

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Megan C. Rappolt, AICP, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: May 17, 2016

SUBJECT: BZA Case #19262 - request for use variance pursuant to §3103 for relief from the use regulations of §501 to allow for a yoga healing studio located at 1800 R Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance pursuant to § 3103 for relief from:

- §501, Uses As a Matter of Right, where a psychiatry clinic existed but is now vacant, and a yoga healing studio is proposed.

II. LOCATION AND SITE DESCRIPTION:

Address:	1800 R Street NW, Condominium Unit C-6 (the "Property")
Legal Description:	Square 134, Lot 161
Ward/ANC:	2/2B
Lot Characteristics:	The commercial unit is one of nine (9) commercial units within the ground floor of the 1800 R Street Condominium building. The building sits upon a square shaped lot that has vehicular access via porte cochere off of R Street and vehicular access off of 18 th Street as well. An alley serves the building along the west side as well.
Zoning:	SP-1/DC Overlay: Special Purpose Districts act as a buffer between commercial and residential zones and contain a mix of row homes, apartments, offices and institutions of medium (SP-1) and medium-high levels (SP-2). The Dupont Circle Overlay zone provides protection of the scale, uses, height and character of the area.
Existing Development:	1800 R Street Condominium Building
Historic District:	Dupont Circle
Adjacent Properties:	A four-to-five story rowhouse abuts the building to the east; a 10-story multi-family building to the south; four-story row homes to the west; and institutional uses across R Street to the north.
Surrounding Neighborhood Character:	A mix of institutional, multifamily, professional offices, etc. of both medium and high levels of density and height. Dupont Circle is located three blocks to the south.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Dr. Barry Fisher by John Aquino, Agent
Proposal:	The request is for relief from the use regulations to allow for a yoga healing studio in commercial space that was previously occupied by the psychiatry clinic, but is currently vacant.
Relief Pursuant to:	§ 3103, Use Variance

IV. ZONING REQUIREMENTS OP ANALYSIS

SP-1/DC Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) §530.1	65' max.	>65'/9-stories	No change	None required
Floor Area Ratio § 531.1	4.0	Unknown	No change	None required
Lot Occupancy § 532	80% max.	Unknown	No change	None required
Rear Yard (ft.) § 534	2.5" /1' of vertical distance from grade to roof, but not less than 12'	Unknown	No change	None required
Side Yard (ft.) § 405	2"/1' of height; not < 8' if provided	0'	No change	None required

V. OP ANALYSIS

§3103, Use Variance

Section 3103.2 of the Zoning Regulations recites the authority of the BZA to relieve Applicants of hardships caused by certain zoning regulations, so long as there is a reason of exceptional conditions or other exceptional situations or conditions of a property. More specifically, with regard to use variances, per §3103.7 (b) an Applicant must prove that as a result of the attributes of a specific piece of property (including exceptional narrowness, shape, topographical conditions or other exceptional situation or conditions), the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.

Section 501.1 Uses As A Matter of Right provides a list of uses that are permitted in the SP-1 District—yoga healing studio or similar is not included in the list of permitted uses. The list of permitted uses by right in the SP-1 zone includes office use for international organizations, non-profit organizations, architect, dentist, lawyer, etc. or similar profession. General office use is permitted in the SP-1 zone with BZA approval. The following is OP’s analysis of the Applicant’s request, considering the use variance test outlined above.

Is there an attribute of this specific piece of property that causes an undue hardship to the owner?

The Applicant states that the fact the property has been vacant for two years is an attribute of this specific piece of Property that causes a financial hardship. The Applicant has attempted to both lease and sell the unit during this time period. OP would add that this particular building, originally constructed in the early 1960s, with its original nine (9) ground floor “commercial” units of small sizes—as shown on the submitted plat (Exhibit 3)—as compared to typical retail or office spaces is also a unique attribute of this particular property. Such a ground floor configuration of multiple small, commercial units would not necessarily be built today—larger spaces would likely be constructed for primarily retail or for residential leasing, office or amenity space. Additionally, the unit in question is one of the commercial units that does not have windows, which the Applicant says has been an undesirable feature of potential buyers/tenant. A small-sized commercial space such as the Applicant’s property could be suitable for a limited number of commercial uses including professional offices, or uses that have a similar intensity of use as a small professional office. Unfortunately, according to the Applicant, because of size and no windows, the Applicant has been unable to sell or lease the unit to such a tenant.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Zoning Map?

It is unlikely the yoga healing studio would cause a substantial detriment to the public good: its hours of operation are similar to professional offices; it operates on a one-on-one basis; and it has an existing separate entry from the street. Additionally, the Applicant requests to activate a vacant, windowless, small commercial space, which is in keeping with the maintenance of the public good in this neighborhood.

report stating the use will have no adverse impact on the District's travel conditions.

V. COMMUNITY COMMENTS

Applicant's use is counter to their condominium by-laws.)

Applicant states they have met with the ANC on two occasions.

Attachment: Location Map

