GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Ellen McCarthy, Director, OP

**DATE:** June 30, 2005

**SUBJECT:** BZA Case #17347, 1211 13th Street NW

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## I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

**The Office of Planning recommends approval of this application.**

## II. APPLICATION-IN-BRIEF

**Location** 1209 – 11 13th Street NW, Square 281, Lots 8 & 26; ANC 2F

**Applicant:** Mary Carolyn Brown, Holland & Knight LLP for 13th Street Lofts, LLC, owner

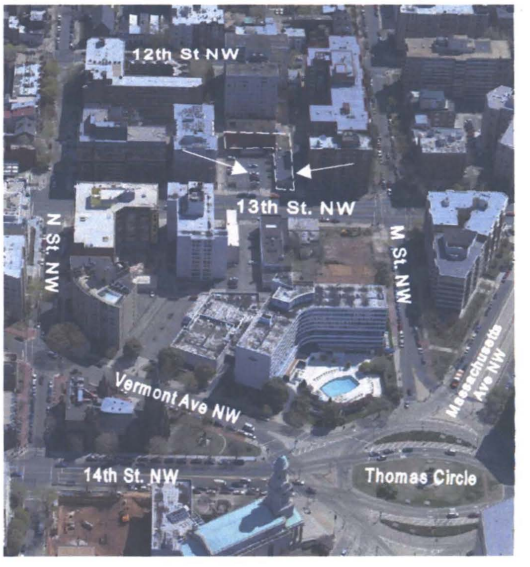
**Zoning:** R-5-E

**Proposal:** Conversion of an existing landmarked building to residential and replacement of a non-conforming commercial building with a 9 story residential addition.

**Relief Sought:** Special Exception to roof structure requirements pursuant to §3104; Variance to lot occupancy pursuant to §3103 and to §2001.3 allow an addition to an existing non-conforming structure.

## III. AREA AND SITE DESCRIPTION – Refer to Location Plan & Site Plan Attachments I & II

The property is located within Square 281 in the Logan Circle / Shaw area, bordered by but not within the Logan Circle Historic District. The area is developed mostly with high and low rise (rowhouse) residential buildings although there are also hotels, religious buildings, offices, and retail space. The square has a 30' central alley running north-south, and a number of narrow alleys providing internal access from both 13th and 14th Streets. The site is within walking distance of numerous metro stations.




The site consists of two lots –alley lot 26 with the existing stables building, and lot 8 fronting 13th Street NW with the small commercial building. Combined, the two lots form an "L" shape with a narrow frontage on the street. Directly to the south of the lot is a 5.5 foot wide alley; to the north (within the "L" shape) is a new high rise residential building under construction.

The Proctor Alley Livery Stable is a 3 story landmarked building constructed in 1894, currently used as an automotive repair shop and vocational training school.



BZA Case No. 17347 Exhibit No. 24

Board of Zoning Adjustment

## IV. PROJECT DESCRIPTION

The applicant intends to consolidate the two lots, restore the existing stables building for residential use, and construct a new 9 story addition with frontage on 13th Street. A three story glazed atrium expose the south (connecting) wall of the stables. The project appears to include upper story projections out over public space, for which approvals would be required.

## V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated "moderate density" residential on the Comprehensive Plan Generalized Land Use Map, as are the other adjacent lands which are also zoned R-5-E, a high density residential apartment house zone. The Map designation is somewhat at odds with the zone designation, which takes precedence. However, the juxtaposition and combination of the low density stables building and the higher density addition is not out of character with other development in the area.

