

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** May 6, 2014  
**SUBJECT:** BZA Case 18749, 1031 4<sup>th</sup> Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area variances:

- § 774.1, rear yard (15 feet required, 0 feet proposed);
- § 775.5, side yard (16 feet, 8 inches required, 12 feet proposed);
- § 2101.1, parking spaces (35 parking spaces required, 25 parking spaces provided); and
- § 2201.1, loading (one 55 foot berth, one 200 square foot platform and one 20 foot service/delivery space required, 35 foot loading zone on L Street provided).

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

- § 411.3 and § 770.6, roof structures (one enclosure required, two enclosures provided).

**II. LOCATION AND SITE DESCRIPTION**

Address	1031 4 <sup>th</sup> Street, N.W.
Legal Description	Square 526, Lots 815, 816, 836, 837, 838, 808, 809, 810 and 811
Ward	6, 6E
Lot Characteristics	A total of nine lots would be combined for the proposed project, resulting in an L-shaped lot of 12,379 square feet. The property has 161.91 feet of frontage along 4 <sup>th</sup> Street and 66 feet of frontage along L Street. There is no rear alley access. The property is located approximately one-half mile east of Mt. Vernon Square Metro Station, and is located just west of Interstate 395.
Zoning	DD/C-2-C – designed to serve commercial and residential functions with higher density residential and mixed uses in the Downtown Development Overlay District.
Existing Development	A combination of vacant land, existing row dwellings and a parking lot, permitted in this zone.
Historic District	N/A



Adjacent Properties	To the north, across L Street, is vacant property that abuts Interstate 395. To the south, at the northeast corner of 4 <sup>th</sup> Street and K Street, is a three story commercial building including a delicatessen, retail store and auto repair facility. To the east, lies vacant property and right-of-way for Interstate 395. To the west, across 4 <sup>th</sup> Street, is a ten story senior apartment building.
Surrounding Neighborhood Character	The surrounding neighborhood character is a mix of uses, ranging from vacant properties, to higher density residential uses. The proposed project would be compatible with this character, setting the tone for denser uses near the Walter E. Washington Convention Center.

**III. APPLICATION IN BRIEF**

The applicant proposes to develop a ten story apartment building with ground floor retail at the southeast corner of 4<sup>th</sup> Street and L Street in the Mt. Vernon Square neighborhood. The site is located approximately one-half mile east of the Mt. Vernon Square Metrorail station and one-half mile east of the Walter E. Washington Convention Center.

The first floor would be occupied by a retail use consisting of 6,052 square feet, as well as the ramp to access below grade parking and an entry for the residential component of the development. Floors two through ten would include a total of 124 units with a gross floor area of 88,065 square feet. The proposed development is not required to comply with Inclusionary Zoning requirements, as it is located in a Housing Priority Area. Residential amenities would be included throughout the building, including a terrace on the second level, balconies for selected units along the west building elevation, and a 2,217 square foot roof terrace. The proposed height of 100 feet and FAR of 7.97 will be in accordance with the requirements of the DD/C-2-C District.

Below grade parking would be provided for the development, accessible from a ramp located on 4<sup>th</sup> Street. Parking would consist of a total of 25 parking spaces where 35 are required, allocating two parking spaces for the retail use and the remaining 23 spaces for the residential use. In addition, loading would be provided from L Street rather than on-site. Other requests for relief include side yard, rear yard and number of roof structures.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

DD/C-2-C Zone	Regulation	Proposed	Relief
Height § 1701	100 ft. max.	100 ft.	None required
Floor Area Ratio § 1706	No maximum	7.97	None required
Lot Occupancy § 772	80% max.	80%	None required
Rear Yard § 774	15 ft. min.	0 ft.	Required
Side Yard § 775	16 ft., 8 in. min.	12 ft.	Required
Court § 776	12 ft. min.	33 ft., 8 in.	None Required
Roof Structures § 777	One enclosure	Two enclosures	Required

Parking Spaces § 2101	35 spaces	25 spaces	Required
Loading § 2201	55 ft. berth 200 sf. platform 20 ft. service/delivery	35 ft. loading from L Street	Required

**V. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from § 774, Rear Yard**

**i. Exceptional Situation Resulting in a Practical Difficulty**

The proposed plan identifies that the rear yard would be located along the easternmost property line, which is 61.91 feet in length. While a 15 foot setback is required, the applicant has proposed that no setback be provided along the rear yard at the first floor level of the development; floors two through ten would have a 15 foot setback along the rear yard. Given the unique L shape of the property, the applicant has clarified with the Zoning Administrator that the rear yard is adjacent to the property line that is furthest from the front property line, as illustrated on the architectural site plan provided.

