

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: February 23, 2018

SUBJECT: BZA #19705 – 2114 14th Street, NW – Martha’s Table Site
 Request for relief in order to construct a new mixed use building

I. RECOMMENDATION

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

- K § 803.3(a) – Total Height Including Penthouse (83.5’ maximum; 85’ 11¹/₈” proposed at main penthouse roof and 91’ 2” proposed at elevator overrides);
- K § 804.1 – Lot Occupancy (80% maximum for floors with residential; 88% proposed at second floor).

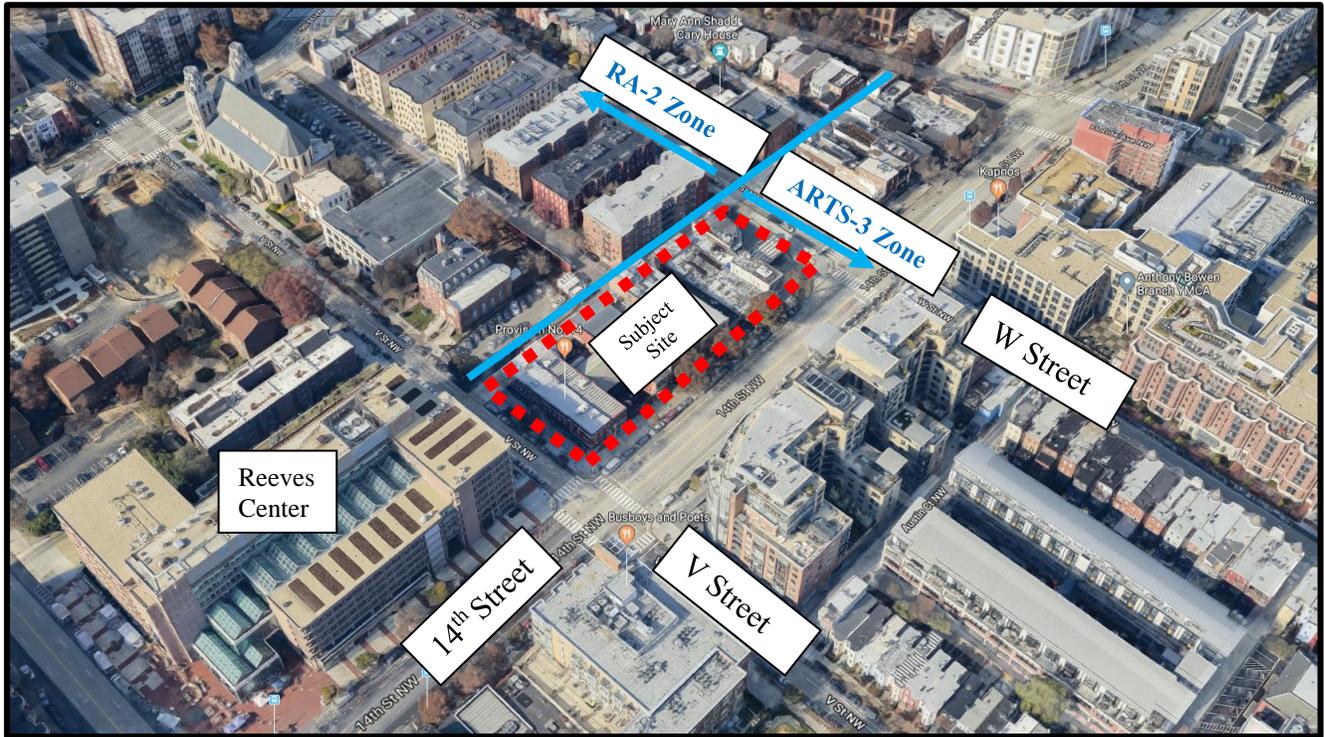
OP recommends **denial** of the following requested special exception:

- K § 803.3(b) – 45° Setback From Residential Zones (45° setback required above 50’ in height at the west building wall; extensive building penetration into the setback volume proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	Madison Investments, LLC
Address	2114 14 th Street, NW
Legal Description	Square 203, Lots 1, 10, 96, 805 and 809
Ward / ANC	1, 1B
Zone	ARTS-3, Medium density arts and mixed use
Historic District or Resource	U Street Historic District; Contributing historic buildings and façades to be preserved.
Lot Characteristics and Existing Development	Subject site occupies the entire frontage on the west side of 14 th Street between V and W Streets; Existing development on the site consists of one to three story commercial structures as well as a gas station; Several of the buildings have 100% lot occupancy; Site slopes up from V Street to W; 15’ public alley to the west.
Adjacent Properties	Multi-family residential west of the site at W Street; Parking lot and

	church-related building west of the site at V Street; Multi-story mixed use to the east of 14 th Street; Office building to the south; 5 story residential building to the north.
Surrounding Neighborhood Character	Mix of commercial uses, apartment buildings and rowhouses.
Proposed Development	Construct a seven story plus penthouse mixed use building.



