

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, AICP, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: July 1, 2016

SUBJECT: BZA Case 19281, 1150 5th Street, SE for a variance to reduce the number of required parking allow mechanical equipment on the roof not meeting the setback requirements at the and N.W., Van Ness Elementary School at 1150 5th Street, SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Department of General Services (DGS) (Applicant) has requested variance relief pursuant to §3103.1 from § 2101.1, parking, and special exception approval pursuant to § 3103.2 and § 411.11 from § 411.6, penthouses to be placed in one enclosure; § 411.7, mechanical equipment be enclosed fully, and § 411.18, penthouse 1:1 setback. The applicant has recently requested variance relief pursuant to §3103.1 from § 2202.1, loading.

The requested variance relief from § 2101.1, for a reduction in parking, appears to not be appropriate, as the proposed parking spaces are not located on the subject site as shown on the Surveyors Plat (Exhibit 3) and the Site Plan (Exhibit 28). The proposed parking would be on an adjacent property (Square 0853N, Lot 807) and therefore, the appropriate relief would be a special exception pursuant to § 2108 to reduce the number of parking spaces provided to 0 and provide mitigation on the adjacent lot. OP has analyzed the relief accordingly.

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- § 2108, 33 parking spaces required on-site, 0 on-site space proposed;
- § 411.6, penthouses single enclosure required; penthouses in multiple enclosure proposed;
- § 411.7, mechanical equipment be enclosed fully, mechanical equipment be enclosed fully; and
- § 411.18, penthouse 1:1 setback, less than 1:1 setback proposed.

The Office of Planning (OP) recommends **approval** of the following variance:

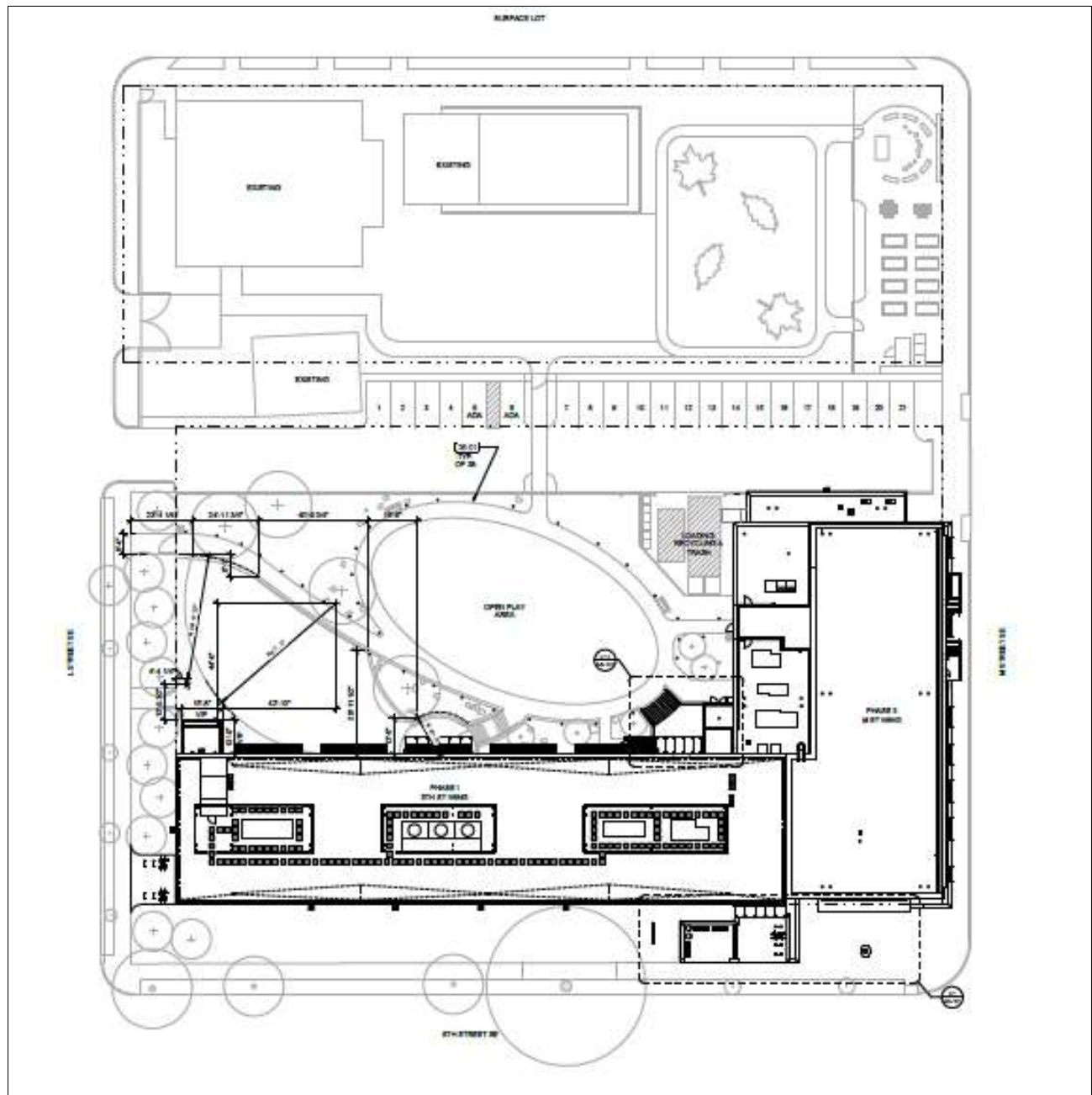
- § 2201.1, loading, one loading platform required, no loading platform proposed.

