources, including Logan Circle, the Stead Playground, and Dupont Circle. There are also private fitness and recreation centers, shopping streets, restaurants and clubs, small parks, and playgrounds - all of which will benefit from more residents living in and using the existing facilities of the area.

XII. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 2F reviewed the proposal at its regularly scheduled meeting of June 2, 2004 and voted 6-0-0 to support the requested exceptions and variances. In its letter of support the ANC noted that: *"The project's height and massing were previously supported by the ANC and approved by the Historic Preservation Review Board. The ANC now recommends approval of the three roof structure enclosures with two different enclosing wall heights and stair towers with less than the required setback, as well as the reduction of recreational space to the proposed five percent. The site, which includes the Capsco Building, will be a significant addition to the ARTS/C-3-A district".*

XIII. OTHER AGENCY COMMENTS

The applicant has included the recommendations of the Historic Preservation Review Board in the pre-hearing statement. HPRB staff has further suggested the applicant work with the District Department of Transportation (DDOT) to enable the purchase and installation of historic district signs at the following locations: 14th and Church Street (1 sign); 14th and P Streets (2 signs); 14th and Q Streets (2 signs).

The applicant is working with DDOT to ensure appropriate caliper-equivalent replacement of any street trees that may be damaged by the project's construction.

OP is aware of no other agency comments.

