

## 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 19, 2016  
**SUBJECT:** BZA Case 19165, 1301 H Street, N.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 2201.1, Loading (one 30 feet berth and one 100 SF platform required, none proposed); and
- § 2117.5, Aisle Width (20 feet required, 15 feet proposed).

The Office of Planning (OP) recommends **denial** of the following area variance:

- § 2101.1, Off-Street Parking (14 spaces required, two proposed)<sup>1</sup>

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

- § 1320.4(f), Construction of a new building on a lot that has 6,000 square feet or more of land area.

Subject to the following conditions:

1. Provision of a minimum of five off-street parking spaces to satisfy the residential parking requirement.
2. That the applicant provide the measures as proposed in the Transportation Demand Management Plan, dated December 22, 2015.

### **II. LOCATION AND SITE DESCRIPTION**

Address	1301 H Street, N.E.
Legal Description	Square 1027, Lot 156
Ward	6A
Lot Characteristics	“L” shaped lot at the corner of 13 <sup>th</sup> and H streets with no alley access, an easement across the southern edge of the site and a curb cut from 13 <sup>th</sup> Street
Zoning	HS-A: H Street Overlay Arts Sub-District C-2-A : Low to moderate density commercial uses

<sup>1</sup> OP recommends denial of the parking variance as requested by the applicant. Should the applicant modify the application to increase the number of on-site parking spaces to a minimum of five, OP would recommend approval of the request.

Existing Development	Church
Adjacent Properties	North: Across H Street, mixed-use commercial/residential buildings South: Row houses East: Row house and mixed-use commercial and residential buildings West: Across 13 <sup>th</sup> Street, and mixed-use commercial and residential buildings
Surrounding Neighborhood Character	Moderate density residential

### III. APPLICATION IN BRIEF

The applicant proposes to demolish the existing improvements and construct a four-story mixed use residential and commercial building on the site. Most of the cellar and first floor would be devoted to commercial space, with the upper three floors devoted to residential use with three apartments per floor for a total of nine units. Retail access would be from either 13<sup>th</sup> Street or H Street. The residential lobby would be accessible from either H Street, or from the rear of the property, where two off-street parking spaces would be provided. Bicycle storage for residents would be located within the basement. A roof deck for residents would be provided, with a mechanical space and a green roof on the northern and eastern ends of the building. A bicycle room would be provided within the cellar.

A five-foot wide easement runs along the rear lot line providing access to the adjacent property to the east. Two off-street parking spaces would be provided to the rear of the building on the east side of the lot, accessible via a fifteen-foot wide driveway.

### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

HS-A and C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 1324.13	55-foot max.	N/A	40 feet/4-stories	None required
Lot Width	None prescribed	48.8 feet	48.8 feet	None required
Lot Area	None prescribed	6,100 SF	6,100 SF	None required
Floor Area Ratio § 771	1.0 non-residential 2.5 total	N/A	<1.0 non-residential; 2.5 total	None required
Lot Occupancy § 1324.4	100% commercial; 70% residential	N/A	63%	None required
Rear Yard § 774	15-foot min.	N/A	15 feet	None required
Side Yard § 775	None	N/A	None	None required
Parking § 2101	14 parking spaces (5 residential and 9 commercial)	N/A	2	<b>Required</b>
Loading § 2201	30-foot berth and 100-SF platform	N/A	None	<b>Required</b>

The proposal satisfies the elements of the H Street NE Strategic Development Plan, which identifies the 1300 block of H Street (north and south sides) as a Type II Development site. *“Type II Development should continue to promote active uses at the ground floor and living space or office space above. Parking is located behind and/or below grade.”* Type II Development requires buildings be set on the front and side property lines with no side or side street setback, a rear set back of between ten and 25 feet, and a building height of two to four stories. Parking is permitted in the rear or below grade only. An analysis of how the subject application conforms to the H Street Development Plan is contained below in Section V.

## **V. OFFICE OF PLANNING ANALYSIS**

### **a. Variance Relief from § 2117.5, Aisle Width**

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

The subject property is unusually shaped and in the shape of an ‘L’. There is no alley access and the rear of the lot is encumbered by a five-foot easement along the rear lot line for trash removal, deliveries and emergencies, restricting the location of the building and on-site parking spaces.

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

The fifteen-foot wide aisle would provide access to on-site parking on one side for a distance of no more than one hundred feet. It would serve on-site parking for the subject property only, and refuse removal for the subject property and the adjacent lot to the east only, with only a minimal amount of traffic.

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

The reduced drive aisle width would allow the applicant to provide on-site parking at the rear of the property.

### **b. Variance Relief from § 2201.1, Loading**

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

The subject property has no alley access and is not large enough to reasonably accommodate loading facilities.

