

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: October 6, 2016

SUBJECT: BZA #19344 – 1336 H Street, NE – Special Exception relief to permit the expansion of an existing building

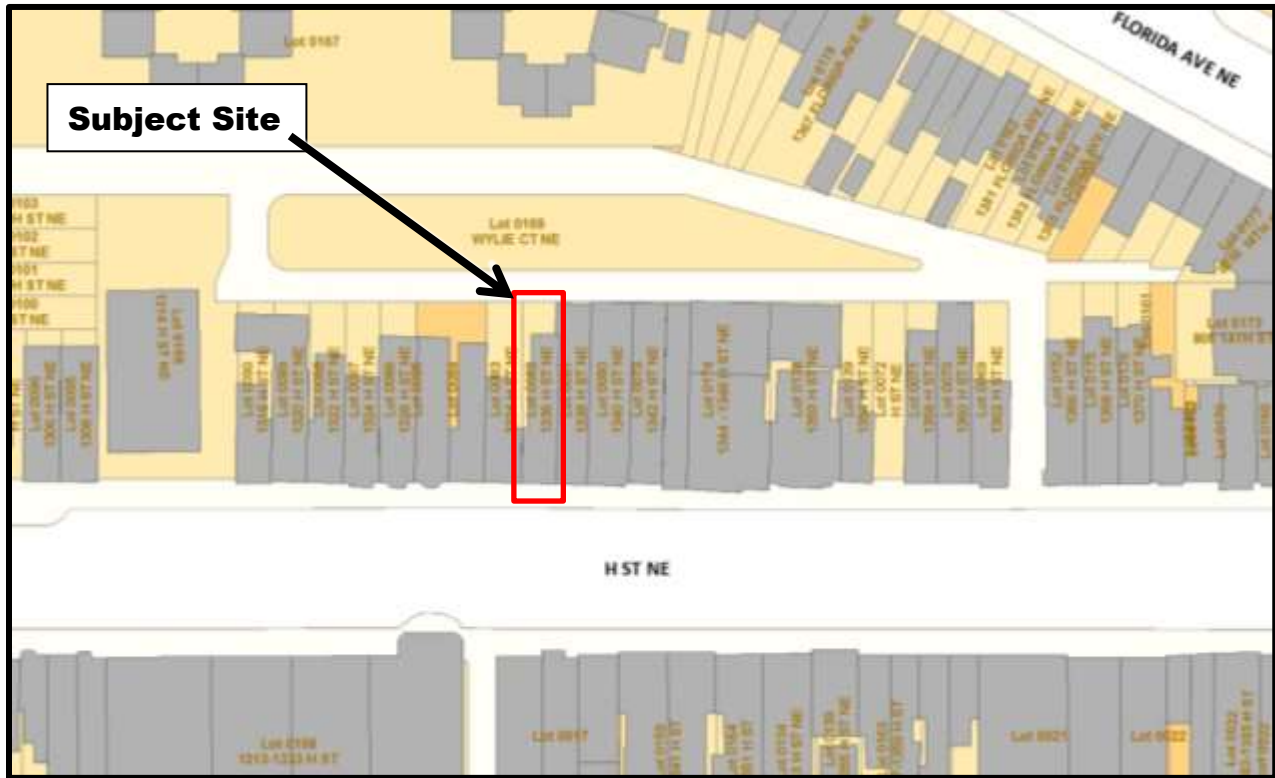
I. RECOMMENDATION

With regard to this proposal to construct an addition to create a mixed use building, the Office of Planning (OP) recommends **approval** of the following special exception relief, pursuant to Subtitle H Chapter 12:

- H § 904 Lot Occupancy (70% existing, 70% maximum for residential permitted, 82% maximum proposed on a residential floor);
- H § 905 Rear Yard (14’ existing, 15’ minimum required, 0’ proposed);
- H § 907 Open Court (4’7” width minimum, 10’ minimum required, 5’ width proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1336 H Street, NE
Legal Description	Square 1026, Lot 82
Zoning	NC-14
Ward and ANC	6, 6A
Historic District	None
Lot Characteristics and Existing Development	Existing two-story commercial building; Rectangular lot 18’ X 90’; 15’ alley at the rear; Alley is ~3 feet higher than H Street.
Adjacent Properties and Neighborhood Character	H Street is a busy mixed use retail street with a mix of moderate to medium density development; The subject site is separated by an alley from a parking area that is surrounded by alleys; Further to the north are rowhouses in traditional and garden configurations.



III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct an addition onto an existing two-story commercial building. The addition would extend back from the existing building and would add two stories to the building. The rear wall of the building would be 18 feet from the alley, but the required egress stairs would, at the lowest level, extend to the entire way to the property line (Exhibit 7, Sheet A6). The two new stories would be slightly set back from the front of the building, and the existing façade would be preserved. The project would provide commercial space at the cellar and first floors, and five residential units above – two units on both the second and third floors, and a single unit on the fourth floor.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned NC-14, an H Street Neighborhood Commercial zone. The application would require relief as noted in the table below.