III. ZONING REQUIREMENTS AND RELIEF REQUESTED

In order to develop as proposed, the applicant requests relief as noted in the table below. All relief is pursuant to K § 813, which permits the Board to grant special exception relief to the standards of the ARTS zones.

ARTS-3 Zone	Regulation	Proposed	Relief
Lot Area	n/a	37,127 sf	Conforming
FAR K §§ 801 and 802	5.3 Residential 2.5 Non-res. max 5.3 Total	4.05 Residential 1.23 Non-res. 5.28 Total	Conforming
Height K § 803.1	75'	72.8'	Conforming

ARTS-3 Zone	Regulation	Proposed	Relief
Total Height Including Penthouse K § 803.3(a)	Total penthouse height limited to 83.5’ above the building measuring point	85’ 11¹/₈” – main penthouse roof 91’ 2” – elevator overrides	Requested
Building Stepdown K § 803.3(b)	No part of the building shall project above a plane drawn at a 45° angle from a line located 50’ directly above the property line abutting the RA zone	Building mass projecting into the setback volume	Requested
Penthouse Height K § 803.5	12’ max, except 18’6” for mechanical	12’ 17’3” for elevator overrides	Conforming
Lot Occupancy K § 804	80% for floors with residential uses	88% at second floor	Requested
Rear Yard K § 805	2.5” / ft. of vertical distance from grade at the middle of the rear of the structure to the highest point of the roof or parapet wall (Approx.. 16.7’, based on height of approx. 80’ at the middle of the rear of the bld.)	40 feet, as measured to the centerline of V Street ¹	Conforming

IV. ANALYSIS

813 SPECIAL EXCEPTION (ARTS)

813.1 *The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle X, Chapter 9 from the requirements or limits of this chapter, other than Subtitle K § 811.9, subject also to the following criteria:*

- (a) *The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;*

¹ At page 6 of Exhibit 8 the applicant states that no rear yard is required because the subject site is a through lot (citing Subtitle B § 317.3). However, the definition of “Lot, Through” states that it is “An interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less” (B § 100). The subject lot is not an interior lot, nor does it front on streets that differ in direction by 45° or less. Therefore a rear yard is required. According to B § 318.8, Rules of Measurement for Rear Yards, a lot fronting on three streets can measure rear yard from the centerline of the street “at the rear of the structure.” In this case, measuring to the centerline of V Street, an 80 foot wide street, would yield a conforming rear yard of 40 feet.

Lot Occupancy

The lot occupancy of any building floor containing residential uses is limited to 80%, but the design proposes 88% at the second floor, which would have a mix of residential and retail. This mix would help to achieve the goal of Subtitle K § 800.1(c), which encourages uses that support pedestrian activity, including residential and retail. Furthermore, the second floor has a higher lot occupancy in part because of preservation of the historic building at the center of the block in its entirety. Preservation and reuse of existing buildings is a goal stated in K § 800.1(h).

The existing building fabric on the block is a mix of one to three story buildings, and many have very high lot occupancies. Therefore, a second story with a high lot occupancy should not be detrimental to the welfare of persons in the vicinity. In addition, the upper floors would all conform with the lot occupancy limit.

Total Penthouse Height

The total height of the building, including all penthouses, is limited to 83.5 feet above the building measuring point. In this case, the design proposes a height of just under 86 feet for the bulk of the penthouse, and just over 91 feet for the two elevator overrides. In this case, the partial use of the penthouse for residential would further the goals of the ARTS zones to provide additional residences and foster 18-hour activity in the neighborhood (K §§ 800.1(e) and (i)). Permitting an increase in the total height of the building, including the penthouse, should in this case not negatively impact the welfare of persons in the neighborhood. Because of the massing of the building and setback of the penthouse, the 2.5 foot increase in height above 83.5 feet for the main penthouse roof should not be significantly perceptible from the ground. And a review of the renderings supplied with the application and the elevation drawing at Sheet 26 of Exhibit 34A would seem to indicate that the elevator overrides would not be highly visible from the ground. While the overall building would be subject to the District Inclusionary Zoning (IZ) requirements, the penthouse habitable space would be subject to separate affordable housing requirements – the applicant should provide details of how this requirement would be met, and an estimate of the resulting requirement.

