



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: May 17, 2010
SUBJECT: BZA Case No.18216, 450 K Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

Jemal’s K Street Lot LLC has applied for zoning relief in order to construct an apartment building with ground floor retail at 450 K Street, NW, in the Mount Vernon Triangle Overlay of the Downtown Development District. The Office of Planning (OP) **recommends the Board approve** the following relief requested for the proposed development on DD/C-2-C zoned Square 516, Lot 61:

Variances

- §774.1 Rear Yard Depth (20 feet required; 0’ provided)
- §776.3 Open Court Width (39.3 feet required; 11.3 feet provided)
- §2201.1 Loading ((1) 55-foot berth required; (2) thirty-foot berths provided)

Special Exceptions

- §§ 411.11 and 770.6 Roof Structure Setback
 - Single structure required; 3 provided
 - Enclosing walls of equal height required; varying heights provided (from 10 to 18.5 feet)
 - 1 to 1 ratio required for height to setback from building line; lesser than required setbacks provided (from 4 to 9 feet less than required).



Figure 1. Location -- vacant lots on south side of 400 Block of K Street, NW, across from City Vista

II. AREA AND SITE DESCRIPTION

Applicant	Jemal's K Street Lot LLC	Legal Description:	Sq. 451, Lot 61
Address:	45 K Street MW	Ward: 6	ANC 6 C
Zoning:	DD/C-2-C	Historic Preservation:	Mount Vernon Triangle
Lot	Inverted-T shaped 20,875 square foot vacant lot, slightly sloping from front to rear. Square is bounded by K, 4 th , I and 5 th Streets.		
Adjacent	There are existing two and three-story townhouse-like structures on K Street, in front of the wider rear portion of the applicant's Lot and on 5 th Street. They are occupied primarily by commercial and entertainment uses. A modern office building has recently been gutted and renovated at 4 th and I Streets. The Square contains several vacant or derelict lots that are being assembled for development, including a District owner property at the corner of 5 th and I Streets.		
Area Character:	Remnants of small scale 19 th and early 20 th century townhouses used for both residences and commerce as well as some small-scale light-industrial structures. The prevalence of open parking lots indicates the transitional nature of the Square. Within the last eight years, four new large-scale residential, office and retail buildings have been constructed within one block of the site.		

Table 1. Site Summary

III. PROJECT SUMMARY

The applicant proposed the construction of a 130-foot tall mixed use building with 246 market-rate dwelling units, 8200 square feet of retail space and 98 underground parking spaces. The location in the downtown development districts exempts a project at this site from providing affordable dwelling units.

The lot is shaped like an upside-down "T" with the larger building mass, and the larger number of apartments, at the rear, behind the existing two and three story structures on either side of the building's smaller mass on K Street, NW. Retail space designed to meet the requirements of the Mount Vernon Triangle Overlay would occupy over half of the K Street ground, including a secondary entrance from Prather Court in the rear. On the second floor there would be a large courtyard for the residences and a smaller courtyard/terrace for the fitness center. The roof would have an extensive deck, a pool, and several "green roof" elements. Parking and loading would be entered from K and L Streets, via the Prather Court alley system in the center of Square 451. The architectural style of the 12-story brick-and-glass-faced building is contemporary. It is being reviewed by the Historic Preservation Review Board.

