

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 4, 2013

SUBJECT: BZA Case 18569, 1337 Connecticut Avenue NW, to allow construction of an addition on top of the existing building.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 776.3, Court (15 feet required, 5 feet proposed).

OP recommends **approval** of the following special exception relief to extend the regulations applicable to a portion of the lot located in a less restrictive zone district to a portion of the lot located in a more restrictive zone district:

- § 2514.2, Zone District Boundary Line Crossing a Lot (35 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1337 Connecticut Avenue NW
Legal Description	Square 137, Lot 55
Ward	2
Lot Characteristics	The Subject Property is a through lot and is bound by 18 th Street to the east and Connecticut Avenue to the west. Dupont Circle is located to the north and N Street to the south. The zone boundary lot traverses the lot in a north-south direction, dividing the lot into a western portion on Connecticut Avenue zoned C-3-C and an eastern portion located on 18 th street zoned SP-1. The Subject Property has an area of approximately 7,799 square feet (3,035 sq. ft. in the SP-1 zone and 4,764 sq. ft. in the C-3-C zone).



Zoning	<p>Split zoned DC/SP-1 and DC/C-3-C</p> <p>SP-1: matter-of-right medium density development including all kinds of residential uses, and limited offices for non-profit organizations, trade associations and professionals</p> <p>C-3-C: matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses</p> <p>DC: Dupont Circle Overlay District – requires a scale of development consistent with the nature and character of the Dupont Circle area, (the DC Overlay does not impact the requested relief).</p>
Existing Development	<p>The site includes an existing five-story office building, built in 1953. The building includes a rear addition fronting 18th Street which was built in the mid-1980’s. The building also includes a small garage accessed from 18th Street.</p>
Historic District	<p>Dupont Circle Historic District - non-contributing structure.</p>
Adjacent Properties	<p>The Subject Property is located immediately adjacent to almost identically scaled four-story buildings on each side. Residential apartment buildings are located across 18th Street. The west side of Connecticut Avenue includes office buildings with ground floor retail. The Subject Property is located 300 feet from the Dupont Circle Metrorail station.</p>
Surrounding Neighborhood Character	<p>The neighborhood is characterized by a mixture of office, commercial, and residential uses.</p>

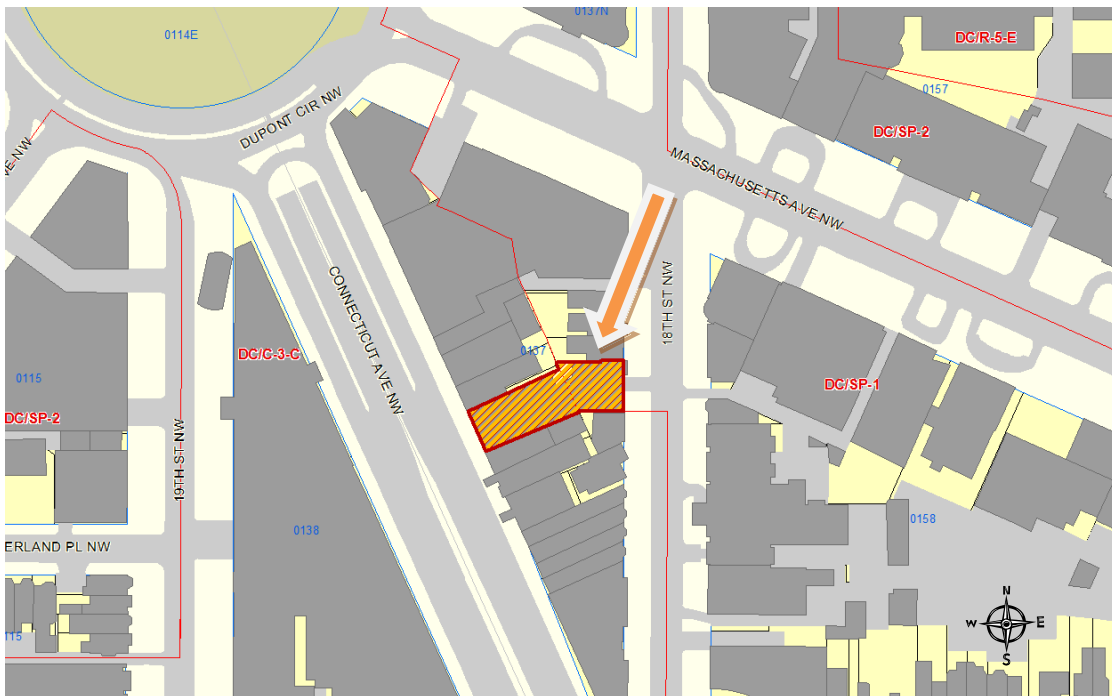
III. APPLICATION IN BRIEF

Endeka Enterprises (the “Applicant”) proposes to construct a one-story residential addition to an existing five-story mixed-use office/retail building (the “Proposal”). One story of office space would also be converted to residential use, resulting in a total of eight residential units. The project initially included the addition of two residential floors for a total of seven stories. In response to initial comments from Historic Preservation Office staff, the updated project design, dated March 12, 2013, proposes a six-story building.

