GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 20, 2004

SUBJECT: BZA Application 17198 - Request filed by Shaw Pittman, LLP for a **special exception** and **six area variances** to allow for a 38-unit apartment building at 701 Lamont Street, N.W., proposed by 701 Lamont LLC.

APPLICATION
Application of 701 Lamont LLC for:

Special exception relief to § 411.11 of 11 DCMR to allow for changes to a legally nonconforming roof structure.

Variance relief to:

1. **§ 770.1 of 11 DCMR** to permit an increase in the maximum building height from 50 feet to 61 feet;
2. **§ 771.2 of 11 DCMR** to permit an increase in the maximum floor area ratio from 2.5 to 4.6;
3. **§ 772.1 of 11 DCMR** to permit an increase in the maximum lot occupancy from 60 percent to 94.7 percent;
4. **§ 773.3 of 11 DCMR** to permit a decrease in the minimum residential recreation space from 20 percent to 15.9 percent;
5. **§ 774.1 of 11 DCMR** to permit a decrease in the minimum rear yard from 15 feet to 5 feet; and
6. **§ 2001.3 of 11 DCMR** to permit enlargements or additions to a nonconforming structure that does not conform to percentage of lot occupancy requirements

for an existing industrial building located on the north side of Lamont Street, N.W., between Georgia Avenue and Sherman Avenue, Square 2893, Lot 878. The property is zoned C-2-A, medium density community business center commercial district. (§ 105.1(d)(2)(A)).

BZA
Case No. 17198
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17198
EXHIBIT NO. 23

SUMMARY RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the application, subject to the following conditions:

1. That the residential recreation space within the garage be designed to ensure secured access from the elevator core without residents having to enter the garage or cross parking spaces.
2. That the location of the community room, exercise room and party room are labeled on the plan.

PROJECT DESCRIPTION

The existing building on the subject property is proposed to be converted to a 38-unit apartment building. With the exception of the construction of a new roof structure to provide access to private decks and outdoor residential space, the new use will be located entirely within the existing structure. A total of 23 garage parking spaces will be provided within the building, accessible from the public alley that runs parallel to Lamont Street. Pedestrian access will be from Lamont Street. No loading is proposed and none is required.

The types of units include proposed are as follows:

1 bedroom:	17
1 bedroom with den:	3
2 bedroom:	16
2 bedroom with den:	1
3 bedroom:	1
TOTAL	38

Ten of the units will have private decks on the roof and 24 of the units will have private balconies; tow of the units will have both a private deck and a private balcony.

Residential recreation space is proposed as follows:

Outdoor Roof Deck (roof):	5,342 square feet
Lobby, Community Room & Outdoor Area (1st floor):	1,873 square feet
Party Room & Exercise Room (garage level):	858 square feet
TOTAL	8,073 square feet

SITE AND AREA DESCRIPTION

The property consists of Square 2893, Lot 878, in the North West quadrant of the District. It is 11,247 square feet in area and almost rectangular in shape. The subject property has 81 feet of frontage along Lamont Street. It is improved with a five story, 61.63-foot high industrial building that has been vacant for the past five years. It was constructed in 1951 and includes a nonconforming roof structure that is not set back from edge of the roof and extends approximately 27 feet above the roofline.

The surrounding area is a mixture of residential, commercial and industrial uses. To the north of the subject property, across a 15-foot wide public alley, is an alley lot used for the parking of trucks within the C-2-A Zone District, beyond which are row houses within the R-4 Zone District. To the south, across Lamont Street, are retail uses fronting on Georgia Avenue within the C-2-A Zone District and vacant land within the R-4 Zone District. To the east (a portion of which is bordered by a 10-foot wide public alley) are retail establishments and offices and to the west is a commercial laundry within the C-2-A Zone District.

