GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: November 23, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17246
3700 Georgia Avenue, N.W.

Summary

The applicant is seeking to construct a new mixed-use retail and residential building on the 3700 block of Georgia Avenue over and around the Georgia Avenue-Petworth Metrorail entrance. The applicant seeks a variance to allow underground parking in an R-4 district, a variance from the 15% residential recreation space requirements of §773 to 13%, a special exception to extend the provisions of the C-3-A zoning district per §2514.2, and a special exception to permit a 25% parking reduction for the commercial uses. 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 the intersection of Georgia Avenue and New Hampshire Avenue Northwest, Square 2900, Lots 42, 43, 805, 806, 812, & 816-819. The lot is approximately 59,000 square feet and is split zoned. Approximately 45,800 square feet along Georgia Avenue is zoned C-3-A while the remaining 13,200 square feet along 9th Street N.W. is zoned R-4 (See Figure 1). Properties to the north and south along Georgia avenue are zoned C-3-A. Properties to the east and west of Georgia Avenue in the neighborhood of the project are zoned R-4. The immediate area consists of a wide variety of commercial uses along Georgia Avenue. 9th Street N.W. contains moderate density residential uses.

BZA
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Figure 1: Site Area

Project Description

The proposed building will be built over and around the escalator entrance to the Georgia Avenue-Petworth Metro Station. The proposed building is six stories in height with ground floor retail along the entire Georgia Avenue frontage. The upper levels of the Georgia Avenue frontage will contain 140 residential units. The section of the building in the R-4 zone will be constructed as three flats with two residential units each. The building will contain three levels of underground parking containing 188 total spaces. These spaces will extend under the portion of the property zoned R-4. The building will contain almost 207,000 square feet including 195,580 in the C-3-A zone and 11,220 in the R-4 zone. The roof of the building will contain an open terrace serving as residential recreation space accessible to all residents. The height of the main building will be 65 feet while the flats on 9th Street will be 34 to 36 feet in height.

Zoning Requirements

The applicant is requesting a variance from the residential recreation space requirements, a variance to allow parking under the R-4 portion of the site, a special exception to extend the C-3-A zone 35' and a special exception to reduce the retail parking requirement by 25%. The other provisions of the C-3-A and R-4 zone districts appear to be met by the proposed building.

Section	Item	Required/Allowed	Requested	Variance
772.1	Lot Occupancy	75% C-3-A/60%R-4	74%C-3-A/58%R-4	N/A
771.1	FAR	4.0	4.0	N/A
773.3	Res Rec Space	15%	13%	2%
774.1	Rear Yard	13.5'C-3-A/20'R-4	22'/20'	N/A
770.1	Height	65'C-3-A/40R-4	65'/36'	N/A
2101.1	Parking	70 residential/55 commercial	140/42	13 commercial spaces



Figure 2: Aerial View Looking East

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

Several factors combine to make this lot unique. First, the property is long and narrow. The portion of the lot in the C-3-A zone is only wide enough for one retail bay on the ground floor and two residential units above. Below ground, the same portion is only wide enough for one parking aisle. Second, the property slopes significantly from the north to the south. The ground floor at the north end of the lot will be a story higher than the ground floor at the south end. The Metro entrance provides another unique challenge. The building must be designed around the existing escalator entrance. Finally, the significant public space in front of the building and bus stops for the Georgia Avenue Corridor limit the use of the space in front of the building for recreation, parking entrances or other uses.

Practical Difficulty

The above situation leads to a practical difficulty specifically in meeting the residential recreation space requirements. Ground floor retail is necessary in this part of the commercial corridor and especially desirable at the Metro station entrance. The limited ground floor area leaves very little space for outdoor recreation. The narrow lot leaves very little space for recreation on the higher floors when the units are designed. The only area remaining for the residential recreation space is the rooftop. The applicant has taken advantage of a large amount of roof space as residential recreation and has provided over 21,000 square feet of recreation space, or 13% of the total residential area. Providing an additional 3,000 square feet on the lower levels of this building would be impractical and provide a practical difficulty for the applicant.

