



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 15, 2013
SUBJECT: BZA #18636 – 33 N Street, NE

I. RECOMMENDATION

With regard to this proposal to construct a mixed use residential building, the Office of Planning (OP) recommends **approval** of the following relief:

- § 2201 Loading (One 55 foot berth, one 20 foot space, one 200 sf platform required; One 30 foot berth, one 20 foot space, one 100 sf platform provided);
- § 777 Rooftop structures (1 to 1 setback required; Less than 1 to 1 setback provided at court walls).

II. LOCATION AND SITE DESCRIPTION

Address	33 N Street, NE
Legal Description	Square 672, Lots 254, 257, 847 and 848
Ward and ANC	6, 6C
Lot Characteristics	Flat property; T-shaped; Eastern boundary on 1 st Street; Northern boundary on N Street; Southern boundary on Patterson Street
Zoning	C-3-C – High Density Commercial; TDR Receiving Zone
Existing Development	Two commercial buildings – Two story building to be replaced; Seven story building to be retained
Historic District	None
Adjacent Properties	North – Low scale light industrial and commercial buildings; approved 130 foot tall hotel South – Low scale commercial buildings East – High density mixed use West – Vacant lot currently used for parking
Surrounding Neighborhood Character	NoMa area is developing with high density mixed use buildings; some rowhouses to the west across North Capitol Street

III. APPLICATION IN BRIEF

The applicant proposes construction of a mixed use building in the unit block of N Street, NE. The building would be 130 feet tall with approximately 317,000 square feet of new construction



on the site. The primarily residential development would have ground floor retail and three levels of underground parking. Parking and loading would be accessed from a single curb cut on N Street. The rest of the T-shaped lot will be constructed over time, though no definite plans are yet in place. In order to develop as proposed, the application requires loading and rooftop structure setback relief.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

C-3-C	Regulation	Existing	Proposed	Relief
Height (ft.) § 770	130 ft. (TDR receiving zone)	~30' (residential site only)	130'	Conforming
Lot Area (sf)	n/a	92,068 sf	No change	n/a
Lot Width (ft.)	n/a	592'	No change	n/a
Floor Area Ratio § 771	10 (TDR receiving zone)	2.26	5.63 FAR (316,553 sf new <u>201,900 sf exist. to remain</u> 518,453 sf total)	Conforming
Lot Occupancy § 772	100%	42%	68%	Conforming
Rear Yard (ft.) § 774	2.5 in./ft. of height = 27'6"	98' 4"	27'6" minimum	Conforming
Side Yard (ft.) § 775	None required; 2 in./ft. of height = 21'8"	Not provided	21'8" minimum	Conforming
Rooftop Structures §§ 411, 770.6 & 777	1 to 1 setback from exterior walls	n/a	Structures near courtyard exterior walls do not meet 1 to 1 setback	Requested
Loading	1 55 foot berth 1 20 foot space 1 200 sf platform	n/a	1 30 foot berth 1 20 foot space 1 100 sf platform	Requested

V. ANALYSIS

Variance Analysis

The design would require a variance from loading requirements. In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The property exhibits exceptional conditions. The site of the proposed construction has no alley access. It is surrounded on the west and south by other private property, and on the east by a

building that will remain on the subject lot. Also, the site of the proposed residential project is relatively narrow from north to south.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional conditions combine to form a practical difficulty for the applicant. Because there is no alley, the only location for loading access would be from N Street, which limits the possible configurations of any loading bay. The design uses just one curb cut for loading and parking access to minimize the impact on the pedestrian environment. The design also allows front-in—front-out maneuvering for all vehicles; However, the narrow dimension of the property limits maneuverability for larger trucks, especially given that the parking ramp occupies space at the rear of the lot. Fifty-five foot trucks would not have enough room to pull-in, back into the loading bay, and pull-out. The applicant's loading assessment graphically shows that fifty-five foot trucks would need a deeper lot in order to use the loading dock.

A 200 square foot loading platform could impede vehicle movement and reduce the space available to other ground floor uses. The ground floor design is limited because of the location of the elevator and stairway core. The core cannot be significantly moved due to building code limitations on the length of hallways and emergency egress, and due to the shape of the lot and resulting building footprint.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Granting the requested relief would not impair the public good or the intent of the Zoning Regulations. The regulations were intended to ensure that buildings had enough loading facilities for their intended use. In this case, the applicant has demonstrated, through comparisons to other similar buildings, that the proposed loading is sufficient for the use of future residents. The loading study states that most move-ins and move-outs are conducted with 24-foot trucks, and occasionally with 30-foot trucks, which could be accommodated with the proposed loading facilities. Furthermore, the public will benefit from the design of the loading in that trucks will be able to pull-in and pull-out with no backing movements, thus minimizing the impacts to the pedestrian and vehicular environment on N Street.

Special Exception Analysis

The proposed design does not meet, from the walls of the three courtyards, the one-to-one setback requirement for rooftop structures. The Board may grant, pursuant to § 411.11, special exception setback relief. Section 411.11 lists the following criteria:

1. Meeting the requirement would be impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or

surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.

The size of the lot and resulting shape of the building lead to rooftop structures that cannot completely comply with the setback regulation. While the rooftop structures are fully compliant with the setback from the front and rear property lines, they do not achieve a 1-to-1 setback from the courtyard walls. The long shape of the building limits where rooftop structures can be placed, and the need for light and air reaching residential units means that courtyards are an important feature of the building design.

- 2. The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

Granting relief to the rooftop structure setback from interior courtyard walls would not impact the light and air available to the proposed structure or to nearby buildings. The rooftop structures meet the setbacks from all exterior walls, and there should be no impact to light and air available to residents of the subject property. The penthouses are to the north of any resident who could possibly view them, so sunlight would not be blocked. Air circulation is still guaranteed by the presence of the courts.

VI. HISTORIC PRESERVATION

The subject site is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency at this time.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.