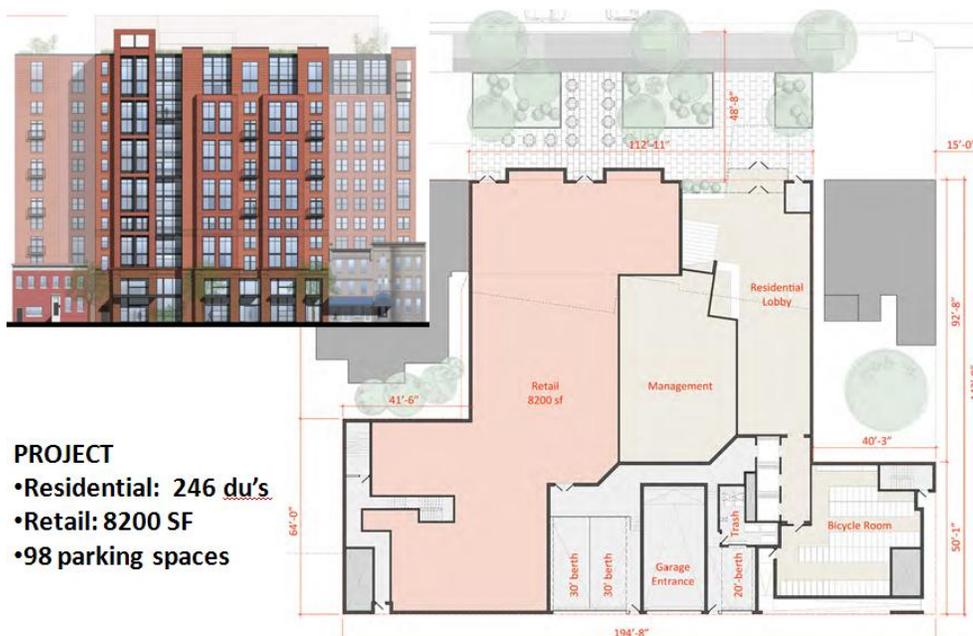


Figure 2 Front façade & ground floor plan

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Requirements, Existing & Proposed Conditions, Relief Requested				
DD/C-2-C	Required / Permitted	Existing	Proposed	Relief
Lot Area	none	20,875 <u>sf</u>	Same	none
Lot Width	None	147.6'	Same	none
Lot Occ.	80% residential	0 (vac.)	80%	none
FAR	Unlimited residential	0	10.6 (0.4 retail)	none
Height	130'	0	130'	none
Parking	66 (1sp:4du)	0	98	none
Loading	(1) 55' berth; (1) 20' service space, (1) 200 <u>sf</u> platform	0	(2) 30' berths. (1) 20' serv. sp., (1) 200sf plat.	-25'
Rear Yard	Below 20', 15' from center of alley; Above 20', 15' from rear prop line	0	0	15' 100%
Side Yard	None	0	0	None
Open Ct.	39.3' (width = 4"/1' height but ≥ 15')	0	46.3' & 11.3'	0', - 28'
Closed Ct.	38' (width as above; area = 2(req. width) squared, ≥ 350 <u>sf</u>)	0	0	0
Roof Structures	Area ≤ 0.37 FAR, 1/3 roof area One enclosure Equal height walls ≤ 18.5' 1:1 setback	0	0.21 FAR, 26% area 3 enclosures Vary, 18.5' to 10' 3 setback < 1:1	None +2 - 8.5' x 3 -4', -6'11", -9'
MVT	75% @ bldg. line 50% ground floor glazing 14' clear height to 36' depth	0	100% 50% Provided	None " None

Table 2. Zoning Requirements and Relief Summary

The applicant has requested:

Variations

- §774.1 Rear Yard Depth (20 feet required; 0' provided)
- §776.3 Open Court Width (39.3 feet required; 11.3 feet provided)
- §2201.1 Loading ((1) 55-foot berth required; (2) thirty-foot berths provided)

Special Exceptions

- §§ 411.11 and 770.6 Roof Structure Setback
 - Single structure required; 3 provided
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V. OFFICE OF PLANNING ANALYSIS

The proposed project is likely to be beneficial to the Mount Vernon Triangle neighborhood, and the requested relief is not likely to generate any substantial detriment to neighboring properties or the public.

A. Variances

Unique or Exceptional Conditions for All Requested Variances (Leading to a Practical Difficulty)

The applicant has demonstrated the unusual size and inverted T-shape of the lot constitutes an exceptional condition that would lead to a several practical difficulties with the site plan and the building design, should relief not be granted.