The exceptional situation on this property would also cause an undue hardship on the owner if not allowed to extend the underground parking structure into the R-4 zone on the property. The underground parking for this building must be built around the existing underground walkway and escalator. For portions of the building this leaves less than thirty feet of width for parking and aisles. Even the portion of the building not affected by the Metro tunnel is not wide enough for more than one parking aisle without including the R-4 portion of the lot. This means that without the requested variance the applicant would not only be restricted from parking under the R-4 portion of the site, but would in fact lose the ability to access underground levels on the C-3-A portion of the site. The project would only be physically able to have one aisle of parking on one level and would have no options for meeting the onsite parking requirements. This situation clearly meets the intended test for an undue hardship applied to use variances.

Substantial Detriment

OP can find no evidence that granting either of these variances will have any detrimental impact on the neighborhood, the city, or the zone plan. This project is proposing to provide a majority of the required residential recreation space and more than most similar projects in the area. There would not appear to be negative effects on the neighborhood to waiving an additional 3,000 square feet of recreation space. The requested variance for underground parking would also have no impact on the neighborhood or the zone plan. The variance is entirely for work underground and will not have any visible affect on the project.

Special Exception Analysis

The applicant will require two special exceptions for this project. Relief will be required to extend the C-3-A zoning line 35 feet per §2514.2. Relief will also be required to reduce the commercial parking requirement by 25% per §2108.2.

Zoning Line Extension

The BZA is granted the authority to extend the regulations governing a less restrictive use zone into a portion of the lot governed by a more restrictive use zone per §2514.2 of the zoning regulations. In addition to the requirements of §3104, the requested relief must meet the four standards of §2514.2 listed below:

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding 35 feet.

The applicant proposes extending the C-3-A zone district by 35 feet into the more restrictive R-4 zone district on the lot.

(b) In authorizing the extension, the Board shall require compliance with §2514.1(d).

The applicant has stated that the portion of the lot remaining in the R-4 zone after the requested extension will be limited to a floor area ration of 0.9 per §2514.1(d).

(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood.

The project will be maintaining a moderate density residential presence on 9th Street while allowing a higher density residential structure on Georgia Avenue. Both frontages will be in character with the surrounding neighborhoods and will not negatively affect future development in the area.

(d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect the adjacent or nearby property.

OP has no recommendations for further conditions on the development.

OP finds that the special exception also meets the standards of §3104. Extension of the zoning district will not have any significant negative impact on neighboring properties. The effects on the property frontages are the same as a matter of right development. The Zoning Regulations and Maps will not be impaired because the effect of this development will be the same as one that follows the strict interpretation of the Regulations.

Commercial Parking Reduction

Per §2108.1, a special exception may be granted by the Board to reduce parking requirements for nonresidential uses by up to 25%. The project is required to have 70 residential spaces and 55 commercial spaces. The applicant proposed to double the number of residential spaces to 140 and reduce the number of commercial spaces by 13 to 42. In addition to the standards of §3104, the Board is required to consider the issues outlined in §2108.3:

(a) Nature and location of the structure

The commercial portion of the project will be neighborhood serving retail. It will be expected to largely serve the immediate area and be accessed mainly by foot and Metro.

(b) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time

The applicant's traffic study predicts fifteen vehicle trips per hour at peak hours, requiring less than the 42 spaces proposed for retail.

(c) Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood.

The traffic study submitted by the applicant concludes that current traffic levels in the neighborhood are acceptable and that the proposed development would have minimal additional impact. No response has yet been received from DDOT regarding this report.

(d) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use

There is very little parking in the surrounding neighborhood that would be available for the users of this building. The applicants believe that the provided parking will meet the demand since most customers are expected to walk or ride Metro.

(e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area

The project is directly on top of an entrance to the Georgia Avenue-Petworth Metrorail station and directly adjacent to bus stops for several Metrobus routes along Georgia Avenue.

OP finds that the special exception meets the standards of §3104 and is acceptable under the guidelines of §2108.3. The special exception should not have a negative impact on

neighboring properties and will not impair the intent of the zoning regulations or zoning map.

ANC Recommendation

OP has been informed that ANC 4B has reviewed the application and found no objections. OP has not yet received a letter from the ANC and is aware of no further comments on the application or opposition to this project from the neighborhood.

Agency Reviews

The application and traffic study have been sent to DDOT for review. As of this report, no response has been received regarding this application.

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 requested variances and special exceptions by the Board of Zoning Adjustment to allow relief from the residential recreation space requirement, to allow parking under the R-4 portion of the project, to allow the extention of the C-3-A zone, and to reduce commercial parking requirements by 25% at 3700 Georgia Avenue N.W.

AA/tp