


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: February 13, 2025

SUBJECT: BZA Case 21233, Request for special exception relief to permit a mixed-use building at 1220 Mount Olivet Road NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle X § 901.2:

- Subtitle C § 1501.1(d), Penthouse Uses in Habitable Space or on a rooftop deck on the highest roof of the building (Permitted via special exception; Private Event Venue proposed);
- Subtitle J § 207.2, Minimum Rear Yard Depth (2.5 in. per 1 ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 ft.; 0 ft. proposed), pursuant to Subtitle X § 5200; and
- Subtitle U § 802.1(c), Eating and drinking establishments with a live performance, night club or dance venue (Permitted via special exception; Private Event Venue proposed).

OP would defer to the BZA as to whether conditions should be established for the requested relief to Subtitle U § 802.1(c) relief pursuant to criteria 802.1(c)(5) regarding soundproofing, hours of operation, and/or an expiration date.

II. LOCATION AND SITE DESCRIPTION

Address	1220 Mount Olivet Road NE
Applicant	Bristlecone, LLC.
Legal Description	Square 4092; Lots 0063 & 0074
Ward, ANC	Ward 5; ANC 5D
Zone	PDR-1, production distribution and repair
Historic District	N/A
Lot Characteristics	Rectangular Interior Lot (Lot 63) & Irregular Interior Lot (Lot 74) together having frontage of 79.43 ft. with a northern property line of 81.67 ft, eastern of 90.02 ft., and western of 90.0 ft.

Existing Development	Lot 63 is currently improved with a small PDR building while Lot 74 is an open paved parking lot. Both properties are currently operated by a commercial tree removal service.
Adjacent Properties	Adjacent properties along the northern side of Mount Olivet Road contain various PDR uses. The adjacent properties to the south are mixed use.
Surrounding Neighborhood Character	Small PDR and Mixed-Use corridor bordered by a moderate density residential neighborhood to the south and west, an institutional use to the north, and a cemetery to the east.
Proposed Development	Mixed Use Building containing an Artist Studio dwelling unit, Caretaker dwelling unit, rooftop Private Event Venue, and Warehouse.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone - PDR-1	Regulation	Existing	Proposed ¹	Relief
Density J § 201	3.5 FAR for uses listed in 201.2. 2.0 FAR for all other uses.	0.5 FAR	3.5 FAR	Not Requested
Height J § 203	50 ft. max. not including Penthouse or Rooftop Structure	14 ft.	50 ft.	Not Requested
Penthouse & Rooftop Structure J § 205	12 ft. max; 15 ft. for mechanical space.	Not Provided	Not Provided	Not requested
Penthouse Use C § 1501.1(d)	Eating / drinking establishment by sp.ex.	n/a	Proposed	Relief Requested
Rear Yard J § 207	2.5 in. per 1 ft. min above a height of 20 ft. but no less than 12 ft.	N/A	None	Relief Requested
Parking C § 701	Varies with use.	13 spaces	14 proposed	None requested
Bicycle Parking C § 801	Varies with use	N/A	8	None Requested
Loading C § 901	1 min.	N/A	1	None Requested
PDR Uses U § 802.1(c)	Eating and drinking establishments with a live performance, night club or dance venue by sp.ex.	N/A	Proposed	Relief Requested

¹ Provided by the applicant.

IV. OFFICE OF PLANNING ANALYSIS

a. Subtitle C § 1501 PENTHOUSES AND ROOFTOP STRUCTURES – Uses

1501.1 A penthouse or rooftop structure may house mechanical equipment or any use permitted, except that penthouse space shall be restricted as follows:

...

(d) An eating and drinking establishment located within a penthouse habitable space, or on a rooftop deck on the highest roof of the building, shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9; ...

An eating and drinking establishment may be permitted by special exception.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The PDR-1 zone is intended to permit moderate-density commercial and PDR activities. The proposed Private Event Venue is permitted by special exception, so would be considered to be in harmony with the general purpose and intent of zone provided the relevant criteria are met.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

There do not appear to be residential buildings in the immediate vicinity, and adjacent properties are also within the PDR zone. Mixed use zoned properties across the street are separated by the street and the required penthouse setbacks. As such, adjacent properties should not be unduly impacted by the proposed use.

- (c) Subject in specific cases to the special conditions specified in this title.*

The form of relief is has no special conditions.

b. Subtitle J § 5200 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

5200.1 Except for Density, Height, Penthouse and Rooftop Structure and Green Area Ratio, the Board of Zoning Adjustment may grant relief from the development standards of this subtitle, as a special exception subject to the criteria at Subtitle X, Chapter 9.

The proposal would not provide the required setback above a height of 20 feet. As such, the applicant has requested relief to Subtitle J § 207.2 minimum depth of the rear yard, which is permitted through special exception.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The relief to the rear yard setback provision would allow the proposed building's primary function as a warehouse to conduct loading and unloading activities with minimal impact to the surrounding properties, by allowing tractor trailers to fully load and unload the applicant's specified goods² within the building footprint. Therefore, granting of the requested relief to enable the primary use of a warehouse in the PDR-1 zone would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The property is adjoined by several PDR properties, one of which wraps around the subject property in the west and north. As proposed, the ability to operate their desired use within the proposed building should ensure minimal impact on the neighboring properties.

- (c) *Subject in specific cases to the special conditions specified in this title.*

The form of relief has no special conditions.

c. Subtitle U § 802 Special Exception Uses (PDR)

802.1 The following uses shall be permitted in any of the PDR zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

...

- (c) *Eating and drinking establishments with a live performance, night club or dance venue, subject to the following conditions:*

(1) The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;

Applicant has not provided specific details of the operation of the desired use for a private event venue, and is encouraged to augment the record with additional detail. However, they have stated that the maximum capacity of the rooftop greenspace and habitable penthouse would be 204 persons and waste storage and collection will take place within the building. The site of the

² In Exhibit #12, pg. 5, the applicant describes the space needed to accommodate materials to be stored.

proposal appears to be well separated from residential properties. As such, the proposed use should not create undue objectional conditions to neighboring properties in a PDR zone.

(2) The property shall not abut a residential use or residential zone;

Per the applicant, the property does not abut a residential use and the property is not adjacent to a residential zone. There is a mixed use zone (MU-4) located across Mount Olivet Road.

(3) There is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the subject property;

Per the applicant at Exhibit #32, there are no other live performance, night club or dance venues either in the same square or within a radius of one thousand feet from the subject property.

(4) External performances or external amplification shall not be permitted; and

External performances and external amplification are not proposed with the proposed use. OP would not be opposed to making this a condition of approval for this case, to help ensure that over time the venue would not result in undue impacts on the surrounding neighborhood.

(5) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:

(A) Soundproofing;

(B) Limitations on the hours of operation; and

(C) Expiration on the duration of the special exception approval;

No additional requirements are proposed.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The PDR-1 zone is intended to permit moderate-density commercial and PDR activities. The desired use of the penthouse for a Private Event Venue is permitted by special exception, indicating that it is considered to be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps provided the

conditions for the use are met.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Adjacent properties are also within the PDR zone, and any residential uses appear to be some distance and across the street from the subject site. As such, there should not be an undue adverse impact.

- (c) *Subject in specific cases to the special conditions specified in this title.*

The form of relief is within the allowed criteria of U § 802.1(c), provided above.

V. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no comments from other district agencies in the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, there is no report from ANC 5A in the record.

VII. COMMUNITY COMMENTS TO DATE

As of the writing of this report, there are no public comments in the record.