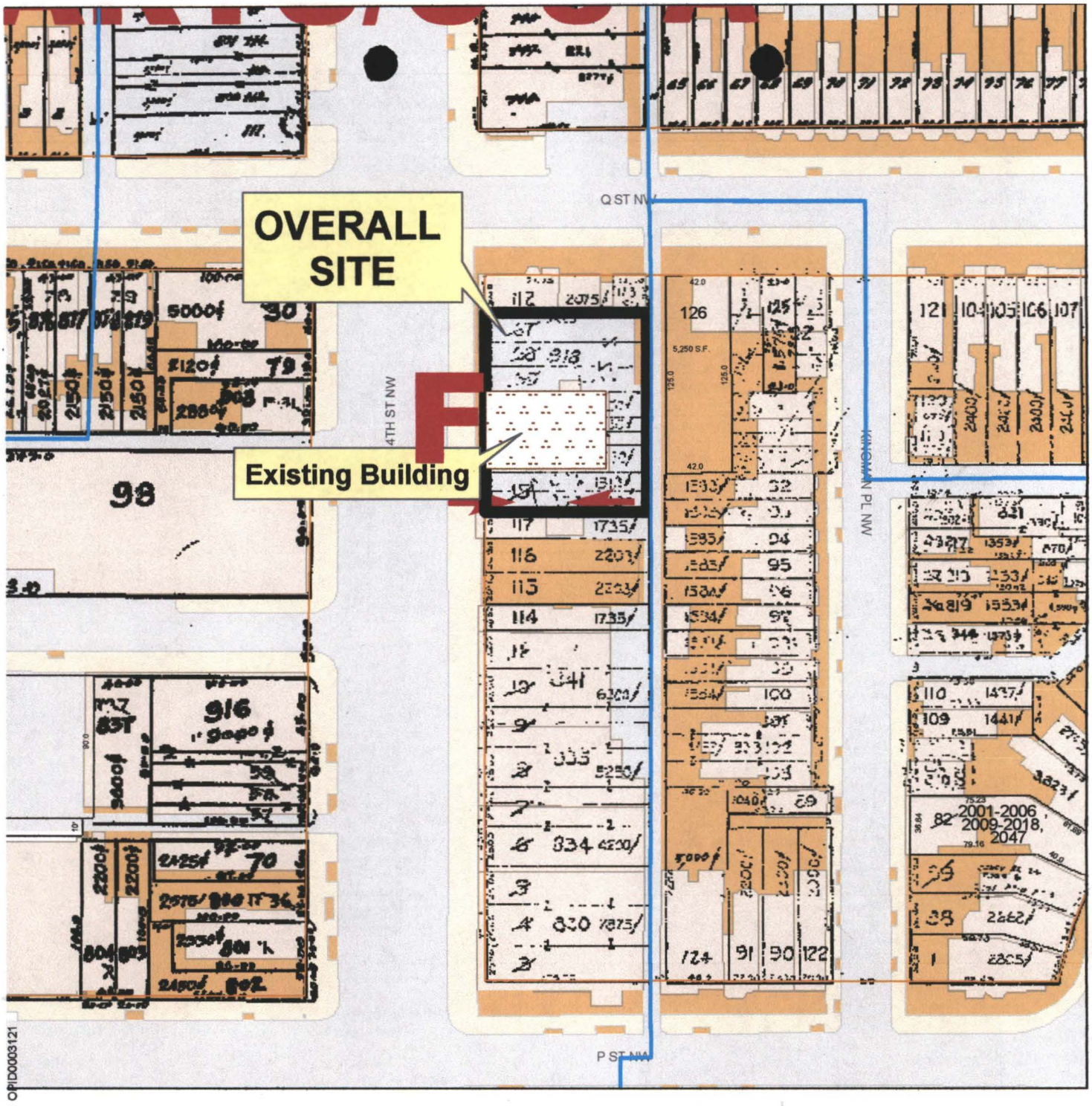
XIV. OP SUMMARY & RECOMMENDATION

OP has no concerns with the special exception requests related to the rooftop structures. OP recommends that the BZA approve the special exception and variance requests, as being consistent with the Comprehensive Plan and Generalized Land Use Map, and not undermining the integrity of the Zoning Regulations.

With respect to the residential recreation space variance request, OP believes there are sufficient public and private recreation resources nearby. Because the public space is an important "amenity" and component of the way recreation is experienced in the project's neighborhood, OP encourages the applicant to continue working with DDOT and the HPRB staff, as noted above in Section XIII, to upgrade the street as as urban amenity in lieu of providing the required residential recreation space area.

AA/slc

Attachments (4)



BZA Case # 17183
Special Exception and Variance
1529 14th Street, NW - Square 0241, Lots 803-807 & 848

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ June 16, 2004

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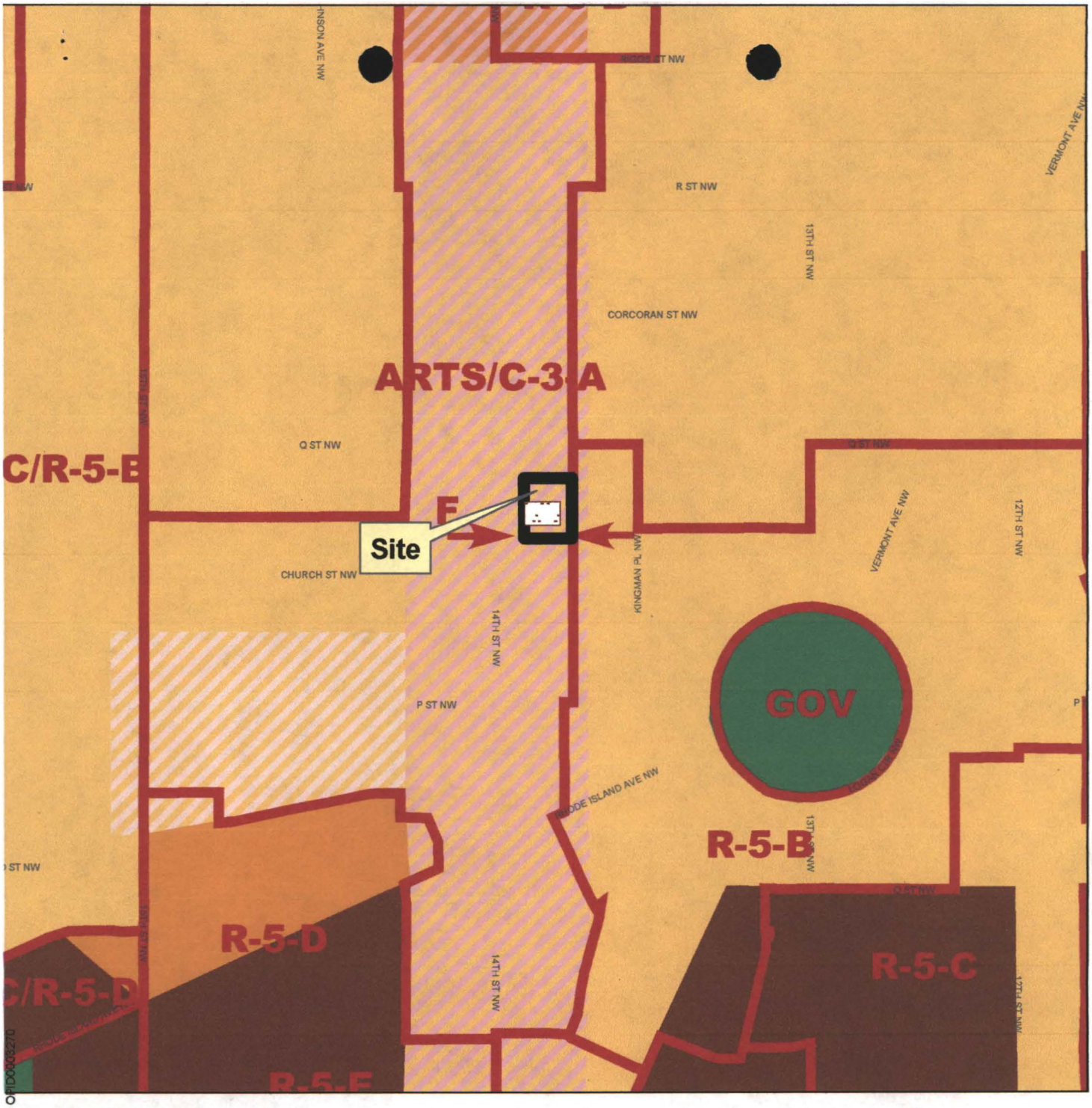
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Feet

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Attachment 1

Note: Land Use Info based on OTR records.



