GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: September 14, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17207
1515 14th Street NW

Summary

The applicant is seeking to construct a new mixed-use retail and residential building beside and above a three-story historic structure. The applicant seeks a variance from the roof structure height requirements of §1902.1 to allow a roof structure of 89' 9", a variance from the 15% residential recreation space requirements of §773 to 10%, and a special exception from the roof structure setback requirements of §770.6 to 0'. In addition to the requested relief, the Office of Planning is of the opinion that a special exception from the rear yard requirement of 15' 7" is required. The Office of Planning **recommends approval** of the requested variances and special exceptions based on the analysis below.

Site and Area Description

The subject property is located at 1515 14th Street N.W, Square 241, Lots 114, 115, 116 & 841. The lot is 12,440 square feet. The property is part of the Greater Fourteenth Street Historic District and contains an existing historic structure determined to be a contributing building to the historic district. The structure was constructed in 1928 as an automobile showroom and occupies the southern half of the lot. The subject property and the properties to the north, west, and south are zoned Arts/C-3-A. Properties to the east are zoned R-5-B. The immediate area consists of a wide variety of commercial and medium density residential uses including the Studio Theater to the south, commercial businesses on P Street, several condominium buildings in the neighborhood, and row houses to the east.

BZA
Case No. 17207
Exhibit No. 25

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Project Description

The proposed building will be built above and to the north of the existing historic building. It will be seven stories in height with two underground levels. The building will contain almost 56,000 square feet and occupy approximately 10,500 square feet of the lot. The applicant proposes that the existing structure will house three floors of art galleries while the addition is proposed to contain 2,900 square feet of ground floor retail and 30 condominium units above. The two underground stories will have 34 parking spaces accessed by an auto elevator. The roof of the building will contain an open terrace and roof garden accessible to all residents. The height of the main building will be 75 feet while the elevator penthouse will reach a total height of 89.75 feet.



Figure 1: Aerial View

Zoning Requirements

The applicant is requesting a variance from the residential recreation space and roof structure height, and a special exception from the roof structure setback. The rear yard requirement of 15' 7" is not met and will require a further special exception per §774.2. The other provisions of the ARTS/C-3-A district are met by the proposed building.

Section	Item	Required/Allowed	Existing	Requested	Variance
772.1	Lot Occupancy	75% R/100%C	51%	75%R/84%C	N/A
1904	FAR	4.0(4.5)	N/A	4.5	N/A
773.3	Residential Rec Space	15%	N/A	3.1%	11.9%
774.1	Rear Yard	15' 7"	23'	12'	3' 7"
1902.1	Height	83' 9"	44'	89' 9"	6' 3"

