

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
J Joel Lawson, Associate Director Development Review
DATE: February 3, 2015
SUBJECT: BZA Case 18890: 646-654 H St NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of:

- **Special Exception relief** pursuant to §§3104 and Section 1320.4 (f) to permit enlargement of the GFA by 50% or more on a property of 6,000 sf or more land area; and
- **Area Variance relief** pursuant to § 3103.2:
 - § 2101.1 Parking (17 parking spaces required, 5 compact spaces proposed);
 - § 2115.2 Compact Spaces (a minimum 25 vehicle spaces are required, 0 are proposed); and
 - § 2201.1 Loading (1 retail loading platform @100 sf required, none proposed),

subject to the transportation demand management (TDM) measures included in the applicant’s submission and referenced in the attachment to this report.

II. LOCATION AND SITE DESCRIPTION

Address	646-654 H St NE
Legal Description	Square 858, Lots 1, 2, 800, 801,802.
Ward	6/ANC 6C
Lot Characteristics	Flat, rectangular lots.
Zoning	<i>HS-H/C-2-B</i> : The underlying C-2-B district is a mixed-use district, typically along commercial corridors. The Housing sub-district of the H Street overlay is intended to encourage housing and new construction, with some preservation of existing facades constructed prior to 1958. The proposed development is consistent with this zoning category.
Existing Development	The existing development consists of five low rise commercial buildings, permitted in this zone.
Adjacent Properties	A two-story commercial building with a restaurant is located to the west of the combined site, and further west is the recently approved PUD – ZC 12-18, which would be developed as a 90-ft.in height, mixed use development including, a grocery store and retail uses, with 432 residential units above grade. Across H Street are other commercial properties in the HS-H/C-2-C district.
Surrounding Neighborhood Character	The neighborhood is a mix of residential row dwellings and small apartments to the north and south of the commercial H Street corridor.

III. APPLICATION-IN-BRIEF

Proposal	Rock Creek LLC (“the Applicant”) is requesting a special exception to increase the gross floor area of an existing building by more than 50% on a lot that has more than 6,000 square feet of in the HS/C-2-B District along H Street. Variance relief from the parking and loading requirements are also requested. The proposed mixed-use development would be comprised of three stories with 26 residential units, 8,878 square feet of retail space on the first two levels and five parking spaces at the rear with access from the alley off 7 th Street NE.
----------	--

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Table 1

HS-H/C-2-B Zone	Regulation	Existing	Proposed	Relief
Lot Width	None prescribed	85 ft.	85 ft.	None required
Lot Area	None prescribed	6,970 sf	6,970 sf	None required
Height § 770 & § 1324.	75 ft. max.	28 ft.	75 ft.	None required
Floor Area Ratio § 771 & § 1321	1.5 (retail) 3.5 (residential)	Info. not provided	1.27 (retail) 3.41 (res.) 32,646 gsf	None required
Lot Occupancy § 772 & § 2604.2	100 % max. (retail) 70%, 80% max. (w/IZ)	Info. not provided	78 % 78%	None required
Rear Yard § 774	15 ft. min.	ft.	22 ft.	None required
Side Yard § 775	None required	None	None Provided	None required
Court § 776	Not less than 12 ft.	None	None	None required
Parking (Res.) § 2101	1 per 3 units = 9	None	0	Relief for 9 spaces
Parking (Retail) §2101	< 3,000 sf, 1 per 750 = 8	None	5	Relief for 3 spaces
Size of parking space § 2115.2	For 25 or more spaces, 40% (max) compact.	None	5	Relief for all spaces
Loading (Res.) §2201	None for less than 50 units	Not req.	Not req.	None required
Loading (Retail) §2201	1 @ 30 ft. deep, Platform: 1 @ 100sf	Info. not provided	None	Relief for loading platform
Bike Parking	1/3 units (residential)= 9 5% req. parking (retail) = 1	None None	15 1	None required
GAR	0.3	None	0.32	None required

V. OP ANALYSIS

a. Variance Relief from §§ 2101, 2115 (Parking) and 2201 (Loading)

i. Exceptional Situation Resulting in a Practical Difficulty

Parking: The Applicant provided drawings of two options (*Pages A4.1; 4.2 January 5, 2015*) showing that for underground parking, the ramp and required drive aisle would consume a significant amount of square footage and the resulting below-grade parking area would likely accommodate up to five cars, which would be the same number proposed at grade. This would be extremely burdensome and cost prohibitive, while being inefficient. In addition, due to the lot's width, it would be improbable that 25 continuous parking spaces could be provided on-site, before the compact spaces would be permitted.

