

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 12, 2021

**SUBJECT:** BZA Case 20525, 3670 New Hampshire Avenue, N.W. to permit a decrease in the minimum amount of pervious surface area required in the RF-1 zone

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle E § 204, Pervious Surface in the RF-1 Zone (50 percent minimum required for non-residential uses; 36 percent proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	3670 New Hampshire Avenue, N.W.
Applicant	Washington Metropolitan Area Transit Authority
Legal Description	Square 2898, Lots 47 and 21
Ward, ANC	Ward 4, ANC 4C
Zone	RF-1 and NC-8
Historic Resource	Engine Company No. 24 (Petworth Firehouse). However, only the front façade of the building, not the entire site, is a historic resource.
Lot Characteristics	Unusually-shaped corner lot fronting on New Hampshire Avenue and Rock Creek Church Road, N.W.
Existing Development	One-story chiller plant building for cooling sub-grade Metrorail stations on the Green Line.
Adjacent Properties	North: Across Rock Creek Church Road, six-story apartment building with ground floor retail, small apartment buildings and row houses South: Row houses East: Across New Hampshire Avenue, free-standing retail building West: Across Rock Creek Church Road, Raymond Education Campus

Surrounding Neighborhood Character	Mix of medium density residential and commercial uses.
Proposed Development	Building addition on west side of building to house dual-phase remediation treatment system for contaminated ground water and VOC vapors from a previous owner’s underground storage tanks.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone RF-1</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height E § 303	40 feet and 3-story max.	41.25 feet and 2-stories	23 feet (bldg. addition only)	None Required
Lot Width E § 201	40-foot min.	99 feet	99 feet	None Required
Lot Area E § 201	4,000 sq. ft. min.	2,017 sq. ft.	2,017 sq. ft.	None Required
Lot Occupancy E § 304	40% max.	18.3%	41.2%	None Required <sup>1</sup>
Side Yard E § 207	5-foot min.	ft.	16 feet	None Required
Parking C § 701.5	None required for transportation infrastructure	None	None	None Required
Pervious Surface E § 204	50% min.	>50%	36%	<b>REQUIRED</b>

<b>Zone: NC-8</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height H § 303	65-foot max.	34 feet and 2-stories	34 feet and 2-stories	None Required
Lot Occupancy H § 304	100% max.	46.21%	46.21%	None Required
Parking C § 701.5	None required for transportation infrastructure	None	None	None Required

**IV. OFFICE OF PLANNING ANALYSIS**

**Area Variance Relief from Subtitle E § 204.1, Minimum Pervious Surface**

- i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties /Exceptional or Undue Hardship to the Property Owner**
  - a. Extraordinary or Exceptional Situation**

The subject property is used by WMATA, the applicant, as a chiller plant for the Metrorail system. A previous owner of the property had installed underground storage tanks (USTs) for gasoline, which are currently leaking and contaminating

<sup>1</sup> Minor flexibility granted by the Zoning Administrator (see Exhibit 38)

the soil. The applicant proposes to construct an addition to the west side of the building to accommodate equipment for a remediation soil treatment system to remove and treat contaminated site groundwater resulting from the USTs. As the existing building is fully occupied by the chiller plant for which it was designed, it cannot accommodate the additional equipment necessary for the proposed treatment plant.

**b. Exceptional Practical Difficulties**

The existing building was not designed to accommodate both a dual-phase remediation treatment system for contaminated ground water and VOC vapors from underground storage tanks, and the existing chiller plant. The applicant is now aware of the existence of these USTs and the environmental need to address the situation. To require the applicant accommodate the required remediation treatment system within a building for which it was not designed, in addition to the uses for which the building was designed, would result in an exceptional practical difficulty on the applicant as the existing structure is not of sufficient size to accommodate both uses at the same time.

**ii. No Substantial Detriment to the Public Good**

The proposed decrease in pervious surface would not result in a substantial detriment to the public good. Although pervious surfaces increase the ability of the soil to absorb rainwater and excess runoff, to the benefit of the surrounding neighborhood, in this case there are underlying factors affecting this site differently from most others that adversely affect the groundwater quality. The reduction in pervious surface requested by the applicant is the minimum necessary to accommodate the remediation treatment system required to improve the ground water. Therefore, there should be no substantial detriment to the public good.

**iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations**

Impervious surfaces are intended to improve the environmental quality of the soil. However, in this case the applicant is requesting to reduce the minimum amount of pervious surface required to facilitate the removal of contaminants from the soil to improve the environmental quality of the site. Therefore, the requested area variance would not substantially impair the intent of the Zoning Regulations.

**V. OTHER DISTRICT AGENCIES**

The Department of Energy and the Environment (DOEE) submitted the following to OP by email on July 9, 2021:

*“The DOEE Underground Storage Tank Branch is aware of the remediation efforts at 3670 New Hampshire Ave. NW, and has been in communication with the project team. The UST Branch wants WMATA to clean the site up quickly and has recommended active remediation to move more aggressively on the cleanup. DOEE supports this project, as it will lead to the required remediation of the leaking UST.”*

No other comments from District agencies were submitted to the record as of the date of the filing of this report.

### VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 4C had been submitted to the record as of the date of the filing of this report.

### VII. COMMUNITY COMMENTS TO DATE

No community comments had been submitted to the record as of the date of the filing of this report.

Attachment: Location Map