The proposal would further a number of Comprehensive Plan major themes, and Ward 2 goals and objectives related to housing, urban design, and land use:

### Chapter 1 - COMPREHENSIVE PLAN: GENERAL PROVISIONS ELEMENT

***101 Major Themes Of The Comprehensive Plan***

*101.1 In the process of developing the District elements of the Comprehensive Plan ("the Plan") and coordinating the widespread citizens review the following ten (10) major themes were discerned:*

- *(a) Stabilizing and improving the District's neighborhoods*
- *(c) Developing a living downtown;*
- *(e) Respecting and improving the physical character of the District*
- *(g) Preserving the historic character of the District;*

### CHAPTER 3 - HOUSING ELEMENT

***302 Housing: General***

*302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.*

### CHAPTER 8 - PRESERVATION AND HISTORIC FEATURES ELEMENT

***801 Goals And Objectives***

*801.1 The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.*

### CHAPTER 11 - LAND USE

***1101 Land Use Goal***

*1101.1 It is the goal of the District to assure the efficient use of land resources within legal, economic, fiscal, environmental, and other public policy constraints to meet neighborhood, community; and District-wide needs, and to help foster other District goals.*

***1102 Objectives For Residential Neighborhoods***

*1102.1 (a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique;*

*(e) To protect residential neighborhoods from disruptive uses; and*

*(f) To prevent concentrations of nonresidential uses in residential neighborhoods.*

**CHAPTER 13 - WARD 2 PLAN**

*1304 Ward 2 Objectives For Housing*

*1304.1 (a) Stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations;*

*1305 Ward 2 Actions In Support Of Housing Objectives*

*1305.1 (a) The District government shall encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives;*

*1316 Ward 2 Objective For Urban Design*

*1316.1 The objective for urban design is to develop a quality urban design environment, combining old and new developments, taking maximum advantage of special design Opportunity Areas.*

*1319 Ward 2 Objectives For Preservation And Historic Features*

*1319.1 (b) To preserve and reuse historic landmarks and buildings in historic areas in Ward 2;*

*1326 Ward 2 Objectives For Residential Land Use*

*1326.1 (a) To conserve and enhance existing residential neighborhoods in Ward 2;*

**VI. HISTORIC PRESERVATION REVIEW BOARD (HPRB)** – Refer to Attachment IV

The applicant appeared before the HPRB on January 27, 2005 for conceptual design review, and on April 28, 2005 for on-going review of more advanced drawings for the renovation and addition which incorporated comments made by the HPRB at the earlier meeting. The proposal received HPRB approval of the revised drawings. The application before the BZA includes the approved drawings. The Historic Preservation Office staff reports (attached) provide additional design review analysis.

**VII. AREA ZONING**

The site is zoned R-5-E, as is the remainder of the square and the facing portion of the square opposite 13th Street from the site. R-5-E is a high-density residential zone, for which high-rise apartment buildings are the predominant use. The square is directly to the north but not within the Downtown District Overlay area.

**VIII. REQUESTED ZONING RELIEF** - refer to Project Profile, Attachment V

The applicant has requested special exception relief from roof top enclosure setback requirements, and variance relief to lot occupancy requirements and to allow a non-conforming addition to an existing non-conforming building. OP questioned whether court width relief was also necessary, but the applicant has advised that it is their interpretation that this is not the case. OP would have no concerns with this relief if it were required.

**1. Special Exception Review of Roof Top Enclosure Setback (§400.7b):**

| | Permitted | Proposed | Special Exception |
|---|---|---|---|
| **Roof Structure Setback:** | = to height = 10 ft. | 0 ft. | 10 feet |

**Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?**

The proposed penthouse is located above the addition. It includes common access to the roof, mechanical equipment areas, and private access to roof-top terraces for penthouse units within the addition. Its location is dictated by the logical location for stairs and elevators for the residential units, for which there is little flexibility given the very narrow lot width of only 28.5 feet. The design provides 10 feet minimum from the west (front), east (rear) and south (side alley) sides, but does not provide the required setback from the north side adjacent to the high-rise building under construction.

The penthouse setback requirement is intended to minimize visual and shadow impacts of the penthouse on surrounding lands. The proposed location, design and height (8.5 feet less than the permitted height), minimize these potential impacts, and the proposal would not appear to impair the overall purpose or intent of the Zoning Regulations and Maps. The narrow width of the lot would make full conformance to this requirement difficult to impossible, as a combined 20' of setback would be required, leaving only 8.5 feet for the penthouse.

**Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?**

The proposed location is set well back (20 feet) from the front façade. At 10 feet in height, it would not be highly visible from the street below. It also provides a considerable setback from the public alley to the east, and a conforming setback from the alley / walkway to the south. A portion of the penthouse is adjacent to the new residential building to the north and a portion is adjacent to what appears to be the rear yard provided for that building. The penthouse would to a small extent increase the shadow cast on the rear yard area. Although this impact would be minor relative to that of the main portion of this and the other new building, OP would support efforts to provide some setback from the north façade below and minimizing the size of the penthouse if possible.

**2. Lot Occupancy (§403.2) and Addition to Existing Non-Conforming Structure (§2001.3) Variance Relief:**

Lot occupancy in this zone is limited to 75%. Current lot occupancy for the alley lot with the stables is close to 100%; current lot occupancy on the lot fronting 13th Street (the small commercial building) is unknown, but appears to be conforming.

| | Permitted | Proposed | Variance |
|---|---|---|---|
| **Lot Occupancy:** | 75% max. = 6,522 sq.ft. | 94.7% = 8,149 sq.ft. | 19.7% (1,627 sq.ft.) |
| **Addition to existing structure:** | Permitted provided no new or increased non-conformity | New non-conformities being created | Required |

**Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions that impose a practical difficulty that is unnecessarily burdensome to the applicant?**

The combined lot has an "L" shape, with the widest portion virtually entirely covered with the existing 40-foot high stables building (a 100% lot occupancy). As this building is landmarked, additional height and density, otherwise permitted under the zoning, is not possible on that portion of the site. Conversely, the portion of the site available for new development is very narrow at 28.5 feet and relatively long. This limits opportunities for reducing lot occupancy along the sides of the building. Requiring full conformity to lot occupancy would result in an addition that would be unreasonably small, able to cover about half the depth of this lot. It could likely make redevelopment of this problematic site economically or practically not possible.

**Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

The general area along 13th Street NW has an improving but generally well defined urban form which includes a uniform building face close to the sidewalk (as opposed to large front courtyards which are more characteristic in other neighborhoods). As the new development must connect with the existing stables building, located on the alley at the rear of the combined lot, a conforming addition would be pulled back from the 13th Street lot line in a way that is not characteristic with the overall streetscape pattern and would result in a front courtyard that would have limited use or purpose. It would also result in an unreasonably small footprint for the addition.

The proposed addition provides an appropriate front street-wall, a reasonable setback at the rear along the public alley, and a reasonable if narrow footprint. The lower than otherwise permitted existing stables building will help to provide a greater sense of openness within the alley. The applicant's design also incorporates recommendations from the Historic Preservation Review Board, which limits flexibility and also results in an improved building form and character, particularly as viewed from the alley.

## IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

The applicant, in its pre-hearing statement, notes that the ANC voted to support the conceptual at its April, 2004 meeting. The ANC's Community Development Committee has recommended that the ANC support this proposal, the full ANC meeting is anticipated prior to the hearing date.