BZA Case # 17183
Special Exception and Variance
1529 14th Street, NW
Zoning & Comprehensive Plan

Legend

- Residential-Low Density
- Residential-Moderate Density
- Residential-Medium Density
- Residential-High Density
- Commercial-Low Density
- Commercial-Moderate Density
- Commercial-Medium Density
- Commercial-Medium-High Density
- Commercial-High Density
- Institutional
- Federal
- Local Public Facilities
- Parks, Recreation, and Open Space
- Production and Technical Employment
- Mixed Use
- Water
- NO DATA

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ June 16, 2004

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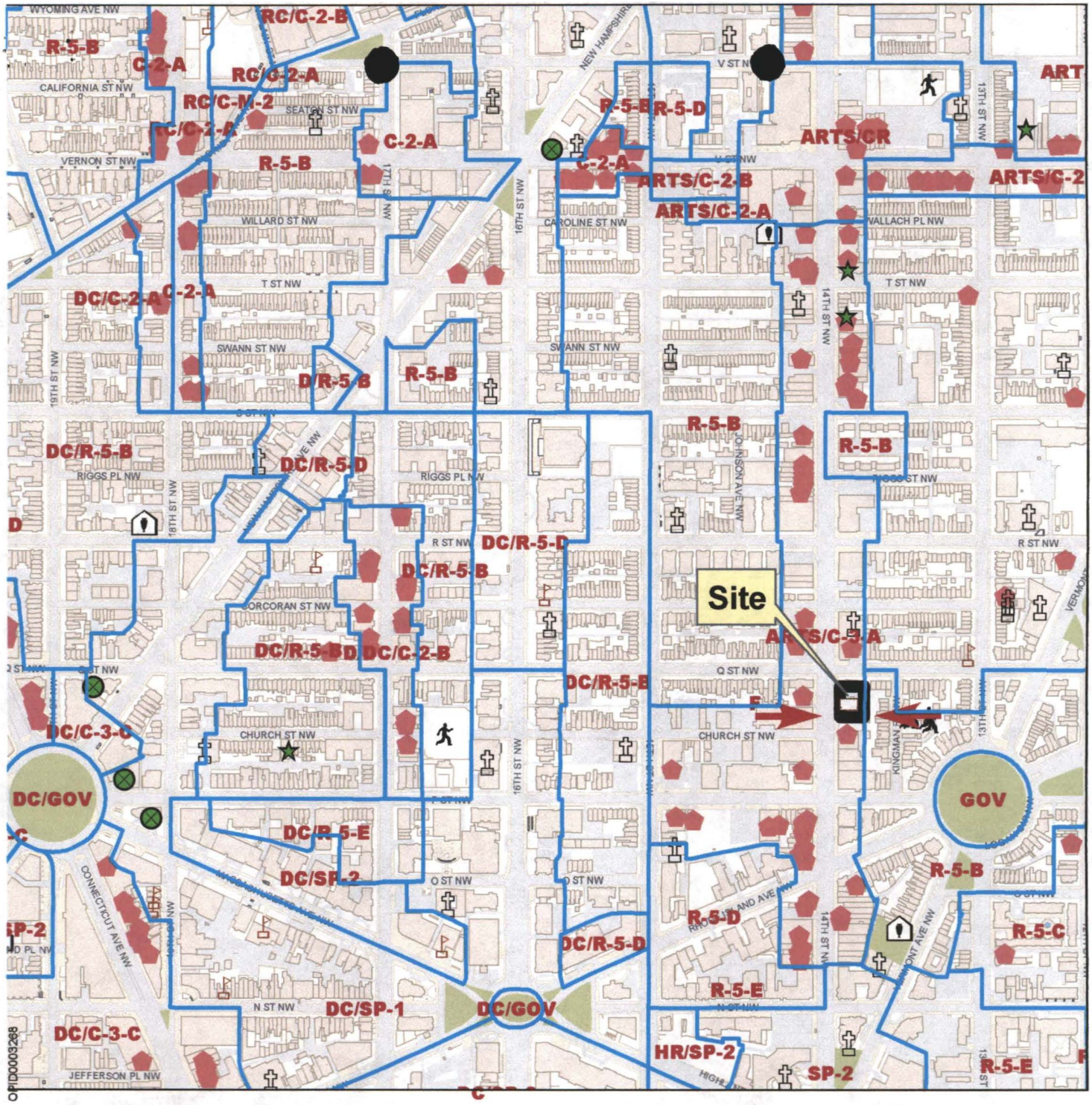
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Attachment 2

Note: Land Use Info based on OTR records.



