

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
JL
Joel Lawson, Associate Director Development Review

DATE: January 27, 2017

SUBJECT: BZA Case 18915A (1330-1338 Pennsylvania Avenue, S.E.) for a mixed use residential and retail building with no off-street or loading

I. BACKGROUND

BZA Application 18915 was granted by the Board to permit a four-story, nine-unit building with 2,845 square feet of retail space and no parking on Lots 29 and 802. Variances granted increased the lot occupancy to 89 percent and reduced on-site parking to zero. The applicant has since redesigned the proposal to:

- Incorporate the adjacent property to the east, Lot 12, increasing the size of the property;
- Reduce building height to three stories plus an inhabited penthouse;
- Increase lot occupancy to 94 percent; and
- Increase retail space to 5,534 square feet, including basement space.

The applicant continues to request relief to reduce the parking to zero, while increasing the number of residential units from nine to ten, including one IZ unit, and increasing the lot occupancy to 94 percent. Relief from loading is now requested due to the increase in the size of the commercial space in excess of 5,000 square feet to accommodate the existing restaurant on site in the new building.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) notes that the applicant has provided no written explanation regarding the requested relief. OP has evaluated the renderings relative to the ZR16 regulations. With no written explanation regarding the relief required OP cannot recommend approval of the loading relief.

OP recommends **approval** of the following special exception:

- C § 701.5, Parking (3 required, none proposed), subject to the condition that the applicant submits and implements a Transportation Demand Management Plan as required by C § 703.4.

OP cannot make a recommendation on the loading request because no explanation has been provided in the record and the property is adjacent to an alley that could be used to provide access to a loading bay.

OP recommends **approval** of the following area variance:

- G § 404.1, Lot Occupancy (75 percent permitted, 94 percent proposed).

III. LOCATION AND SITE DESCRIPTION

Address	1330-1338 Pennsylvania Avenue, S.E.
Applicant	Aminta, LLC
Legal Description	Square 1044, Lots 12, 29 and 802
Ward, ANC	Ward 6, ANC 6B
Zone	MU-4
Lot Characteristics	Unusually shaped through lot fronting on two streets and a public alley
Existing Development	Three two-story buildings used as a restaurant, an office and a residential row house
Adjacent Properties	East and North: Row houses West: Triangularly shaped park South: Across Pennsylvania Avenue, 5-story apartment building
Proposed Development	Three-story plus inhabitable penthouse mixed-use commercial and residential building

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Height G § 403.1	50-foot max.	N/A	50 feet	None Required
Penthouse Height G § 403.2	12-feet; 1-story (non-mechanical)	N/A	9 ft., 8 in., 1-story	None Required
Lot Area	None prescribed	4,998 SF	4,998 SF	None Required
Floor Area Ratio G § 402	3.0* max.	N/A	3.0	None Required
Lot Occupancy G § 404.1				
-Residential	75% max. w/IZ	N/A	94%	Required
-Commercial	100% max.	N/A	100%	None Required
Rear Yard G § 405.2	15-foot min. from centerline of street at rear	N/A	51 feet, 4 inches	None Required
Side Yard G § 406.1	None	N/A	None	None Required
Parking C § 701.5				
-Residential	1/3 units > 4 or 2	N/A	0	Required
-Commercial	1.33/1,000 SF > 3,000 SF or 1	N/A	0	Required
Loading C § 901.1				
-Residential	None for < 50 units	N/A	None	None Required
-Commercial	1 berth	N/A	None	Required
GAR	0.3 min.	N/A	0.3	None Required

* As permitted by IZ

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from G § 404.1, Residential Lot Occupancy

In the MU-4 zone lot occupancy is only required for residential use, which starts on the second floor of this proposal.

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is an unusually shaped through lot that is widest in the middle, but generally narrows from east to west. It fronts on two streets and a public alley. The narrowest portion of the lot is on the west side of the property, and the widest part located closer to the center. Core features of the building are proposed to be on the east side of the lot, where there is sufficient area to accommodate two stairwells, an elevator and a residential lobby. The remainder of the building is generally in the shape of a triangle, due to the narrowing of the site.

ii. No Substantial Detriment to the Public Good

The requested increase in lot occupancy would be on the residential upper floors only, and would allow the applicant to provide two floors of residential building plus a habitable penthouse in a building not significantly taller than the existing row houses to the east.

iii. No Substantial Harm to the Zoning Regulations

The requested variance to lot occupancy would not result in a building larger than otherwise permitted within the MU-4, as the proposal is in conformance with the bulk regulations of the zone, including maximum building height, FAR and minimum rear yard.

b. Special Exception Relief from C § 701.5, Parking, pursuant to C § 703.2

i. *703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;

(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or

structure at one time would generate demand for less parking than the minimum parking standards;

(f) All or a significant proportion of dwelling units are dedicated as affordable housing units;

(g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

(1) A curb cut permit for the property has been denied by the District Department of Transportation; or

(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR; Subtitle C-40;

(i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or

(j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

The subject property is well served by mass transit, shared vehicle and bicycle facilities. It is located approximately 400 feet from the Potomac Avenue Metrorail station, and one-tenth of a mile from access to ten bus lines, and car and bikeshare facilities.¹ Thereby, the application is consistent with subsection (b) and (c).

703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The applicant has not addressed why any parking cannot be provided on the property

703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

No transportation demand management plan was submitted by the applicant, required for the approval of this request.

¹ Walkscore.com

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

The subject property is located within a within a walkable neighborhood, minimizing the number of private cars anticipated to be arriving at the site and the need for off-street parking to accommodate those cars.

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

The proposal would not tend to adversely affect the use of neighboring property as the neighborhood is well served by a variety of transportation alternatives, including bus, bike share, car share and Metro, all within a tenth of a mile of the subject property.

The requested relief would allow the applicant to not provide off-street parking within a neighborhood otherwise well served by a variety of transportation alternatives to the private car, minimizing the need for applicant to provide parking for the proposed building.

c. Special Exception Relief from C § 901.1, Loading, pursuant to § C § 909.2, Loading

- i. *909.2 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:*

- (a) *The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or*
- (b) *The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would Subtitle C-73 result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

The subject property has direct access from a public alley and is not a historic resource. Therefore, the request for flexibility to loading is not in conformance with the provisions of C § 909.2.

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

Special exception relief to the loading regulations is intended for those sites where it is either physically impossible to provide the required loading facilities or it is precluded due to the historic nature of the site. As neither is applicable, the request is not in harmony with the Zoning Regulations and maps.

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

OP cannot make this conclusion because of the lack of submitted information and transportation management plan.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated January 26, 2017, did not object to the application, but recommended conditions related to parking, public space and loading (see Exhibit 31).

No other comments were received from District agencies.

VII. COMMUNITY COMMENTS

ANC 4B, at its regularly scheduled meeting of January 10, 2017, voted to support the application.

The applicant informed OP that the Capitol Hill Restoration Society recommended approval of the application.

No other comments were received.

Attachment: Location Map

