



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: October 25, 2011
SUBJECT: BZA Case No.18269, 1375 Kenyon Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

Triangle Development Associates LLC proposes an addition and infill to an existing six-story apartment building with ground floor retail at 1375 Kenyon Street, NW which would increase the number of units from 117 to 141. With regards to this proposal, the Office of Planning (OP) recommends **approval** of the following:

- Variance relief:
 - § 772.1, FAR (4.0 allowed, 4.3 proposed); and.
 - § 771.1, Lot Occupancy (80% maximum allowed for residential use; 82.2% at the second floor only proposed).
- Special Exception relief:
 - §2108, reduction in the number of nonresidential parking spaces.

II. AREA AND SITE DESCRIPTION

Address:	1375 Kenyon Street, NW
Legal Description:	Square 2843, Lot 78
Ward:	1, ANC-1A
Zoning:	C-3-A
Lot Characteristics:	The 40,709 square feet, irregularly shaped property is developed with a 6-story building having ground floor retail and residences above. The site is bordered by Park Road to the north, 13 th Street to the east, Kenyon Street to the south and 14 th Street to the west.

BOARD OF ZONING ADJUSTMENT
District of Columbia

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EXHIBIT NO.



Adjacent Properties:	To the north is Tivoli Square, a 3-story building that houses the Tivoli Theatre, a supermarket and other retail uses in the C-3-A zone; to the east are a 3-story building with a dry cleaning and upper floor residences in the C-3-A zone and a 4-story apartment building in the R-4 zone; to the south are a 7-story apartment building with ground floor retail in the C-3-A zone and a 4-story apartment in the R-4 zone; to the west and northwest are the 3-story DC USA retail center and the 3-story Riggs building with ground floor retail and upper floor apartments in the C-3-A zone.
Neighborhood Character:	The property is within the Columbia Heights neighborhood with various types of retail uses concentrated along the very active 14 th Street strip and some buildings having upper floor residential uses. The wider neighborhood along Park Road and Kenyon Street have a few commercial uses closer to 14 th Street but are predominantly residential uses in rowhouses, flats and apartment buildings.
Historic Preservation:	None

III. MAPS



Site Location



View of area for addition from Kenyon Street.

IV. APPLICATION IN BRIEF

The site is developed with a 6-story building having retail, parking and loading on the ground/first floor; parking and residential in the second floor; and all residential on the 3rd to 6th floors. The WMATA Green Line tunnel traverses the property and allows for a limited amount of underground parking. The southeastern portion of the property has an above grade open area that provides access to the parking and loading areas off Kenyon Street.

The Applicant proposes to extend floors 3 through 6 into the open area to accommodate 16 new units. Additionally, the Applicant proposes to reconfigure 8 of the existing 2-story units which front on 14th Street (4 on the 3rd floor and 4 on the 4th floor). The upper floors of the units would be fully enclosed and reconfigured to become individual units. The combination of the addition and the infill results in 24 new units, and increased the number of units in the building from 117 to 141.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

C-3-A Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 770.1	65 ft.	62.5 ft.	62.5 ft.	None required
Floor Area Ratio § 771.2	Other: 2.5 Residential: 4.0 max.	Other: 0.4 Residential: 3.8	Other: 0.4 Residential: 4.3	None required
Lot Occupancy § 772.1	Other: 100% Residential: 75% max.	Other: 100% Residential: 74.8%	Commercial: 100 Residential: varies 6th: 67% 5th: 69% 4th: 70% 3rd: 69% 2nd: 84.2%	Required at 2 nd floor

Rear Yard (ft.) § 774.1	13 ft. min.	36.75 ft.	36.75 ft.	None Required
Side Yard (ft.) § 775.5	13.2 ft.	10.5 ft	10.5 ft.	None Required
Open Court § 776.3	13.16 ft.	66 ft.	None provided	None Required
Closed Court § 776.4	350 sf. area	None provided	5,417 sf.	None Required
Parking: § 2101.1	Residential: 1/2 du Retail: 1/300 sf. above 3,000 sf.	Residential: 59 Retail: 51	Residential: 71 Retail: 39	Required for retail
Loading § 2201.1	Residential: 1 loading berth @ 55 ft. wide 1 platform @ 200 sf. 1 service space @20 ft. wide Retail: 1 loading berth @30 ft. wide 1 platform @ 100 sf.	Residential: 1 loading berth @ 55 ft. wide 1 platform @ 200 sf. 1 service space @20 ft. wide Retail: 1 loading berth @30 ft. wide 1 platform @ 100 sf.	Residential: 1 loading berth @ 55 ft. wide 1 platform @ 200 sf. 1 service space @20 ft. wide Retail: 1 loading berth @30 ft. wide 1 platform @ 100 sf.	None Required