Loading: Due to the compact nature of the site and the alley width at 8 feet wide, loading could not be reasonably accommodated on the site, without the loss of parking spaces currently proposed at the rear. Due to the narrowness of the alley "*loading vehicles would not be able to turn around in the alley or on-site, thus requiring back-up maneuvers*" (DDOT Report, Dec. 12, 2014). Thus, DDOT supports on-street loading from an existing commercial loading zone located on 7th Street.

ii. No Substantial Detriment to the Public Good - The applicant has attempted to mitigate the potential impact to the neighborhood's on-street parking supply with a proposed TDM plan¹. The property's location is well-served by alternative transportation modes, which would be available to both residents and visitors. Off-site parking arrangements have been proposed by the applicant, including letters of intent to lease additional spaces from the Apollo Building² and the 360⁰ H development at 360 H Street, both of which are within walking distance of the property. DDOT reviewed the applicant's transportation analysis and noted that the proposed development would generate minimal new vehicle trips and that the applicant's TDM measures "*would generally encourage the use of alternative modes of transportation.*"

iii. No Substantial Harm to the Zoning Regulations - No substantial harm to the Regulations is anticipated, as this location currently does not provide retail parking to clients, nor is loading for the current commercial establishments provided on-site. The proposed redevelopment would institute an orderly arrangement with respect to the provision of parking for the preferred housing use, and retail clients.

b. Special Exception Relief pursuant to § 1325.1 (GFA on a property 6,000 sf or more)

Special exception approval is required for new construction on a lot within the H Street Neighborhood Commercial Overlay District that exceeds 6,000 square feet (Section 1320.4 (f)) and criteria is outlined in Section 1325. Both §§ 1325.1 (a) and 1325.4 require demonstration that a project is consistent with the intent of the design guidelines under Section 1324 and of the H Street N.E. Strategic Development Plan. The design requirements of §§ 1324.2 through 1324.16 are reflected in the proposed redevelopment, as highlighted in the table below.

¹ Attached to this report

² Construction anticipated to be completed by 2017, providing approximately 442 parking spaces

i. Section 1324 H Street Design Requirements

Table 2

Section	H Street Design Requirement	Complies	
		Yes	No
1324.2	<p><i>Not less than 75% of the streetwall(s) to a height of not less than 25 ft. shall be constructed to both property lines abutting public streets.</i></p> <p>Plans indicate that one hundred percent (100%) of the street walls to the full building height would continue along 85% of the total frontages of H street and 7th Street NE.</p>	✓	
1324.3	<p><i>Preserving an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses.</i></p> <p>The pre-1958 façade of the existing corner lot’s building would be maintained and the 0.5 FAR would be applied to the project.</p>	✓	
1324.4	<p><i>In C-2 Districts within the HS Overlay District, 70% residential lot occupancy shall be permitted. 80% permitted with IZ (§ 2604.2).</i></p>	✓	
1324.5	<p><i>% of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.</i></p> <p>Residential uses (other than the residential entry on the ground floor) are first shown on the third floor of the proposed building. Since there are no setbacks at this level and above, the lot occupancy would be the same on every floor.</p>	✓	
1324.6	<p><i>For the purposes of § 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.</i></p> <p>The proposed mixed-use building would have multiple dwellings.</p>	✓	
1324.7	<p><i>Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.</i></p>	Not proposed	
1324.8	<p><i>Each commercial use with frontage on H Street, N.E..., shall devote not less than 50% of the surface area of the streetwall(s) at the ground level ...to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.</i></p>	✓	
1324.9	<p><i>Security grilles shall have no less than seventy percent (70%) transparency.</i></p>	Not proposed	
1324.10	<p><i>Each commercial use with frontage on H Street, N.E. ..., shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.</i></p> <p>One residential and three retail entries would be provided off H Street. A</p>	✓	

