

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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D.C. OFFICE OF ZONING

RECEIVED

MEMORANDUM

TO: Board of Zoning Adjustment

FROM:  Ellen McCarthy
Director

DATE October 3, 2006

SUBJECT: BZA Application 17521
601-645 H Street N.E.

APPLICATION

An application by 601-645 H Street Ventures, LLC, pursuant to 11 DCMR §§ 1325 & 3104 for a special exception to allow construction of a building in the H Street Overlay on a lot having more than 6000 square feet of land area. The applicant also seeks special exception from minimum floor-to-ceiling height of fourteen feet on the ground floor and from the prohibition on driveways on H Street as well as a variance to the lot occupancy provisions of §772 and the residential recreation space requirements of §773. Finally, the latest submission requests special exception relief to extend the regulations of the C-2-C zoning district by 35' under §2514.2

SUMMARY RECOMMENDATION

The Office of Planning **recommends postponement** of the requested relief by at least one month to allow time for design alterations to the building and further ANC review. OP is in general support of the project with the exception of the request for a driveway on H Street, but does not believe that the applicant has sufficiently addressed the design guidelines of the H Street Overlay. The applicant has indicated a willingness to amend the design appropriately and is expected to request a postponement of the BZA hearing.

SITE AND AREA DESCRIPTION

The subject property is located on the south side of the 600 block of H Street N.E., Square 859, Lot 177. The block currently contains five story office buildings on the east and west ends with a one story commercial structure and parking lot in between. The H Street portion of the site is zoned C-2-C, while the rear of the property to the south is zoned C-2-A. The entire property lies within the H Street N.E. Neighborhood Commercial Overlay District. Properties to the east and west along H Street are zoned C-

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2-A and also are within the Overlay. The neighborhood to the south is zoned R-4 and consists almost entirely of established row house streets.

