GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen M. McCarthy
Interim Director

DATE: May 31, 2005

SUBJECT: BZA Application 17332 - Request filed by Holland & Knight LLP for **two area variances** to increase the maximum lot occupancy permitted and decrease the minimum residential recreation space requirement condominium apartment building, proposed by JPI Apartment Development, LP for 1230 Pennsylvania Avenue, S.E.

APPLICATION
Application of JPI Apartment Development, LP for:

Variance relief to:

1. **§ 772.1 of 11 DCMR** to permit an increase in the maximum lot occupancy from 60 percent to 63 percent; and
2. **§ 773.3 of 11 DCMR** to permit a decrease in the minimum residential recreation space from 20 percent to 8 percent;

for a multi-family building consisting of 47 condominium apartment units on the north side of Pennsylvania Avenue, S.E., between 12th Street and 13th Street, Square 1019, Lot 55. The property is zoned C-2-A/CHC, medium density community business center commercial district, and Capitol Hill commercial overlay district.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requests for variance relief to increase the maximum lot occupancy from 60 percent to 63 percent, and to decrease the residential recreation space from 20 percent to 8 percent, as submitted by the applicant.

PROJECT DESCRIPTION
The application proposes the construction of a 5-story, 47-unit condominium apartment building with 24 off-street parking spaces. The building will occupy the entire street frontage of the lot, connecting to the structures on either side creating a continuous building line. The central portion of the building will be 50 feet in height, with the eastern and western ends of the building

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stepping down one story to relate to the existing two-story row houses on the adjacent lots and a two-story row house that is to be preserved on the subject property. The proposed building design will provide for a central double loaded corridor.

Ten of the parking spaces will be located within the building on the ground level, with the remainder located in the rear yard behind the building. Access to the parking will be from Pennsylvania Avenue on the eastern side of the building. Access to the 14 outdoor parking spaces in the rear yard and the four individual garages will be through the building.

Residential recreation space will be located within the remainder of the rear yard. Additional outdoor recreation space will be located on the rooftops of the stepped down portions of the building. Interior recreation space is proposed as a furnished lobby where residents will be able to gather and participate in activities.

SITE AND AREA DESCRIPTION

The property consists of Square 1019, Lot 55 in the South East quadrant of the District. It is 20,370 square feet in area, 187.6 feet in width and unusually shaped. It is improved with one two-story row house constructed in the 1880's. The remainder of the subject property is vacant. There is no alley access.

The surrounding area is a mixture of residential, commercial and automobile oriented uses. To the north of the subject property are row houses and flats within the R-4 Zone District. To the south, across Pennsylvania Avenue, are apartment buildings, row houses and commercial establishments within the C-2-A Zone District and the CHC Overlay District. To the east and west are offices, retail and service commercial uses, including a gasoline filling station, within the C-2-A and CHC Overlay District. The subject property and all surrounding properties are located within the Capitol Hill Historic District.

The area has been identified on the Generalized Land Use Map as moderate density commercial land use, which is described as *"[s]hopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments maybe present."*

EXISTING ZONING

The subject property is zoned C-2-A, Medium Density Community Business Center Commercial District (§ 105.1(d)(2)(A)), and CHC, Capitol Hill Commercial Overlay District (§ 105.1(m)(9)).

C-2-A 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)

Capitol Hill Commercial Overlay District (CHC)

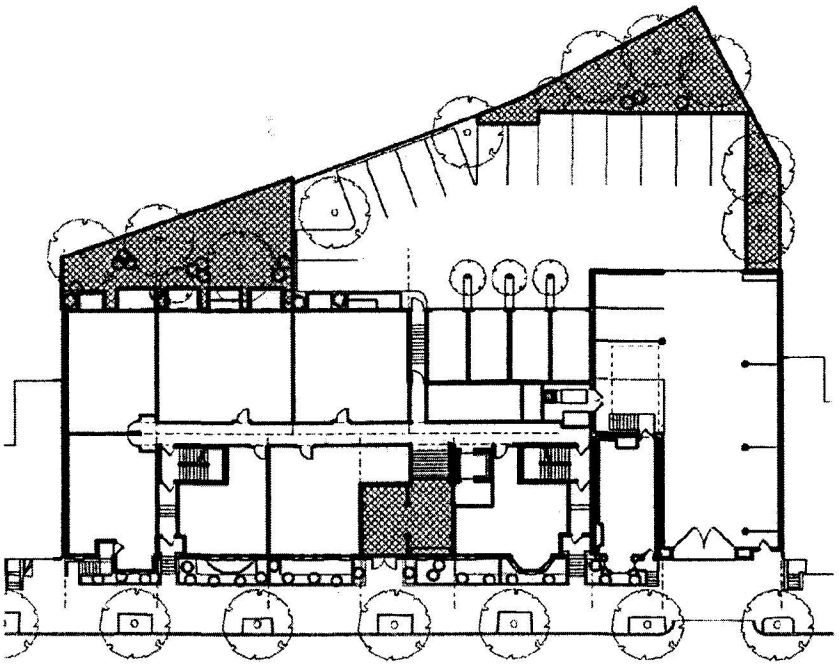
"*The Capitol Hill Commercial (CHC) Overlay District is established to implement the goals and policies of the Comprehensive Plan, particularly those land use objectives and policies relating to improving the physical condition of Capitol Hill through the provision of functional, efficient, and attractive commercial areas; minimizing conflicts between various land uses; locating more intensive and active land uses in areas of Capitol Hill that can accommodate and support such uses; stabilizing and improving commercial areas in portions of Capitol Hill; ensuring the integrity of the Capitol Hill Historic District; and developing and establishing special land use categories to meet the unique characteristics of the commercial areas of Capitol Hill.*" (§ 1570.1)

