

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** May 10, 2016

**SUBJECT:** BZA #19250 – 920 H Street, NE – Construct a new mixed use building

**I. RECOMMENDATION**

With regard to this proposal to construct a mixed use building, the Office of Planning (OP) recommends **approval** of the requested variance relief:

- § 1326.3 Lot Occupancy (75% maximum for residential, 100% existing for retail, 79.7% proposed for residential);
- § 2101 Number of Parking Spaces (10 spaces required for residential and retail, 0 existing, 2 proposed);

OP can support the requested variance to parking space size pending confirmation by the applicant that vehicles would be able to turn from the narrow alley into the parking stalls.

- § 2115.1 Parking Space Size (19' x 9' required; 16' x 8' proposed).

OP's review is based on updated plans received from the applicant, but as of this writing not yet in the record of the case. OP understands that the applicant will file the updated plans into the record prior to the public hearing.

**II. LOCATION AND SITE DESCRIPTION**

Address	920 H Street, NE
Legal Description	Square 933, Lots 57 and 803
Zoning	C-2-A / HS-R
Ward and ANC	6, 6A
Historic District	None
Lot Characteristics and Existing Development	32' x 83.6', 2,675 sf rectangular lot; Existing one story retail building; 10 foot alley at the rear of the property.

Adjacent Properties and Neighborhood Character	The subject property fronts on H Street, NE. The north side of the 900 block is a mix of one and two story retail storefronts. The south side of the block, currently the site of a strip mall, has been approved for a medium to high density mixed use development (ZC #10-03). Most of the surrounding neighborhood on either side of H Street is comprised of rowhouses.
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**III. PROJECT DESCRIPTION IN BRIEF**

The applicant proposes to construct a mixed use building with ten residential units on floors 2 through 4 and the penthouse, 1,280 square feet of restaurant space on the ground floor, and a 46 seat public hall in the cellar. At ten units, the project is subject to the Inclusionary Zoning (IZ) regulations; The habitable penthouse space is subject to a separate affordable housing requirement. The applicant has confirmed that they are meeting the IZ requirements.

**IV. ZONING REQUIREMENTS AND REQUESTED RELIEF**

The subject site is zoned C-2-A/HS-R (H Street Overlay – Retail). The application would require relief as noted in the table below.

<b>C-2-A / HS-R</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width	n/a	32'	n/a
Lot Area	n/a	2,675 sf	n/a
Height §§ 770 and 1324.13	55'	48'6" 4 stories + p.h.	Conforming
FAR § 771	2.5 – base 0.5 – per § 1324.3 <u>0.5 – per § 1326.3 (IZ)</u> 3.5 – Total permitted	3.30	Conforming
Lot Occupancy §§ 772 and 1326.3	100% commercial 75% residential (IZ)	79.2% commercial <b>79.7% residential</b>	Conforming <b>Requested</b>
Rear Yard § 774	15'	15'	Conforming
Dwelling Units	n/a	10	n/a
Parking § 2101	Residential 1 per 2 du = 5  Retail (Ground Floor) > 3,000 sf, 1 per 300 sf = 0  Public Hall (Cellar) 1 per 10 seats = 5  <b>Total = 10</b>	<b>2</b>	<b>Requested</b>
Parking Size § 2115	9' x 19'	<b>8' x 16'</b>	<b>Requested</b>

## V. ANALYSIS

### Parking Variance

#### 1. Exceptional Situation Resulting in a Practical Difficulty

The subject property is impacted by exceptional conditions that result in a practical difficulty in fully meeting the Regulations. At 32 feet wide, the site is not wide enough to accommodate parking ramps down to a below grade garage, along with turning radii, drive aisles and depth for parking spaces. Even if a ramp could be accommodated in the width of the property, the length of the lot, 83.6 feet, is not enough for a ramp to descend a level below grade. Furthermore, any ramp provided would greatly impact the ground floor and reduce, if not eliminate entirely, the ground floor's ability to house a viable retail use. It would also negatively impact the placement of the residential core and the residential layout above. At-grade parking is also not possible due

to the width of the lot. A full parking space, at 19 feet in depth, would leave only 13 feet for backing motions and a two-way drive aisle, not even counting the width of building walls.