II. LOCATION AND SITE DESCRIPTION

Address	1150 5 th Street, SE
Legal Description	Square 1905, Lot 8
Ward	6D
Lot Characteristics	Rectangular shaped lot with frontages on three streets.
Zoning	R-5-B: public school, permitted in this zone
Existing Development	Van Ness Elementary School with 33 parking spaces.

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Adjacent Properties	North: 5-story parking structure and undeveloped properties. East: 3-story row houses and 4 and 7-story apartment buildings. South: US Navy property with parking and offices. West: Lincoln Playground Field House with garage and open space.
Surrounding Neighborhood Character	Mixture of row houses, apartments, institutional and commercial uses.



Site Plan

III. APPLICATION IN BRIEF

The DGS is in the process of expanding and modernizing the existing elementary school facility. The modernization includes the placement of individually enclosed mechanical equipment on the roof of the 5th Street portion of the building, and the addition of an enclosing structure and stair penthouses along L Street, SE. The existing parking area in the courtyard would be replaced by landscaping to meet GAR and stormwater management requirements and the parking provided on an adjacent off-site property. A new trash and loading area would also be provided.

IV. OFFICE OF PLANNING ANALYSIS

A. Special Exception approval, pursuant to § 2108, to provide 0 parking spaces on-site.

2108.1 The Board of Zoning Adjustment is hereby authorized to reduce the amount of parking spaces required for nonresidential uses under § 2101.1 in accordance with the requirements of § 3104 for special exceptions, pursuant to the provisions of this section.

2108.3 The Board shall give consideration to the:

(a) Nature and location of the structure;

The property is adjacent to a Department of Park and Recreation (DPR) property and faculty. The applicant states that there is a Memorandum of Understanding (MOU) with the DPR that would allow the school to place and use 21 spaces on their property. DPR would utilize the parking spaces when there is no school activity.

(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 applicant states that the maximum number of staff would be fifty requiring 33 spaces. However, the applicant states that not all the staff would be at the school at one time and therefore the 21 spaces proposed would be sufficient to serve the needs of the staff.

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

Not providing the spaces on the school site but on an adjacent property would not create traffic congestion in the area.

(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 applicant has 21 spaces available for use by the school and it is expected that there would be no off-site parking. There are a number of commercial parking lots and garages as well as metered on street parking available in the neighborhood to accommodate parking for visitors to the school.

(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 property is four blocks east of the Navy Yard Metro Station and there are bus stops close to the site along M Street. Bikeshare stations are located at the US Department of Transportation at M Street/New Jersey Avenue, SE, four blocks west of the site and at Potomac Avenue, SE, two blocks east of the site.

B. Roof Structures - Special Exception Relief pursuant to § 411, § 411.6, § 411.7, and § 411.18:

411.6 All penthouses shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color; except that a rooftop egress stairwell enclosure not containing any other form of habitable or mechanical space may be contained within a separate enclosure.

On the M Street portion of the building, there are three sets of HVAC equipment with individual enclosures. The applicant states that separate enclosures are necessary as the HVAC equipment is placed above structural corridor walls and are spaced to disperse the structural load. Providing the additional enclosure for a continuous screen would impose additional load on the existing structure, and increase the visual bulk of the penthouse structure.