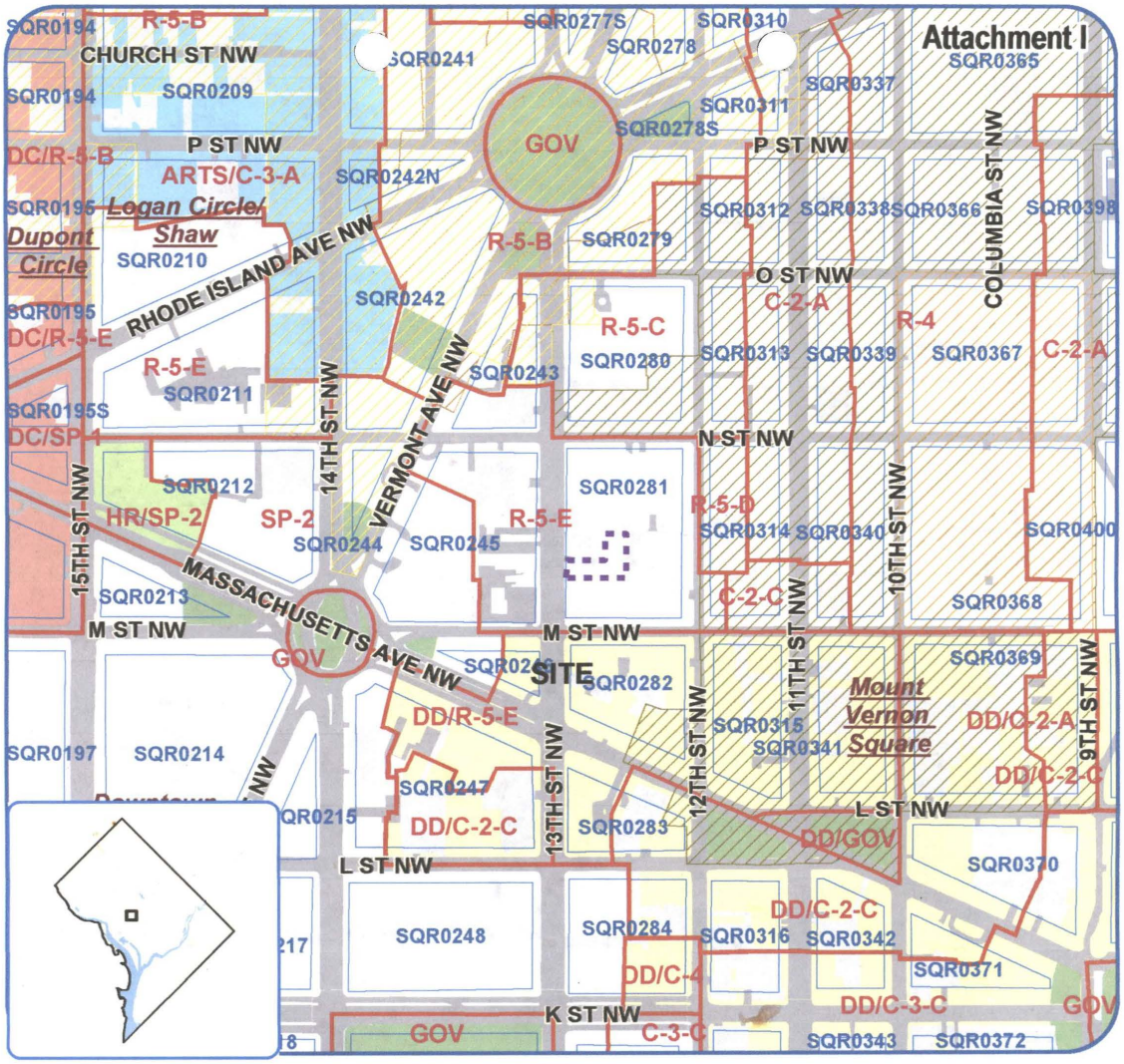
## X. OP SUMMARY RECOMMENDATION

**The Office of Planning recommends that this application be approved.** This recommendation is consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the Zoning Regulations.