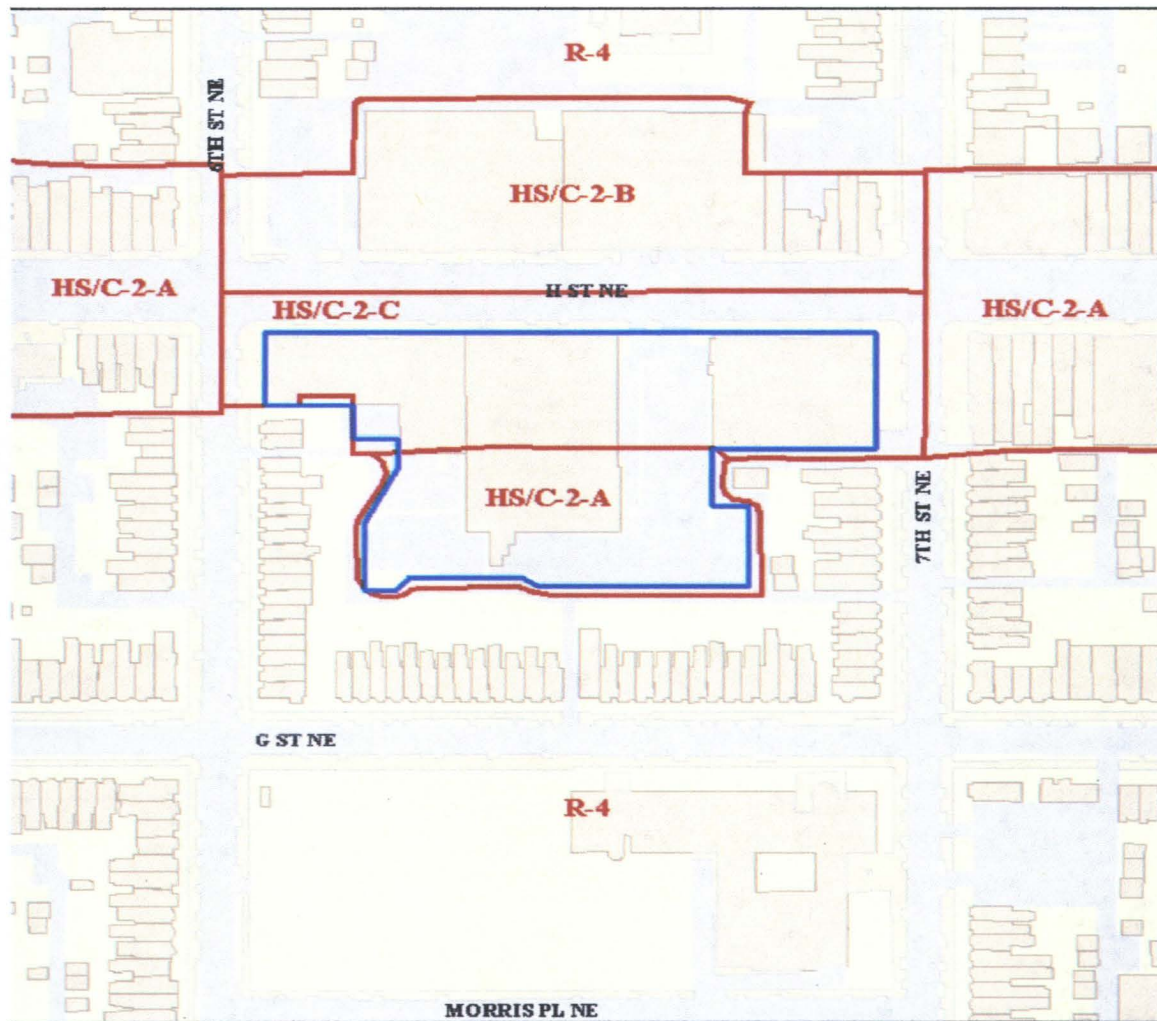


Figure 1 – Application Site

PROJECT DESCRIPTION

The applicant has proposed to build a nine story mixed-use building on the site. The building will replace the existing one story building and parking lot in the center of the site, connecting the existing office buildings on each side. The north half of the ground floor will contain retail along H Street with office behind. The second story will contain office that will connect the office buildings to either side. The south half of the structure on the first two floors and the entirety of floors three through nine will be residential. The southern portion of the building will be four stories with a fifth story set back significantly from the south. The building will have approximately 487 total parking spaces for the office, retail, and residential uses. As currently shown, the office parking would be accessed through an existing driveway off of Seventh Street and the residential parking would be accessed directly from H Street.

ZONING REQUIREMENTS

The applicant is requesting multiple forms of relief for this building including: variance from §772 for lot occupancy, a variance from §773 for residential recreation space, special exception for new construction on a lot greater than 6,000 square feet, special exception from the ground floor ceiling height provisions of §1324.12, and a special exception from §1303.2 to allow a driveway on H Street, to allow construction of a new mixed-use building. The applicant's have conditionally requested relief under §2514.2 to allow the extension of the height and bulk of the C-2-C zone district by 35 feet.

Section	Item	Required/Allowed	Requested	Deviation
770.1	Height	90'/C-2-C 50'/C-2-A	90' 50'	N/A
771.2	FAR	4.54	4.40	N/A
772.1	Lot Occupancy	70% per §1324.4	91%/C-2-C 58%/C-2-A	21%
773.3	Res Recreation	15%/C-2-C 20%/C-2-A	4.8%/C-2-C 8.7%/C-2-A	10.2%/C-2-C 11.3%/C-2-A

