

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 18, 2016

SUBJECT: BZA Case 19371 (2213 14th Street, N.W.) for special exceptions to reduce the side yard, rear yard, loading facilities and penthouse height and setback for the addition of residential floors and penthouse to an existing office building

I. OFFICE OF PLANNING RECOMMENDATION

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

- C § 901, Loading Requirements:
 - (one 12-foot x 30-foot berth required, one 9-foot x 30-foot proposed);
 - (one 10-foot x 20-foot service/delivery space required, one 9-foot x 20-foot proposed);
 - (one 110 square foot, 8-foot wide platform required, none proposed);
- K § 803.3, Building Height, including penthouse (83.5 feet permitted, 88.08 feet proposed for just the elevator override, not for habitable penthouse space); and
- C § 1502.1(b), Penthouse Setback (1:1 required from rear, none proposed for an elevator shaft and override);
- K § 805.1, Rear Yard (15.4 feet required, none proposed (south)); and
- K § 806.1, Side Yard (11 feet required, 10 feet proposed).

Subject to the following condition:

That the Loading Management Plan as detailed in the Technical Memorandum submitted by the applicant's transportation consultant, Gorove/Slade and dated October 31, 2016, is implemented.

It appears that additional relief is required for the side setback from the edge of the roof for stairwell access to the roof because the adjacent property to the south is a contributing structure to the Greater U Street Historic District. This relief is required for an elevator override, a stairwell, and a portion of the amenity room.

For reasons noted in the OP analysis in this report, OP would recommend **denial** of setback relief for the amenity space and approval of setback relief for the elevator shaft. The applicant should provide justification for side relief for the stairwell at the penthouse level, explaining why the stairwell could not be offset for the upper level to avoid the necessity of relief.

II. LOCATION AND SITE DESCRIPTION

Address	2213 14 th Street, N.W.
Applicant	14 th & R Street Enterprises, LLC
Legal Description	Square 234, Lot 163
Ward, ANC	Ward 1, ANC 1B
Zone	ARTS-3
Historic District	Greater U Street Historic District
Lot Characteristics	Polygon-shaped lot with rear access to a ten-foot wide rear alley
Existing Development	3-story office and retail building
Adjacent Properties	North: 6-story mixed-use building South: Consolidation of historic structures and new construction into a mixed use building up to 7-stories in height East: Across the public alley, offices West: Across 14 th Street, one and two-story commercial buildings
Surrounding Neighborhood Character	Mixed use with office and residential uses above street-level commercial space
Proposed Development	Four-story addition atop a three-story commercial building to create a 58-unit apartment building with 8,054 square feet of ground floor retail

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: ARTS-3	Regulation	Existing	Proposed	Relief
Height K § 803.1	75-foot max.*	30 feet	75 feet	None Required
Lot Width § 401	None prescribed	98.25 feet	98.25 feet	None Required
Lot Area § 401	None prescribed	10,189 sq. ft.	10,189 sq. ft.	None Required
Floor Area Ratio K § 801.1	5.3 max.*	--	5.3	None Required
Lot Occupancy K § 804.1 -Residential	80% max.*	79%	79%	None Required
Building Height including penthouse K § 803.3	83.5-foot max.	--	88.08	Required
Penthouse Rear Wall Setback C § 1502.1(b)	1:1 min.	--	None	Required
Penthouse Side Wall Setback C § 1502.1(c)(4)	1:1 min.	--	None	Required
Rear Yard K § 805.1	15.4-foot. min.	9.5 feet	9.5 feet	Required
Side Yard K § 806.1	11 and 11.5 feet	10 feet	10 feet	Required

Zone: ARTS-3	Regulation	Existing	Proposed	Relief
GAR K § 808.1	0.25 min.	N/A	0.25	None Required
Parking	12 spaces	15 spaces	15 spaces	None Required
Loading				
-Berth	1@ 12' x 30'	--	1@ 9' x 30'	Required
-Service/Delivery Space	1@ 10' x 20'	--	1@ 9' x 20'	Required
-Platform	1@ 100 SF, 8'W	--	None	Required

* Including IZ bonus

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to C § 901, Loading Requirements

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

The proposal would be in harmony with the Zoning Regulations and Maps as it would allow for the reconstruction of the subject building with loading facilities adequate for the building as designed.

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

The proposal should not tend to adversely affect neighboring property provided the applicant implements the Loading Management Plan as described in the Technical Memorandum prepared by Gorove/Slade for the applicant and dated October 31, 2016 (Exhibit 31). The components of that plan include requiring a loading coordinator, limiting truck sizes, requiring the scheduling of and the redirection of unscheduled deliveries, permitting deliveries during the daytime only with the times posted, and compliance with all District guidelines for heavy truck operation.

b. Special Exception Relief pursuant to C § 1504.1, Penthouse Setbacks

i. Relief to the requirements of Subtitle C §§ 1506 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

(a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

Strict application of the requirements would result in the relocation of an existing elevator core proposed to be retained and incorporated into the new floors to be constructed above the existing building. This elevator core, adjacent to side and rear walls of the building of the existing building would be prohibitively costly to relocate as

a new elevator core would have to be constructed from the lowest level of the existing structure to the roof.

The applicant has not demonstrated why relief is required from the side wall of the building for the penthouse serving the stairwell access to the roof. Although the stairwell exists it is not necessary to continue a stairwell from lowest floor to the roof, as it is with an elevator core. The staircase could be relocated for the new floors only while retaining the existing stairwell in place to serve the lower floors without the need for relief from the minimum required side setback. Unlike an elevator core, a stairwell can be split, allowing the penthouse serving the stairwell to the roof to provide a one-to-one setback from the side wall of the building.