EM/jl

**ATTACHMENTS:**

I. Location Plan
II. Site Plan
III. Project Profile
IV. HPRB Staff Reports




## Legend

- Zoning Districts
- Property Squares
- National Parks

**Historic Districts**

- Blagden Alley
- 14th St
- Logan Circle
- Shaw

**Overlay Zones**

- Arts
- Diplomatic
- DD
- Hotel / Res

# BZA Case # 17347
# 1209 - 11 13th Street NW
# LOCATION PLAN

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

Office of Planning ~ June, 2005

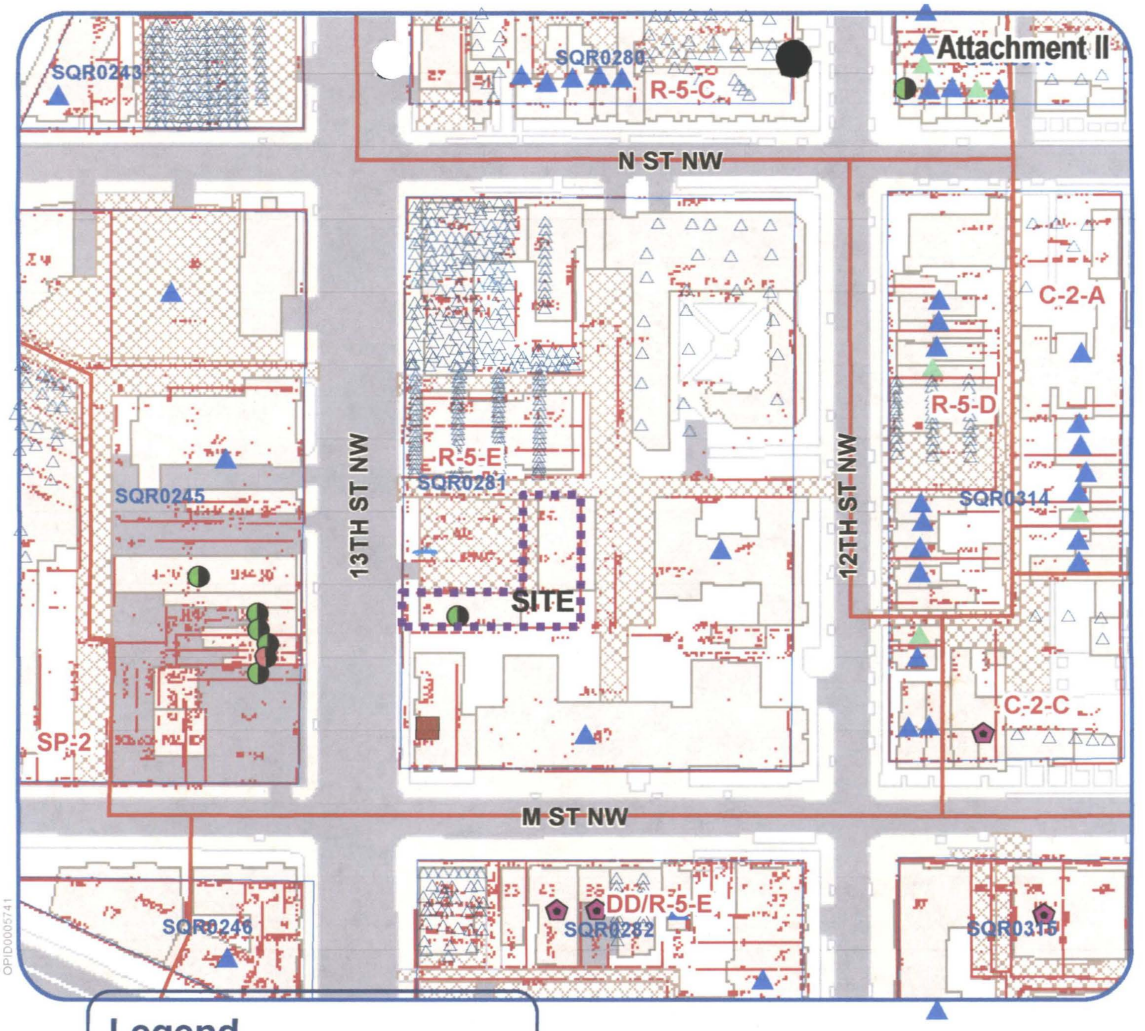
This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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Feet

0 250 500 750

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## Legend

- Zoning Districts
- Single Family Dwelling
- Res. Condo
- Multi-family Dwelling
- Retail Store
- Restaurant
- Small Office
- Parking Lot
- Hotel

# BZA Case # 17347
# 1209 - 11 13th Street NW
# SITE PLAN

N

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

Office of Planning ~ June, 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.