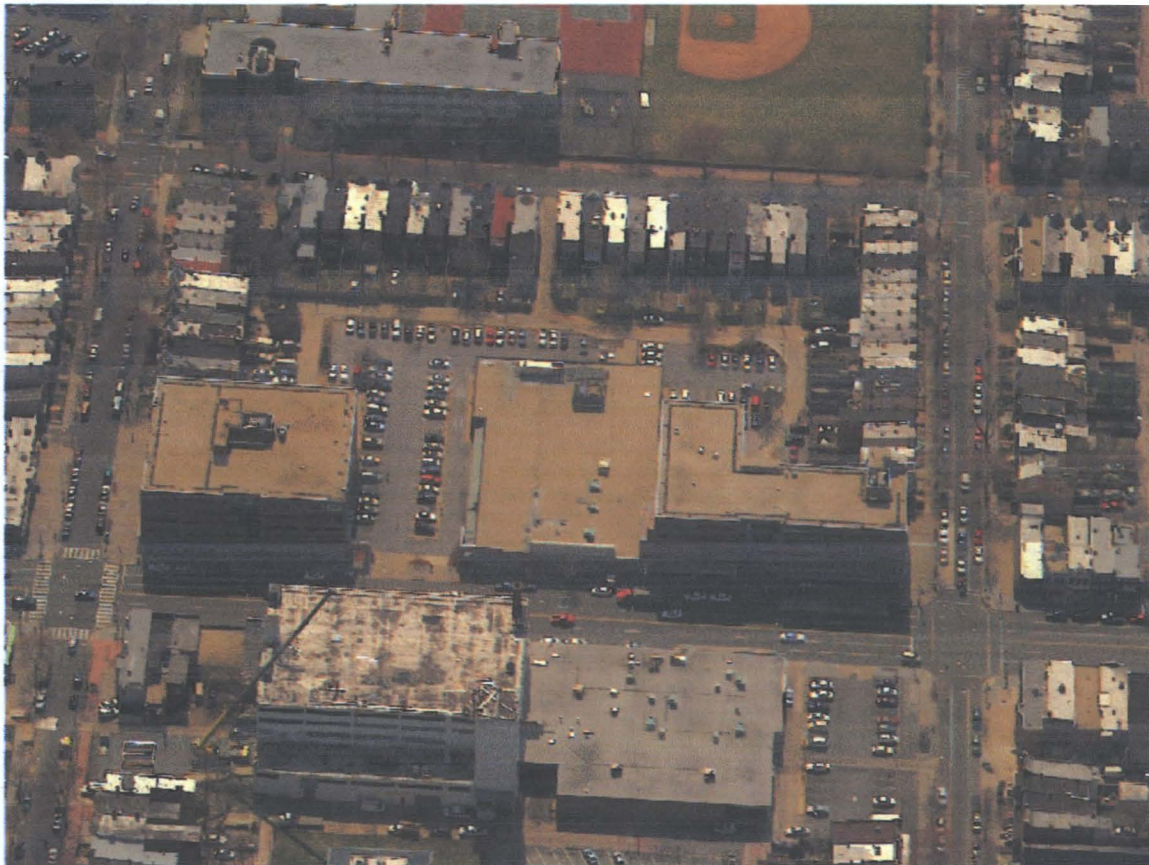


Figure 2: Aerial View

SPECIAL EXCEPTION RELIEF

Relief may be granted from the requirements of chapter 13 under Section 1325. The relief must meet the standards for both Section 1325 and 3104. Relief sought under this section includes construction of a building on a lot having more than 6000 square feet of land area, minimum street level floor-to-ceiling height (fourteen feet required to twelve and a half feet proposed), and from the prohibition on driveways on H Street.

The proposed addition must satisfy the standards as identified in §1325.1 as follows:

- (a) The project is consistent with the design intent of the design requirements of §1324 and the design guidelines of the H Street N.E. Strategic Development Plan*

Both OP and the ANC would like more time to address this condition. This project is the first special exception under the new H Street N.E. Overlay District and the standards for design review have not been tested or applied yet on the corridor. The ANC has rejected the current design and OP is in the process of working with the applicant to revise the building to more clearly meet the intentions of these guidelines.

- (b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located*

Similar to the previous test, the community is not satisfied that the design enhances or complements the existing urban design features of the H Street corridor. OP suggests further design work to be reviewed by the ANC at its October meeting and a postponement of decision on this project until November.

- (c) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions*

The current layout showing a driveway for the residential parking off of H Street is prohibited under §1303.2 and requires relief under this section. OP has requested the applicant to examine moving the residential parking entrance to the back of the building accessed from 7th Street. This is the intent of the H Street Plan and this section. Moving the entrance would improve safety and efficiency of pedestrian movement on H Street while minimizing objectionable traffic conditions.

- (d) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences*

Currently 7th Street is one-way southbound. The affects of traffic on the adjacent properties would be seriously diminished by making the portion of the block between this project's driveway and the H Street intersection two-way. Traffic would then have stoplight control on and off of H Street and not travel through the residential neighborhood to and from the building.

