GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: June 29, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17191
1638 14th Street NW

Summary

The applicant is seeking to construct a new mixed-use retail and residential building. The applicant seeks variances from the residential recreation space requirements of §773 and from the parking requirements of §2101.1 for a reduction of on-site parking spaces 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 1638 14th Street N.W, Square 208, Lots 806-808. The lot is 6,000 square feet, of which the building will occupy 4,957 square feet. The building will contain seven above ground stories and one basement level. The subject property and the properties to the north, east, and south are zoned Arts/C-3-A. Properties in the neighborhood to the west are zoned R-5-B. The immediate area consists of a wide variety of commercial and moderate density residential uses.

Project Description

The ground and first floor of the proposed building will have retail uses throughout with the exception of the residential lobby. Above will be five stories with seven residential units. There will be one floor of underground parking with seventeen parking spaces. All but three of the spaces will be vault spaces beneath public property and therefore not count toward the parking requirement. Above the seventh story will be penthouse structures with mechanical equipment and access to a roof.

BZA
Case No. 17191
Exhibit No. 25

Board of Zoning Adjustment
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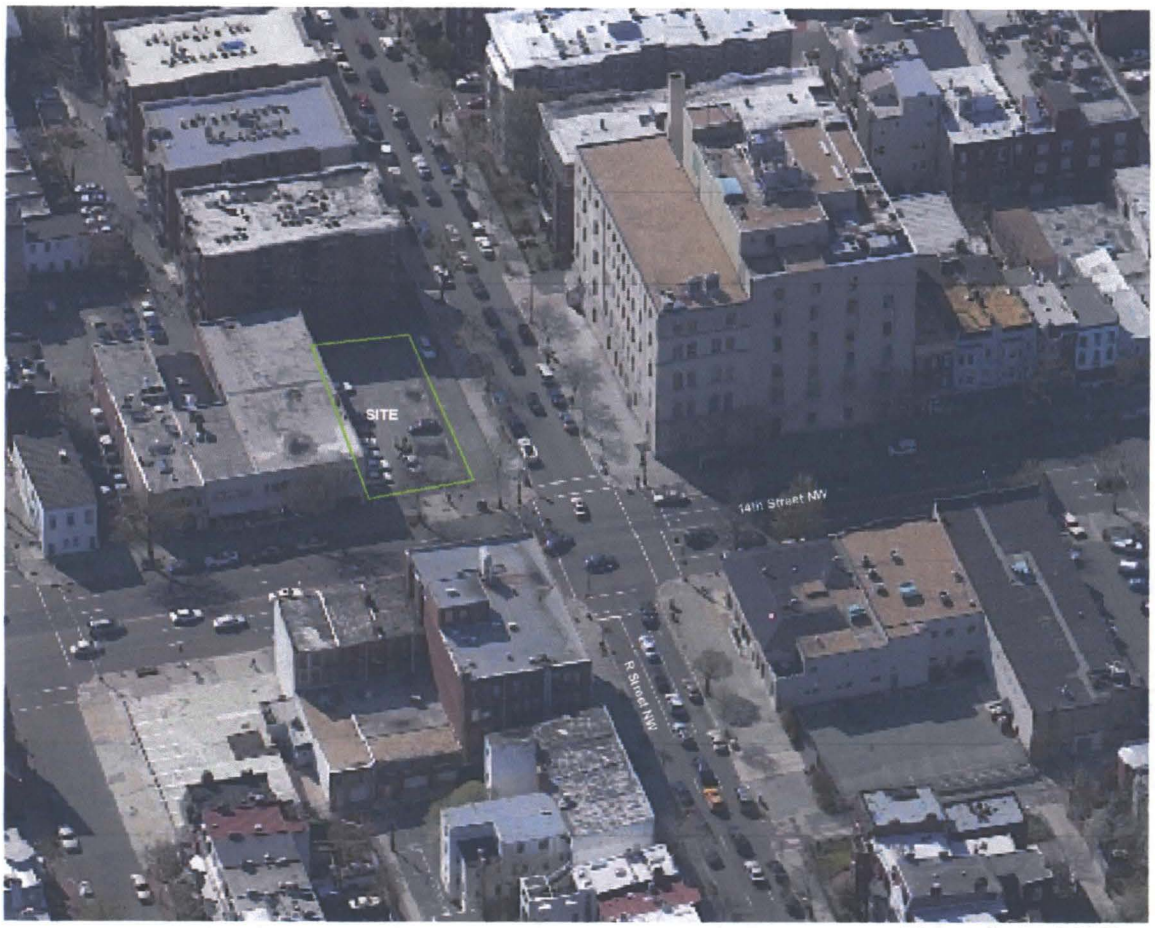


