

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, AICP, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: November 12, 2013
SUBJECT: BZA 18621 – 901 16th Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

1628 11th Street LLC (applicant) proposes to convert the existing 3-story office building at 1628-1632 11th Street, NW to residential use, add two additional stories, and convert a portion of the garage/cellar area to residential use. The building would have between 33 and 42 units. To accommodate the new use, the applicant has requested several variances and a special exception.

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

- § 2115.4 Compact parking spaces in groups of 5;
- § 2117.4 Parking space accessibility
- § 2117.5 Drive isle width;
- § 775.5 Side Yard (8.3 ft. required, 1.6 ft. proposed);and
- § 2001.3(b) Expansion of a non-conforming structure.

OP recommends **approval** of the following special exception:

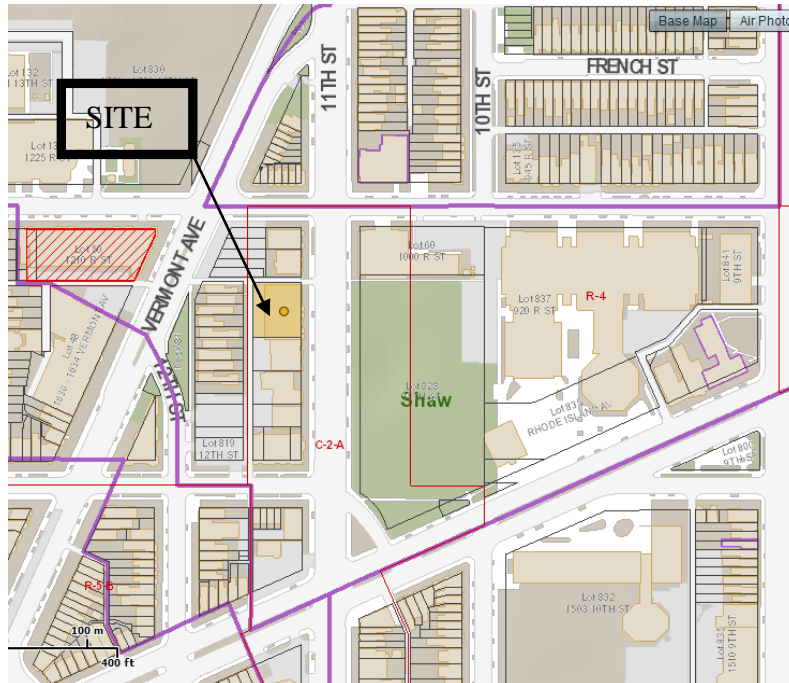
- § 411.5 and 771.1 Roof Structure: Multiple enclosures, varying heights, and not meeting setback requirements.

II. LOCATION AND SITE DESCRIPTION

Address	1628-1632 11 th Street, NW
Legal Description	Square 309, Lot 51
Ward/ANC	2/ANC-2F
Lot Characteristics	The subject property is a 10,200 square foot, nearly square shaped lot which slopes from east to west along 11 th Street, NW. To the east and north are public alleys, 10-foot wide and 10.17-foot respectively.
Zoning	C-2-A: The C-2-A districts are low and medium density residential areas.
Existing Development	The property is developed with a 2-story office building with a 2 level parking garage.
Historic District	Not within a historic district.



Adjacent Properties	To the north of the site is a 4-story apartment building in the C-2-A zone; to the east are the 10 th Street Baptist Church and a park in the R-4 and C-2-A districts; to the south is a 5-story apartment building; and to the west are 2- and 3-story rowhouses in the R-4 district.
Surrounding Neighborhood Character	The neighborhood is characterized by a predominance of residential uses (apartments and rowhouses) interspersed with commercial and institutional uses.



Site Location



III. APPLICATION

The subject property is currently developed with a two-story, office building with two cellar levels; the upper level is for storage while the lower is for parking. The proposal would convert the office building to residential use; add 2-stories above; and convert the upper cellar level from storage to residential use while with the lower level would continue as a parking garage. The applicant has proposed 33 units but has requested flexibility to increase the number of units to 42¹.

The conversion of the upper garage level to residential use necessitates the elimination of the ramp to the lower cellar parking. To provide access to the lower cellar, the applicant would introduce a mechanical lift. With the use of the lift, the parking spaces would have no direct access to the alley as required by § 2117.4.

The parking requirement for the 33-42 units would be 17-21 spaces. The applicant proposes to provide 21 spaces of which 8 would be compact spaces. However, the compact spaces would not be provided in groups of 5 as required by § 2115.4 due to the location of the support columns in the cellar. The column locations also affect the ability to provide the required 22-foot wide drive isle width as required by § 2117.4. The drive isle widths would be 18.9 and 18.75 feet.

§ 775.1 requires that if a side yard is provided it be based on at least 2-inches wide for each foot of the buildings height but not less than 6-feet. The existing building only has 1.5-foot side yard and is therefore nonconforming. With the proposed increase in height to 50-feet, the side yard requirement would be 8.3-feet. The proposal would extend the addition along the existing building wall for the entire height, thereby continuing the 1.5-foot side yard and extending the side yard nonconformity and thus not meeting the requirements of § 2001.3(b).