The area has been identified on the Generalized Land Use Map as moderate density residential land use, which is described as *"[r]ow houses and garden apartments are the predominant uses; may also include low density housing."*

EXISTING ZONING
The subject property is zoned C-2-A, "medium density community business center commercial district." (§ 105.1(d)(2)(A))

C-2 Community Business Center Districts
"The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core." (§ 720.2)

RELIEF REQUESTED:
Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."* (§ 3103.2)

Uniqueness of Property
The subject property is unique for several reasons. It is already improved with a legally nonconforming building that is nonconforming to the C-2-A Zone District for building height, lot occupancy, roof structures, and rear yard. The building predates the adoption of the Zoning Regulations in 1958. Conversion of this building that was designed for industry to residential use requires that the layout of the individual units be designed around the existing architectural

features of the building. As such, the location of such things as the individual stair accesses to the roof must respect the locations of the exiting beams. In addition, as the building occupies 94.7 percent of the lot, there is little opportunity to provide for ground level outdoor recreation space. Therefore, other than removal of the building, the applicant must work around the existing features of the building.

Variance pursuant to § 770.1- Height of Buildings or Structures
Section 770.1 permits buildings within the C-2-A Zone District up to a height of 50 feet. The existing building is 61.63 feet in height. The building, constructed in 1951, predates the adoption of the Zoning Regulations. Without the removal of a portion of the building, which is not practical, a variance to this provision is required. Therefore, the uniqueness is the existing building on the property that predates the adoption of the Zoning Regulations. In order to bring the building into conformance, the applicant would have to remove 11.63 feet of building height, which would be an extraordinary and practical difficulty.

Variance pursuant to § 771.2 – Floor Area Ratio
Section 771.2 sets forth the maximum floor area ratio (FAR) for an apartment house within the C-2-A Zone District as 2.5. The existing building is unique because it was constructed as an industrial building prior to the adoption of the Zoning Regulations in 1958 and has a FAR of 4.6, in excess of the maximum permitted. In order to bring this existing building into conformance with the maximum FAR permitted, a portion of the building would have to be demolished, which would result in an extraordinary and practical difficulty to the applicant.

Variance pursuant to § 772.1 – Percentage of Lot Occupancy
Section 772.1 sets forth the maximum lot occupancy permitted within the C-2-A District as 60 percent for buildings devoted to residential use. No maximum is proscribed for commercial buildings within a commercial zone district. The application proposes a lot occupancy of 94.7 percent, the existing lot occupancy, which is conforming to the C-2-A Zone District if the subject property were to be used for commercial purposes. However, the applicant proposes to convert this long vacant building to residential use, and therefore is subject to the 60 percent lot occupancy requirement. No additional lot occupancy is proposed. Rather, the applicant proposes to permit the existing lot occupancy to continue.

The uniqueness is that the building is the site was developed with a lot occupancy of 94.7 percent. In order to bring the site into conformance approximately one-third of the building would have to be demolished, an extraordinary and practical difficulty to the applicant.

Variance pursuant to § 773.3 – Residential Recreation Space
Section 773.3 sets forth the minimum residential recreation space required within the C-2-A Zone District as 20 percent. The application proposes a residential recreation space of 15.9 percent, or 8,073 square feet, less than the minimum requirement (10,168 square feet).

As a result of the size and configuration of the existing building on the site, there is little opportunity to provide ground level outdoor recreation space. However, 52.5 percent of the proposed residential recreation space will be provided outdoors and on the roof. Additional outdoor area recreation will be provided on the ground at the rear of the building, bordered on two

sides by alleys and two sides by the building. The remainder of the recreation space will be interior.

The application indicates that the lobby and a community room on the first floor will provide recreation space. Although the plans submitted as a part of the application indicates that chairs will be provided within the lobby, the location of the community room is not shown. Two rooms within the garage, one a party room and the other an exercise room, are proposed for the garage level; however the plans do not indicate which one is which.

Location of residential recreation space within a parking garage is not the most desirable. The space proposed is broken down into two separate rooms, one of which is accessible only by walking through the handicap parking space. As the two rooms are adjoining, their consolidation into one room is preferable to avoid having to cross parking spaces to access one of the rooms. In addition, the applicant should enclose the area outside of the entrance to the larger room and the stair access with a transparent material to increase the security of the access to the room. However, this will not increase the security of those using the elevator to access this residential recreation space, as the elevator is located three parking spaces away. Therefore, the location of the garage level residential recreation space should be relocated to be easily and securely accessed from the elevator.

The uniqueness is that the building exists and the majority of the units are designed with private open space. Therefore, the variance can be granted without substantial detriment to the public good, provided the garage level residential recreation space is relocated to be easily accessible from the elevator, the applicant documents that the access is secure, and the community room, exercise room and party room are labeled on the plan.