Building Stepdown

The application seeks relief in order to expand building mass into the required stepdown along the western alley. Allowing a building to expand into the stepdown volume would be directly contrary to K § 800.1(g), which says the ARTS zones should “Strengthen the design character and identity of the area by means of physical design standards.” One of the primary physical design standards of the ARTS zones is a building stepdown when an ARTS zone abuts a residential zone, as is the case for this site. The proposed design would strongly go against that intent by proposing a large intrusion into the stepdown volume. Please refer to Sheets 58 and 59 of Exhibit 34A. Furthermore, when OP has reviewed relief from this section in the past, it has typically been for much more minor intrusions where, for some physical constraint of the site or building a very slight deviation from the regulation is deemed necessary and not inconsistent with the intent of the regulation. This proposal is for a large intrusion to gain more floor area for the building at the expense of the intent of the regulation.

At Sheets 62 through 67 the applicant provides a shadow study comparing the impacts of a matter-of-right development with the proposed design. Given the scale of the drawings it is not possible to fully assess the impacts of the design on the nearest neighbors, across the 15' alley on the north end of the site. Based on the information in the record, OP cannot conclude that the building mass would not impact neighboring properties, or be detrimental to the general welfare of residents to the west of the site.

- (b) *The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board of Zoning Adjustment shall refer the application to the Historic Preservation Office for review and report; and*

The applicant has consulted with Historic Preservation Office staff who have generally supported the preservation direction proposed by the applicant. The project would still need full review by the Historic Preservation Review Board (HPRB), which has not yet heard the case or granted conceptual approval. But based on the input of HP staff, OP concludes that the building would meet ARTS zone objectives to reuse historic structures.

The project would more generally enhance the urban design of 14th Street by providing a more defined streetwall while continuing to provide street activating uses. The proposed relief to lot occupancy would not negatively impact the urban design of the project; It would reflect the current condition, where many buildings on site have high lot occupancies. Relief to the total building height including penthouse should not significantly impact the urban design of the vicinity, because of the massing of the building and the setbacks of the penthouse, should lessen how visible it is from the ground.

Relief to the 45° stepdown requirement, however, would negatively impact the urban design on the west side of the building. The zone anticipates stepdowns to better relate to lower scale development in adjacent residential zones, which are zoned the lower intensity RA-2 and which are also within the historic district. The proposed design exhibits an almost rectangular profile on its northern and southern façades, with no stepdown on the northern end and only a small stepdown between the 7th and 6th floors at the southern end. Refer to Exhibit 34A, Sheets 39,40, 58 and 59.

- (c) *Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.*

Generally the vehicular access has been designed to minimize conflict with pedestrians and utilize the alley. However, in the most recent plans, Exhibit 34A, the ramp to the parking garage, which had been shown as leading down from the alley, is now shown accessing W Street. OP does not support this change as it would unnecessarily disrupt the pedestrian environment on W Street. OP defers to DDOT and Public Space review for a final evaluation of the applicant's vehicular access design.

813.2 The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the zone districts.

Overall OP supports the project and has no particular recommendations for design conditions. The design will also be evaluated by HPRB and HP staff. OP does, however, recommend that the design be revised to fully meet the 45° stepdown requirement.

V. HISTORIC PRESERVATION

The applicant has consulted with Historic Preservation Office staff who have generally supported the preservation direction proposed by the applicant. The project would still need full review by the Historic Preservation Review Board (HPRB), which has not yet heard the case or granted conceptual approval.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The DDOT report has been filed to the record at Exhibit 42, and no objection to the requested relief, but strong objection to the location of the curb cut on W Street NW, noting that DDOT will not support its approval during the public space review process.

As of this writing OP has not received comments from other District agencies.

VII. COMMUNITY COMMENTS

The applicant is scheduled to present the case before the full ANC on February 27. The record contains comments from a number of surrounding neighbors.

VIII. ATTACHMENTS

Attachment 1 – Zoning Map

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