(e) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences

It is not anticipated that noise from this project will create an adverse impact on surrounding residences.

(f) The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent with the design guidelines of the H Street N.E. Strategic Development Plan

OP has requested a detail of the commercial frontage portion of the façade to better determine compliance with this provision. If the case is postponed, further information will be available in a supplemental report.

VARIANCE RELIEF

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. Relief sought under this section is for residential recreation space less than 15% as required by §773.3 and lot occupancy above 80% as required by §772.1. The H Street overlay limits lot occupancy to 70% which can be relieved through special exception, however a variance is required to exceed the underlying 80% requirement of the C-2-C zone.

Exceptional Situation & Practical Difficulty

The odd shape of the lot, the split zoning districts, and the existing buildings all combine to make this project unique for the purposes of this test. In the rear of the lot, zoned C-2-A, the project covers less than the 70% requirement. However, along H Street the need to retain the existing buildings and complete the street frontage leaves little room for open space. The existing buildings leave almost no space open in the rear and, if on their own lots, would be well over 90% lot occupancy. The new building connecting in the middle leaves more area open on the south side of the C-2-C zone, but cannot be made shallow enough to approach the 80% lot occupancy requirement of the zone.

In terms of residential recreation space, the same characteristics of the lot limit conformance. The existing office buildings do not leave open space or allow for roof access. Roof access on the new portion of the building is limited by the step down

required between the zone districts. Open space on ground level is proposed for recreation space, but is not sufficient to meet the space requirements.

Substantial Detriment

OP finds no substantial detriment to the proposed relief. The rear of the building that more directly abuts residential properties meets the lot occupancy requirements of its zone while the front of the building conforms to the design principle of a solid street front important to the H Street corridor. The building will have public recreation space in addition to private balconies. OP does not predict any negative impacts on the community from these two variances.

AGENCY COMMENTS

OP has had verbal communication with DDOT regarding the proposed H Street entrance and the possible conversion of a of 7th Street to two-way traffic in order to facilitate access from the side. OP has not yet received a written report addressing these issues, but OP intends to have more information at a later date should the project be postponed.

COMMUNITY COMMENTS

ANC 6C heard this application at its regular September meeting. Based on comments from the surrounding neighbors, the ANC voted to oppose the proposed design while expressing support for the general project. OP has continued to work with community members and the applicant to amend the design and expects to have progress to present to the ANC at its next meeting.

OP has met several times with community representatives on this project and is willing to continue negotiations on design and other issues. Multiple issues have been raised including but not limited to: the ground floor retail height, the H Street curb cut, residential recreation space, the design of both the front and rear facades of the building, and the calculation of bulk and density requirements between the two zones. OP expects to reach some level of compromise on the issues of retail height, the driveway locations, and recreation space. OP intends to continue working with the applicant and community to find a common ground on the design of the building using the H Street design guidelines as a framework.

The final issue relates to the calculations of bulk and density on the split zoned lot. The project is required to calculate separate bulk figures for each zone on the lot. Based on conversations with OAG, FAR is not a measure of bulk and need not be calculated separately, but may be aggregated over the lot. This was an issue for the community because the original plan showed greater than 2.5 FAR on the C-2-A portion of the lot. The point appears to be moot based on the latest submission moving density to the center of the site in the C-2-C zone, but the community believes that FAR is included in the term “bulk” and that this adjustment should not be considered a voluntary one for justifying an extension of the zoning line. OP will discuss this issue further in any supplemental report if it is still relevant at the time.

CONCLUSION

The Office of Planning concludes that the applicant has not yet met the burden of proof, pursuant to 11 DCMR 1325.1 and 3104.1 of the Zoning Regulations, for the granting of a special exception to permit the construction of a mixed-use building. OP supports the intent of the project and expects that a design solution can be worked out over the next few weeks. **OP recommends postponement** of the special until November to finalize design and access issues.

OP concludes that the applicant has met the burden of proof for the requested variances pursuant to 11 DCMR 3103.1. The variance requests can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.