The Proposal would include special exception relief to allow the extension of the height and density permitted by the C-3-C zoning requirements thirty-five feet into the portion of the lot located in the SP-1 Zone District. The total building would have a FAR of 5.4; the eastern portion of the building would have a FAR of 5.01 (1.01 FAR in excess of what would otherwise be permitted in the SP-1 Zone District). Furthermore, the building would be 83 feet in height, 18 feet in excess of what is permitted in the SP-1 Zone District. The Proposal also requires a variance from closed court requirements on the southern and northern sides of the building. Both courtyards would not comply with the required minimum standard width (15 feet) and would be one story tall and 5 feet wide.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-3-C/SP-1 Zone	Regulation	Existing	Proposed	Relief
Height § 400	C-3-C: 90 ft. max. SP-1: 65 ft. max	60 ft.	83 ft.	None required (per § 2514.2)
Lot Width § 401	NA	NA	NA	None required
Lot Area § 401	NA	7,799 sf.	NA	None required
Floor Area Ratio § 402	C-3-C: 5.5 max. SP-1: 4.0 max	4.7	5.4	None required (per § 2514.2)
Lot Occupancy § 403	100% (commercial) 80% (residential)	100%	100% (commercial) 79% (residential)	None required
Rear Yard § 404	17 ft. min.	45 ft.	45 ft.	None required
Side Yard § 405	NA	NA	NA	None required
Court, Closed § 406	15 ft. width	N/A	5 ft. width	Relief required
Zone Boundary § 2514.2	NA	NA	NA	Relief required



Subject Property



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Area Variance Relief from § 776.3 Closed Court

i. Exceptional Situation Resulting in a Practical Difficulty

The Subject Property includes an exceptional situation resulting in a practical difficulty. The existing structure and irregular lot constrain the property.

The site is an irregularly shaped through-lot with frontage of varying widths on Connecticut Avenue and 18th Street. The portion of the building fronting on Connecticut includes a façade with historic significance. The façade on 18th Street is a relatively recent addition (mid-1980s). According to the Applicant, providing two courts a minimum of 15 feet wide would reduce the floorplate of the addition significantly and would undermine the utility of the addition.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would not result in a substantial detriment to the public good. The relief facilitates an addition to an existing building for residential use in a mixed-use neighborhood and would enhance the Dupont Circle area. The Project would include new residential units but would not create an unreasonable intensity of residential use. A one-story addition located on top of the existing structure would not be out of character with the surrounding properties, and would address HPRB issues.

According to the Applicant, the addition would not be visible to pedestrians at the street level along either Connecticut Avenue or 18th Street. The courts would be located on the sixth story of the building, above the heights of the adjacent buildings.

The Proposal would creatively allow for an addition to a building in a manner that would be contextually consistent with the neighboring land uses and building patterns. The setback, form, materials and height of the addition would result in the addition being perceived as a compatible, secondary element on top of the existing structure.

iii. No Substantial Harm to the Zoning Regulations

Granting the variance should not cause substantial detriment to the zoning regulations. The proposed addition would maintain the existing building footprint and have a restrained one-story height. An addition to the existing structure, although taller than the adjacent properties, would result in a mixed-use building which would add to the vitality of the neighborhood.

b. Special Exception Relief pursuant to § 2514.2

Section 2514.2 authorizes the Board to approve as a special exception the extension of the regulations governing use, height, and bulk applicable in a less restrictive zoning district into a more restrict zoning district on the same lot, provided the following conditions are satisfied:

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet (35 ft.);*

The proposed addition would not extend into the SP-1 District more than 35 feet. The façade with historic significance is located in the C-3-C Zone District, making it difficult to capture the density and height that the C-3-C Zone District would otherwise afford. The height and density that would be transferred to the SP-1 portion of the Subject Property could be accommodated entirely on the C-3-C portion of the lot but for the restrictions imposed by the historic significance of the building.

- (b) In authorizing an extension, the Board shall require compliance with § 2514.1(d);*

Section 2514.1(d) relates to the permitted use and bulk of a structure located on a lot a portion of which is located in an R-1, R-2, R-3, or R-4 District. As such, the provision does not apply to this application because no portion of the lot is in the referenced residential zones.

- (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The extension should have no adverse effect upon the present character and future development of the neighborhood. The proposed setbacks on Connecticut Avenue and 18th Street are sufficiently recessive to limit their impact as seen from

surrounding streets. The proposed Project's design relates in form and roofline to the underlying building.

(d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

OP makes no recommendation pertaining to design, appearance, screening, location of structures or lighting.

§ 3104.1

The general standards by which the BZA should review special exceptions are set forth in Section 3104.1 and listed below:

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

The zoning regulations specifically provide a mechanism for property owners burdened by split zoning to request an adjustment to the applicable use regulations subject to certain conditions. The primary purpose of the SP District is "to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district."¹ In addition, the proposed Project would increase the housing supply in an area well served by public transit.

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

The special exception would not adversely affect the use of neighboring properties. The addition would be restrained in height and intensity and constructed within the existing building footprint. Given the extensive setback of the building, the requested relief should not have a detrimental impact to the light and air of neighboring properties.

Conclusion

The Application has adequately established a practical difficulty associated with an existing property condition or characteristic, the first standard for variance approval. There is a nexus between the uniqueness of the property and a practical difficulty for the Applicant. The requested variance and special exception can be justified "without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map" (§ 3103.2).

¹ § 500.2.

OP is supportive of the creation of housing in the District. District policy also supports reinvestment in urban properties, although infill development should reflect the prevailing character of the neighborhood and development limitations of the zone designation. The proposed project would rehabilitate and expand an underused property for residential use. Based on an analysis of the three-part variance test and special exception criteria, OP supports approval of the relief requested.

VI. AGENCY COMMENTS

HPRB delegated the project to HPO staff for final review on May 23, 2013.

VII. COMMUNITY COMMENTS

ANC 2B voted to support the application at its public meeting on May 8, 2013.