The applicant has posited several other exception conditions that OP does not consider relevant:

- Mount Vernon Triangle Overlay's requirement that 75% of the façade be at the K Street property line
- The DD Overlay requires construction of housing
- The DD lifts residential FAR restrictions
- Historic Preservation Review Board's (HPRB's) initial review has imposed constraints.

The first three bulleted "exceptional conditions" are zoning regulations and OP cannot support the tautological argument that the zoning regulations are in and of themselves exceptional conditions. With respect to HPRB requirements, the applicant has not provided enough information to determine whether they constitute exception conditions.

Rear Yard §774.1

Practical Difficulty: The applicant has demonstrated the practical difficulty stemming from an exception circumstance. The lot shape dictates that the rear of the building accommodate the bulk of the residences and that these be laid out along an east/west double loaded corridor. Reducing the depth of the building by 8 feet on the first floor and by fifteen feet above for the portion taller than 20 feet to comply with rear yard regulations would require the applicant to employ a single loaded corridor in the back of the building, significantly reducing the number of units that could be realized on the site, or to significantly reduce the size of or eliminate the courtyard that would give light and air to many of the proposed apartments.

No Substantial Harm to the Public: Granting the requested variance relief would generate no substantial harm to the public good. The applicant's property is separated from properties to the south by a 30-foot wide alley and from those to the east and west by 15-foot alleys

No Substantial Harm to the Zoning Regulations: There would be no substantial harm. The existing rear alley, known as Prather Court, is spacious and enables circulation, light and air needs to be met without the back yard setback.

Court Dimensions (§776.3)

Practical Difficulty: The applicant has demonstrated the shape of the lot would create a practical difficulty should the Board not grant relief from court width requirements. For the southeast tier of apartments, all of the north-facing windows would be "at-risk" without the provision of a court. Providing the requested relief would enable these apartments to have permanent windows on the north and balconies set-back from the property line. Requiring the full width for the court would require eliminating one bedroom from each unit in the tier.

No Substantial Harm to the Public: There would be no substantial harm to the public. The proposed reduced-width courts would be adjacent to a 15-foot wide public alley and the rear yard of the property to the north, thus providing adequate light and air.

No Substantial Harm to the Zoning regulations: Granting the requested court-depth relief for the 2nd floor terrace and the balconies would cause no substantial harm to the regulations.

Loading Berth Depth (§2201.1)

Practical Difficulty: The applicant has supplied turning radius diagrams demonstrating that providing the required 55-foot loading berth, rather than the two proposed 30 foot deep berths, would constitute a practical difficulty. Although a fifty-five foot loading berth could be constructed, it could not be accessed by 55-foot long, 12-foot wide trucks trying to make the necessary turns from a 15-foot wide alley off of K Street. Providing the additional 25 feet would diminish the retail space for no practical purpose. .

No Substantial Harm to the Public: There would be no substantial harm to the public. The District Department of Transportation (DDOT) has been encouraging the use of smaller trucks in the downtown area because they impose fewer impediments to traffic flow. On the infrequent occasions that a household move would involve a 55-foot van, that van could park parallel to the rear of the proposed building and load or unload laterally.

Substantial Harm to the Zoning Regulations: There would be no substantial harm. Granting relief may actually facilitate the provision of higher quality retail space in an area for which the zoning regulations require retail.

B. Special Exceptions

The applicant has requested special exceptions to:

- Provide three, rather than one roof structure;
- Have varying , rather than uniform heights for the enclosing walls; and
- Have less than the required setback for portions of three of the roof structures.