VI. OFFICE OF PLANNING ANALYSIS

Variances

As seen on the table above, the addition would increase the residential lot occupancy on the 2nd floor from 74.8% to 82.2% and increase the residential FAR from 3.8 to 4.3.

i. Exceptional Condition Resulting in a Practical Difficulty

FAR:

The location of the Green line tunnel is an exceptional situation that presents a practical difficulty in meeting the FAR requirement. The location of the tunnel dictates that some of the parking spaces be located above grade and is therefore included in the total FAR of the building. The building's current FAR is 3.8, the proposed FAR is 4.3 and the parking areas would have a combined FAR of approximately 0.4. In most cases, a building of this type would have all its parking located underground and the parking would not be included in the FAR calculations. Placing the parking spaces below-grade would decrease the building's FAR to less than 4.0; however, this is not possible due to the Green line tunnel and presents a practically difficult for the Applicant to comply with FAR requirements.

Lot Occupancy:

The Applicant's submission, page G06, Figure B1, shows that the current 74.8 % lot occupancy of the 2nd floor includes space dedicated to residential use and parking. The addition of the residential use at the 3rd floor and above (which meets their lot occupancy requirements) requires the introduction of a base or cover at the 2nd floor level. The coverage of the 2nd floor open space results in the creation of additional lot occupancy which is increased to 84.2%, even though there is no new useable space being created on this floor. This exceptional situation of the 2nd floor

providing the base for the upper floors results in a practical difficulty in meeting its lot occupancy requirement.

ii. No Substantial Detriment to the Public Good

Neither the increase in FAR nor the increase in lot occupancy would be a detriment to the public good as the addition would not affect the light, air and use of adjacent neighbors. In fact, the addition would lead to an improvement of the Kenyon Street frontage as it would fill in the open area along the street frontage.

i. No Substantial Harm to the Zoning Regulations

The Applicant has demonstrated that the addition to floors 3 through 6 under the matter-or-right FAR and lot occupancy requirements presents a practical difficulty which would limit the ability of the building to accommodate additional units. However, the proposed FAR and lot occupancy would allow the property to be used in a manner that would not substantially harm the zone plan and would not negatively impact the use of adjacent properties. OP is very supportive of proposals to add residential units in transit oriented areas such as Columbia Heights.

Special Exception

The parking garage currently houses the required 110 spaces, 59 spaces for the residential use and 51 spaces for the commercial uses. With the increase in the number of units, the residential parking requirement has increased from 59 to 71 spaces. The non-residential parking would remain at 51 spaces. The applicant has stated that currently, many of the parking spaces are left unused and so instead of creating additional parking spaces, 12 of the non-residential spaces would be assigned to residential use and thus there would be 71 residential spaces and 39 non-residential spaces. The Zoning Regulations allow up to a 25% reduction if the outlined conditions are met.

2108 REDUCTION OF PARKING SPACES: AUTHORITY OF THE BOARD

2108.2 *The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).*

The Applicant meets this requirement as the proposal to reduce the commercial parking from 51 to 39 spaces is a 24% reduction.

2108.3 *The Board shall give consideration to the:*

(a) *Nature and location of the structure;*

The building is a mixed use building with retail on the ground floor and residential use above. The building is approximately 450 feet from the closest entrance to the Columbia Heights Metro Station and is served by a number of Metro buses routes and the Circulator bus.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;*

The retail uses at the site are small with a high rate of turnover in the uses of the parking spaces. Additionally, the stores are most active during the hours when many of the residential spaces are left empty and available. The Applicant has also stated that they have observed that many patrons to the businesses come to the site via various other modes transportation such as walking, bicycle, Metro bus and Metro rail.

(c) Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;

The requested reduction in parking is not expected to create any traffic congestion in the neighborhood as it is envisioned that based on the use of the parking spaces in the building the proposed spaces should be adequate to serve the retail use. Additionally, there are available public parking spaces in adjacent buildings that patrons can use if necessary.

(d) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use; and

The DC USA development located immediately across 14th Street and Tivoli Square, located to the north of the subject property has parking spaces which are open to the general public. The applicant has stated that the management of these garages have indicated that parking demand is always well below the available capacity and space is available to the public both in the daytime and evening hours.

(e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.

The building is approximately 450 feet from the Columbia Heights Metro Station and is served by a number of Metro buses routes and the Circulator bus.

2108.4 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

The applicant is not proposing a ride-sharing program

2108.5 Prior to taking final action on an application, the Board shall refer the application to the D.C. Department of Transportation for review and report.

The application was submitted to the D.C. Department of Transportation (DDOT) for comments. Their report will be submitted under separate cover.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As stated above, comments and recommendation from DDOT will be submitted under separate cover. OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

The property is within ANC-1A. The ANC held a meeting on October 12, 2011 at which time they unanimously voted in support of the requested variance and special exception.

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