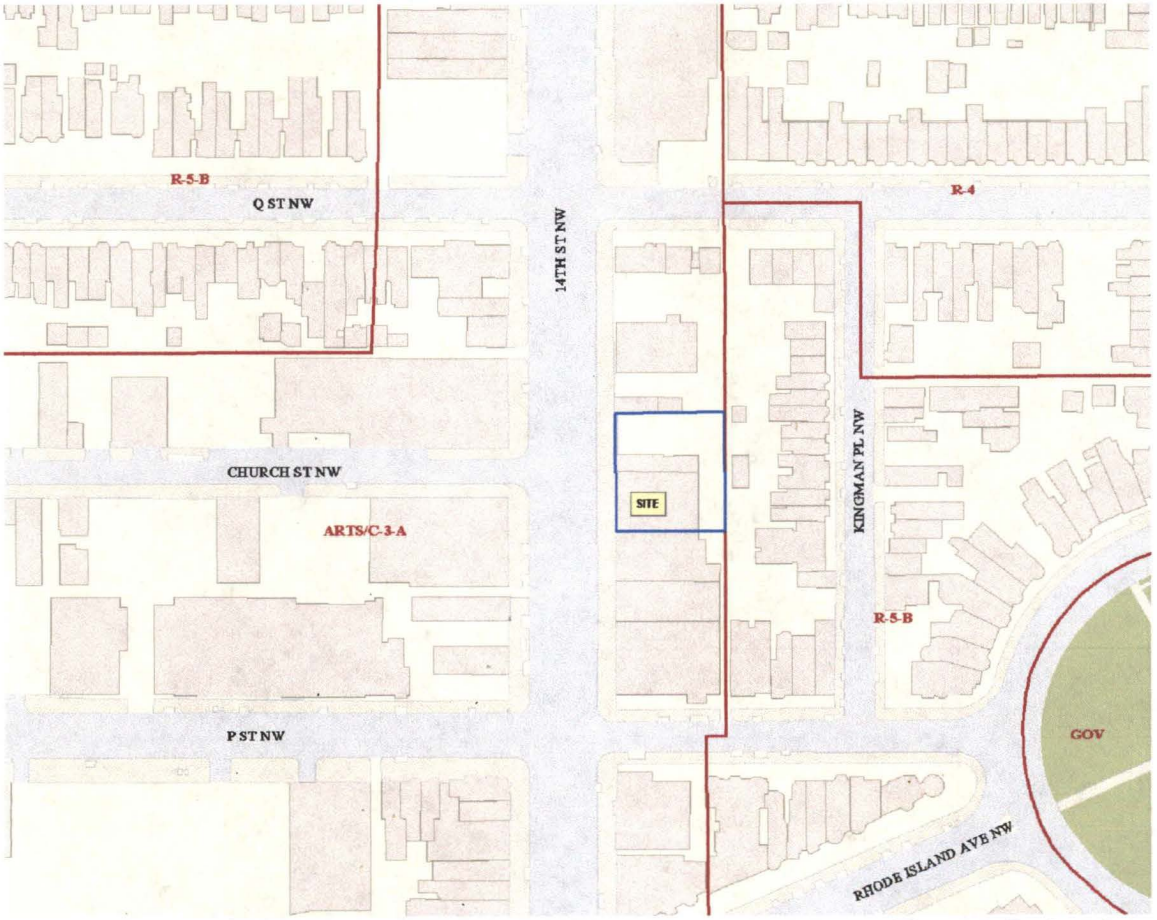


Figure 2: Project Area

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 property is unique because it contains an existing building that has been determined to be a contributing structure to the historic district and therefore may not be removed but must be incorporated into the development. The three-story building covers more than half the lot and leaves only the northern portion of the property open to the ground. There are only 57 feet of width between the historic structure and the neighboring property in which to locate the ground floor of the new structure and locate the ground floor retail use. The applicant has worked with the Historic Preservation Review Board to design this project in order to overcome the many challenges associated with developing this unique and exceptional site.

Practical Difficulty

The above situation led to a practical difficulty specifically in meeting the residential recreation space requirements, which led to the need for both requested variances. Ground floor retail is required as a part of the ARTS Overlay District. The small area on the site for ground floor development was completely filled by the preferred retail use and the core residential building facilities leaving no interior or exterior space for residential recreation on the ground floor. The second through fourth floors are similarly cramped between existing buildings and above the fourth floor the building opens up to allow significant private open space. The only area remaining for the residential recreation space is the rooftop.

The rooftop presents two problems to providing the required recreation space. First, the necessary mechanics (heating & air conditioning, water, elevator, and core functions) combined with the 25-foot minimum recreation space dimension requirement of §773.7 do not allow the full 5,764 square feet of recreation space required for this building. Only 4,100 square feet, or 10.5% of the total residential area, is available on the roof. Second, the use of any of the roof for this purpose requires elevator access to comply with the ADA building code requirements. The mechanical penthouse necessary, and legally required, for the elevator pushes 6 feet 3 inches past the maximum rooftop structure height limit of 83 feet 6 inches (§1902.1). Both of these practical difficulties arise directly as a result of the unique characteristics of this site; the recreation space variance is due to the limited site area caused by the historic structure and the height variance is due to the necessity to locate recreation space on the roof. These difficulties, combined with the strict interpretation of the zoning code, appear to meet the test for approval of the variances.