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

The requested relief could be granted without detriment to the public good. The subject site is well served by transit, including streetcar and buses. The site is also bikeable to Capitol Hill, downtown and the Navy Yard area, and is within four blocks of four different bikeshare stations. The design would also provide storage space on the ground floor for nine bicycles. The immediate neighborhood is highly walkable and has many amenities, so residents would not need to drive for daily needs.

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

Granting the requested relief would not impair the integrity of the Regulations. While the Regulations generally intend to provide on-site parking for any given use, doing so in this case would be physically extremely difficult or even impossible, and even if possible would have great negative consequences to the ability of the building to provide a street-activating use and a viable residential layout.

## **Lot Occupancy Variance**

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

The subject property is impacted by an exceptional condition that results in a practical difficulty in fully meeting the Regulations. The location of the property on H Street, a vibrant retail main street, means that the owner should provide a viable, street-activating retail use. The proposed design seeks to maximize the amount of ground floor that can be used for retail purposes and provide enough floor area for a business, while also accommodating the residential core of stairwells, elevator and entryway. The results in a ground floor lot occupancy of 79.2%, which is permitted as a matter-of-right. On the floors above, the residential lot occupancy, proposed at 79.7%, could be reduced to 75%, but that could have significant impacts to the structure of the building and the viability of the retail space on the ground floor and in the cellar. If the rear wall of the upper stories were moved to the south, it would necessitate significant structural systems that would either be more costly than the current design, or impact the layout of the commercial space, or both.

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

While the bulk of the building would be slightly increased, the increased volume should not have a significant impact to the public good. Because of the modest size of the lot, the increase in lot occupancy would only equate to 126 square feet of building footprint. In addition, the building would still meet the rear yard requirement of the zone. The applicant has prepared a shadow study which seems to indicate that the increased size of the building would not result in a significant change in the amount of light available to neighboring properties.

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

Granting the requested relief would not impair the integrity of the Regulations. While the Regulations generally intend to regulate the bulk of buildings, they do not intend to impose significant extra unnecessary costs or operational difficulties on property owners. In this case, the bulk of the building would not be significantly increased, but the owner could potentially realize an increase in the efficiency of the commercial layout without additional support columns.

#### **Parking Size Variance**

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

The subject property is impacted by exceptional conditions that result in a practical difficulty in fully meeting the Regulations. As noted above, the owner should provide a viable retail footprint on the ground floor, while accommodating the core functions of the residential use. The design, therefore, contemplates a 79.2% lot occupancy at the ground floor. This would provide enough space for the retail and the residential entrance, including a rear entrance, elevator and stairs, retail back-of-house space, and also provide enough room for two compact parking spaces at the rear.

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

The requested relief could be granted without detriment to the public good. Allowing compact spaces would minimize disruption to the alley that could occur if a large vehicle attempted to turn into a full-sized space. An earlier version of the plans showed the compact spaces at an angle. The current design shows spaces perpendicular to the 10-foot alley, and OP has asked the applicant to confirm that vehicles will be able to maneuver into the parking stalls given the alley's narrow dimension.

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

The Regulations promote the provision of adequately sized spaces, and the size proposed is consistent with a parking depth permitted for compact parking spaces, so should accommodate typical vehicles. Granting relief would not impact the integrity of the Regulations as the circumstances leading to this request appear to be somewhat rare, and the parking size would not be smaller than permitted for compact spaces.

## **VI. COMMUNITY COMMENTS**

As of this writing OP has received no comments from the community. The ANC is scheduled to consider the application on May 12. The applicant has submitted a letter from the owner of the property directly to the north expressing no objection to the proposed development.