

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** May 5, 2017

**SUBJECT:** BZA #19495 – 1341 14<sup>th</sup> Street, NW – Special exception relief to permit the construction of a mixed use building

**I. RECOMMENDATION**

With regard to this proposal to construct a new mixed use building, the Office of Planning (OP) recommends **approval** of the following requested special exception relief:

- C § 1502.1 Rooftop Structure Setback (15’ required for elevator overrun, 13.4’ provided; 3.5’ required for penthouse railing, ~1’ provided);
- K § 803.3(a) Total Height (No penthouse higher than 83.5’, Elevator penthouse 88.5’);
- K § 803.3(b) Bulk Plane Setback (45° setback from point 50’ above the ground at the property line abutting RA zone; Approximately 10 inch intrusion into the setback at the penthouse handrail and the elevator overrun;
- K § 805.1 Rear Yard (15’7.5” required; 8’7.5” provided at the ground floor).

**II. LOCATION AND SITE DESCRIPTION**

Address	1341 14 <sup>th</sup> Street, NW
Legal Description	Square 242, Lots 831 and 840
Zoning	ARTS-3
Ward and ANC	2, 2F
Historic District	14 <sup>th</sup> Street Historic District
Lot Characteristics and Existing Development	Existing 1-story retail building and parking lot on Lot 840 (The Barrel House site); Existing 3-story commercial building on Lot 831 (The Lustine Realty site); Alley to the east.

Adjacent Properties and Neighborhood Character	3.5-story rowhouses to the east across the alley; 4-story commercial building to the south; 14 <sup>th</sup> Street is developed with mixed use buildings of varying scales; Larger residential and commercial buildings are located to the west and south; The neighborhood to the northeast features a relatively greater concentration of rowhouses.
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### III. PROJECT DESCRIPTION IN BRIEF AND ZONING REQUIREMENTS

The subject site is zoned ARTS-3. The applicant seeks approval to allow the construction of a new mixed use building that would have retail on the ground floor of Lot 840, with residential units above. The existing commercial building on Lot 831 would remain. Relief would be required as noted in the table below.

Item	Requirement	Proposed	Relief
Lot Area	n/a	7,633 sf	n/a
Lot Width	n/a	69.39'	n/a
FAR K §§ 801 & 802.3	5.3	4.79	Conforming
Height K § 803.3(a)	75' – Building <b>83.5' – Penthouse</b>	73.95' – Building 83.5' – Habitable Penthouse <b>88.5' – Elevator Overrun</b>	Conforming Conforming <b>Requested</b>

Item	Requirement	Proposed	Relief
<b>Bulk Plane Setback</b> K § 803.3(b)	45° setback from point 50' above the ground at the property line abutting RA zone	Approximately 10" intrusion into the setback at the penthouse handrail and the elevator overrun	Requested
Lot Occupancy K § 804	80%	80%	Conforming
<b>Rear Yard</b> K § 805	15'7.5" (Below 25' in height, can be measured from the CL of the 10' alley)	8.5' (5' of which is in the alley)	Requested
<b>Penthouse Setback</b> C § 1502.1	1-to-1 setback required Elevator overrun – 15' Guardrail – 3.5'	Elevator Overrun – 13.4' Guardrail – ~1'	Requested Requested

#### IV. ANALYSIS

As noted above, the application requests relief from height, bulk plane and rear yard requirements. In order to be granted a special exception from the requirements of the ARTS zone, the application must meet the criteria of K § 813.

#### 813 SPECIAL EXCEPTION (ARTS)

**813.1 The Board of Zoning Adjustment may grant exceptions pursuant to Subtitle X, Chapter 9 from the requirements or limits of this chapter, other than Subtitle K § 811.9, 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;**

The residential and retail uses proposed for this site would advance the purposes of the ARTS zone. K § 800.1(c) specifically states that residential and retail uses would encourage pedestrian activity. The ARTS zone also generally encourages a mix of uses, reuse of older buildings, 18-hour activity, enhanced design character, and increased public safety, all with a combination of new and old buildings (K § 800.1).

The proposed building would also not be detrimental to the health, safety or welfare of the people in the area. The residential building would be similar to other recently constructed buildings, and generally conforms to the height and massing allowed in the ARTS-3 zone. The elevator overrun would be five feet taller than allowed, but only represents about 80 square feet of area in the 7,633 square foot site, and it sits well back from both 14<sup>th</sup> Street and Rhode Island

Avenue to reduce potential visibility from public ways. The approximately 10” intrusion into the 45° bulk plane setback would likely not be perceptible to observers on the ground or in adjacent buildings. The requested rear yard relief would not impact adjacent properties as the building would only intrude into the rear yard at the ground floor. The design leaves room for a planter between the building and the alley. Also, providing the residential entrance in this location would allow for a larger retail footprint and larger outdoor seating area, both of which would further the goals of the ARTS zone.

