

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: April 10, 2020

SUBJECT: BZA Case 20259 (3501 Connecticut Avenue, N.W.) to permit a financial service use in the NC-3 Zone

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief under H § 1200 from the designated use requirement of Subtitle H § 1101.3 (a) as follows:

- 20% max. of ground floor level to financial service use permitted; 27.5% Proposed.

II. LOCATION AND SITE DESCRIPTION

Address	3501 Connecticut Ave NW
Applicant	Federal Realty
Legal Description	Square 2222, Lot 15
Ward, ANC	3/ANC3C04
Zone	NC-3
Historic District	Cleveland Park HD
Lot Characteristics	The property is part of a larger irregularly shaped strip shopping center site on the east side of Connecticut Avenue, between Ordway Street and Porter Street.
Existing Development	The property is improved with a one- and two-story commercial retail structure, including eating and drinking establishments, a bank, other service uses and a retail anchor, a Target store.
Adjacent Properties	The property abuts three streets and an alley at the rear including, Connecticut Avenue to the west, Porter Street and the public alley to the east, a private lot owned by the owner/applicant, and Ordway Street to the south. There is a gas station to the north.

Surrounding Neighborhood Character	The property is within the Cleveland Park Historic District and the commercial building is a contributing structure to the historic district. The immediate neighborhood beyond the shopping center is characterized by residential apartment buildings and single family residences within the RA-1, RA-4, R-2 and R-1-B zones. The Cleveland Park Metro Station is on this block.
Proposed Development	The applicant proposes to lease a portion of the commercial ground floor space to a financial service (Chase Bank). While this use is permitted within the NC-3 zone, the zone limits the square footage of financial service uses to 20% of ground floor levels in the zone. The total gross floor area to be devoted to the proposed use would increase to 27.5%. Therefore, relief has been requested pursuant to H § 1200 from the requirement of H § 1101.3 (a).

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- NC-3	Regulation	Existing	Proposed	Relief
H § 1101.3 (a)	No more than twenty percent (20%) of the ground floor level area shall be financial services, travel agencies, or other ticket offices	16.4%	27.5%	S.E. Requested

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief from Subtitle H § 1103.1 (a) pursuant to H § 1200

1200.1 The Board of Zoning Adjustment may grant relief from the standards of this subtitle as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

The use, which is permitted but limited in this zone, would result in an additional 1,490 square feet devoted to financial services within the retail structure beyond what would be allowed as a matter of right (20%). A n existing bank occupies 2,200 square feet (16.4%) and the subject lease space is at 3,287 square feet. This in total represents 27.5% of the ground floor level of the commercial center.

In this instance, an additional 1,490 square feet (7.5%) increase should not be contrary to the intent of the purposes of the NC zone per H § 100.2, which are to in part, to:

- Provide for a varied mix of residential, employment, retail, service, and
- other related uses in the area;

- Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;
- Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;

The proposed use would add another financial service option for residents in the neighborhood, as well as for the convenience of surrounding businesses. It would provide employment and add a permitted use that should not increase the traffic and parking due to its proximity to metro and along an efficient bus route corridor. As such, OP does not anticipate that the percentage increase due to the lease area's footprint would adversely affect neighboring property, in terms of traffic and parking, as the majority of customers would be pedestrian traffic from the immediate neighborhood and from persons who would patronize and work at the center.

(b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;

The building's exterior would not be altered with the bank's proposed use.

(c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

An existing financial service on site already occupies 2,200 square feet. The subject lease space has been vacant since 2014 and the owner has made several attempts since this time to lease the subject space to a variety of retail entities including restaurants. However, to date those efforts have not been successful, except the current pending offer for a banking service. Reduction of current space to satisfy the maximum permitted ground level requirement of 20% (3,997 sf) for financial services would result in 1,797 square feet of space available for the subject financial client, and 1,490 sf of remaining space, for other uses. The total 3,287 square feet of the subject space is suited to the subject bank's needs, including for ATMs and other necessary service provisions, in order to offer its full complement of banking services to area residents. OP supports the exceptional circumstance in this case as the applicant has demonstrated that the space as is was not attractive for other retail entities for over six years.

(d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;

Vehicular access would be available including what currently exists for the center. No new access or parking is required or proposed.

(e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;

The additional area devoted to this use should not contribute to adverse parking and traffic conditions beyond what may currently exist, particularly since the building currently exists and, although vacant for some time, has housed other uses utilizing the existing parking. The additional area is necessary solely for the bank's operations including the provision of ATM's and office space for the bank's workers. The center currently provides 51 parking spaces for the needs of customers.

Its location opposite a metro stop, a well-traveled bus route, and adequate pedestrian sidewalks and bike-share facilities currently mitigate the number of vehicles, which access the site and also to the existing bank.

(f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and

Noise is generally not generated by banking operations and would not be anticipated at this location.

(g) 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 NC zone.

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

The proposal would remain in harmony with the stated purposes of the NC zone as noted prior. Maintaining the 20% in this instance would continue a vacancy that existed for many years, contrary to the intent of providing neighborhood serving retail and services in a continuous pattern at the ground level (H § 100.2 (e)).

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

The proposal should not adversely affect the use of neighboring property. There is adequate parking to serve the needs of the bank's clients. In addition, the location of the center is transit accessible, including to metro and a well-served bus route along Connecticut Avenue. The center is well-served by pedestrian activity from the surrounding neighborhood. Because the financial institution has other branches in other neighborhoods, it would not likely serve as a draw from outside the immediate area.

No additions to the building are proposed, any minor changes to the center's exterior would be reviewed and approved by the District's Historic Preservation staff.

V. OTHER DISTRICT AGENCIES

At the writing of this report, other agencies' responses were had not been added to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At the writing of this report, the ANC's report was not included in the record.

VII. COMMUNITY COMMENTS TO DATE

Community comments were not included in the record at the writing of this report.

Attachment: Location and Zoning Map

Location Map