BZA Case # 17183
Special Exception and Variance
1529 14th Street, NW

Government of the
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Anthony A. Williams, Mayor

Office of Planning ~ June 16, 2004

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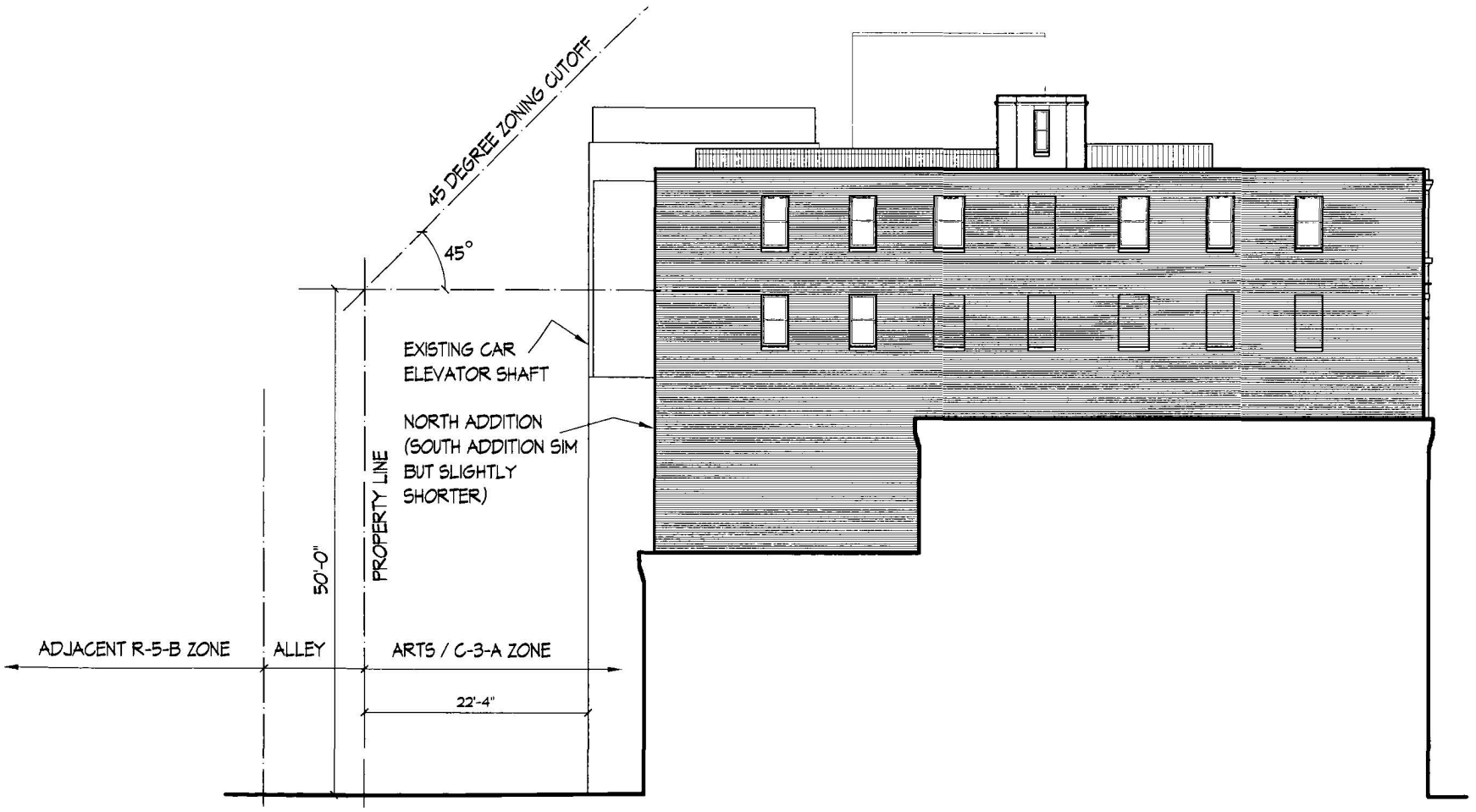
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Recreation and Leisure-Time Land Uses

- Club-Private
- Theater
- Retail
- Religious
- Educational
- Museum, Library
- Recreational

Attachment 3



ELEVATION -- DIAGRAM SHOWING COMPLIANCE WITH ZONING 1902.1(b)

SCALE: 1/16" = 1'-0"

SUPPLEMENTAL SKETCH

BZA-1

DATE .04

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PROJECT: PHAETON ON 14th
1529 14TH STREET, NW WASHINGTON, DC

Attachment 4