

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** May 3, 2016

**SUBJECT:** BZA Case 19254 (1612-1616 7<sup>th</sup> Street, N.W.) for variances to allow additions to an office building to create a mixed-use retail/residential building

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 772, Lot Occupancy (60 percent residential maximum permitted, 89 percent proposed);
- § 774, Rear Yard (15-foot minimum required, none proposed); and
- § 2101, Off-Street Parking (14 spaces required, none proposed<sup>1</sup>).

**II. LOCATION AND SITE DESCRIPTION**

Address	1612-1616 7 <sup>th</sup> Street, N.W.
Applicant	1612 Seventh Street NW LP
Legal Description	Square 420, Lot 38
Ward/ANC	Ward 6/ANC 6E
Zone	C-2-A
Historic District	Shaw
Lot Characteristics	Rectangular lot with access to a ten-foot rear alley
Existing Development	Two-story commercial row houses converted into office space
Adjacent Properties	North and South: Commercial buildings East: Across Georgia Avenue, multi-family buildings West: Across the public alley, residential row houses
Surrounding Neighborhood Character	Mixture of residential, commercial, office and institutional uses
Proposed Development	Conversion and expansion of existing office building into a mixed-use commercial and residential building

<sup>1</sup> Two compact parking spaces proposed, not in conformance with the Zoning Regulations.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone: C-2-A</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 770	50-foot max.	23 ft., 8 in.	37 ft., 2 in.	None
Lot Width	None prescribed	60 feet	60 feet	None
Lot Area	None prescribed	5,719 sq. ft.	5,719 sq. ft.	None
Floor Area Ratio § 771	2.5		2.47	None
Residential Lot Occupancy § 772	60% max.	N/A	2 <sup>nd</sup> Floor: 89% 3 <sup>rd</sup> Floor: 64%	<b>REQUIRED</b>
Rear Yard § 774				
-Below horizontal plane of 20 ft.	15 ft. min. from alley centerline	None	5 feet	<b>REQUIRED<sup>2</sup></b>
-Above horizontal plane of 20 ft.	15 ft. min. from rear lot line	None	None	<b>REQUIRED</b>
Off-Street Parking § 2101	14 spaces	2 spaces	None	<b>REQUIRED</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from § 772, Lot Occupancy**

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

The applicant proposes to utilize the basement and first floor of the renovated and expanded building as commercial space. A portion of the second floor, including approximately two-thirds of the historic portion of the building, is also proposed for commercial use. The remainder of the second floor and the entire third floor are proposed for residential use, with eight apartment units. Lot occupancy in the C-2-A zone is limited to sixty percent on those floors where residential use is provided, and a lot occupancy of 89 percent is proposed for the second floor and 64 percent for the third, both in excess of the maximum permitted.

The application indicates a desire to provide commercial space on the second floor of the building to better activate the street. The applicant may be able to achieve additional residential lot occupancy on the second floor if the second floor retail space was not provided, or could provide less residential floor area on the second floor in addition to the second floor commercial space, but not both in the amounts proposed.

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

Increasing the lot occupancy to the amounts requested results in the shifting of the second and third floors closer to the alley and closer to the residential properties to the west, reducing the physical separation and open space between them.

<sup>2</sup> Relief required to demolish the rear portion of the existing building that extends to the rear property line and replace it with new construction.

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

The requested relief would result in a larger building in excess of that otherwise permitted within the C-2-A.

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

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

A fifteen-foot rear yard is required, measured from the centerline of the alley for the first twenty feet of building height and from the rear lot line above the first twenty feet. For the second and third floors no rear yard is proposed, in part because the lot occupancy for each of those floors is in excess of the maximum permitted. Reducing the lot occupancy to the maximum permitted would reduce the footprint of those floors and allow for a rear yard, even if a setback is required by the Historic Preservation Office to minimize visibility from 7<sup>th</sup> Street.

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

The requested relief would result in the new structure being more visible and closer to the residential rear yards of the row houses within the R-4 zone on the west side of the public alley. Although these row houses are located across the alley from C-2-A zoning, and as such should expect to be located across from larger mixed use buildings, setbacks and other bulk regulations exist to minimize impacts and separate residential development.

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

Provision of no rear yard would bring residences closer together than anticipated by the Zoning Regulations, adversely affecting the amount of open space provided between buildings.

**c. Variance Relief from § 2101, Off-Street Parking**

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

The applicant proposes to demolish the existing rear building additions and replace them with a new building addition, at one-hundred lot occupancy. Construction of smaller building additions potentially could allow the applicant to provide required off-street parking in conformance with the Zoning Regulations. Therefore, OP finds that there is no exceptional situation resulting in a practical difficulty.

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

Two compact parking spaces would be provided and the subject property is located within a walkable neighborhood (Walker's Paradise Score of 94<sup>3</sup>). The site is less than one quarter mile from the Shaw-Howard University Metrorail station, indicating transportation alternatives to the private automobile.

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<sup>3</sup> walkscore.com

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

The subject property is in a walkable neighborhood with good public transportation, minimizing the need to have a private car and provide off-street parking to accommodate those car cars.

The subject application is scheduled to be reviewed by the Historic Preservation Review Board on May 5, 2016.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other agencies.

**VI. COMMUNITY COMMENTS**

ANC 6E was scheduled to review the application at its regularly scheduled meeting of May 3, 2016.

The Central Shaw Neighborhood Association voted to support the application at its meeting on April 18, 2016.

Attachment: Location Map