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

The proposed building would have access to an on-street loading zone within 13<sup>th</sup> Street, minimizing the impact this relief would have on the surrounding area.

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

An on-street loading zone in 13<sup>th</sup> Street would be available to the occupants of the building, providing access to a loading space.

**c. Variance Relief from § 2101.1, Off-Street Parking**

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

The subject property is not wide enough, at forty feet, to enable the applicant to construct below-grade parking. At-grade parking is proposed for a small portion of the rear of the lot, but only east of the proposed building, the design of which would preclude additional at-grade parking. Three additional spaces could be provided along the rear wall of the building, away from the street, if a portion of the upper floors towards the back of the lot were cantilevered out over the spaces to satisfy the residential parking requirement.

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

Often, the provision of surface parking is not encouraged, for visual, neighborhood impact, and environmental reasons. In this case, the provision of required on-site parking for the residences could be accomplished on the site without negative impacts to the neighborhood and without impacting the building façade facing 13<sup>th</sup> Street.

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

Should the applicant provide five off-street parking spaces, sufficient off-street parking would be provided for the residential uses of the building as required by Chapter 21 of the Zoning Regulations. OP recommends the provision of the residential parking spaces, as this would provide for on-site parking with minimal impact on the ground floor.

**d. Special Exception Relief pursuant to § 1320.4(f), Construction of a New Building on a Lot of 6,000 Square Feet or more**

**i. Construction of a new building if located on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area.**

The subject property consists of 6,100 square feet of land area, and the application is consistent with the criteria of § 1325, as described below.

- (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 subject property is described as located within the “Arts and Entertainment District” and subject to Type II Development, which promotes active uses on the ground floor and office or residential uses above. The proposed development would include retail space on the ground and cellar levels and residential apartments above. It is in conformance with § 1324, as described below.

## Review of § 1324, Design Requirements

*1324.2 Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.*

Conforms.

*1324.3 New construction that preserves 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.*

Not applicable as no existing pre-1958 façade is proposed to be preserved.

*1324.4 In C-2 Districts within the HS Overlay District, seventy percent (70%) residential lot occupancy shall be permitted.*

A lot occupancy of 63 percent is proposed.

*1324.5 For the purposes of this Section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.*

The residential lot occupancy is 63 percent.

*1324.6 For the purposes of § 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.*

The proposed building would be a multiple dwelling on the upper floors.

*1324.7 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.*

Not applicable.

*1324.8 Each commercial use 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 devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of*

*each building 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.*

Conforms. Provision of three additional parking spaces should not impact this conformance.

1324.9 *Security grilles shall have no less than seventy percent (70%) transparency.*

No security grilles are proposed.

1324.10 *Each commercial use 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 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.*

1324.11 *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.*

Conforms.

1324.12 *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:*

- (a) *Fronts H Street, N.E.; or*
- (b) *Fronts Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., or 15th Street, N.E. and would have ground floor space occupied by one (1) or more service, retail, or office uses permitted as a matter of right in the underlying zone.*

The proposed building would front on H Street and 13 Street and would have a floor-to-ceiling height of fourteen feet.

1324.13 *Buildings subject to § 1324.12 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.*

The proposed building would be forty feet in height, less than the maximum fifty feet permitted within the C-2-A.

- 1324.14      *Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.*

No projection signs are proposed.

- 1324.15      *Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.*

No signs are currently proposed.

- 1324.16      *Roof signs are prohibited.*

No roof signs are proposed.

- (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 subject property is not located within a historic district and is not a historic resource. As proposed it would provide commercial space along the ground floor, providing for a continuous street wall along H Street and 13<sup>th</sup> Street, anchoring this corner site within the H Street Overlay.

- (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;*

All vehicular access to the site would be from one curb cut at the rear of the property, as far from the intersection of 13<sup>th</sup> and H as possible.

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

An existing curb cut within 13<sup>th</sup> Street would be available to the occupants of the building for move-ins and move-outs. Off-street parking would be located on-site. OP recommends the applicant provide three additional off-street parking spaces.

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

The proposed four-story building would be primarily residential with ground floor retail space oriented to H Street and therefore should not adversely affect nearby residences.

- (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.*

No signage is currently proposed, but the applicant states that any signage proposed in the future would be consistent with the design guidelines of the H Street Strategic Development Plan.

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

The proposal would permit the redevelopment of the subject property with a mixed use building as permitted by the Zoning Regulations, the C-2-A district and the H Street Overlay District.

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

The applicant proposes to provide only two off-street parking spaces, less than the fourteen required and less than the minimum of five required for the residential portion of the building. As this is unnecessarily the result of the applicant's design decisions, providing the required residential parking is recommended.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VII. COMMUNITY COMMENTS**

No comments were received from ANC 6A.



Attachment: Location Map