Feet

0 100 200

| Standard | R-5-E Zone Regulations | Proposal[1] | Variance |
|---|---|---|---|
| **Development Type:** | Row dwellings, low rise apartment | Residential, including new 9 story addition[2] | Permitted |
| **Site Area:** | | 8,696 sq.ft.[3] | |
| **Height (§400.1)** | 90 feet max. | 40' existing stables; 90' for addition | Conforming |
| **Stories (§400.1)** | Not regulated | Existing = 3<br>Proposed = 9 | |
| **Floor Area Ratio: (§402.5)** | 6.0 max | 5.37 | Conforming |
| **Defined Sq. Ft.:** | 52,176 sq.ft.[4] | 46,845 sq.ft. | |
| **Lot Occupancy: (§403.2)** | 75% max. = 6,522 sq.ft. | 93.7% = 8,149 sq.ft. | **Variance requested** |
| **Rear Yard: (§404.1)** | 3" / ft of height = 22.5' min. | 0' to existing building; 18.5' to addition | Conforming |
| **Side Yard: (§405.2)** | Not required | 0 ft. | Conforming |
| **Open Court: (§406.2)** | 3" / ft of height = 22.5' min. wide | 28.5' | Conforming |
| **Roof Structure:** | | | |
| **No. enclosures (§411.3):** | 1 max | 1 | Conforming |
| **Height (§400.7c.):** | 18.5 ft. max | 10 ft. | Conforming |
| **Setback (§400.7b.):** | = to height = 10 ft. | 0 ft. | **Special exception requested** |
| **Wall Height (§411.5)** | must be of equal height | Of equal height | Conforming |
| **Addition to existing structure: (§2001.3)** | Permitted provided no new or increased non-conformity | New non-conformities being created | **Variance required** |
| **Parking: (§2101.1)** | 1 / 4 dwelling units min. = 8 | 10 | Appears conforming |
| **Loading: (§2201.1)** | Not required for buildings with less than 50 units | Not required | Conforming |

[1] Information supplied by the Applicant
[2] Former stable, currently a warehouse and a small commercial building
[3] Lot 26 = 4,275 sq.ft. and lot 8 = 4,421 sq.ft.
[4] Includes the entire site, including the site of the landmarked stables building.

ATTACHMENT IV

**HISTORIC PRESERVATION REVIEW BOARD**
**STAFF REPORT AND RECOMMENDATION**

| | | | |
|---|---|---|---|
| Property Address: | **1209-Rear 13th Street, NW** | X | Agenda |
| Landmark/District: | **Proctor Alley Livery Stable** | | Consent Calendar |
| | | X | Concept Review |
| Meeting Date: | **January 27, 2005** | X | Alteration |
| H.P.A. Number: | **05-110** | | New Construction |
| Staff Reviewer: | **Steve Callcott** | | Demolition |
| | | X | Subdivision |

The applicant, architect Geoff Griffis of Hickok Warner Cole for Ellis Denning Properties LLC, seeks conceptual design review for renovation and alterations and new construction adjacent to the landmark Proctor Alley Livery Stable. The stable is located within Square 281, bounded by 12th, 13th, M and N streets, on lot 26. The project site also includes lot 8, a parcel fronting 13th Street occupied by a one-story grocery store that would be demolished; lot 8 is not part of the landmark and the building is not protected as part of an historic district. The proposal includes combining lot 8 with lot 26, requiring approval by the Mayor's Agent.

The Proctor Alley Livery Stable is a rare surviving example of a large-scale commercial livery stable. Constructed in 1894, the utilitarian three-story brick structure has a metal frame structure with concrete flooring and individual windows for each of the horse stalls, illustrating state-of-the-art technology for a late-19th century stable facility. The building housed horses, carriages and offices for a variety of companies only until 1908 at which time it was converted to an automobile taxi and service garage. The building includes fenestration – primarily two-over-two double hung windows and small casement windows for the horse stalls – on three of its four elevations, however, it is limited to one row of horse stall windows on the south elevation which served as a party wall to an adjacent building at one time; the west (rear) elevation is entirely unfenestrated.

The proposal calls for renovating the stable to residential use and constructing a narrow nine-story apartment building on the lot fronting 13th Street. Alterations to the stable would be limited to the unfenestrated west wall, where four vertical banks of windows would be introduced to bring light into the new apartments, and to the roof, which would receive eight large skylights that would not be visible from the ground. The structure of the livery stable would be retained, and existing windows and doors repaired or replaced in-kind as necessary. The new apartment tower would abut a portion of the stable's south wall, covering over six of the ten horse stall windows on that elevation, and allowing internal connection between the two structures. The apartment tower has not yet been designed; the applicants are merely seeking conceptual review of the proposed plan before proceeding further with design development.