- (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**

The Historic Preservation Office (HPO) and the Historic Preservation Review Board (HPRB) worked with the applicant to achieve a design that complements its surroundings by relating to the commercial context on 14<sup>th</sup> Street and the residential context on Rhode Island Avenue, while also respecting the historic Lustine building at the corner. As seen on Sheet 27 of Exhibit 36A, the stepped-back massing of the building would help it relate to the rowhouses to the east on Rhode Island. Placing the residential use on that side would also provide a softer transition to the nearby residential buildings. The bay projection on that side would mimic the bays on the rowhouses. On 14<sup>th</sup> Street, the height of the main façade of the subject site would be about the same as the height of the building to the south (Sheets 25 and 26). The proposed façade would be reminiscent of its neighbor to the south with a bay and balconies, and would also respect the historic Barrel House façade. The HPRB requested a simplified material palette, although the final colors have not yet been determined.

- (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 required parking would be accessed from the alley. With only four parking spaces, it is unlikely that vehicular access and egress would create conflicts with pedestrians, or otherwise create objectionable conditions.

**813.2 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 zone districts.**

The Office of Planning recommends no additional requirements pertaining to the design of the building.

The application would require relief for the setback of the elevator overrun and the penthouse guardrail. In order to be granted a special exception from the penthouse setback requirements, the application must meet the criteria of C § 1504.

## **1504 RELIEF TO PENTHOUSE REQUIREMENTS**

**1504.1 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;**

The location of the elevator core is governed in part by the presence of the Lustine building and by the layout of the floors in the new building. The elevator could theoretically be moved closer to the Lustine building footprint (please refer to Sheet 11 of Exhibit 36A), but doing so would split the retail space on the ground floor, make the back-of-house area less efficient and potentially make the elevator overrun more visible from 14<sup>th</sup> Street, over the Lustine building. Splitting the ground floor would have a negative impact on the ability to lease the ground floor to a single retail tenant. The placement of the elevator also maximizes the efficiency of the upper floors in the building. Please refer, for example, to Sheet 12. The length of the stair run tends to result in the stairs and the hallway being side-by-side. This would be more efficient than if the stair and elevator were switched, and an unusable space remained between the hall, the stair and the elevator.

According to the applicant, the location of the handrail is governed by the desire to have a usable space at the roof level for a seating area, with the only non-conforming guardrails shown in red on Sheet 17 of Exhibit 36A. OP concludes that the strict application of the requirement would be unduly restrictive given that the guardrails would be located at the least visible corner of the building. Allowing the slightly larger seating area would further the goal of the ARTS zone to support residential uses.

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

The relief requested would not significantly impact the design of the roof structures. The proposed elevator overrun and guardrail would not appear to be extensions of the building wall. Each would still provide a sufficient setback relative to its overall height – 13.4’ for the 15’ elevator penthouse, and 1’ for the 3.5’ guardrail.

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

The elevator has been placed towards the rear of the property to reduce potential visibility. There would likely be little difference in the amount of visibility were it to be built with a compliant setback. The guardrail would be at the back of the building and designed to be transparent, reducing any potential visibility from public ways.

- (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;**

As noted above, the placement of the elevator is governed by the historic Lustine building, as well as an effort to achieve maximum efficiencies on lower floors.

- (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**

It appears that the applicant has attempted to locate the elevator such that the overrun would comply as closely as possible with the required setbacks. But given the constraints of the site the elevator would encroach 1'8" into the required setback.

- (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.**

The intent of this chapter would not be impaired by the rooftop structures. The light and air of adjacent buildings would not be affected. The elevator overrun extends just slightly into the required setback, and that differential would hardly be noticeable to an observer. The transparent handrail would have no impact on light or air available to adjacent properties.

## **V. HISTORIC PRESERVATION**

The HPRB has granted conceptual approval to the project and delegated final approval to staff. As noted above, staff will continue to work with the applicant on final materials selection.

## **VI. COMMUNITY COMMENTS**

As of this writing OP has received no comments from the community. The ANC has submitted a letter in support at Exhibit 34.