Section	H Street Design Requirement	Complies	
		Yes	No
	retail lobby for the cellar and second floors retail spaces would be accessed off 7 th Street.		
1324.11	<p><i>Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.</i></p> <p>It appears the design of the building would not preclude an entrance every forty feet (40 ft.) for the linear frontage of the building. The building would be eight-five (85) feet in width and there are 4 entrances.</p>	✓	
1324.12	<p><i>The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building fronts H Street, N.E</i></p> <p>The floor-to-ceiling height of the ground floor, is fifteen (15) feet, as shown on the plans (A3.1, dated 01/05/15)</p>	✓	
1324.13	<p><i>Buildings subject to § 1324.12 shall be permitted an additional 5 ft. of height over that permitted in the underlying zone.</i></p> <p>The underlying C-2-B district permits a maximum height of 65 feet. The applicant has proposed a building height of seventy-five (75) feet, including an additional five (5) feet permitted by IZ (§ 2604) and the additional five (5) feet by this provision.</p>	✓	
1324.14	<p><i>Projection signs shall have a minimum clearance of 8 ft. above a sidewalk and 14 ft. above a driveway; project no more than 3 ft., 6 in. from the face of the building, and end a minimum of 1 ft. behind the curb line or extension of the curb line.</i></p> <p>Submitted drawings do not indicate that projection signs are proposed. The applicant should provide confirmation of this at the public hearing.</p>	✓	
1324.15	<p><i>Façade panel signs shall not ... interrupt windows or doors and shall project no more than 12 in. from the face of the building.</i></p> <p>Façade signs are shown but their projected distance is not provided. The applicant would supplement the record at the public hearing.</p>	Info not provided	
1324.16	Roof signs are prohibited.	✓	

ii. **1325.1** The buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District shall be permitted as a special exception..., provided the following criteria and the requirements of § 1324 are met:

(a) *The project is consistent with the design intent of the design requirements of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan;*

The proposed development would be classified as a **Type II under the H Street NE Strategic Development Plan (HSSDP)**, as it would be a redevelopment of assembled lots. The project complies with all the design requirements of Section 1324 as

highlighted in the previous table. Compliance with the **HSSDP** guidelines is reviewed accordingly:

Table 3

Item	Guidelines	Proposed Project
Building Envelope: Buildings are to be set on the front and side property lines. Buildings may max. lot coverage and should be 2-4 stories tall	<ul style="list-style-type: none"> - 0’ setback from property line at front and side streets; - 10-25’ setback from property line at rear yard; - Building Height: 2-4 stories 	Conforms to 0’ setbacks from property lines at all frontages. 23 ft. setback from the property line at the rear yard. Exceeds maximum number of stories by 2 stories: permitted.
Encroachments	Projections over ROW starting at eight feet above the sidewalk for a horizontal distance of six feet	Unknown; projections shown 15’ but unsure of horizontal distance.
Parking	Shall occur behind the building or located below-grade; shared parking encouraged.	Parking is proposed at the rear of the building.
Storefronts: Area that is between 18” above ground to w/in 12” of finished ceiling of ground floor. Clear glass and brick, wood, metal should be used.	Windows/doors should occupy >60% of store front	Appears to conform, but not specifically detailed in the application. Information should be provided at public hearing.
Windows and Doors	Shall be vertically-oriented and rectangular	Conforms
Awnings and Canopies	Can encroach over a sidewalk beginning of 8’ in height. Can be triangular in section; have lettering; made of canvas, wood, metal or glass.	Unknown – information not submitted by the applicant.
Walls	Should be masonry, stucco, concrete panel, glass, metal; all elevations should be designed as “fronts”; blank walls are not permitted; bldgs. should express a base, middle, & top;	Generally conforms.
Roof, Parapet, Cornice	Roofs should be flat; include a parapet (18”) & screening of mechanical equipment; and cornices should be made of certain materials located near the top the building in keeping with local historical vernacular	Conforms with regard to a flat roof. The style departs from the vernacular of H Street N.E. but is not inappropriate for an apartment building or buildings that are currently under construction along the corridor.