Figure 1: Aerial View

Zoning Requirements

The applicant is requesting a variance from the residential recreation space and the on-site parking requirement to allow construction of a new building.

Section	Item	Required/Allowed	Existing	Requested	Variance
772.1	Lot Occupancy	75% residential	N/A	75% residential	N/A
1904	FAR	4.5(5.0)	N/A	5.0	N/A
774.1	Rear Yard	15'	N/A	22'	N/A
773.3	Residential Rec Space	15%	N/A	0%	15%
2201.1	Parking	17 spaces	N/A	3 spaces	14 spaces
1902.1	Height	75'(83.5')	N/A	75'(83.5')	N/A

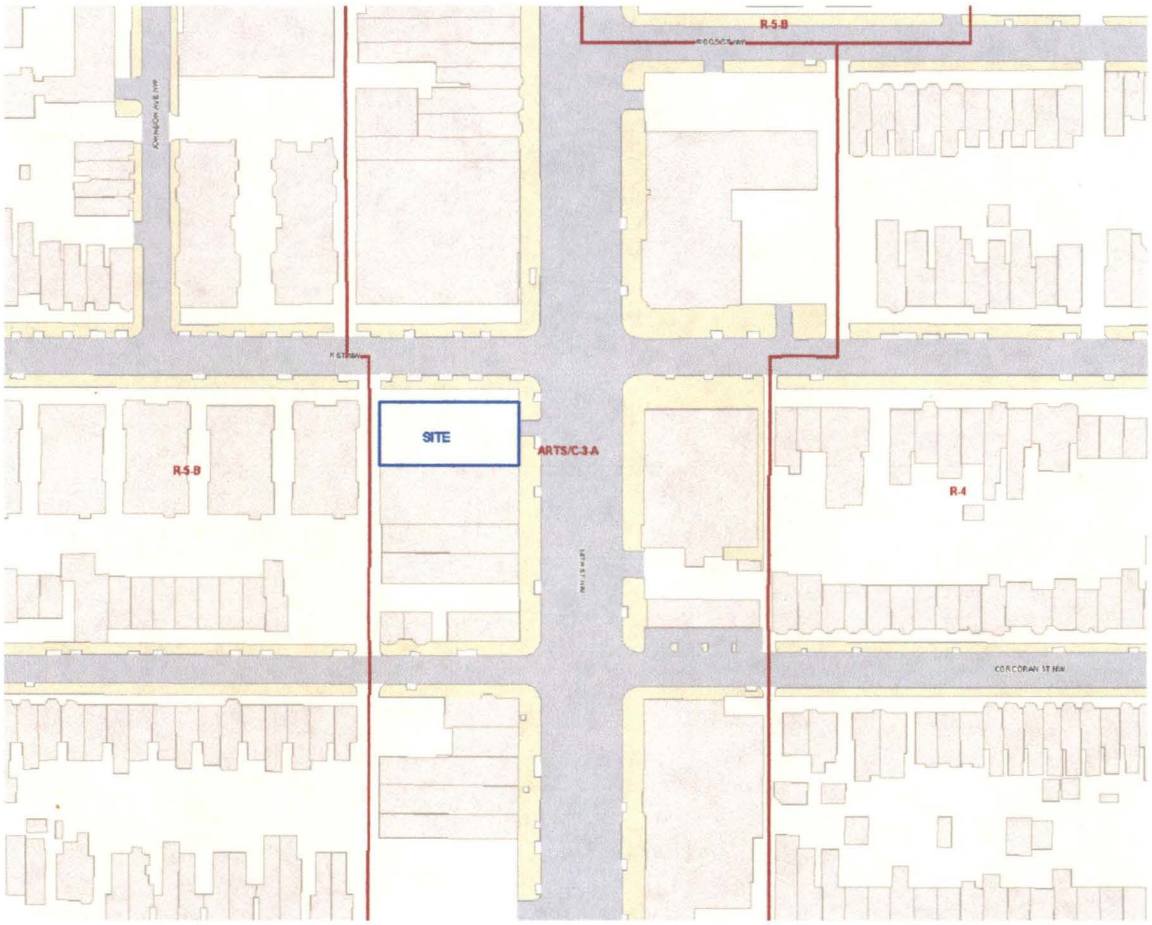


Figure 2: Project Area

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 narrowness and a high percentage of required core building features. The lot measures only 50 feet along 14th Street and 120 feet along R Street. The narrow width of the building and small size of the lot reduces the building's efficiency since the total building area occupied by elevators, stairwells, and mechanical equipment remains the same as would be found in a much larger buildings. The resulting situation is that the percentage of total building area occupied by core features is as much as double what would typically be found in residential buildings of this density.

Practical Difficulty

The above situation, combined with the requirements of the zoning code, results in a practical difficulty on the property. Fifty feet is not enough width to provide the required parking on the interior of the building after building an entrance ramp, drive aisle, and garage access. The 14 feet provided for each the entrance ramp and the core features leaves only 22 feet on the lot for both the drive aisle and parking. Providing the parking in vault spaces as proposed is the only logical way to provide the required parking on site without significantly decreasing the size and efficiency of the building.

The retail requirement of the ARTS overlay leaves little or no space within the main floor of the building for recreation space. Fifty percent of the 4,544 square foot ground floor is required retail space. That leaves 2,272 for core features, lobby, trash, and other necessities with little to no space for recreation no matter how well it is designed. The 1,500 square feet of exterior space remaining on the lot after development would be almost entirely used by required loading space and parking ingress/egress.