Variance pursuant to §774.1- Rear Yard
Section 774.1 sets forth the minimum rear yard for all structures within the C-2-A Zone District as 15 feet. The existing nonconforming building that was constructed in 1951 and predates the Zoning Regulations has a 5-foot rear yard. Without the removal of a portion of the building, which is impractical, the existing structure cannot be made to conform. Therefore, the uniqueness is that the site was developed with a 5-foot rear yard prior to the adoption of the Zoning Regulations and the removal of the rear 15 feet of the building would result in an extraordinary or exceptional difficulty to the applicant.

Variance pursuant to § 2001.3 – Nonconforming Structures Devoted to Conforming Uses
Section 2001.3(a) permits enlargements or additions to a nonconforming structure provided it conforms to percentage of lot occupancy requirements. As described above, the existing building is nonconforming for lot occupancy. Without the approval of this variance, the applicant will not be able to modify the roof structure through the addition of staircases to individual units and provide mechanical rooms to those units, which do not contribute to lot occupancy. The modifications proposed by the applicant will not alter the existing lot occupancy.

The uniqueness is that the building was constructed as a warehouse and exists as nonconforming to residential lot occupancy and that the applicant cannot reduce the lot occupancy. The subject application does not propose to increase the lot occupancy. It would result in an extraordinary

and exceptional situation to not permit the enlargement or addition to a nonconforming structure that does not conform to percentage of lot occupancy, as this would impair the ability of the applicant to adaptively reuse this long vacant structure as an apartment building.

Special exception relief to § 411.11 – Roof Structure
The existing building is improved with two roof structures, one at a height of 16 feet 10 inches and the other at a height of 27 feet. These roof structures provide no set back from the east side of the building and insufficient setback from the south side and a portion of the north side of the building. The other is proposed to house a secondary stair access to the roof. These roof structures predate the adoption of the Zoning Regulations in 1958 and are therefore legally nonconforming. The application proposes the use of the shorter roof structure to house the elevator and provide one set of stair access to the roof.

The applicant proposes to construct a penthouse addition onto the roof structures that will be for the use of some of the tenants for access private deck space and mechanical rooms for those same units. The floor area of the penthouse (existing and proposed) is 4,171 square feet or an increase in FAR of 0.08, less that the maximum 0.37 permitted by § 411.7. Each of the private deck spaces will be improved with a hot tub and therefore permitted to have bathroom facilities within the roof structure. Nine of the ten units with private deck space on the roof are proposed to be improved with bathrooms. The remainder of the mechanical rooms is proposed for mechanical equipment.

The proposed roof structure will conform to the Zoning Regulations for height (10 feet proposed versus 18 feet permitted) and set back at a minimum a distance equal to its height. The intent and purpose of the Zoning Regulations will not be impaired by the proposed addition as the addition will conform to height, setback and area requirements for a roof structure. Light and air of adjacent structures will also not be adversely affected because the proposed construction will conform to the height, area and setback requirements for roof structures. Therefore, the Office of Planning recommends that a special exception to § 411.11 be approved to permit a penthouse addition onto the existing nonconforming roof structures.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following policies and objectives:

> *"Encourage the retention and expansion of residential uses in mixed use neighborhoods to help maintain the residential character of these areas, through modification of land use and related regulations when necessary;"* (§ 1104.1(g))
>
> "To s*timulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1..."* (§ 1205.1(a))
>
> *"To encourage the private sector to provided new housing to meet the needs of present and future Ward 1 residents at locations consistent with the ward's land-use policies and objectives..."* (§ 1206.1(a))

"Encouraging small scale and rehabilitation projects in existing buildings or on small infill parcels in Ward 1;" (§ 1231.1(c)(2))

COMMUNITY COMMENTS

ANC 1A has not responded to the Office of Planning request for comments.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances meet the required tests and can be granted "*without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map*", provided certain conditions are met. The Office of Planning also concludes that the special exception request conforms to the required criteria.

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The Office of Planning recommends **APPROVAL** of the following:

Special exception relief to § 411.11 of 11 DCMR to allow for changes to a legally nonconforming roof structure.