- (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 shall include review by the State Historic Preservation Officer and a status of the project's review by the Historic Preservation Review Board;*

The proposed development would complement the design of the larger PUD project, a lot removed, to the west of the site (ZC 12-18), which is currently under construction. In addition, the applicant has made efforts to retain a portion of the combined buildings' existing façade at the eastern edge of the site, in acknowledgement of H Street's existing frontage and consistent with the regulations, which provides incentives to do so (§ 1324.3, Table 2). The site is not located in a historic district.

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

Vehicular ingress and egress to parking at the rear of the building are proposed via the existing east-west alley off of 7th Street. Only five compact parking spaces would be provided at the rear, so traffic to and from the site would be minimal and should not adversely impede pedestrian movement at the intersection of the sidewalk and alley at 7th Street.

Loading facilities for residential use for this project is not required by the Regulations, as less than 50 units are proposed. Commercial loading for the retail use would be provided from the existing on-street commercial loading zone adjacent to the property on 7th Street as indicated by DDOT³. Residential loading will not be permitted from the commercial loading zone as stipulated by DDOT. Tenants must be instructed to apply for Emergency No Parking signs to move in/out elsewhere on 7th Street.

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

The mixed-use development would require nine (9) on-site residential parking spaces and eight (8) retail parking spaces. The requested relief from the residential parking requirement proposes the provision of five (5) compact spaces in lieu of the eight (8) required retail parking spaces. Therefore, not all the required parking for both uses would be provided on-site. However, the site is served by ten (10) Metrobus routes within walking distance of the site. Two Metrorail stations are within a mile and could be readily accessed via bike, walking or a short bus ride. DDOT's review supports the applicant's submission that vehicle trip generation from this site would be low due to the site's proximity to these facilities.

³ DDOT's Report – December 30, 2014.

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

Noise associated with residential uses is not anticipated. Only five penthouse units would have access to the roof, as roof decks would be provided for those residences. Roof access would not be available to other residents. Matter-of-right uses for the C-2-B District are anticipated for the ground level.

- (f) *The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent the design guidelines of the H Street N.E. Strategic Development Plan.*

As stated in Section 1324.15, façade signs are shown but their projected distance is not provided. The applicant would supplement the record at the public hearing.

- 1325.2 *An applicant may demonstrate compliance with § 1325.1(f) by demonstrating that the signage will be exclusively located on upper facades, awnings, and transom windows, constructed of durable materials, and sensitively designed; and will not affect more than twenty percent (20%) of display windows, consist of backlit box signs or neon product advertisements, block visibility into a store, or be overly obtrusive.*

The applicant would need to provide this information at the hearing. No information regarding signage material is provided to date. Signage is not shown on the display windows (Rendering A0.1)

- 1325.3 *The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District.*

The proposal satisfies the GAR requirement for the zone district. The applicant proposes to add up to 2,294 square foot of green roof. OP does not recommend any other design features to protect neighboring property.

- 1325.4 *Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the H Street N.E. Strategic Development Plan.*

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

The redevelopment proposal for the assembled lots would be in harmony with the general purpose and intent of the Regulations and Map. It satisfies the intent of the H Street Overlay by providing residential units, which is a preferred use under the H Street Sub-District. The development is also designed within the prescribed bulk for the sub-district. However, the applicant should provide the additional information on signage requested per § 1325.2 prior to the Board's approval.

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

The proposed development would not adversely impact light and air to adjacent properties, as it is a corner property, with an effective separation in excess of 30 feet from the west elevation of the proposed building to the east elevation of the building currently under construction across the alley. With respect to parking and traffic, these impacts would be mitigated through the provision of TDM measures, which are supported by DDOT and through lease arrangements for parking at nearby facilities for future residents of the building. OP does not anticipate that this development would adversely affect the use of neighboring property.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

