GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

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TO: District of Columbia
Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 31

FROM: Ellen McCarthy, Director
Office of Planning

DATE: November 22, 2005

SUBJECT: BZA Application #17393 (Ellis Denning Properties LLC)
1425 11th Street, N.W. (Square 338, Lots 37, 38, 39, 40, 800, 801, 802 and 803)

APPLICATION

The application by Ellis Denning Properties LLC (Applicant) requests a variance from §773 pursuant to 11 DCMR §3103.2 to permit less than the required residential recreation space; and a variance from 2117.4 to permit an alley providing access to required parking spaces to be less than ten feet in width, in order to permit the construction of a twenty four unit apartment building addition at premises 1425 11th Street, N.W. (Square 338, and Lots 37, 38, 39, 40 800, 801, 802 ands 803)

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the above stated variances.

SITE AND AREA DESCRIPTION

The subject property consists of Lots 37, 38, 39, 40 800, 801, 802 and 803 in Square 388 and is located on the east side of 11th Street between O and P Streets. The subject square is bounded on the north by P Street, on the south by O Street, on the east by 10th Street and on the west by 11th Street. There is a 9.75 foot wide public alley to the east and south of the subject property and a ten-foot wide alley to the south of the property. There are approximately 11,156 square feet of area on the subject property and it is zoned C-2-A. There are 4 existing flats located at the south end of the property, on Lots 37, 38, 39 and 40.

The subject site is predominantly surrounded by low density commercial uses to moderate and medium density residential uses. The 7th Street corridor to the east is mixed use medium density residential/low density commercial. The 14th Street corridor to the west is moderate density commercial/low density residential. Shaw Junior High School is one block north of the subject site.

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PROPOSAL

The applicant proposes to subdivide the property into a single lot by connecting four existing flats to form a single building, and construct a new four-story, twenty-four unit addition with a basement to the north of the existing flats. There will be fourteen parking spaces provided along the rear of the property adjacent to the alley. In order to accomplish the proposed development, the applicant requests variances from Section 773 and 2117.4 of the Zoning Regulations.

ZONING REQUIREMENTS

The subject site has a base zoning of C-2-A. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for a large segment of the District of Columbia outside of the central core. (§720.2) The C-2-A District shall permit development to medium proportions. (§720.4)

VARIANCES

Section 773.3 states that an area equal to not less that 20% of the gross area floor area devoted to residential use shall be provided as residential recreation space.

According to the regulations, 4,908.6 square feet of residential recreation space should be provided. The applicant proposes to provide 2,900 or approximately 10% of residential recreation space, 750 square feet on the rooftop and 2150 square feet elsewhere outdoors.

§ 773 Residential Recreational Space

The following demonstrates how the requested variance meets the standards of Section 3103.2:

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

The subject property is unique due to an exceptional condition that results in space constraints. There are four existing flats on the property that will be connected into a single building that will count towards the residential recreation space requirement. No indoor recreation space can be provided in the existing four unit buildings.

The existing dwellings front on 11th Street, the site's only street frontage. The proposed new addition will align with the existing flats and also front on 11th Street. The existing flats occupy 2,356 square feet of the property, leaving a limited area (12,791 sf) for new construction that will comply with lot occupancy and floor area ratio regulations and provide a sufficient area on the property to accommodate the required number of parking spaces.

The limited size of the subject property, dictate that parking be at-grade instead of in an underground garage.

The Historic Preservation Review Board has imposed specific limitations on massing, configuration and articulation of new construction proposed for the property, which create further exceptional conditions for developing the property.

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 to or to exceptional and undue hardship upon the owner of the property.

The existing buildings on the property does not provide any residential recreation space, and this creates an unintended burden on the proposed new addition to provide the entire twenty percent of required recreation space for the existing and the proposed new structure combined.

The strict application of the Zoning Regulations would require the applicant to provide 4,909 square feet of residential recreation space for the overall project almost 40 of the total new construction. It would be impractical to provide the required amount of recreation space within the proposed new building addition while maintaining the required building core elements and reasonable configuration of living space without having to reduce the number of residential units. The applicant is proposing to provide approximately 2,900 square feet or 10% of residential recreation space - 750 square feet on the rooftop and 2,150 square feet elsewhere outdoors.