411.7 Mechanical equipment shall be enclosed fully, except that louvers for the enclosing walls may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

The Zoning Administrator's referral stated that this approval is necessary. However, the applicant did not indicate on the plans or in written submission where this condition exists. However, OP is supportive of its approval if necessary.

411.18 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be set back from the edge of the roof upon which it is located as follows:

- (a) A distance equal to its height from the front building wall of the roof upon which it is located;*
- (b) A distance equal to its height from the rear building wall of the roof upon which it is located;*
- (c) A distance equal to its height from the side building wall of the roof upon which it is located if:*
 - (1) In any zone, it is on a building used as a detached dwelling, semi-detached dwelling, rowhouse or flat, that is:*
 - (i) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or*
 - (ii) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*
 - (2) In the R-1 through R-4 zones, it is on any building not described in (c)(1) that is:*

- (i) *Adjacent to a property that has a lower or equal permitted matter-of-right building height, or*
 - (ii) *On a corner lot adjacent to a public or private street or alley right-of-way or a public park;*
- (3) *For zones not listed in paragraph (c)(2), it is on a building not described in paragraph (c)(1) that is located adjacent to a property that has a lower permitted matter-of-right building height;*
- (4) *For any zone, it is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height; and*
- (5) *For any zone, it is on a building with walls that border any court other than closed courts;*
- (d) *A distance equal to one-half (1/2) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs (c)(1) through (5);*

The stair penthouse providing access to the roof for maintenance is located on the front of the building along L Street and does not provide the required setback. The mechanical equipment enclosure closest to the L Street façade does not appear to be setback the required distance from the building wall. On the one-story portion of the building that fronts on the courtyard, a screen enclosure is provided and does provide a setback. Although OP was not able to confirm whether this requires relief, OP has provided analysis in case it is determined by DCRA that relief would be required.

The applicant initially provided minimal the information pertaining to the height of the enclosures and the required setback distance from the edge of the roof, or analysis of the relief. However, OP was able to work with the applicant and the submission to provide analysis below.

411.11 The Board of Zoning Adjustment may grant special exceptions under § 3104 from §§ 411.6 through 411.10 and 400.18 upon a showing that:

- (a) *Operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly, or unreasonable;*

The new HVAC equipment introduces structural load on the older building below. The multiple enclosures are therefore necessary to distribute the load on the roof so it can be supported by the existing structure. The reduced setback of the stair penthouse would accommodate maintenance access to the roof as well as being an emergency egress or secondary egress for the building. The reduce setback of the enclosure along L Street is necessary to provide access from the stairs to the equipment while the lack of a setback on the one story portion of the roof is due to the limited area to accommodate the equipment.

- (b) *The intent and purpose of this chapter and this title will not be materially impaired by the structure; and*

The multiple enclosures would meet the requirement of enclosing the mechanical equipment; the stairway penthouse would be structurally a part of the building and would not exceed the permitted maximum height above the main roof. The reduced setbacks would not significantly intrude on adjacent properties of the adjacent streets.

- (c) *The light and air of adjacent buildings will not be affected adversely.*

The light and air of adjacent buildings would not be adversely affected and the proposed relief would not adversely affect the use of neighboring properties as the locations of the areas of relief would be a substantial distance from the neighboring properties.

C. Variance

Pursuant to § 3103.2, the applicant meets the requirements for variance relief from the § 2201.1 to provide 1, 100 square foot loading platform and 1, 20 foot deep service delivery space.

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant is modernizing an old school building which has space limitations in accommodating all the new building requirements and priorities have to be assessed which is an exceptional situation. To accommodate a raised loading platform and service delivery area presents a practical difficulty to the applicant,

ii. No Substantial Detriment to the Public Good

Since the school would not have many trucks coming to the site and remaining on the property for an extended time period, the 30-foot berth would accommodate the functions of the service delivery space. Although a platform would not be provided, loading and unloading would be accommodated by the space provided around the berth.

ii. No Substantial Harm to the Zoning Regulations

The lack of a loading platform and service delivery area would not harm the regulations as the functions of those facilities would be accommodated in the provided loading area and not spill onto the adjacent roadways.

V. COMMENTS OF OTHER DISTRICT AGENCIES

A Department of Transportation (DDOT) report is provided at Exhibit 21 and requests that the applicant perform a parking occupancy study to determine if the parking reduction would affect travel conditions around the site.

VI. COMMUNITY COMMENTS

The property is within ANC-6D. At its meeting on June 13, 2016 ANC 6D voted to support the application.