The proposed roof structures would not meet the requirements of § 411.11 and 777.1 as there would be multiple roof structures; enclosing walls of equal heights, and one structure would not meet the setback requirement. The applicant has requested special exception review for these deviations.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-2-A Zone	Requirement	Existing	Proposed	Relief
Height	50 ft. max.	30.5 ft.	50 ft.	None required
Lot Width	NA	NA	NA	None required
Lot Area	NA	10,400 sq. ft.	10,400 sq. ft.	None required
Floor Area Ratio	2.5 – residential 1.5 – Other uses IZ - 3.0 max.	0	IZ - 3.0	None required
Lot Occupancy	60% 75% with IZ	74.6%	74.6%	None required
Rear Yard	15 ft. min.	22.25 ft.	22.25 ft.	None required
Side Yard	NA	1.55 ft.	1.55 ft.	Required

¹ 42 units would be the maximum permitted and still meet the parking requirement of 21 spaces which are shown on the submitted plans.

Parking	1/2 du = 17 spaces	20 spaces	21 spaces	None required
	Compact spaces in groups of 5	n/a	2 spaces together	Required
	Drive isle width – 22 ft.	18.75 ft. and 18.9 ft.	18.75 ft. and 18.9 ft.	Required
GAR	0.35	Information not provided	Information not provided	Information to be provided

V. OFFICE OF PLANNING ANALYSIS

Variances

i. Exceptional Situation Resulting in a Practical Difficulty

§ 2115.4 - Compact parking spaces in groups of 5

The existing lower cellar garage accommodates 20 parking spaces. The proposed 33-42 residential units would require 17-21 spaces. The applicant proposes 21 spaces which include 8 compact spaces. However, the location of the columns presents an exceptional situation in that they cannot be relocated or eliminated to allow for the location of the compact spaces in groups of 5.

§ 2117.4 – Parking space accessibility

The existing garage has a number of columns that make it impossible to provide the number of required standard spaces, but with the compact spaces the requirement would be met.

§ 2117.5 - Drive isle width

The drive isle in the garage does not meet the 20-foot width. The applicant has organized the parking spaces in the garage but the drive isle width will remain the same due to the location of the many columns which support the building. It is impractical to move the columns to widen the drive isle as the structural integrity of the building would be affected.

§ 775.5 - Side Yard

The existing building has a non-conforming side yard of 1.6 feet, where 8.3 feet is required on the east side of the building. With the retention of the existing building the columns would be extended through addition. If the addition were to be set back to provide the side yard, then the column supports could not be extended from the existing columns. In addition, the elevator and stair locations could not be extended; having the stairs and elevator in different locations on the upper floor would be very inefficient.

§ 2001.3(b) - Expansion Non-conforming structure

The existing building is non-conforming to side yard. § 2001.3(b) states that the enlargement shall:

- (1) *Conform to use and structure requirements; and*
- (2) *Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

The proposed residential use is conforming but the structure has a nonconforming side yard and this nonconformity would be extended to the addition. As demonstrated above, meeting the side yard requirement would create a practical difficulty to the applicant due to the location of the existing columns, elevator and stair and the need to continue them into the addition and meeting the requirement would result in an inefficient layout of the units on the eastern portion of the building.

ii. No Substantial Detriment to the Public Good

Granting the requested parking space relief would not be of detriment to the public as they are internal to the building and would not affect operations or anyone outside the building. Regarding the side yard, the building to the north is separated from the subject building by the 10-foot wide alley in addition to its side yard. Along the alley, there are two windows on each floor of the 4-story building and therefore light and air and privacy would only be minimally affected, if at all. Taken together, the relief to expand the nonconforming structure would not result in a substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Granting the requested variances would not cause substantial detriment to the zoning regulations as the alternatives proposed would be consistent with the intent of the regulations and allow for the reuse of the existing building.

Special Exceptions

Roof Structures, § 400.7(b), § 411.3, § 411.5

400.7 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and

411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.

411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.

The applicant has requested a waiver from the above requirements to provide two roof structures; structure which would be of equal heights; and a structure that would not be setback from the eastern exterior walls a distance at least equal to its height above the roof.

The applicant states that as required by the Building Code, two means of egress to the roof have to be provided. If both were to be enclosed in a single structure it would be a very large structure; therefore, the applicant proposes to have two enclosures. The structure on the northern portion of

the roof encloses mechanical equipment at a height of 13.5 feet and stairs and elevator overrides at 18.5 feet. The enclosures would be of unequal heights in order to reduce visibility and the massing of the structure and minimize shadow.

Due to the current layout of the building and the location of the stairs and elevator the applicant cannot provide a 1:1 setback of the roof structure from the eastern edge of the roof. The location of the stairs and elevators are set in the existing building and to meet the requirement would be prohibitively costly and inefficient. The lowering of a portion of the structure would help to ameliorate the structures visibility in not having the full setback.

Special Exception Standards, § 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 intent of the regulations regarding roof structures is to shield the mechanical equipment from view in a unified manner and setback to minimize it being view from in front the building. The proposed structures are located away from each other to satisfy the Building Code requirements. In this case, having one enclosure would entail a large structure that would be more visible.

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 as the roof structures would not intrude on the light, air or visibility of adjacent properties.

VI. COMMUNITY COMMENTS

The property is within ANC 2B, which voted unanimously to support the application at its public meeting on October 2, 2013.