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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18269
1375 Kenyon Street, N.W.

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18269
EXHIBIT NO. 30

I. Site location and description

A. Location (see tax plat, attached)

1. East side of 14th Street between Kenyon Street and Park Road, N.W.
2. Project site consists of Lot 78 in Square 2843
3. Site located in the Columbia Heights area
4. Site is approximately 400 feet from the Columbia Heights Metrorail Station

B. Size

1. Site area is approximately 40,709 square feet
2. Site is more-or-less trapezoidal in shape
3. Frontage of approximately 203 feet on Kenyon Street and 191 feet on Park Road
4. Fronts on public plaza area owned by the District on the west side
5. Bounded by private property on the east side

C. Existing site condition: improved with a six story apartment house with ground floor retail built in 2005/2006

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II. Description of surrounding area (see aerial photo, attached)

A. Columbia Heights area

B. In the immediate vicinity of the Metro station, area contains predominantly mid rise buildings devoted to residential and retail use (including Highland Park, DC USA, the Heights and Victory Heights)

C. Remainder of Square 2843:

1. 4 story apartment house at 1349 Kenyon Street
2. 2, 3 and 4 story mixed residential buildings on the north side of Kenyon Street
3. 3 story plus basement residential buildings, mostly single family but some flats and apartment houses
4. 3 story plus basement apartment house at 1346 Park Road
5. 3 story plus basement mostly multi-family dwellings on the south side of Park Road

D. Uses to the south:

1. 7 story apartment houses on the east side of 14th Street between Irving and Kenyon Streets
2. CVS drug store at the southwest corner of 14th and Irving Streets
3. High-rise and mid-rise apartment houses on the east side of 14th Street between Irving Street and Columbia Road
4. Entrance to the Columbia Heights Metrorail Station
5. Medical clinic
6. Additional high-rise apartment buildings

E. Uses to the east:

1. Row structures used for single family and multifamily occupancy along east-west streets

2. Tubman Elementary School on the east side of 13th Street between Irving and Kenyon Streets
- F. Uses to the west: DC USA retail/entertainment development on the west side of 14th Street between Irving Street and Park Road
- G. Uses to the north: Tivoli Theater development, including Giant supermarket, at the northeast corner of 14th Street and Park Road

III. C-3-A District

- A. Uses (§§741 – 744)
1. Commercial use permitted as a matter-of-right, including retail, service and office use
 2. Hotel
 3. Residential use permitted as carry-over from Special Purpose and Residential Districts
- B. Height - maximum of 65 feet (§770.1)
- C. Density - maximum of 4.0 FAR, with nonresidential uses limited to 2.5 FAR (§771.2)
- D. Lot occupancy – residential uses limited to 75% (§772.1)
- E. Rear yard – minimum of 2 1/2 inches per foot of height measured from the mean finished grade at the rear to the high point of the roof or parapet, but not less than 12 feet (§774.1)
- F. Side yard - not required; if provided, minimum of 2 inches per foot of height of building (§775.5)
- G. Parking (§2101.1)
1. For apartment house: minimum of 1 space for each 2 units
 2. For retail use: minimum of 1 space for each 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet

H. Loading berth:

1. For residential: minimum of 1 berth @ 55 feet and 1 service/delivery loading space for apartment house with 50 or more units
2. For up to 20,000 square feet of retail: minimum of 1 berth @ 30 feet

IV. Proposed development

- A. Use: apartment house with approximately 141 units (increase of 24 units over the existing 117 units)
- B. Gross floor area of approximately 173,479 square feet (approximately 4.3 FAR)
- C. Height: 64.2 feet
- D. Parking: 110 spaces provided

V. Relief required:

A. Variances:

1. From the floor area ratio provisions (§2101.1)
 - a. Maximum permitted: 4.0 (162,836 square feet of gross floor area)
 - b. Proposed: 4.3 (173,479 square feet of gross floor area)
 - c. Variance: 0.3 FAR (10,643 square feet of gross floor area)
2. From the lot occupancy provisions (§2101.1)
 - a. Maximum permitted: 75% (30,531 square feet of building area)
 - b. Proposed: 84.2% at the second floor (34,274 square feet of building area)
 - c. Variance: 9.2% (3,743 square feet of building area at the second floor only; all floors above the second floor comply with the maximum limitation)

- B. Special exception to reduce the number of required parking spaces for non-residential uses (§2108)

1. Minimum number of spaces required: 51
2. Proposed number of spaces: 39
3. Reduction: 12 spaces

VI. Standards for a variance (§3103.2)

- A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,
- B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;
- C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

VII. Compliance with the variance standards

- A. Exceptional situation:
 1. Location of Green Line Metrorail tunnels under the site (tunnel easement ranges in width from 54 to 60 feet and is 20 feet below the garage)
 2. WMATA requirements that limit depth of excavation near the tunnels
- B. Practical difficulty:
 1. Because of Metrorail tunnels and WMATA stand-off requirement, only one full level of parking below grade can be provided, including 83 spaces
 2. To meet the parking requirement for the building as built, 27 spaces were located on the first and second floors
 3. Gross floor area devoted to parking is 14,726 square feet (4,827 square feet on the first floor and 9,899 square feet on the second floor)
 4. Without Metrorail tunnels, would have built second level of parking below grade

C. No substantial detriment:

1. Actual increase in floor area above current permitted matter-of-right is minimal (less than 7%)
2. Amount of floor area sought to be recaptured by the variance is less than the square footage devoted to the garage (i.e., building will have no more than the contemplated amount of active use space for the zone)
3. No individual floor exceeds 75% lot occupancy on that floor; relief is required because the third and higher floors also cover the space that would be the second floor if it were there
4. Filling in the space on Kenyon Street closes the gap in the streetwall
5. Site is appropriate location for additional housing

VIII. Standards for the special exception for reduction in parking:

- A. Amount of parking may be reduced by up to 25%
- B. Board to consider:
 1. Nature and location of structure
 2. Maximum number of students employees, guests, customers or clients who can reasonably be expected to use the premise at any one time
 3. Amount of traffic congestion existing or that can reasonably be expected
 4. Quantity of existing public, commercial private parking on the property or in the neighborhood that can reasonably be expected to be available
 5. Proximity to public transportation
- C. Reduction shall have no adverse effect upon present character or future development of neighborhood

IX. Compliance with the special exception standards

- A. Reduction of 12 spaces = 23.5% (less than 25%)
- B. Site is directly served by street network with access in all directions

- C. Because building already exists and there will be no increase in traffic coming to the building as a result, the reduction in parking should cause no increase in traffic congestion in the area
- D. Will be adequate off-street parking available in the area, including the garages at DC USA and the Tivoli project, both of which have spaces available
- E. Site is well served by public transportation
 - 1. Columbia Heights Metrorail Station within radius of approximately 400 feet from the building
 - 2. Bus service on 14th Street and Park Road and Irving Street and Columbia Road

X. Conclusions

- A. Location of Metro tunnel under site and restrictions by WMATA on excavation near the tunnels is exceptional condition of the property limiting how much underground parking can be provided
- B. Practical difficulty results from having to place parking on first and second floors and therefore have it charged against FAR
- C. No substantial detriment because total amount of retail and residential floor area does not exceed permitted FAR
- D. Reduction of retail parking spaces meets specific requirements of the Regulations
- E. There are sufficient alternatives for access to the site using modes other than automobile travel and there are abundant off-street parking spaces available in the neighborhood for those who will drive
- F. The application should be granted



