

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: Board of Zoning Adjustment
FROM: *Ellen McCarthy*
Ellen McCarthy
Director
DATE November 14, 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 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. The applicant also requests special exception relief to extend the regulations of the C-2-C zoning district by 35' under §2514.2.

The original October 10, 2006 hearing was rescheduled to November at the request of the applicant and the ANC to address design and overlay issues. The applicant met several times with community representatives and have made many changes to the proposed plans as a result of these meetings.

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the requested relief. The applicants have been very responsive to community and OP comments and worked diligently with both parties to address issues regarding design and zoning relief.

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-

Board of Zoning Adjustment
District of Columbia
CASE NO.17521
EXHIBIT NO.70

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17521
EXHIBIT NO. 70

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.

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. The applicant is looking at alternative assess possibilities for the parking.

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, and a special exception from §1303.2 to allow a driveway on H Street, to allow construction of a new mixed-use building. The applicants 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. The applicants have withdrawn a request for a special exception from the ground floor ceiling height provisions of §1324.12.

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

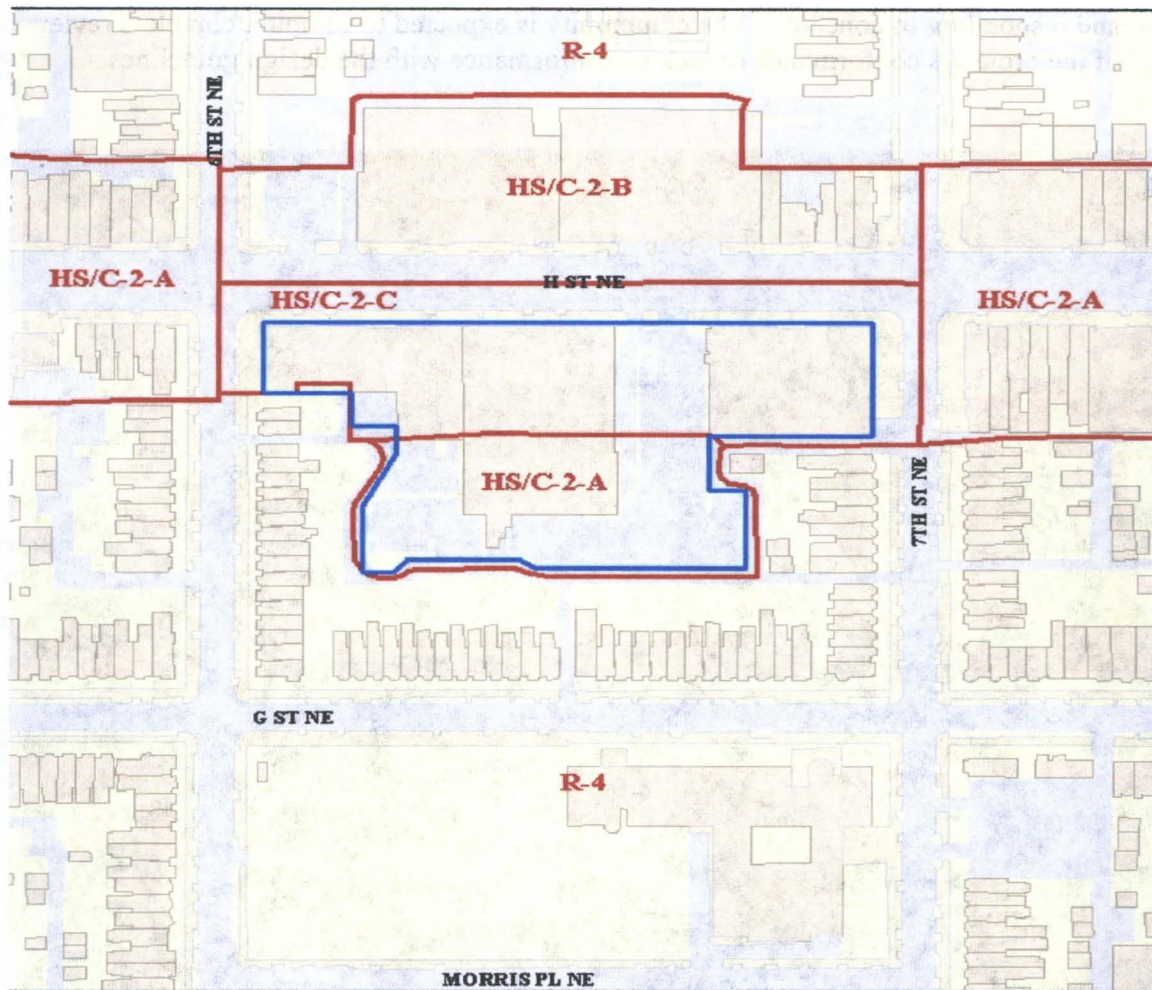


Figure 1 – Application Site

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*

OP believes that the project is generally consistent with the intent of the design requirements. The applicant has had multiple meetings with OP and the community to address issues regarding the H Street Plan and has been responsive in addressing

and responding to concerns. The community is expected to submit a complete review of the project's conformance or lack of conformance with the design guidelines.