Developing a plan for conversion of this large stable building to residential use has not been without challenges, particularly given the many small horse stall windows that dominate much of the south and east facades; these important character-defining features do not lend themselves well to residential units. Rather than making piecemeal changes to the elevations that express the building's original use and function, the decision was made to concentrate the alterations on the single non-fenestrated elevation, creating large new openings in a contemporary vocabulary where they would not be seen except at the rear of a new apartment building currently under construction. While the new tower would obscure some of the horse stall windows on the south elevation, the footprint has been pulled back from the rear corner of the stable, retaining an expression of the windows on a portion of this elevation. Internal connection of the two buildings will allow for modern core functions to be centralized within the new construction, resulting in less demolition of the stable's structure. While connected at the rear with the livery stable, the proposal will seek to establish the apartment building as a separate building architecturally, relating to the urban context of 13th Street. The building's 90-foot height and size are consistent with other apartment buildings along 13th Street and should continue to be developed for presentation to the Board when appropriate.

The staff recommends that the Review Board approve the conceptual design for the renovation and alterations to the Proctor Alley Livery Stable, the height, massing and footprint of the proposed new construction, and the lot combination subdivision between the two lots as consistent with the purposes of the preservation law, and direct the applicants to continue working with the staff on the design and character of the new windows on the stable and the design development of the new construction for presentation to the Board at an upcoming meeting.

## HISTORIC PRESERVATION REVIEW BOARD
## STAFF REPORT AND RECOMMENDATION

| | | | |
|---|---|---|---|
| Property Address: | **1209-Rear 13th Street, NW** | | Agenda |
| Landmark/District: | **Proctor Alley Livery Stable** | X | Consent Calendar |
| | | X | Concept Review |
| Meeting Date: | **April 28, 2005** | X | Alteration |
| H.P.A. Number: | **05-110** | | New Construction |
| Staff Reviewer: | **Steve Callcott** | | Demolition |
| | | X | Subdivision |

The applicant, architect Ron Schneck of Hickok Warner Cole for Ellis Denning Properties LLC, seeks on-going conceptual design review for renovation and alterations and new construction adjacent to the landmark Proctor Alley Livery Stable. The site includes a narrow lot fronting 13th Street, which is not part of the landmark or within an historic district, but would be attached to and internally combined with the livery stable. When previously presented, the project was very conceptual, calling for a slender 90' high contemporary apartment building that would relate to the context of similar buildings on 13th Street, and the creation of large openings in the west wall of the livery stable to allow fenestration necessary for residential use. In addition to developing these two aspects of the project further, the Board suggested that the connection between the new building and stable be rethought to allow more of the stable's side wall and its distinctive horse stall windows to remain exposed within the new building.

The design of the new building includes asymmetrically composed front and rear elevations with large expanses of glass, a masonry base and metal balconies; the symmetrical side (alley) elevation would be masonry at the base and at each end with the central section clad in copper panels with balconies and punched windows. The applicants have redesigned the connection to the stable in response to the Board's suggestion, which now calls for an open three-story atrium that would leave the entire south wall of the historic building exposed. The rear wall of the new construction at the connection would be entirely of glass with thin framing elements to allow the atrium and wall of the stable to be visible from the exterior. The solution is not only respectful to the historic building but will make it the primary focus of the new building's entrance and lobby. With proper detailing and execution, it could be a very elegant juxtaposition of old and new. In detailing the new penetrations in the west wall, masonry at the top of each opening has been retained so they will read as punched openings rather than vertical slits through the building extending up to the roof structure. The modern glass walls within each opening will be recessed the full 18" depth of the masonry wall, with the center section recessed further to allow for small balconies.

The applicants have agreed to install an interpretative plaque on the south wall of the livery stable adjacent to the atrium entrance to explain the history and significance of the landmark. The HPO will continue to work with the applicant on development of the specific preservation scope of work and detailing of the final construction plans, which should include a detailed schedule for window repair/replacement.

The HPO recommends that the Review Board approve the revised concept as consistent with the purposes of the preservation act and delegate final construction approval to staff.