Section 1572.3 of the Zoning Regulations increases the maximum permitted floor area ratio (FAR) for all uses on the subject property to 3.0. The subject application proposes an FAR of 2.69, in conformance with this requirement.

RELIEF REQUESTED:

Uniqueness of Property

The subject property is unique for several reasons. It is unusually shaped, with a jagged rear lot line and no alley access. A historic row house is located within the eastern half of the lot, and its preservation has been required by the HPRB. Vehicular access to site can only be via Pennsylvania Avenue, with the result that parking access to the parking lot at the rear of the building is through the building.



Site Layout

Variance pursuant to §772– Percentage of Lot Occupancy (C)
Section 772 sets forth the maximum lot occupancy permitted within the C-2-A District as 60 percent. The application proposes a lot occupancy of 63 percent. This request results from the relationship of the historic row house on the site, which cannot be removed, to the vacant portions of the site on which new construction may take place. The Historic Preservation Review Board, in its attempts to ensure that the proposed building transitions with the existing historic row houses adjoining the subject property, has also required the applicant to reduce the number of the floors at each end of the building. In order to maintain an efficient building footprint with a double-loaded corridor and the architectural requirements of the HPRB, the footprint of the building, increasing the lot occupancy while still maintaining a FAR that is less than permitted under the Capitol Hill Overlay District. Therefore, it would be a peculiar and practical difficulty to the applicant to provide the lot occupancy as required and this variance can therefore be granted without substantial detriment to the public good.

Variance pursuant to §773 – Residential Recreation Space (C)
Section 773 sets forth the minimum residential recreation space required within the C-2-A District as 20 percent. The application proposes a residential recreation space of 8 percent, or 4,100 square feet, which is less than the requirement. Approximately 90 percent of this space is provided outdoors. Private recreation space is provided for 10 of the units, including balconies and roof terraces.

All of the residential recreation space is provided as passive recreation space, and the site is not large enough to allow for significant active recreational facilities. Some of the recreation space is provided in the rear yard, together with some of the parking. Due to the configuration of the lot the rear yard is unusually shaped, making efficient use of the space difficult. Encroaching on the minimum parking space and aisle width dimensions is not feasible, as this would interfere with the operation of the parking lot. As a result, it is the recreation space that is compromised on this lot. However, within one block of the subject property is the Watkins Recreation Center, which includes many active recreational facilities that would be available for use by the residents of the proposed building. Therefore, it would be a peculiar and exceptional practical difficulty for the applicant to provide the residential recreation space as required and this variance can therefore be granted without substantial detriment to the public good.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following Ward 6 policy and objectives:

> *"Stimulate private investment in housing in Ward 6 and expand home ownership opportunities;"* (§ 1706.1(c))
>
> *"To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill... Historic District,..."* (§ 1725.1(b))

"To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6;" (§ 1725.1(c))

"Ensure that the integrity of the Capitol Hill and Anacostia Historic Districts that are located in Ward 6 is maintained;" (§ *1734.1(b)*)

COMMUNITY COMMENTS

ANC 6B voted unanimously to support the application at their regularly scheduled meeting on May 12, 2005.

The **Capitol Hill Restoration Society Zoning Committee** considered the application at their meeting of April 14, 2005 and "*urge the Board to approve the application.*"

AGENCY COMMENTS

The **Historic Preservation Review Board** reviewed and approved the project in concept as consistent with the purposes of the Preservation Act, and delegated final approval to staff at their meeting of April 28, 2005. The Board also encouraged the applicant to conduct archaeological testing on the subject property because of the valuable information it may contain.

The **District Department of Transportation** informed the Office of Planning by telephone that it has no objection to the application.

