

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 5, 2016

SUBJECT: BZA #19270 – 3636 16th Street, NW – Special Exception and Variance relief to permit a new gym as a commercial adjunct

I. RECOMMENDATION

With regard to this proposal to create a new gym as a commercial adjunct, the Office of Planning (OP) recommends **approval** of the following requested relief:

- § 354 Commercial Adjuncts (Permitted as a special exception; Adjuncts already existing; New gym adjunct and 6,000 additional adjunct square feet proposed);
- § 354.5 Signs (No signs visible from outside the building; Sign for the gym proposed).

II. LOCATION AND SITE DESCRIPTION

Address	3636 16 th Street, NW
Legal Description	Square 2624, Lots 831, 832 and 833
Zoning	R-5-D
Ward and ANC	1, 1D
Historic District	None
Lot Characteristics and Existing Development	Lot slopes steeply down from 16 th Street toward Rock Creek Park. Existing apartment building with 29,000 square feet of commercial adjunct space approved by the Board in 1977.
Adjacent Properties and Neighborhood Character	The property borders Rock Creek Park on the north, an apartment building to the south, and rowhouses to the southwest; 16 th Street is a mix of moderate to medium sized apartment buildings, as well as a number of rowhouses; The surrounding neighborhoods are primarily rowhouses.

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to rearrange some of the commercial adjunct space within the building and include a new gym among the adjunct uses. The gym would be open to the public. The project would also increase the floor area devoted to adjuncts from 29,000 square feet to 36,000 square feet.



IV. REQUESTED RELIEF AND ANALYSIS

The subject site is zoned R-5-D. Pursuant to § 354, commercial adjuncts are permitted, subject to special exception review, within apartment buildings. The applicant has requested said special exception relief, as well as a variance from §354.5, one of the special exception review criteria.

Special Exception for Commercial Adjunct Space

354 CONVENIENCE STORES IN APARTMENT HOUSES (R-5)

354.1 Sale of the following convenience commodities and services as accessory uses and appropriate adjuncts to an apartment house that are designed to serve the tenants' daily living needs shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

- (a) Foods, drugs, and sundries; and

(b) Personal services.

The proposed gym use can be considered a personal service.

354.2 The adjuncts authorized under this section shall be limited to the main floor of the building or below.

The proposal complies with this section.

354.3 There shall be no direct entrance to the adjunct from the outside of the building.

Although the proposed entrance facing 16th Street appears to be a normal commercial entrance, it actually enters into a hallway of the building, rather than directly into the gym.

354.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.

According to the submitted plans, the gym use itself would not be visible from the sidewalk. While the exterior of the building would be reconfigured with a sign and would appear to be an entrance, the plans indicate that the literal entrance into the gym would be inside the building and would not be visible from the sidewalk.

354.5 No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.

The applicant requests relief from this section in order to construct a sign on the exterior of the building indicating the presence of the gym. Analysis of that variance is found below.

354.6 The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District.

The principal entrance of the apartment house is more than 1/4 mile walking distance from the 14th Street frontage.

354.7 Subject to compliance with the provisions of § 354.6, these uses may also be permitted within an interior patio or other type of open ground level area; provided:

- (a) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and**

- (b) **No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.**

Not applicable.

354.8 The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established Commercial Districts, but in order to protect the value and stability of these Districts, the Board shall give consideration to the following:

- (a) **The proximity of Commercial Districts to the adjuncts proposed;**
- (b) **The adequacy and convenience of parking spaces existing in or for those Commercial Districts;**
- (c) **The adequacy and scope of commodities and services provided within those Commercial Districts; and**
- (d) **The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.**

Providing a gym at the subject site would serve the building residents and could also serve nearby residents seeking a service like a gym. The closest commercial districts, 14th Street and Mt. Pleasant Street, do not have a full-service gym immediately near this location. The closest similar facility is at Columbia Heights, over half a mile away. While walkable, that distance might be longer than many residents would want for a convenient service. Also, because the subject apartment house is very large – 1,124 units – it can be expected that residents of the property would make up a large number of the gym’s memberships.

Variance for Exterior Signage

Section 354.5 states that “No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.” The applicant requests a variance from this section in order to construct a sign and entrance feature for the new gym.

1. Exceptional Situation Resulting in a Practical Difficulty

The applicant, in Exhibit 30, page 9, has made no attempt to establish a nexus between their cited exceptional conditions and the stated practical difficulty to the owner. The Office of Planning, however, does believe that an exceptional condition leads to a practical difficulty. The intent of § 354 was to create very inward-focused retail, but in the present day, retail benefits a greater level of visibility. A gym could function as a commercial adjunct and would provide a level of amenity to residents of the subject site and to nearby residents, but the gym would be more

successful with a discreet sign indicating its presence to the public. Without a sign, the gym would be less likely to succeed and the benefit to the residents could be lost.

2. No Substantial Detriment to the Public Good

The proposed sign on the exterior of the building would likely have no substantial detriment to the public good. According to the written statement (Exhibit 30, p. 10), the sign would have no “invasive lighting”. Also, the applicant, in email correspondence with OP, stated that they do not believe the gym would greatly increase the amount of traffic coming to the site. OP believes most users of the gym would walk to the site. Furthermore, projecting design of the sign and structure would echo the projection of the main building entrance, and the fenestration of the new entrance feature would resemble the corner windows in the building above.

3. No Substantial Harm to the Zoning Regulations

Granting the requested relief would not impair the intent of the Regulations. It is the intent of the Regulations to maintain a residential character of apartment buildings in R zones, even when they contain commercial adjuncts. While the sign would indicate the presence of a commercial use, the overall feel of the building would still be one of residential character. The sign would also not diminish the residential character of this section of 16th Street. Furthermore, in the original approval for the adjunct space, the Board found that it was appropriate to have a commercial entrance at this location, though at that time it was for a restaurant use and it did not include a sign.

V. HISTORIC PRESERVATION

The subject site is not within an historic district. But because it is adjacent to Rock Creek Park the proposal was reviewed by the Commission of Fine Arts, which has granted a concept approval to the design (Exhibit 30D).

VI. COMMUNITY COMMENTS

ANC 1D voted unanimously to support the project. As of this writing OP has received no other comments from the community.