GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 5, 2004

SUBJECT: Board of Zoning Adjustment Case No. 17231
3568 14th Street, N.W. Square 2688 Lot 22

The attached report, concerning the above referenced case, is being submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 17231
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17231
EXHIBIT NO. 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 9, 2004

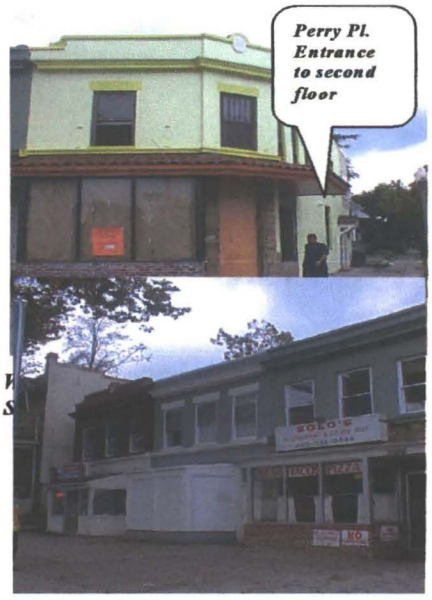
SUBJECT: BZA Application #17231
3568 14th Street, N.W.

APPLICATION

The application by Teofilo Ayala requests, pursuant to 11 DCMR 3103.2, a variance from the floor area ratio provision of Section 771.2 to allow the conversion of an existing building to a restaurant in the C-2-A District, at 3568 14th Street, N.W.

SITE AND AREA DESCRIPTION

The subject property is located in the Columbia Heights neighborhood of Ward One. It is located on the southwest corner of the intersection at 14th Street & Perry Place. It was developed for commercial retail purposes in 1912 and has used for mixed-uses since its development. The principal entrance to the building is from 14th Street, and there is a secondary entrance from Perry Street. The building is currently vacant and the most recent use of the property was a carry out restaurant on the first floor and a dwelling unit on the second floor. The second floor unit is currently



unoccupied, but OP has no information on the duration.

The area surrounding the subject property is predominantly residential in character with mixed-use development concentrated along the 14th Street Corridor. Development on the subject block, along the west side of 14th Street, south of the subject property consists of 2-story structures, used mostly for commercial retail purposes. The building abutting the subject building on the south is a 2-story sit down restaurant. There are at least 8 restaurants on 14th Street, between Spring Road and Parkwood Place, an area that includes one block on either side of the subject block. The area on Perry Place, west of the subject property is all single-family row dwellings.



North view- Commercial uses (including two restaurants) west side of 14th Street, between Spring Rd. & Perry Pl.

PROPOSAL

The applicant proposes to renovate the subject building, which is currently vacant. The applicant intends to convert both floors of the building into a sit down restaurant. The applicant has requested a variance to eliminate the residential FAR and increase the other permitted uses to the full 2.5 FAR.

ZONING REQUIREMENTS

The subject site is zoned C-2-A. The base C-2-A zone allows residential uses at a FAR of 2.5, of which other permitted use can be 1.5 with a maximum permitted FAR of 2.5.

ANALYSIS

The applicantl seeks to convert the upper level of the building to accommodate more dining area for the restaurant. The C-2-A District permits only 1.5 of the permitted 2.5 FAR in the C-2-A District to be used for non-residential use. The applicant requestsa variance from the FAR requirement. The non-residential FAR for the project will be 1.98 or .48 above the maximum permitted FAR.

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

Due to the angular shape of the lot, the building is only 14 feet in width at the front but 32.12 feet in width at the rear. The applicant claims that the unique shape of the lot and building makes it difficult to provide the number of seats on the first floor to accommodate the anticipated number of customers.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

The subject site has a history of mixed-use, dating back to its development in 1912. Although the building is currently vacant, the most recent building permit, (dated 5/5/03) was issued for a delicatessen and new stairs to the second floor residential apartment. The applicant has not provided any new issues that support a practical difficulty to discontinue the residential requirement since the property was developed consistent with the most recent authorized uses.

There is an existing entrance to the second floor on Perry Place. The second entrance provided a clear separation of uses and enhances the residential nature of the apartment by being located on a residential street (Perry Place).

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The variance requested would cause substantial detriment to the public good, because the proposed project would eliminate residential use where it was previously provided and anticipated. The C-2-A District encourages residential development by allowing residential uses at a FAR of 2.5; of which other permitted uses can occupy no more than 1.5. The proposed variance does not further the purpose and intent of the Zoning Regulations and Map by eliminating residential potential in a district that encourages such use.

OP does not believe that the shape of the subject lot is an exceptional condition, which would preclude the permitted use of the second floor for residential purposes. The applicant should consider alternative seating configurations and a reduction in the amount of space devoted for the bar

OP believes that the applicant should consider a reconfiguration to the building plan, to accommodate more seats on the first floor.

COMMUNITY COMMENTS

On October 3, 2000, ANC 1A (waiting for ANC Info)

SUMMARY

The proposed conversion of the entire subject property from a delicatessen on the first floor and a dwelling unit on the second floor, into a sit down restaurant is not consistent with the intent of the zone plan as embodied in the Zoning Regulations and Map. Further, the subject area is adequately served by at least eight (8) other restaurants within one block of the subject site with a sit down restaurant abutting the subject site, on the south side. The requested variance will not be in conformance with the Comprehensive Plan recommendation of mix-use along both sides of the frontage of 14th Street, between Spring Road and Monroe, with increased intensity between Monroe Street and Columbia Road. Therefore, increasing the commercial FAR to 1.98 is not appropriate.

RECOMMENDATION

The proposed conversion of the subject building into a two-floor sit down restaurant has not met the provisions of Section 3103.2 of the Zoning Ordinance for granting a variance. The "uniqueness" of the site is demonstrated through its narrow front of only 14 feet. However, that uniqueness does not translate into a practical difficulty that would prevent the use of the property in the manner consistent with the most recent authorized residential use, as is evidenced by the most recent issued building permit, dated May 5, 2003.

Approval of this variance request will impair the intent, purpose, and integrity" to the zone plan as embodied in the Zoning Regulations. The Office of Planning therefore does not support the request for the conversion of the entire upper floor of the subject property to commercial use and recommends denial of the subject application by the Board.

AA/jem



South view of subject site



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Feet

0 20 40 60

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

Office of Planning ~ October 7, 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
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Attachment 3