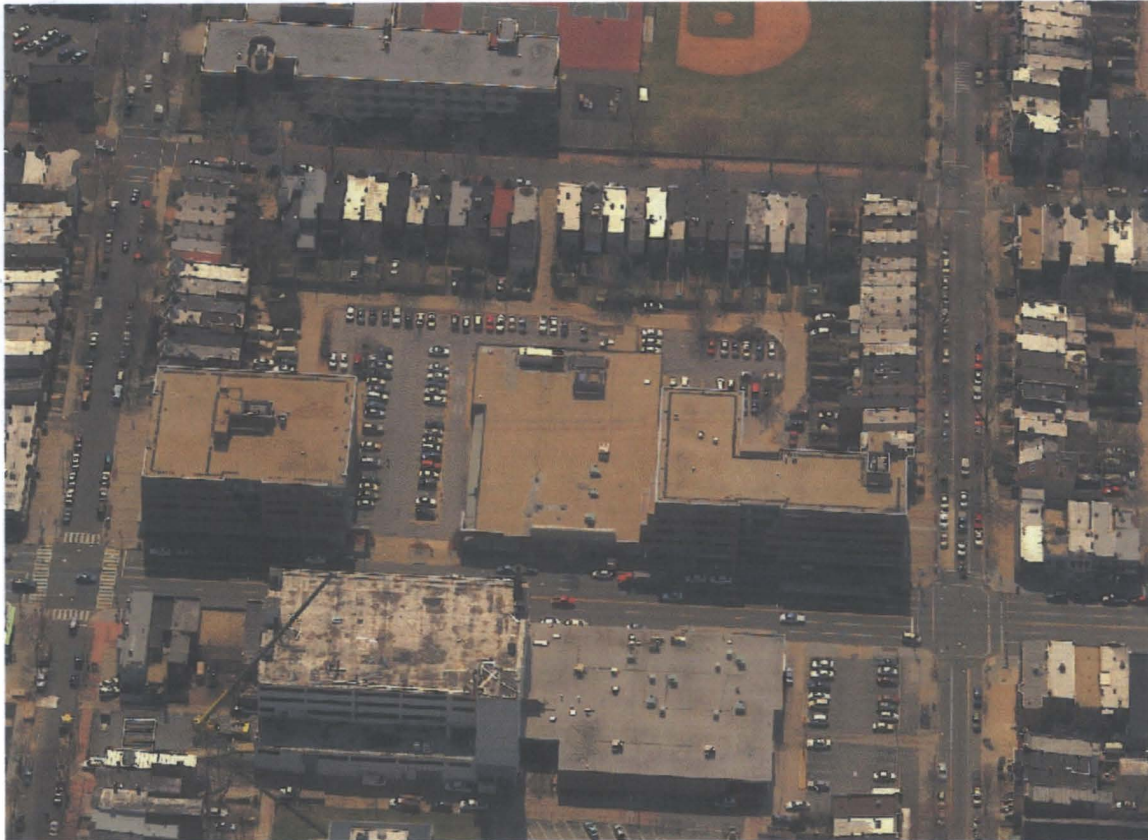


Figure 2: Aerial View

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

The project has been through several revisions since the original submission, each an improvement from the last in the eyes of community representatives. The current design being considered is being reviewed by the community, but appears to have addressed most if not all of their issues regarding design and enhancement of the corridor.

(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. The intent of the H

Street plan is to have parking access from side streets and not directly from H Street. OP has expressed a preference for all parking to be accessed from 7th and 6th Streets, however the community has agreed to support relief from this requirement provided that the parking entrance be in the center of the block and that the applicant provide for a crosswalk and signalization. DDOT has also expressed concern with an H Street entrance.

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

Accessing parking from H Street would have the least effect on the traffic and parking on nearby residences.

(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. This information should be provided by the applicant at the public hearing.

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 and notes that there will be no impairment of the intent, purpose, or integrity of the zone plan.

AGENCY COMMENTS

DDOT has expressed concern regarding the proposed H Street entrance. OP and DDOT have discussed the possibility of a conversion of portions of 7th Street to two-way traffic in order to accommodate this project accessing entirely from the side. DDOT is expected to provide a written report on this project prior to the public hearing.

COMMUNITY COMMENTS

ANC 6C heard this application at its regular September meeting and again in November. 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 believes that the latest revision submitted by the applicant addresses the comments and concerns of the ANC and neighborhood.

The community has two main outstanding issues as of the date of this report. First, they are challenging the aggregation of non-residential density between zones that allows all of the commercial density within the C-2-C portion of the site. This issue has been referred to the Zoning Administrator who has promised a decision prior to the hearing.

The second issue regards the design guideline of four to eight stories in buildings along this corridor. The proposed building is nine stories and the neighborhood contends that this is contrary to the strict wording and the intent of the overlay. OP notes that the subject parcel is the only C-2-C zoned lot on the entire corridor and therefore the only affected by this question. OP also notes that the overlay would not affect the 90' matter-of-right height, but would only limit the number of stories allowed within this height. For these reasons, it makes sense that as long as the building remains within FAR and

height limitations of the existing zone district, that the number of stories should not be limited based on guidelines for a corridor composed primarily of C-2-A parcels.

CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 1325.1, 3103.1, and 3104.1 of the Zoning Regulations, for the granting of the requested relief to permit the construction of a mixed-use building. OP **recommends approval** of the requested special exceptions and variances. 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.