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 proposed medium density residential project is permitted in the C-2-A District and it will not change the residential use of the site. The proposed development will refurbish and connect four existing flats to a new 24 unit four-story apartment building to create a 28-unit housing development. The facades on the existing dwellings will be restored and the introduction of a four-story, 24 units residential building with basement, on an otherwise vacant parcel will establish an additional vibrant residential use on 11th Street. The development will provide 2,900 square feet of residential recreation space. There are several recreational opportunities in the vicinity of the subject property, including Logan Circle two blocks to the west. Therefore, OP does not believe a reduction in the recreation space would cause substantial detriment to the public good, nor impair the intent of the zoning Regulations.

The application satisfies the other requirements of Section 773 as follows:

Section 773.4 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structures.

The applicant proposes to provide approximately 10% or 2900 square feet of overall residential recreation space, 750 square feet would be on the rooftop and the remaining 2150 square feet elsewhere on the grounds of the development.

773.5 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony or a portion of it adjoins an individual residential unit and is accessible only from that unit.

There are no individual balconies proposed for the subject project.

773.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 feet) in height.

The application complies with Section 773.6.

773.7 If any portion of the roof is to be used for residential recreation space, the roof area shall have no dimension less than twenty-five feet (25 feet)

The application complies with Section 773.7.

773.8 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.

Approximately 74% of the residential recreation space for the subject project will be outdoors.

773.9 Residential recreation space shall be physically accessible to all residents of the building served by the space.

The proposed residential recreation space will be accessible to all residents of the building.

773.10 The floor and area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths.

The floor area devoted to residential recreation space was not counted in determining the number of off-street parking spaces or loading berths.

§ 2117.4 Access, Maintenance, and Operation

The proposed development of the subject property requires variance relief pursuant to Section 2117.4 of the Zoning Regulations, to permit required parking spaces to be accessed by an alley that is less than ten feet in width. The following demonstrates how the requested variance meets the standards:

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

The subject property is unique due to an exceptional condition that does not allow the property to adhere to the regulation Section 2117.4 of the Zoning Regulations. Section 2117.4 requires that alleys that provide access to required parking spaces shall have a minimum width of ten feet and be paved in compliance with the standards of the D.C. Department of Transportation.

The subject parking spaces are at the rear (east) of the property adjacent to the alley. The alley is only 9.75 feet in width and does not meet the minimum width (10 feet) for an alley that provides access to required parking spaces in the C-2-A zone. The applicant proposes to shift the parking spaces one foot farther (west) from the alley, creating a combined access and alley width of 10.75 feet.

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 strict application of the Zoning Regulations regarding the configuration of the parking spaces would result in a practical difficulty upon the owner of the property, by causing all parking to be placed on or through the new construction portion of the site. Historic preservation would not approve a new curb cut on this site. Thus, the dwellings would need a full parking variance.

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 requested variance can be granted without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The applicant is proposing to shift the parking spaces one foot farther west on the subject property in order to provide an access that meets the minimum alley width requirement for an alley providing access to required parking spaces in the C-2-A District. The proposed solution would enhance the public good as opposed to being a detriment.

OTHER AGENCIES

D.C. Department of Transportation

The D.C. Department of Transportation does not object to the applicant's proposal to increase the alley by one foot, from 9.75 feet to 10.75 feet, in order to meet the minimum alley width for alleys providing access to required parking spaces in the C-2-A District.

Historic Preservation Review Board

The Historic Preservation Review Board approved the overall height, mass and conceptual design, and directed that the applicant continue working with staff on design development, and delegated final approval to staff. (HPRB staff report attached).