Substantial Detriment

OP can find no evidence that the granting either of these variances will have any detrimental impact on the neighborhood, the city, or the zone plan. This project is proposing significantly more residential recreation space than most similar projects on the 14th and 15th street corridors. A requirement to provide the remaining 1,600 square feet of recreation space would cause serious difficulties to the development. The additional height requested is solely for the purpose of an elevator penthouse and intended to meet other requirements of the zoning code. In the opinion of OP, neither variance would significantly impact the surrounding neighborhood or impair the intent of the zone code.

Special Exception Analysis

The applicant will require two special exceptions for this project. Relief will be required from the rear yard setback requirements of §774.1 per §774.2. Relief will also be required from the roof structure setback requirements of §770.6.

Rear Yard Setback

The BZA is granted the authority to waive rear yard requirements of §774 pertaining to the C-3-A zone district in accordance with §3104 provided that standards in §§774.3 through 774.6 are met. §3104 allows special exceptions provided that they are "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." The applicant is seeking relief of three and a half feet from the requirements of this section.

§774.3 *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

The area to the rear of the proposed building is zoned R-5-B and contains row houses with a maximum allowed height of 50 feet. The relief sought would only bring the building three feet closer to the existing buildings than otherwise allowed and should not produce any significant additional effects on the light, air, and privacy of the neighboring buildings.

§774.4 *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The rear of the proposed building will be facing the rear of the neighboring row houses. The ground floor will have no residential units or windows. The second and third floor will have residential units facing the alley, but the relatively small relief requested will have no further effect on the sight lines into neighboring habitable rooms. The subject property is separated from the adjoining rear properties buy a 10-foot wide alley. The alley, in combination with the proposed 12-foot setback on the site and existing rear yard setbacks of the adjoining properties, will provide sufficient light and privacy to all properties.

§774.5 *The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.*
The submitted plans show area for parking and loading. Off street parking will be located under the proposed building and will be accessed by an automobile elevator off of the alley. While no loading dock is required by the Zoning Regulations, a 20 foot loading dock is provided off of the alley for any necessary loading.

§774.6 *Upon receiving an application for an approval under §774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report and impact assessment, along with reviews of all relevant District of Columbia departments and agencies*
OP has coordinated with the Historic Preservation staff and the District Department of Transportation on this project. Neither agency has expressed any concern over the placement of the rear yard or filed a written review regarding this issue as of the time of this report.

OP finds that the special exception also meets the standards of §3104. The exception of three feet will not have any significant impact on neighboring properties. The step down of the seventh story provides the same resulting light and air that a normal setback would provide as seen in the applicant's building sections. The Zoning Regulations and Maps will not be impaired because the intent and effect of this development is the same as one that follows the strict interpretation of the Regulations.

Roof Structure Setback
Per §411.11, a special exception may be granted from the roof structure requirements where compliance is impractical because of operating difficulties, size of building lot, other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable. In addition, the intent and purpose of Chapter 400 should not be materially impaired and the light and air of adjacent buildings shall not be affected adversely. The above standards of §3104 also apply.

As discussed above, the retention of the historic building necessitates the core building functions, including the elevator shaft, be located in the new construction on the north side of the lot. The placement of underground parking and of the stairwells per fire code regulations further restricts placement of the elevator. These restrictions require the elevator to be on the far north side of the building and therefore do not allow the proscribed setback. OP finds that the relatively small size of the protrusion at six feet higher than allowed and less than twelve feet on each side would have little to no impact on the light and air of surrounding properties. Also, since it serves to help meet the residential recreation space requirements it would not impair the intent or purpose of the Zoning Regulations or Maps per §3104.

ANC Recommendation

OP has received no report from ANC 2F and is aware of no further comments on the application or opposition to this project from the neighborhood.

Agency Reviews

The project was reviewed by the Historic Preservation Review Board at its meeting of January 22, 2004. HPRB has conceptually approved the overall design of the proposed building and the restoration of the historic structure.

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 and, pursuant to 11 DCMR 3104 of the Zoning Regulations, for the granting of the requested special exceptions. The requests 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 and special exceptions by the Board of Zoning Adjustment to allow relief from the residential recreation space requirement, the roof structure height and setback requirements, and the rear yard requirements at 1515 14th Street N.W.

AA/tp