RECOMMENDATION

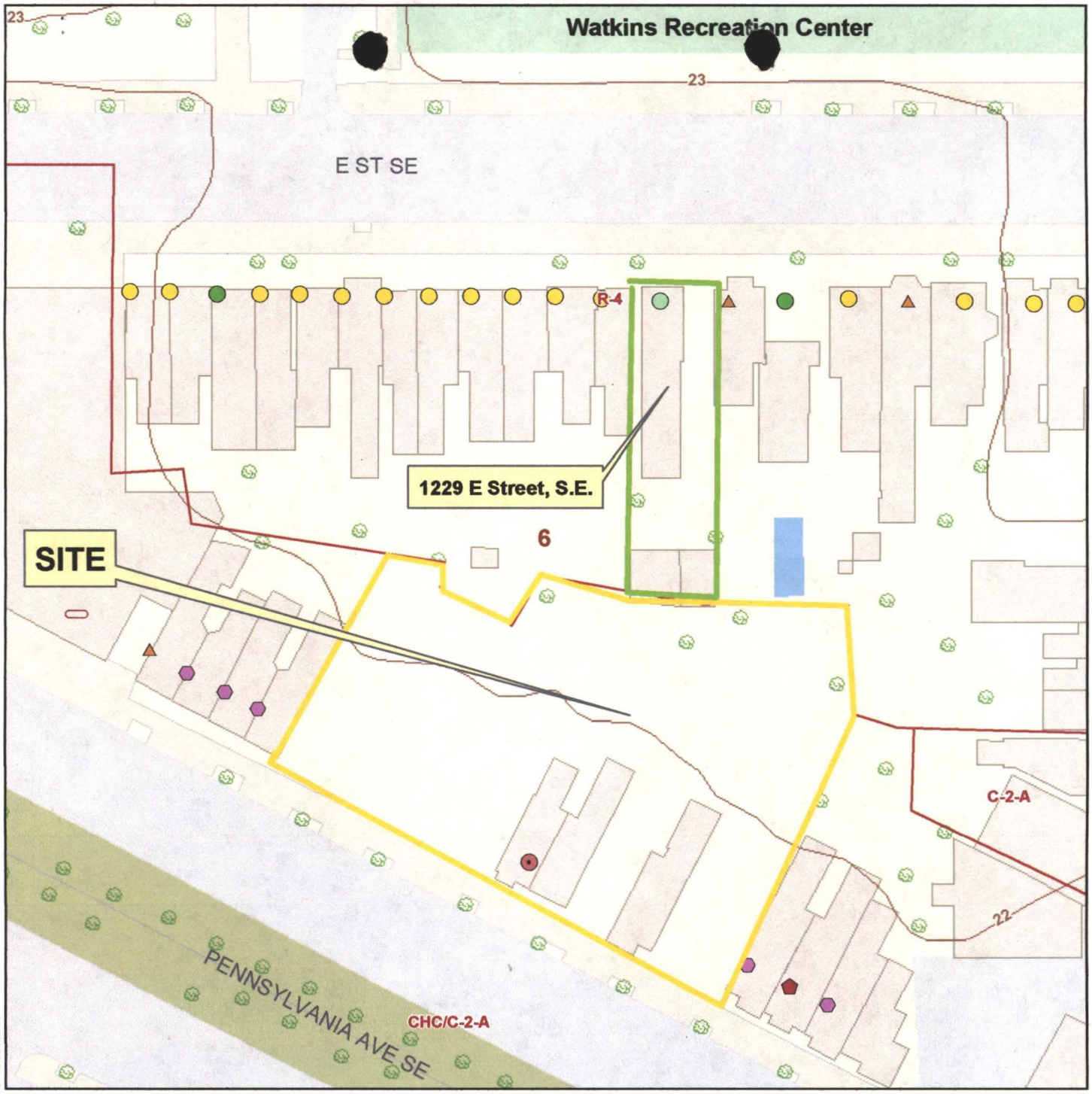
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances meet the required tests and can be granted "without substantial detriment 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."

The Office of Planning recommends approval of the following:

Variance relief to:

1. **§772 of 11 DCMR** to permit an increase in the maximum lot occupancy from 60 percent to 63 percent; and
2. **§773 of 11 DCMR** to permit a decrease in the minimum residential recreation space from 20 percent to 8 percent.

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BZA APPLICATION NO. 17332
1230 Pennsylvania Avenue, S.E.

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

Office of Planning ~ April 29, 2005

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.

- Single-Family Detached
- Single-Family Semi-Detached
- Rowhouse
- Non-conforming SF Use
- Multi-family
- Store
- Office
- Vacant
- DC Parks