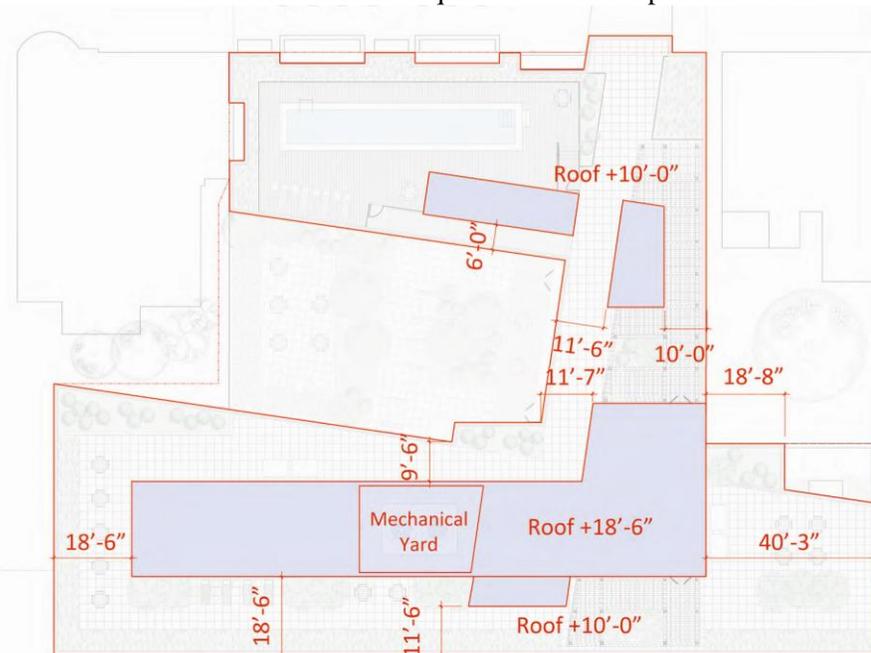


Fig. 3. Roof Structures

§§ 411.11 and 770.6 permit the Board to grant special exceptions for these requests when:

- Operating difficulties, lot size or other proximate conditions would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable
- The special exception would not impair and would be in harmony with the intent and purpose of the zoning regulations

- Granting the request would not tend to adversely affect the use of neighboring property, or adversely affect the light and air of adjacent buildings.

The principal roof structure would generally be 18'6" tall and would house elevator and other mechanical equipment and one of two required egress stairs. The applicant has requested relief to have a setback of only 9'6" from the southern edge of the major open court, and only 11'7" from the eastern edge of that court. At these points it would be setback 9 feet and 6 feet 11 inches less than required. Because the southern setback is already at exactly 1:1, the size of the central courtyard would have to be reduced to comply with the northern setback requirement. This would reduce the recreation space available to residents and would impinge on the open dimensions the applicant has used to frame historic buildings on the east side of 5th Street, at the request of historic preservation staff. Permitting the lesser setback would not impair the intent of the zoning regulations or adversely affect neighboring properties, since the northern exposure of the penthouse is already set back substantially from the surrounding streets.

A small section of the principal roof structure would be only 10-feet high. The reduced height would enable that portion of the structure, which is also closer to the edge of the building than is the main penthouse, to achieve a 1:1 setback from the rear wall facing Prather Court. This special exception would also not impair the intent of the zoning regulations, nor adversely affect the views, air, or light of adjacent structures.

A second ten-foot high roof structure would be north of the large courtyard, adjacent to the pool. It would enclose a second egress and would contain storage space. The structure would be adequately set-back from three exterior walls, but would be only six feet from the open courtyard wall. Four feet of relief are requested. The applicant has stated that the relief is necessary because moving the structure further north would impinge on the safety perimeter of the pool, and moving the pool further north would bring it too close to the edge of the building. The roof structure would not be visible from surrounding streets or alleys, would not adversely affect the view, air or light available to adjacent structures.

The third roof structure would also be ten feet high and would be set back from all walls as required.

VI. COMMENTS OF THE HISTORIC PRESERVATION REVIEW BOARD (HPRB)

The applicant has had one concept review session with the HPRB and has been instructed to return for an additional concept review later in May. The drawings submitted to the BZA reflect the applicant's response to HPRB comments.

VII. OTHER DISTRICT AGENCIES

The applicant has met with DDOT, which stressed the need to avoid putting utility vaults on K Street. There were no agency comments on file when this report was filed.

VIII. COMMUNITY COMMENTS

On April 13, 2011 ANC 6 C voted unanimously to recommend BZA approval of the requested relief.

JS/slc
Steve Cochran, project manager