



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: December 8, 2009

SUBJECT: BZA Case No. 18012, 1612 U Street NW (Square 176, Lot 62)

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of the variance request, to allow construction of an addition to an existing commercial building with ground level retail uses, for relief from the following:

- ❖ § 771 - Floor area ratio (1.5 permitted, 3.6 proposed)
- ❖ § 2101- Off-street parking requirements (6 spaces provided, 3 spaces proposed)
- ❖ § 2001.3 - Addition to an existing non-conforming structure

OP also recommends approval of the special exception request, authorized at § 411.11, for relief from the roof structure requirements found in § 770.6, to allow the expansion of an existing non-conforming roof structure with less than the required setback.

II. AREA AND SITE DESCRIPTION

Address:	1612 U Street, NW
Legal Description:	Square 176, Lot 62
Ward:	2
Lot Characteristics:	14,520 square foot rectangular lot, adjacent to a 12' wide public alley; located within the Strivers Section Historic District
Existing Development:	4-story brick building w/ commercial and retail uses; property has a curb cut off U street and an open parking area along the east property line
Zoning:	C-2-A – medium density community business center
Adjacent Properties:	East: 2-story retail building; West: 2-3 story mixed-use commercial buildings; South: Rowhouses and multi-family residential buildings; North: Fire station and police substation and mixed-use retail/residential buildings
Surrounding Neighborhood Character:	Low density commercial, mixed-use, and multi-family residential buildings on U Street; Range of residential uses and zones to the south



III. APPLICATION IN BRIEF:

Urban Adventures of Washington, the property owner, has requested zoning relief to construct a 3-story side addition to an existing 4-story commercial building at 1612 U Street, NW. The proposed addition would allow for a continuation and expansion of the existing health club, salon, restaurant, and office uses. The project would locate an expanded salon, restaurant, and spa component of the health club on the ground floor. The second, third, and fourth floors would be occupied by Vida Fitness health club and its offices. A members-only pool club is planned for the rooftop which would include a 60-foot swimming pool, lounging area, sundeck, and bar. Three open off-street parking spaces are proposed to be located at the rear of the addition, to be accessed via the adjacent 12'-wide alley. The existing U Street curb cut would be eliminated as part of this project. The proposed building materials for the addition would be brick with a majority glass façade on the U Street elevation to allow views of the east exterior walls of existing structure.

The initial proposal included a request for special exception relief from several roof structure requirements. The applicant has revised their request to only need relief for the setback requirement. The proposal would include an expansion of the existing roof structure that currently does not meet the requirement for the setback from the north exterior wall.

IV. REQUESTED RELIEF

The applicant requests area variances from floor area ratio, off-street parking, and non-conforming structure requirements to allow construction of a 3-story side addition. The applicant also requests special exception relief to permit a roof structure that is not set back the required distance from the north exterior wall.

Table 1 –Zoning Analysis of the Project

Standard	C-2-A Requirement	Existing Building	Planned Construction	Relief Required
Lot Area	None	14,520 sq. ft.	14,520 sq. ft.	N/A
Building Height	50'	50'	36.8' @ addition	No
<i>Floor Area Ratio</i>	<i>2.5 (residential) 1.5 (non-res)</i>	<i>3.0 (43,400 sq. ft.)</i>	<i>3.6</i>	<i>Yes, 2.1 (31,653 sq. ft.)</i>
<i>Roof Structures</i>	<i>1:1 ratio between roof structure height and setback</i>	<i>16' tall w/ 15'3" foot setback</i>	<i>16' tall w/ 10'4" setback</i>	<i>Yes (5.67 feet)</i>
Rear Yard	15' (as measured from center of alley)	11'2" 5'2"- from rear property line	22' 16' @ addition - from rear property line	No
	Required			Relief Required
<i>Parking (on-site)</i>	<i>6 spaces on site; no new parking required but existing spaces must be retained</i>		<i>3 spaces</i>	<i>Yes</i>

V. OFFICE OF PLANNING ANALYSIS

An analysis of the project against the relevant variance criteria is provided below.

Variance Criteria

The requested variance relief must satisfy the following criteria for area variances:

1. Is the property unique due to:
 - a. Exceptional narrowness, shallowness, or shape at the time of original zoning regulation adoption,
 - b. Exceptional topographical conditions, or
 - c. Other extraordinary or exceptional situation?

The subject property is located within the Strivers Section Historic District. The existing 4-story building, constructed in 1921, is a contributing structure to this district and is non-conforming with regard to floor area ratio. Among the defining elements of the structure are its east exterior walls and windows. The property fronts on U Street, characterized in this location by commercial and mixed-use structures built to the front property line with ground floor retail and residences or offices on upper levels. The property currently has a curb cut at its east boundary which historically provided loading access to the building, formerly used as an automobile warehouse. This 28'6" by 110' area connects to the rear alley and is currently occupied by six off-street parking spaces. This is one of two curb cuts within the square not serving a public alley and the only property with a 28' wide interruption in the retail street frontage.

