GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: July 6, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17197
1401 Q Street NW

Summary

The applicant is seeking to construct a new residential building with ground floor retail. The applicant seeks a variance from the residential recreation space requirements of §773 and a special exception from the ground floor retail requirements of §1901.1. The Office of Planning **recommends approval** of the requested relief based on the analysis of variance and special exception tests below.

Site and Area Description

The subject property is located at 1401 Q Street N.W, Square 208, Lot 139. The lot is 9,480 square feet, of which the building will occupy 6,391 square feet. The building will contain seven above ground stories and at least one basement level with underground parking. 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 proposed building will total seven stories and contain 30 apartment units. The ground floor is proposed to have retail uses along the 14th Street frontage. There will be one floor of underground parking with seventeen parking spaces. The applicant may add a second level of underground parking later in the process. Above the seventh story will be penthouse structures with mechanical equipment and access to a 675 square foot roof terrace.

BZA
Case No. 17197
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 ground floor retail requirement to allow construction of a new residential building.

Section	Item	Required/Allowed	Existing	Requested	Variance
772.1	Lot Occupancy	75% residential	N/A	72% residential	N/A
1904	FAR	4.5	N/A	4.5	N/A
774.1	Rear Yard	15.4'	N/A	16'	N/A
773.3	Residential Rec Space	15%	N/A	6%	9%
2201.1	Parking	15 spaces	N/A	20 spaces	N/A
1902.1	Height	75'	N/A	72'	N/A
1901.1	Retail requirement	50%	N/A	47%	3%

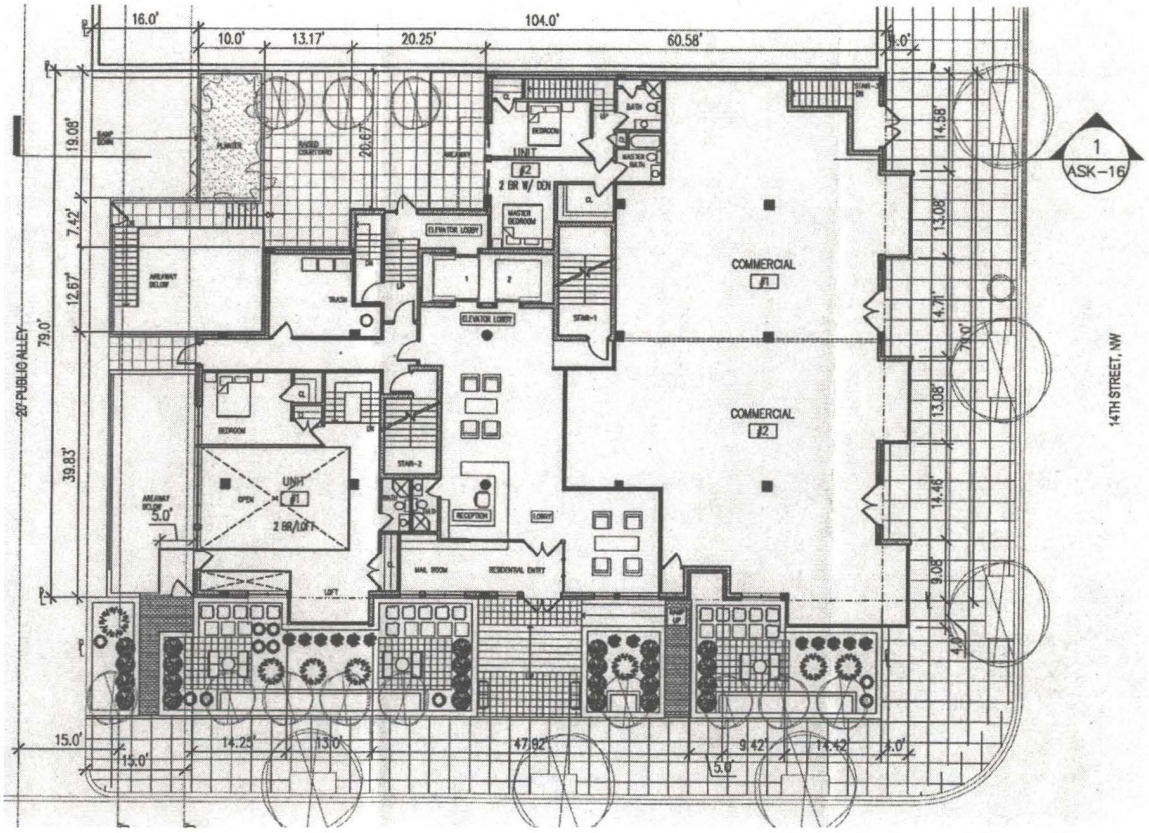


Figure 2: Ground Floor Site Plan

Variance 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 the physical constraints of the lot and the design challenges of the building. The situation begins with the underground levels where the narrowness of the lot (79') requires a central location of the core building functions in order to place the parking in a spiral around the outside of the building. The necessity for two aisles and one row of parking per floor do not allow for any other design of this area.