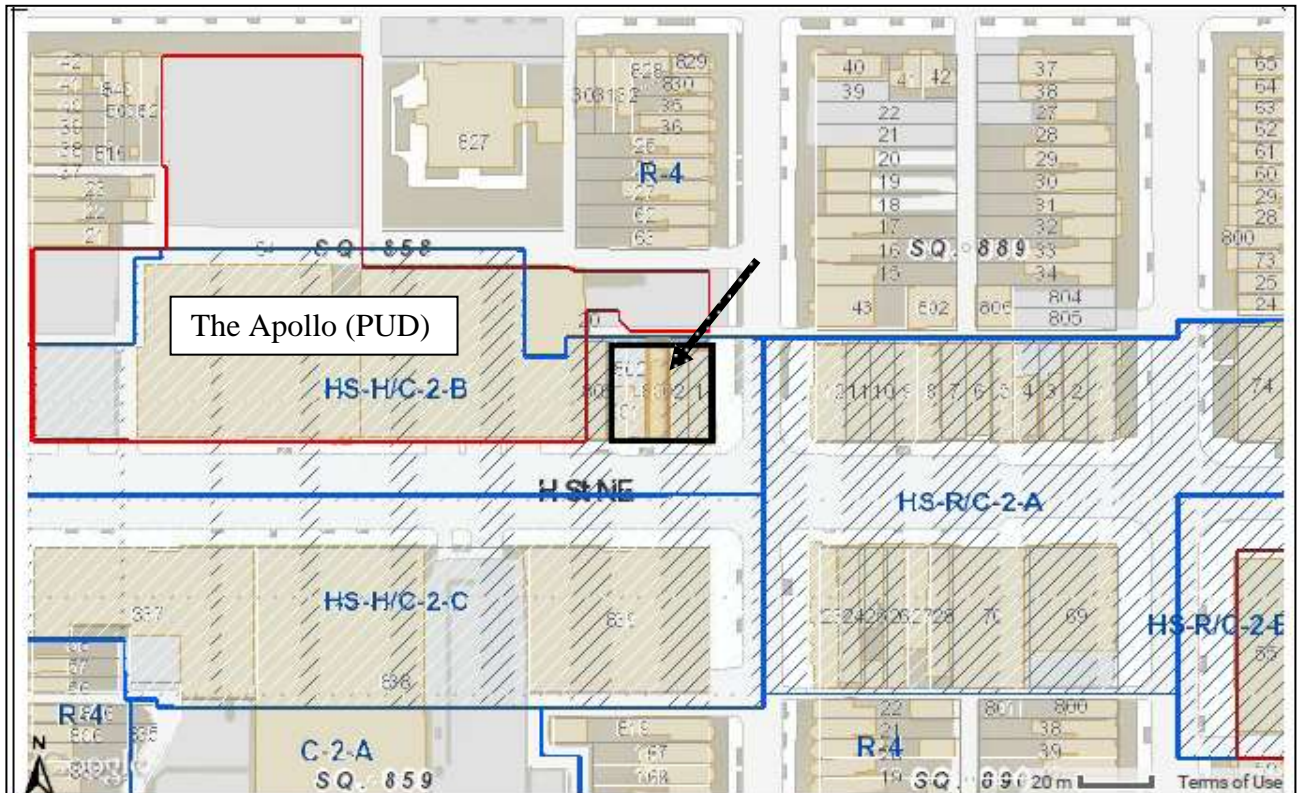
The District Department of Transportation's report dated December 12, 2014 was submitted to the Board and is noted as Exhibit 29 of the record.

VII. COMMUNITY COMMENTS

The Advisory Neighborhood Commission 6C voted to support the applicant's requested relief at its regularly scheduled monthly meeting on January 14, 2015 (Exhibit #31).

Attachment:

1. Location Map
2. TDM Measures proposed by Applicant (DDOT's recommendations included - highlighted as ***Bold and italic***)



LOCATION AND ZONING MAP

TDM Measures

1. Bicycle Amenities: provision of 10 long-term parking spaces for employees and additional short-term spaces;
2. Non-vehicular incentives: The applicant will provide either a one-year Capital Bikeshare or car sharing membership to first-time residents of the for-sale units (***and each new resident (rent/own) for a period of 5 years - DDOT's recommendation***);
3. On-Site Services: The applicant will install a transit screen in the lobby of the residential building to provide real-time transit, car-share and bike-share updates;
4. Marketing Program: The applicant will provide brochures to include information of biking and transit facilities and ride-matching and ridesharing programs; and
5. ***The applicant should provide a bicycle repair facility within or adjacent to the long term bicycle storage area (DDOT's recommendation).***