

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 28, 2017
SUBJECT: BZA Case 19491, 2009 18th Street NW for special exception relief from Subtitle G § 405.2 pursuant to Subtitle X § 901.2 and Subtitle G § 1201.1 to allow construction of a restaurant.

I. OFFICE OF PLANNING RECOMMENDATION

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

- G § 405.2, rear yard (15 required, 0 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2009 18 th Street NW
Applicant	Jurassic Properties, Inc.
Legal Description	Square 2557, Lot 19
Ward / ANC	Ward 1; ANC 1C
Zone	MU-4: moderate density mixed-use development.
Historic District or Resource	Washington Heights Historic District
Lot Characteristics	The rectangular lot has an approximate land area of 10,500 square feet and is bounded by California Street to the north, 18 th Street to the west, an adjacent property developed with a restaurant to the south, and a 15-foot improved public alley to the east.
Existing Development	The property is improved with an abandoned service station building, which is to be demolished. The unimproved portions of the property are currently used for parking.
Adjacent Properties	To the south of the subject property is the Jack Rose Dining Saloon, a commercial restaurant/bar use also in the MU-4 zone. To the east, separated by a 15-foot public alley, is a commercial property, Mint gym, in the RC-2 zone. To the north, across California Street NW, is the Marie Reed recreation center, aquatic center, and elementary school campus in the MU-4 and RC-1 zones. To the west, across 18 th Street NW, is a residential condominium building in the RA-2 zone.

Surrounding Neighborhood Character	The surrounding neighborhood includes a mix of residential and commercial properties. The Adams Morgan, 18 th Street NW, commercial corridor is to the west and north of the property.
Proposed Development	The Applicant is proposing to construct a restaurant and associated parking and loading. The existing building, which is a non-contributing resource in the Washington Heights Historic District, is proposed to be demolished.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – MU-4	Regulation	Existing	Proposed ¹	Relief
Height G § 403	50 ft. max.	N/A	33 ft. 1 in.	None required
Floor Area Ratio G § 402	1.5 max. non residential	N/A	1.41	None required
Lot Occupancy G § 404	100 % max.	N/A	80 %	None required
Rear Yard G § 405	15 ft. min.	N/A	0 ft.	Requested
Court, Open G § 202	6 ft. min.	N/A	37 ft. 4 in. x 68 ft.	None required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to G § 405.2, Rear Yard

A minimum rear yard of 15 feet must be provided in the MU-4 zone. In the MU-4 zone, a horizontal plane may be established at 25 feet above the mean finished grade at the middle of the rear of the structure for purposed of measuring the rear yard. Where a lot abuts an alley:

1. For that portion of the structure below a horizontal plane, the rear yard shall be measured from the center line of the alley to the rear wall of the portion of the structure; and
2. For that portion of the structure above the horizontal plane, the rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.

The Applicant is proposing a rear yard of 7.5 feet below the 25-foot horizontal plane and a rear yard of zero (0) feet above the 25-foot horizontal plane.

i. Pursuant to G § 1201.1, the Board may grant special exception relief from the rear yard requirements provided the following conditions are met:

- a. No apartment window shall be located within forty feet (40 ft.) directly in front of another building*

The Applicant is not proposing to construct residential units and the closest apartment windows to the subject property would be at 2038 18th Street NW, which is approximately 80 feet away. Therefore, no apartment windows should be affected by this application.

¹ All information provided by Applicant. See Exhibit 4, dated March 10, 2017.

- b. No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall***

The Applicant is proposing to construct a restaurant that will abut a restaurant/bar to the south, a gym to the east across a public alley, and public rights-of-way to the north and west. Given the proposed use, as well as the existing adjoining uses, no office window should be located 30 feet directly in front of one another or 18 feet in front of a blank wall.

- c. In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;***

The proposed restaurant would be parallel to the adjacent restaurant building to the south.

- d. Provisions shall be included for service functions, including parking and loading access and adequate loading areas***

The Applicant is proposing to provide the required parking in a partially below-grade parking structure. The Applicant is proposing to provide the required loading berth off the 15-foot wide public alley. Both parking and loading would be accessed from the alley.

All service functions, including the trash room, would be located inside the proposed building.

- e. Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.***

The Board of Zoning Adjustment submitted the application to the Office of Planning (OP). OP provides its review in this report.

Comments from the District Department of Transportation will be provided under separate cover.

At its March 23, 2017 meeting, the Historic Preservation Review Board found the form, massing, and siting compatible with the Washington Heights Historic District and requested the Applicant to refine the design to read more urban and less suburban in materiality and detailing. The Board requested an exploration of ways to place the door on the 18th Street facade and to differentiate the first and second floors through window hierarchy, material changes, and/or articulation of the first floor with bays. This would not impact the rear yard request.

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

The proposed construction of a restaurant building that would not meet the required rear yard would be in harmony with the general purpose and intent of the Zoning Regulations. The application meets the conditions for rear yard relief found in Subtitle G § 1201.1. The requested relief would allow the Applicant to locate all required parking, loading, and service-related functions within the building.

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

The subject property is adjacent to the Jack Rose Dining Saloon at 2007 18th Street NW, which is a two-story commercial building that contains a restaurant and bar use. The building at 2007 18th Street NW spans from 18th Street NW to the 15-foot alley at its rear and provides no rear yard setback. Should the Board grant the requested rear yard relief, the proposed restaurant at 2009 18th Street NW should not adversely affect the use of the neighboring property.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS

Comments from ANC 1C had not been received at the time this report was drafted. There was one letter in opposition (Exhibit 41).

Attachment: Location Map



Figure 1: 2009 18th Street NW