The result on the upper floors is a central core that breaks up potential recreation space on the roof and the interior of the building. The difficult interior design leaves just enough room on each side of the core building functions (22' to 32') to provide the residential units and leaves the loss of some units as the only way to provide the required residential recreation space.

Practical Difficulty

The above situation, combined with the requirements of the zoning code, results in a practical difficulty on the property. 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 6,389 square foot ground floor is required retail space per §1901.1. That leaves 3,179 square feet for the building core features, lobby, loading, trash and elevators with very limited space for recreation. The 1,234 square feet of exterior space remaining on the lot after development is currently proposed to be courtyard space counting toward the recreation space requirement.

In addition, the height restriction of §1902.1 on roof structures limits the maximum height of penthouses to 83.5 feet in this district and prevents an elevator that would allow fully accessible roof space that could count toward the recreation space requirement. The applicant is proposing the provision of approximately 635 square feet of roof terrace accessible to all residents by stairway.

Substantial Detriment

OP can find no evidence that the granting of this variance will have any detrimental impact on the neighborhood, the city, or the zone plan. The proposed variance relates only to the interior function of the proposed building and, if approved, will have no visible or discernable effect on any adjoining properties or on the surrounding neighborhood.

The affects of the variance on the residents of the building are somewhat mitigated by the level of private recreation space within the building. The project is intended to contain over 3,000 square feet of private terraces and balconies as well as the 675 square foot roof terrace. While these areas do not meet the letter of the zoning regulations, they do further the intent of this section by providing activity space.

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. The level of variance requested in this project is similar to previous variances granted for residential projects on 14th Street.

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 of the zoning code. Furthermore, the granting of a variance from this section will not result in substantial detriment to the neighborhood nor impair the purpose, intent, or integrity of the zoning code.

Special Exception

The applicant is seeking a special exception for the reduction of required retail space from 50% of the ground floor to 47%. In addition to the standards of §3104 for special exception approval, §1906.1 provides five criteria that must be addressed by a request for special exception relief from the standards of Chapter 19. These criteria are listed below with staff analysis.

Section 1906.1

(a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

The purpose of the retail requirement in the ARTS Overlay District is to keep a solid retail frontage along the 14th and U Street corridors. A reduction of 3% of the required 50% would not undermine the purpose of the ARTS Overlay District. The subject lot has its main street frontage on Q Street, which is a residential street. The applicant proposes retail uses along the entire frontage on 14th Street while maintaining the residential character on the Q Street frontage at the request of the neighborhood. The result is commercial area totaling nearly half of the ground floor along the commercial street while the character of the residential street is maintained. This is a benefit to the area and will have no detrimental affects on neighboring properties or persons in the area.

(b) Exceptional circumstances affecting the property make compliance with this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.

This project meets the standard of providing alternative public benefits by providing its own residential buffer to the residential properties to the west and helping to preserve the residential character of this block of Q Street. Providing commercial uses along Q Street simply to meet the letter of the ordinance would not serve the neighborhood or further the intent of the zoning regulations. The Comprehensive Plan calls for mixed use along 14th Street with moderate density residential included to the west. This proposal is not inconsistent with the purposes of the Comprehensive Plan for this area.

(c) The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and support.

The proposed design has been reviewed and conceptually approved by the Historic Preservation Review Board (HPRB). HPRB has deemed that the design would not be incompatible with the surrounding historic district.

(d) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

The vehicular access for this project is from the public alley to the west. This access point is the least intrusive to the neighborhood and should create no dangerous traffic or pedestrian conditions.

(e) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the ARTS Overlay District.

OP has no recommendations for further requirements on the project prior to approval.

Based on the above analysis, OP believes that the application meets the standards of §1906 for approval of a special exception from the requirements of Chapter 19. The application also meets the standards of §3104 in that it will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the use of neighboring properties.

ANC Recommendation

ANC 2F is scheduled to meet on this application on July 7, 2004. OP has received no further comments on the application from the neighborhood as of this date.

Agency Reviews

The HPRB approved conceptual design of this project at its meeting of April 22, 2004.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 and 3104.1 of the Zoning Regulations, for the granting of the requested variance and special exception 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 requested relief by the Board of Zoning Adjustment to allow the reduction in residential recreation space requirement and reduction of ground floor retail requirement at 1401 Q Street N.W.

AA/tp