2. Does the uniqueness, in combination with the zoning regulations, result in peculiar and exceptional practical difficulties to the owner?

Floor Area Ratio/Addition to a Non-conforming structure –This historic building cannot be made to comply without demolishing a part of the existing structure. Similarly, any addition to the building would exceed the permitted FAR for the zone, making it practically difficult for an expansion of the existing use to comply. While a residential floor area ratio of 2.5 is allowed on the site, constructing a residential building in this location would be practically difficult due to the size and shape of the unimproved portion of the lot. The deep, narrow area would prove difficult to configure for residential occupancy given its location between two existing structures and the need to provide windows. In addition, the applicant has performed a financial analysis of several other development alternatives and found it impractical to attempt an as-of-right scenario. The construction costs and permitted building envelope for both a residential and commercial building on a separate lot were not found to be financially viable. Lastly, views of the historic east exterior wall and windows of the existing structure would still need to be preserved under any development alternative. Construction of a new residential building would not accommodate the continued visibility of this historic feature, as is present in the current design, which includes a majority glass façade and allows views of this wall to remain.

Parking –The site is improved with a contributing historic structure with six off-street parking spaces. The applicant would not be able to create underground parking for the majority of site because excavation below the historic structure is not permitted. The remaining 28'6" wide portion of the lot which is currently unimproved is not wide enough to accommodate a ramp and circulation area for underground parking. In order to maintain the 6 spaces that currently exist, a large portion of the ground floor would have to continue to accommodate off-street parking spaces. This could result in increasing the building height to accommodate the requested expansion of the use, potentially blocking views of the east exterior wall and lessening the prominence of the existing 4-story structure. While this option was not presented to the Historic Preservation Review Board

(HPRB), in consultation with HPO staff, it was determined that such a design scenario would not likely receive a favorable recommendation.

3. Does granting the variance result in a substantial detriment to the public good or will it substantially impair the intent, purpose, and integrity of the zone plan?

Floor Area Ratio/Addition to a Non-conforming structure - The proposed 8,110 square foot addition should not significantly increase the intensity of use. Despite the increase in floor area ratio, the project would have less office space than currently on the property and a significant portion of the 4th floor would be taken up by the proposed rooftop pool, which sits below the roof. The project would be a continuation and expansion of the existing building and its uses, which have been non-conforming with regard to floor area ratio for the past 50 years. The proposed addition is sensitive to the existing structure and has been designed to preserve views of the east exterior walls of the building, one of its defining historic features.

Parking – The property is located a ½ mile from two metro stations and is well served by public transit. Per the applicant’s statement, they have not been able to successfully rent the existing 6 parking spaces on site. They also contend that demand for parking associated with the existing use is not significant since most members are from the neighborhood and don’t drive to the facility. The proposed removal of the curb cut on U Street is an improvement and would eliminate potential for pedestrian and vehicular conflicts by shifting vehicle access to the rear alley.

Special Exception Criteria

The requested zoning relief to allow a roof structure with less than a 1:1 setback from the north exterior wall requires special exception approval, per the requirements and criteria found in § 411.11, listed below:

411.11 Where 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 Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that 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.

The building currently has a single roof structure, which encompasses the elevator penthouse and an adjacent stairway. The 16’ high structure is located approximately 15’3” from the north exterior wall. The initial request included additional zoning relief to increase the number of roof structures and to allow them to have varying heights. Since that time, the applicant has submitted revised drawings which have eliminated the second roof structure at the southeast corner of the building. As a result, the only zoning relief being requested is to allow an expansion the existing roof structure to the east, maintaining the same height but reducing the distance from the north property wall to 10’ 4”.

The proposed penthouse expansion is located over an existing elevator and stairway. As a result, its location is not changeable without creating a new stairway or moving the existing one. The roof structure expansion is requested to provide a code compliant egress stair to accommodate the proposed occupancy of the roof. Because the location of the elevator is predetermined, meeting the 1:1 setback requirement would require extensive reconfiguration of the building and its mechanical core. Given the age of the building, such retrofits would be costly and could potentially jeopardize its structural integrity.

The requested zoning relief should not impair the zone plan or adversely impact the provision of light and air to neighboring properties. The proposed roof structure would be located 26' from the west property line and over 70' from the east property line. The height of the proposed expanded penthouse (16') would be the same as the current structure, has been designed to be complementary to the existing building in terms of materials and scale, and has been reviewed by the Historic Preservation Review Board.