Justification for side yard relief for the amenity space has not been provided.

(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;

Not providing the one-to-one setback from the rear and side walls of the building for the elevator core would result in better design. Extension of the rear wall of the building adjacent to the north side yard to accommodate the required setback would adversely impact the existing garage entrance to the building, requiring its redesign or relocation within an existing portion of the building. Neither the elevator core nor the side wall can reasonably be shifted to accommodate one-to-one setbacks.

Retention of the existing stairwell into the new upper floors does not necessarily result in better design. The applicant has not documented why the stairwell could be relocated within the new floors, resulting in a conforming penthouse.

Providing the required setback for the amenity would appear to result in a better design, as the space would be less visible from the street below.

(c) The relief requested would result in a roof structure that is visually less intrusive;

The location of the penthouse, adjacent to a rear wall forming the north side yard, would be located approximately 35 feet from the majority of the rear wall of the building near the alley, minimizing its visibility from that alley. The penthouse for the staircase and for the amenity space would not be visually less intrusive, especially as the applicant has not documented why it cannot be constructed to conform.

(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

The proposed location of the penthouse is to allow the applicant to utilize the existing elevator core, which runs from the below-grade garage to the roof. Relocating the elevator core, or the construction of a second elevator core, would be prohibitively costly and unreasonable. The applicant has not documented why the separation of the stairwell would result in operating difficulties or be prohibitively costly or unreasonable. OP is aware of no code issue that would require setback relief for the amenity space.

(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

The location of the elevator override penthouse is dictated by the location of the existing elevator core. Relocating the elevator core for the upper four floors only would be impractical and would result in either relocating the entire elevator core or just the elevator core for the upper four floors. Different from the penthouse for the elevator override, the applicant has not documented why the stairwell cannot be separated and penthouse serving the stairwell located to be in compliance with the required setbacks.

(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

Light and air should not be adversely affected and the intent of the chapter not impaired for the penthouse serving the elevator override. The requested relief would permit the applicant to utilize existing improvements to the building while expanding the structure, without requiring major components of the building to be relocated and rebuilt. The same, however, has not been documented for the penthouse serving the stairwell or the amenity space. As it has not been documented why the stairwell penthouse cannot be designed to conform to the regulations, the granting of a special exception to permit this request could impair the intent and purpose of these regulations.

c. Special Exception Relief pursuant to K § 803.3, Building Height including the penthouse

i. The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle X, Chapter 9 from the requirements or limits of this chapter subject also to the following criteria:

a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;

(b) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board of Zoning Adjustment shall refer the application to the Historic Preservation Office for review and report; and

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

The ARTS-3 zone establishes a maximum building height, including the penthouse, of 83.5 feet. The proposed building would have a height of 88.08 feet. It appears that the habitable portion of the penthouse conforms to this height limit. Relief is requested for the elevator override. The regulations also establish a maximum penthouse height above the roof upon which it is located of twelve feet for habitable space and 18 feet, 6 inches for mechanical space; the penthouse itself conforms to these penthouse height limitations.

The subject application requests a building height increase of 4.58 feet for the elevator over-ride only. While the applicant has provided little justification for this, the elevator is located mid-way between the front and the back of the building. Therefore it should not be highly visible from the street or surrounding properties. The applicant should demonstrate how the use of the existing elevator shaft and the size of the building may limit options for an elevator type that would not require this amount of override.

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

The bulk of the building would conform to the height limitation, and the elevator override is placed such that it would not be highly visible from surrounding areas.

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

The requested relief for the elevator shaft should not adversely affect adjacent properties substantially beyond that of the new building. It should not result in an undue amount of additional shade on adjacent public space or other properties, and there should be little or no impact on air circulation or privacy. Using the existing elevator shaft location may also minimize the amount of demolition on the site for the new construction

d. Special Exception Relief pursuant to K § 805.1, Rear Yard and K § 806.1, Side Yard

i. The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle X, Chapter 9 from the requirements or limits of this chapter subject also to the following criteria:

a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;

(b) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board of Zoning Adjustment shall refer the application to the Historic Preservation Office for review and report; and

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

The side and rear yards as proposed would continue as existing, allowing the applicant to utilize the structural features of the building as built, while expanding the building upwards. Expansion of the building would allow for the adaptive reuse of this existing structure while increasing the housing supply, providing modern street-level retail space and potentially increasing pedestrian activity.

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

The side and rear yards as proposed are existing. Only the third floor would not conform to the minimum rear yard, and side yard relief is only necessary for the north side yard, while allowing for the renovation and expansion of the building to better conform to the purposes of the ARTS-3 zone.

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

The proposal would continue to provide a north side yard and a rear yard. The adjoining building to the north has no at-risk windows on the common property line, minimizing the effect the reduced side yard would have on that building. The rear yard abuts a ten-foot wide public alley, minimizing the impact of a reduced the rear yard. The location of the elevator override penthouse would not adversely affect the adjoining building to the north, as its location would be minimally visible from that building.

The Historic Preservation Review Board found the design incompatible with the historic district and directed the applicant to further study the massing and façade design at its meeting of October 27, 2016.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other agencies.

VI. COMMUNITY COMMENTS

The ANC 1B, at its regularly scheduled meeting of November 3, 2016, voted to support the application.

Attachment: Location Map

