

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 15, 2019

SUBJECT: BZA Case 19897 (71 Kennedy Street and 5501 1st Street, N.W.) to permit a four-story mixed-use building with 44 apartments and 3,923 square feet of ground floor retail

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle G § 202 .1, Closed Court (350 square-foot minimum area and 12.5-foot width required; 81 square-feet and 5-foot, 4-inch width (1st floor) and 96 square feet and 9-foot., 8-inch width (2nd through 4th floors) proposed); and
- Subtitle G § 405.2, Rear Yard (15-foot minimum required, none proposed).

II. BACKGROUND

The original filing proposed a mixed-use building with one level of parking accessible from 1st Street, loading spaces, 46 dwelling units and 4,017 square feet of commercial space. Revisions to the plan reduced the number of dwelling units and the commercial space square footage to 3,923 square feet. Four dwelling units would still be located within a habitable penthouse.

The applicant informed OP that they have been in contact with DDOT regarding the paving of the existing 15-foot wide unimproved public alley adjacent to the east side of the subject property to provide access to two levels of below-grade parking within the building. The portion of unimproved alley extends from Kennedy Street north to the existing alley system within the square, north of the subject property. As a result, the applicant no longer proposes a curb cut from 1st Street to access on-site parking, as was requested in the original application. The proposal will still require approval from the Public Space Committee for outdoor seating accessory to a cidery and tasting bar. Other commercial uses proposed include a grocery and a cafe.

III. LOCATION AND SITE DESCRIPTION

Addresses	71 Kennedy Street, N.W. and 5501 1 st Street, N.W.
Applicant	Coloma River Capital
Legal Description	Square 3389, Lots 822 and 817
Ward, ANC	Ward 4, ANC 4B
Zone	MU-4

Lot Characteristics	Square corner lot with a 15-foot building restriction line along 1 st Street and Kennedy Street each, and a 15-foot wide unbuilt public alley to the east.
Existing Development	A one-family detached dwelling, a one and two-story commercial building and a one-story three-bay retail building
Adjacent Properties	North: 3.5 story apartment building South: Across Kennedy Street, a church East: Across the unbuilt alley, four-story apartment building West: Across 1 st Street, 3-story apartment building with ground floor retail facing 1 st Street
Surrounding Neighborhood Character	Moderate-density residential with low-density commercial uses and churches facing Kennedy Street
Proposed Development	Four-story mixed-use apartment/commercial building with 44 dwelling units, 3,923 square feet of commercial space, a habitable penthouse, a closed court on the north side of the building and 22 below-grade parking spaces to be accessed via a paper alley abutting the east side of the property that the applicant proposes to construct. A portion of the 1 st floor on the north side of the building would be setback, resulting an “arcade-like” design and connecting with the closed court on the ground floor only.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Height G § 403.1	50-foot max.	N/A	50 feet	None Required
Habitable Penthouse Height G § 403.3	12-foot max. and 1-story	N/A	11 feet, 4 inches and 1-story	None Required
Penthouse Height G § 403.3	Up to 15-foot max. for mechanical & habitable	N/A	3 feet, 8 inches (mechanical only) TOTAL: 15 feet (mechanical & habitable)	None Required
Lot Width	None	115 feet	115 feet	None Required
Lot Area	None	13,225 sq. ft.	13,225 sq. ft.	None Required
Floor Area Ratio G § 402.1	3.0 max. (IZ)	N/A	3.0	None Required
Residential Lot Occupancy G § 404.1	60% max.; 75% (IZ)	N/A	75%	None Required
Rear Yard G § 405.2	15-foot min.	N/A	None	REQUIRED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Closed Court C § 202.1 -Width	4"/ft. bldg. ht. or 12 ft., 6 in.	N/A	Floor 1: 5 ft, .4 in. Floors 2-4: 9 ft, 8 in.	REQUIRED
-Area	350 sq. ft. min.	N/A	Floor 1: 81 sq. ft. Floors 2-4: 96 sq. ft.	REQUIRED
GAR C § 407.1	0.3 min.	N/A	0.3	None Required
Parking C § 701.5	14-space min.	N/A	22 spaces	None Required

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle C § 202.1, Closed Courts

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

A closed court of reduced width and area is proposed to allow for light and air into the units opening onto it. This courtyard would connect to an “arcade-like” structure on the first floor that would facilitate the flow of air through this closed court to the benefit of those units opening onto it.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The reduced size of the court would not be visible to neighboring properties as it would open onto the party wall of the adjacent building to the north. That building has no windows that would face the court. As this court would not be visible from any public or private property, it would have no impact on the use of abutting properties.

b. Special Exception Relief from Subtitle G § 405.2, Rear Yard

The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:

(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;

The rear yard is on the north side of the property and the adjoining property has no windows facing the subject property. The windows along the north façade of the proposed property building would face into the rear yard of the property to the north.

(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;

Not applicable. No office windows are proposed.

- (c) ***In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;***

Not applicable. The proposed building's street would facades be parallel to the adjacent buildings on 1st Street and Kennedy Street.

- (d) ***Provision shall be included for service functions, including parking and loading access and adequate loading areas; and***

Adequate parking is proposed as required via the public alley on the east side of the property that the applicant proposes to construct, subject to approval by DDOT. No loading is required for either the commercial or residential uses and none is proposed.

- (e) ***Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.***

The site is neither located within a historic district nor a historic landmark. No comments were received from either DCHA or DDOT concerning the rear yard.

VI. COMMENTS FROM OTHER DISTRICT AGENCIES TO DATE

No comments from other District agencies were submitted to the file.

VII. COMMUNITY COMMENTS TO DATE

The applicant informed OP that the case is scheduled to be reviewed by ANC 4B at its regularly scheduled meeting of February 25, 2019.

A letter from Ward 4 Councilmember Brandon Todd was submitted to the file in support of the application. (Exhibit 16)

One letter was submitted to the file in support of the application. (Exhibit 32)