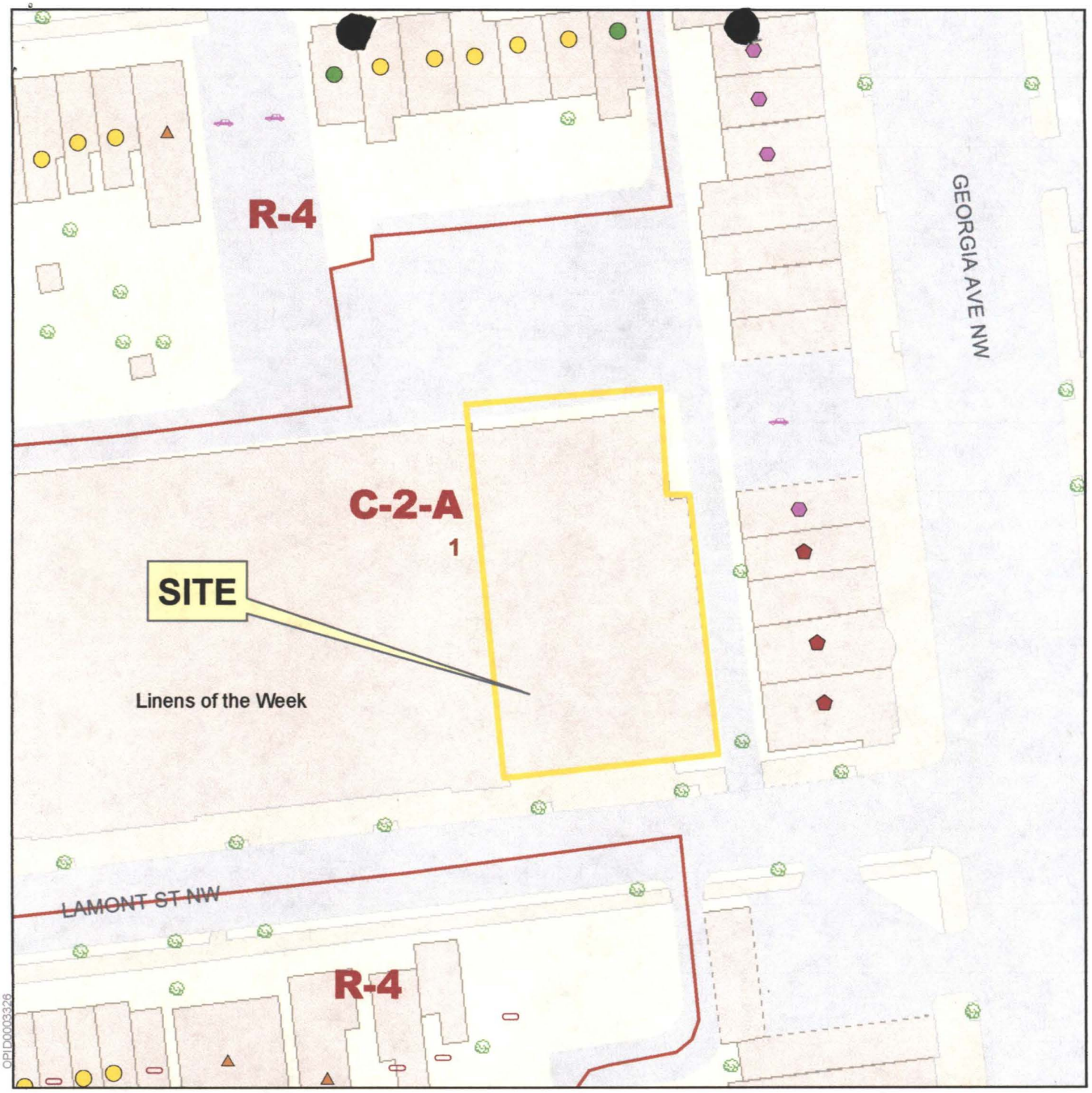
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1. That the residential recreation space within the garage be designed to ensure secured access from the elevator core without residents having to enter the garage or cross parking spaces.
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BZA APPLICATION NO. 17198
701 Lamont Street, N.W.

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

Office of Planning ~ July 1, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Rowhouse
- Single-Family Semi-Detached
- Multi-family
- Store
- Office
- Parking - Special Purpose
- Vacant