COMMUNITY COMMENTS

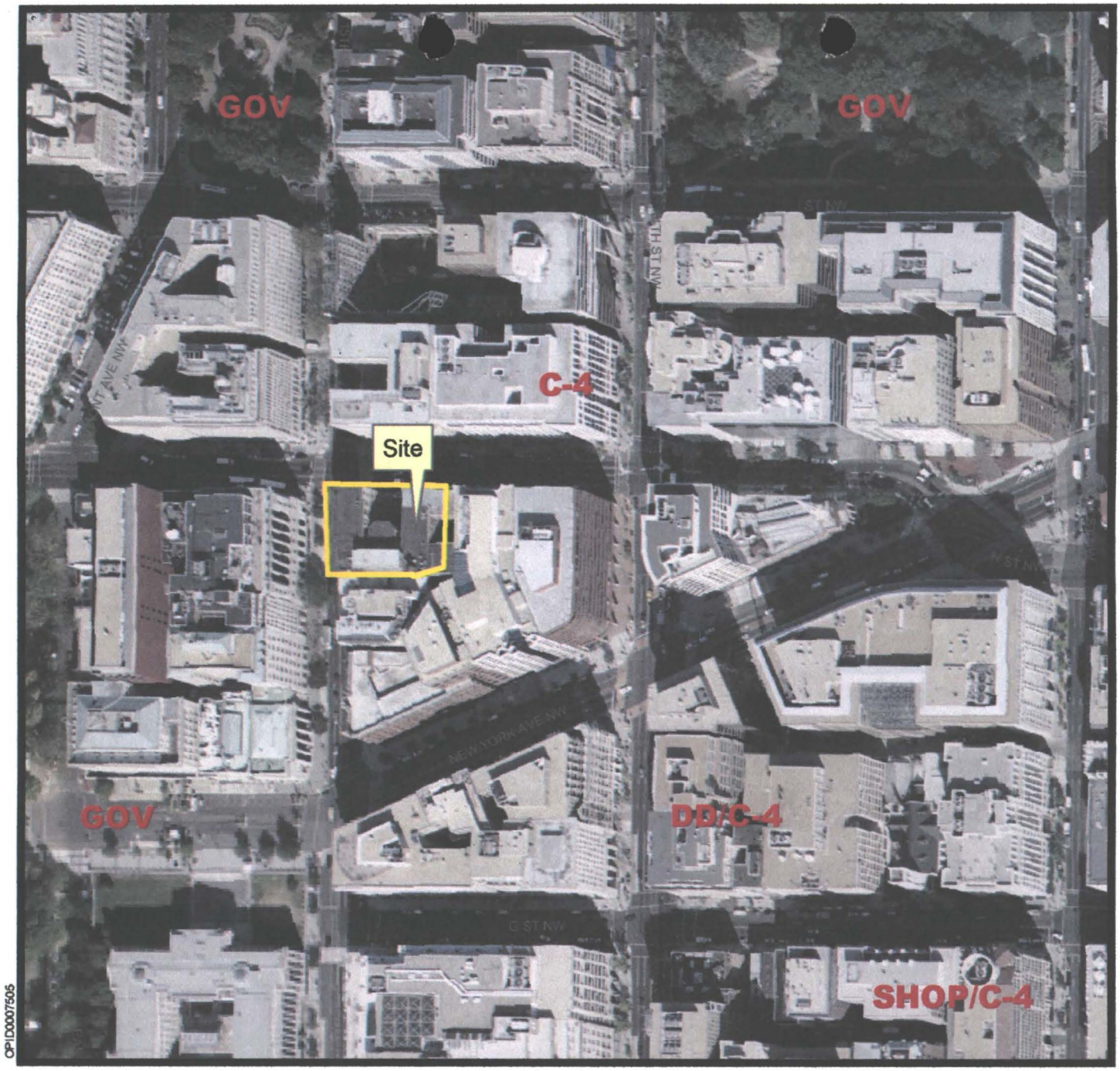
Advisory Neighborhood Commission 2F and the Logan Circle Civic Association are in support of the project.

SUMMARY AND RECOMMENDATION

The Office of Planning finds that the application satisfactorily meets all the requirements specified in Section 3103.2, Subsections 773 and 2117.4. OP believes that the application can be approved without

being detrimental to the public good and the project will be in harmony with the general purpose and intent of the Zoning Regulations. Therefore, OP recommends the Board approve the application.

EMcC/jem



Aerial Oblique Photos
BZA Application # 17390
1426 H Street, NW

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

Office of Planning ~ October 25, 2005

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