Item	Requirement	Existing	Proposed	Relief
Lot Area	None	1,620 sf	No change	Conforming
Lot Width	None	18'	No change	Conforming

Item	Requirement	Existing	Proposed	Relief
FAR H § 902	2.5 Residential 1.0 Non-residential 2.5 MOR maximum 3.0 maximum with 0.5 Bonus for façade preservation	1.12	2.97 total	Conforming
Height H § 903	50 feet, max.	28'8"	50'	Conforming
Lot Occupancy H § 904	100% non-residential 70% residential	70%	85% 1 st floor (non-residential) 82% 2nd floor 76% 3rd and 4th floors	Requested
Rear Yard H § 905	15'	14'	0'	Requested
Side Yard H § 906	None required	None	No change	Conforming
Open Court H § 907	10' minimum	4'7"	5'	Requested

V. ANALYSIS

Special exception relief from the standards of the Neighborhood Commercial zones may be granted by the Board pursuant to the criteria of Subtitle H Chapter 12.

1200 GENERAL PROVISIONS

1200.1 The Board of Zoning Adjustment may grant relief from the standards of this subtitle as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) **The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;**

The building would help meet the purposes of the NC zones, which include providing a varied mix of residential, retail and services uses, enhancing neighborhood shopping areas, and providing a scale of development compatible with its surroundings (H § 100.2). The project should not adversely affect neighboring property as its height and density would be within matter-of-right limits, and the uses proposed are also permitted in the NC-14 zone. The exceptions to lot occupancy, rear yard and court width would not be detrimental to nearby

properties, as many buildings on this block already have 100% lot occupancy with no rear yard. The court would be slightly increased in width, and also greatly decreased in depth, compared to the existing court. Also, the rear wall of the building would meet the rear yard requirement; It is only the egress stair which necessitates rear yard relief.

- (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 of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;**

The applicant has submitted revised architectural drawings at Exhibit 36. The proposed design of the addition would enhance the urban design of the area and complement the existing façade below. The design would be modern, which is appropriate for new development on H Street, while respecting the proportions and fenestration patterns of the original two-story building. The proposed textured material on the façade would add visual interest.

- (c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;**

The project would have two units on both the second and third floors, and one unit on the fourth floor. In order to allow adequate light and air into the units, create adequately sized units, and permit safe egress from the building, the applicant seeks court, lot occupancy and rear yard relief. Without those exceptions, it would be more difficult to create a reasonable number of appropriately sized units in the building.

- (d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;**

Access to the one parking space provided would be from the alley at the rear of the property. Utilizing alley access is the most effective way to minimize impacts to the busy H Street sidewalk.

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

The proposed retail and residential uses should not unduly impact parking and traffic in the vicinity. The project fronts on H Street, which is served by streetcar and bus. There are also numerous bikeshare stations in the vicinity. The neighborhood is also very walkable because many daily needs can be met nearby. Users of the building, therefore, should not create an excessive demand on parking or automobile traffic.

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

H Street is an active retail and entertainment street. The addition of five apartments and a new retail space, as anticipated by the zoning, would not cause excessive noise in the area.

- (g) **The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC zone.**

The Office of Planning recommends no special requirements or conditions, other than submission of refined architectural drawings.

- 1200.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC zone.**

The applicant is not requesting relief from these provisions.

1202 SPECIAL EXCEPTION CRITERIA – H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES

- 1202.1 In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC-9 through NC-17 zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 909 and the design guidelines of the H Street N.E. Strategic Development Plan.**

See below for analysis of the project against the criteria of § 909.

The project would meet the design guidelines of the H Street Plan. The Plan states that smaller lots such as the subject site could have development of up to four stories in height, and may maximize lot coverage. Building mass is to be located at the front property line, and any parking should be accessed at the rear of the site (H Street, NE Development and Design Guidelines, p. 5). Preserving the existing façade on-site would meet the intent of the guidelines to provide transparency into the commercial use with a large percentage of glass at the street level, while continuing the use of brick as a primary façade material (ibid., p. 7). The guidelines prefer that windows have a noticeable reveal or shadow line, though façades composed of metal panels, as is likely in this case, need not express lintels or sills at window openings (ibid., p. 8). Finish materials like metal panel and stucco, materials proposed by the applicant, are appropriate (ibid., p. 10).

909 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

909.1 The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-Use zones:

- (a) 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;**

The applicant proposes to keep the existing façade of the building, which is almost entirely built to the property line up to a height of 25 feet.

- (b) 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;**

The project preserves the existing façade and would utilize the 0.5 FAR bonus.

- (c) 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;**

The project would be a mixed use retail and residential building, not a parking garage.

- (d) Each new building on a lot that fronts 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;**

The application states that the existing building would remain, and an addition would be built above and to the rear. In that case this section dealing with new buildings would not apply.

- (e) Security grilles shall have no less than seventy percent (70%) transparency;**

No security grills are proposed.

- (f) **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 unit developments shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk;**

Both the proposed commercial use and the proposed residential use would have their own entrances on H Street.

- (g) **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;**

The 18 foot wide building would have two entrances – one for commercial and one for residential.

- (h) **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:**
- (1) **Fronts H Street N.E.; or**
 - (2) **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 existing façade would be maintained, which would achieve a goal of the NC-14 zone, but which would also dictate the ceiling heights for the first two floors. The ground floor would have 12 feet clear from floor to ceiling, less than desirable for all-new construction, but adequate given the historic preservation aspects of the design.

- (i) **Buildings subject to Subtitle H § 909.1(h) shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;**

The design would not use the extra five feet, but would instead have a height of 50 feet, the matter-of-right maximum for the zone.

- (j) 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 curblineline or extension of the curblineline;**

The applicant has stated that they would conform with the sign regulations

- (k) 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; and**

The applicant has stated that they would conform with the sign regulations

- (l) Roof signs are prohibited.**

The applicant does not propose a roof sign.

VI. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community.