VI. HISTORIC PRESERVATION

The subject property is located within the Strivers Section Historic District and the existing building is a contributing structure. The project appeared before the Historic Preservation Review Board on September 24, 2009 at which time it received conceptual approval.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other agencies have been received to date.

VIII. COMMUNITY COMMENTS

The applicant appeared before ANC 2B in August, September, and November 2009 to discuss the design and zoning relief requested for the proposed project. At their November 11, 2009 meeting, ANC 2B voted to support the requested zoning relief for floor area ratio, addition to a non-conforming structure, off-street parking spaces, and roof structure setback requirements. The Dupont Circle Conservancy has also reviewed the project and submitted a favorable recommendation to the Historic Preservation Review Board regarding the overall project design.

A letter of opposition was received from a neighbor at 1624 U Street NW expressing concern about the use of the roof and its impact on noise and privacy.

IX. CONCLUSION AND RECOMMENDATION

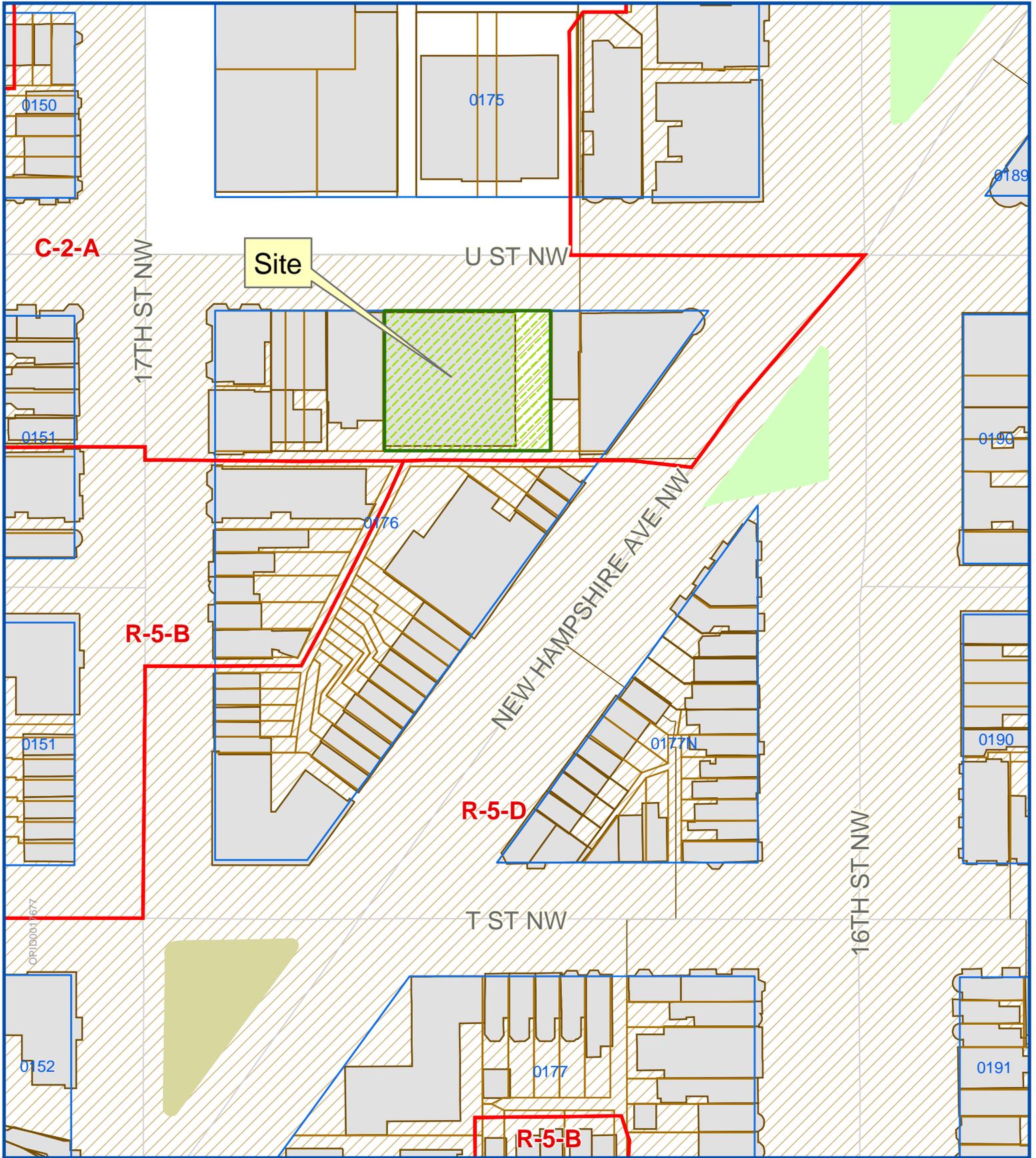
OP recommends **approval** of the requested variances and special exception to allow construction of a three-story side addition to an existing building. The request would not result in a change of uses, would eliminate a curb cut onto U Street, and help reinforce the streetwall and character of the corridor while preserving a historic resource.