In addition, the height restriction on roof structures above the maximum height of 83.5 feet in this district prevent an elevator that would allow fully accessible roof space that could count toward the recreation space requirement. The applicant may provide a roof terrace accessible by stairway.

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 variances will have no visible or discernable effect on adjoining properties or on the surrounding neighborhood.

Vault parking is being proposed that matches the building's parking requirements so the site will be served by "off-site" parking. In addition, there is public parking available in the area, both on the street and in nearby public parking lots. The approval of this variance would be in conformance with the intent and purpose of the zone plan and not impair the integrity of the zoning regulations.

The limited possibilities for residential recreation space due to site and design constraints result in the variance request from this requirement. The need for residential recreation space is decreased on this site by the low number of units in the building (7) and the luxury nature of the units. Each unit in the building has balcony space and roof access averaging about 250 square feet per unit and while none of this can be counted toward the residential recreation space requirement in zoning terms, it serves much the same purpose for these types of units. In addition, this neighborhood has seen many similar types of recreation space variances granted in the past due to the character of the area and historical nature of many of the buildings. While other variance requests in the area have included some level of recreation space, this project has fewer units and will likely provide roof space that will serve much the same purpose.

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 §§773, and 2101.1 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 dated May 18, 2004 expressing unanimous support of the application. The ANC finds that the proposal meets the variance tests and is a benefit to the community. OP is aware of no further comments on the application or opposition to this project from the neighborhood.

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 reduction in parking requirements and reduction of residential recreation space requirements at 1638 14th Street N.W.

AA/tp