The property exhibits constraints that make development of the property practically difficult. The shape of the property is a unique L shape, with the majority of the lot having a narrow depth of 66 feet. Development of this property is further impacted by old sewer and water lines in the abandoned L Street right-of-way, and a Pepco transformer that will be located along the north building elevation.

The applicant has also indicated that the extension of the ground floor into the rear yard is necessary to provide structural columns to support the below grade parking garage. If this is the case, providing the rear setback on the ground floor would appear to reduce the size of the parking garage by four spaces. OP has requested clarification from the applicant on this matter, as below grade parking beyond the perimeter of the floors above is common and OP has not in the past heard of this kind of a requirement for ground floor space to support below grade parking. The applicant should document why this is the case, and the practical difficulty arising. However, OP notes that providing the rear yard at the ground floor level would reduce the ground floor retail space, which may impact its viability and result in the creation of an enclosed yard area that would be potentially difficult to use.

**ii. No Substantial Detriment to the Public Good**

The proposed reduced rear yard would not pose a substantial detriment to the public good. Several of the properties located adjacent to the subject lot are currently vacant and would not be adversely impacted by the proposed development. Along the east property line, where the reduced yard would be located, there is no existing structure that would experience decreased light and air. Floors two through ten would maintain the required 15 foot rear yard, which would minimize any impact the building may have on the future development of those properties. In addition, there is not an alley located along the rear of the development, and providing a rear yard could result in future maintenance issues with the area.

### **iii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result from a reduced rear yard. Only the first floor would provide no rear yard, whereas the second through tenth floors would comply with the 15-foot setback. In addition, there is not a development located along the rear yard that would be impacted by the development. Open space would be provided elsewhere within the development, including balconies on the units located along the front elevation, a terrace on the second level, and a terrace on the roof.

#### **b. Variance Relief from § 775, Side Yard**

##### **i. Exceptional Situation Resulting in a Practical Difficulty**

The proposed development would provide a 12 foot side yard, where 16 feet, 8 inches would be required. A side yard is not required in the C-2-C District, but if it is provided, it shall be at least two inches wide for each foot of height of the building, but not less than six feet.

The side yard for multiple dwellings has been provided in this development to accommodate a Pepco transformer pad, located between the north building elevation and north property line. The transformer requires a vertical clearance of 45 feet, which cannot be provided below grade or interior to the building, as it would compromise the interior layout of the building. The location of the transformer was negotiated with Pepco, and must be located in proximity to other nearby Pepco facilities.

Providing a fully compliant side yard would require shifting the parking ramp, which would eliminate area dedicated to parking spaces.

##### **ii. No Substantial Detriment to the Public Good**

The requested side yard relief would not cause substantial detriment to the public good. The property located north of the subject lot is currently vacant and would not be immediately impacted by the proposed reduced side yard. However, the proposed 12 foot side yard in conjunction with the old water and sewer lines located in the former L Street right-of-way will provide sufficient separation to ensure adequate light and air to the future development.

##### **iii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result from a reduced side yard. The Zoning Regulations do not require a side yard for developments consisting of multiple dwellings; however, the best location for the Pepco transformer pad is along the north building elevation, which eliminates the possibility of not providing a side yard. Given that the property located north of the proposed development is currently vacant, and the L Street right-of-way will remain free from development, a reduced side yard will have negligible impact on adjacent properties.

**c. Variance Relief from § 2101, Parking Spaces**

**i. Exceptional Situation Resulting in Practical Difficulty**

The proposed development is required to provide a total of 35 parking spaces: 31 for the residential use and 4 for the retail use. The applicant has proposed a total of 25 parking spaces for the development, for which 23 spaces would be allocated to the residential use and two spaces would be assigned to the retail use.

Excavation of more than one below-grade garage level would create a practical difficulty to the applicant, as the additional ramping would result in a more inefficient use of space at a substantial cost. The applicant has noted that expanding the parking garage to a second level below grade would eliminate parking spaces on the first level and create an inefficient layout, potentially not providing the required 35 parking spaces between two levels. In addition, the excavation, sheeting/shoring, underpinning and construction required to provide additional levels of parking would add significant cost to the development, resulting in a practical difficulty.

The Parking and Loading Management Plan provided by the applicant resolves that there are several large off-street parking facilities providing approximately 800 spaces that are available to be used by future tenants of the development. Further, the site is well-served by public transit, including three bus lines, is located one-half mile from the Mount Vernon Square Metrorail station, and near several Capital Bikeshare docking stations.