JS/ayj

Arlova Jackson, Project Manager

Attachments:

1. Location map
2. Aerial photograph



BZA 18012 - Exhibit 1 - Lot map w/ building footprints

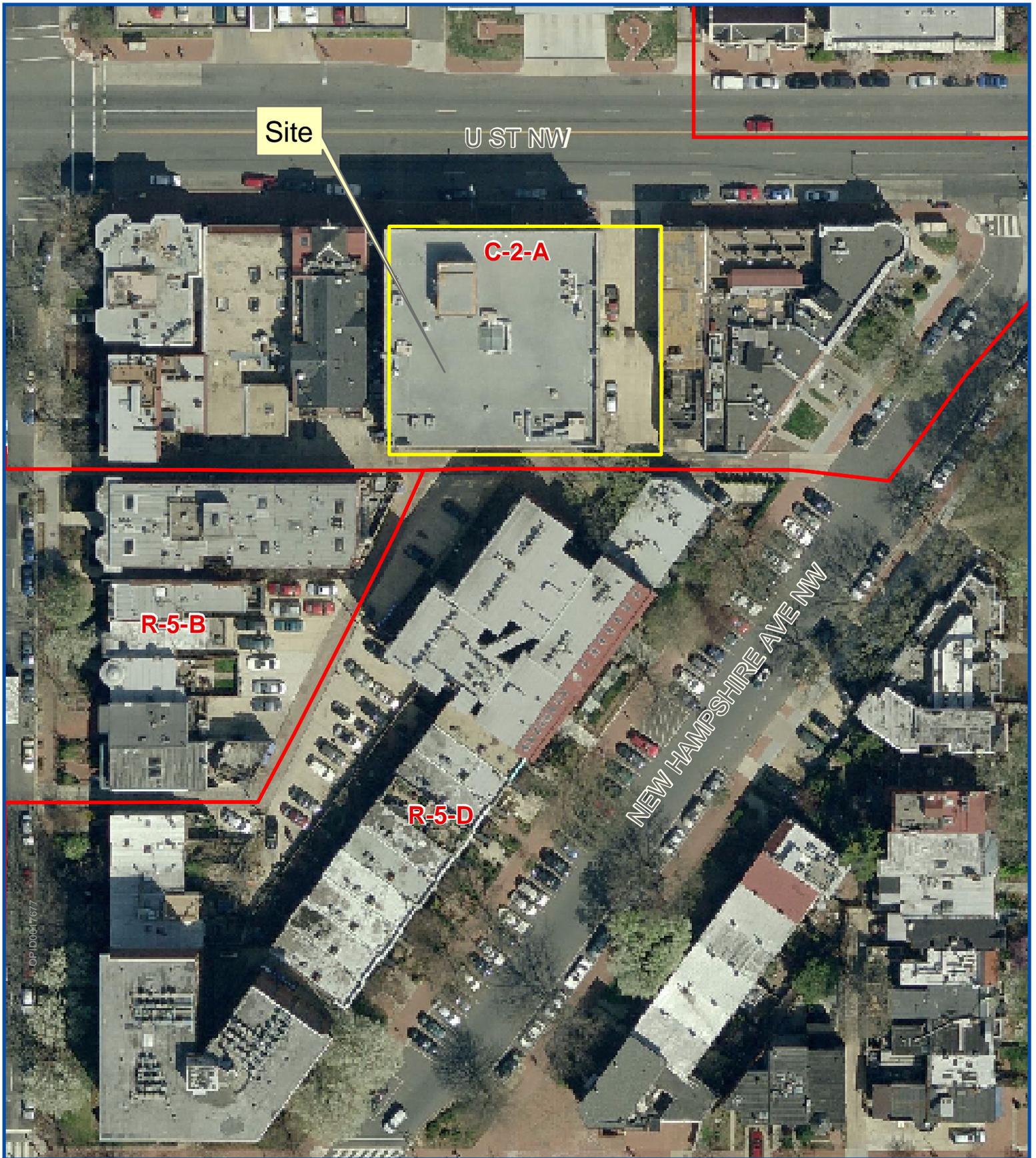
Legend

- Zoning Districts
- Property Squares
- Tax Lots
- Record Lots
- Buildings
- Designated Historic Districts
- Street Centerlines
- National Parks
- DC Parks



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This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International



BZA 18012 - Exhibit 2 - Aerial Photograph (2009)

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