**ii. No Substantial Detriment to the Public Good**

The request for reduced parking spaces for the proposed development will not pose a substantial detriment to the public good. The site is accessible via other modes of transportation, including three bus lines, and is located one-half mile from the Mount Vernon Square Metrorail station, and is near several Capital Bikeshare docking stations. With a walkscore of 95 and a transit score of 99, the neighborhood is classified as a mixed-use, walkable neighborhood. In addition, the Parking and Loading Management Plan indicates that there are several large off-street parking facilities in the vicinity of the site offering approximately 800 parking spaces. The applicant has proposed TDM measures, including car share or Bikeshare memberships, or a \$100 SmartTrip card, a ride-matching/ridesharing program, a transit screen in the lobby, and a Transportation Management Coordinator. In combination with on-street parking and the proposed TDM measures, there would be ample opportunities to park a vehicle in the neighborhood.

**iii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result from the reduction in parking spaces. As a walkable neighborhood, the site has access to Metro, Bikeshare and several bus lines within a short walking distance. The Zoning Regulations would require a total of two bicycle parking spaces to be provided on site; however, the site plan identifies a total of 41 spaces would be provided on the parking level of the development. In addition, the applicant will work with DDOT to locate additional bicycle racks along the building frontage, which would require review and approval by the Public Space Committee.

**d. Variance Relief from § 2201, Loading**

**i. Exceptional Situation Resulting in Practical Difficulty**

The residential component of the proposed development is required to provide one berth at 50 feet, one platform at 200 square feet, and one service/delivery space at 20 feet. The area of the retail use is not large enough to require additional loading. In lieu of the required loading facilities, an on-street loading space in front of the building, located on 4<sup>th</sup> Street has been proposed.

The L shaped lot and narrow width make it practically difficult to comply with the loading requirements for the site. DDOT's Design and Engineering Manual requires front-in front-out loading and discourages back-in only loading maneuvers. Providing facilities that comply with the Manual as well as the Zoning Regulations would result in a significant portion of the ground floor being devoted to maneuvering space for trucks. The lack of an alley also presents a practical difficulty in designing loading facilities.

The applicant has proposed a 35 foot loading space on 4<sup>th</sup> Street that would be available for loading during the day, but could be used as on-street parking in the evenings. The details of this loading space are under discussion with DDOT.

**i. No Substantial Detriment to the Public Good**

The requested relief to provide no loading on site would not be a substantial detriment to the public good. The applicant has proposed a loading space in front of the building on 4<sup>th</sup> Street, which would double as parking in the evenings. The Parking and Loading Management Plan provided by the applicant indicates that residential units of the proposed size (studios and one bedrooms) tend to use moving vehicles up to 24 feet in length, and the occasional 30 foot vehicle. The applicant would manage and schedule the use of the loading zone, providing an organized process for move-ins and move-outs.

The applicant has indicated that the retail area, at 6,052 square feet, is not large enough to require major loading operations on a regular basis. As such, the retail is not anticipated to generate more than one to two deliveries per day, regularly. The applicant has committed to encourage the residents and retail establishments to use vehicles 24 feet or smaller while also managing the loading operations on 4<sup>th</sup> Street.

**ii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result from a reduction in loading facilities. The proposed loading space that would be located on 4<sup>th</sup> Street would be adequate to meet the needs of the development. In addition, the management of loading operations ensures that the loading space will be scheduled accordingly, minimizing the impact on traffic and street parking.

**b. Special Exception Relief pursuant to § 411 and § 770.6, Number of Roof Structures**

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

The request proposes to provide more than one roof structure at two different heights: the elevator and stair tower located closest to the north building elevation would be enclosed in a single roof structure with a height of 15 feet, while the stair tower adjacent to the south building elevation would be contained in a separate structure with a height of nine feet, six inches.

The Zoning Regulations would require the roof structures to be contained in one structure of a single height, which would significantly increase the size and visibility of the structure above what has been proposed. The structures are sufficiently set back from the street frontage, reducing their visibility from street level. As a result, the proposal is in harmony with the general purpose and intent of the Zoning Regulations.

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

The proposed roof structures are setback sufficiently from the edge of the building, reducing their visibility from the street. In addition, increasing the number of roof structures, as opposed to consolidating and creating one large, taller structure, serves to minimize the impact of the enclosures on the neighborhood. The applicant has indicated that the surrounding walls will be integrated into the overall design of the building with the use of high quality material. As a result, the proposed roof structures do not tend to affect adversely the use of neighboring property.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District Agencies had not been received. However, DDOT is expected to file a report under separate cover.

**VII. COMMUNITY COMMENTS**

At a regularly scheduled meeting held on March 4, 2014, Advisory Neighborhood Commission 6E voted to recommend approval of the proposed request. OP did not receive comments from neighbors concerning this case.

Attachment: Location Map

### Location Map

