

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** January 19, 2016

**SUBJECT:** BZA 19163 – 1221 Massachusetts Avenue NW – special exception from the nonconforming use requirements under § 2003.1, to allow a food market/café use in the DD/R-5-E District at premises 1221 Massachusetts Avenue N.W.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **support** of the following special exception:

- § 2003.1 Changing Uses within Structures

### **II. LOCATION AND SITE DESCRIPTION**

Address	1221 Massachusetts Avenue NW (the “Subject Property”)
Applicant	Cambridge Apartments Ltd. (the “Applicant”)
Legal Description	Square 282, Lot 44
Ward / ANC	Ward 2 ; ANC 2F
Lot Characteristics	The irregularly shaped corner lot is 197 feet wide along the Massachusetts Avenue frontage, and 86 feet deep along the 13 <sup>th</sup> Street NW frontage. A 10 foot wide public alley is located to the rear.
Zone	DD/R-5-E
Existing Development	The existing Cambridge Apartments building, constructed in 1963, is comprised of 231 apartment units on floors 2-10; lobby and commercial space at street level (floor 1); and one underground garage/service level which has 45 parking spaces.
Adjacent Properties	Adjacent properties include multifamily apartment buildings and institutional uses.
Surrounding Neighborhood Character	The surrounding neighborhood is largely characterized by multifamily apartment buildings, commercial, institutional, and religious uses.
Proposed Development	The Applicant proposes to change the use of an existing commercial space, approximately 3,000 square feet at the west end of the 1st floor, from office use to retail use (a food market/café). The Applicant stated that the hours of operation would be 7 am – 10

	<p>pm every day. No food would be prepared on-site.</p> <p>The previous office use was approved by the Board in 1989 (Case No. 14985).</p> <p>The Applicant's proposal includes three elements in public space along Massachusetts Avenue and will need to be approved by the District Department of Transportation (DDOT) Public Space Committee. These include a new show window on the 13<sup>th</sup> Street side of the building; a covered colonnade at the Massachusetts Avenue side of the building; and an unenclosed sidewalk café in the "public parking". The café would be separated from the sidewalk by a bioretention area for stormwater, a low retaining wall, and chains between posts.</p> <p>Unrelated to the proposed relief, the Applicant proposes to upgrade the building's existing porte-cochere and driveway in Public Space at the Massachusetts Avenue side of the building.</p>
Historic District or Resource	N/A

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – DD/R-5-E	Regulation	Existing	Proposed	Relief
Height § 400	NA	90 ft.	90 ft.	None required
Lot Width § 401	NA	196.3 ft.	196.3 ft.	None required
Lot Area § 401	NA	27,740 sq. ft.	27,740 sq. ft. sq. ft.	None required
Floor Area Ratio § 402	None prescribed	5.9	5.9	None required
Lot Occupancy § 403	75% max.	59%	59%	None required
Rear Yard § 404	22.5 ft. min.	23.75 ft.	23.75 ft.	None required
Side Yard § 405	0 ft.	0 ft.	0 ft.	None required
Court § 406	Inscribe 22.5 ft. diameter circle	2 – both irregular	35.3 ft. & 31.7 ft. circles	None required
Changing Uses Within Structures § 2003.1				<b>Relief required</b>



#### **IV. OFFICE OF PLANNING ANALYSIS**

##### **2003 CHANGING USES WITHIN STRUCTURES**

*2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.*

*2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.*

The proposed use should not adversely affect the present character or future development of the surrounding area. The proposed market/café would be consistent with the existing commercial character of the space and improve it by activating an underutilized area with neighborhood-serving commercial use. The proposed market/café would be located several hundred feet, and across 13<sup>th</sup> Street and Massachusetts Avenue, from the surrounding residential uses.

*2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.*

The proposed use should not create significant deleterious external effects. The proposed use would be located a considerable distance from nearby residential uses, minimizing potential noise issues. Further, mechanical equipment would be located to the rear of the building and would be surrounded by fencing enclosures and landscaping for visual and acoustical separation. The loading entrance and enclosed trash room would be located to the rear of the building. In regard to potential odors, food preparation would be performed off-site, and all trash would be kept indoors until pickup. OP would support the implementation of appropriate rodent and pest control measures.

The café would be effectively separated from the adjacent sidewalk by bio-retention for stormwater and a low retaining wall. Coordination with the DDOT Public Space Committee will be required.

The Applicant anticipates customers to generally originate from the surrounding blocks; therefore, additional traffic would likely not negatively impact the surrounding neighborhood. The proposed market/café is required to provide one parking space, which would be one fewer parking space than the previous office use. Three parking spaces are proposed.

*2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.*

The previous office use was approved by the Board in 1989 (Case No. 14985). The Applicant is proposing to change the use to a market/café use.

*2003.5 In Residence Districts, the proposed use shall be either a dwelling, flat, apartment house, or a neighborhood facility.*

The proposed use is a market/café on the ground floor of an apartment house, and a special exception is required.

*2003.6 For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:*

- (a) W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;
- (b) SP-1 and SP-2;
- (c) C-1, C-2-A, C-2-B, C-2-B-1, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and (PAD);

- (d) W-1, W-2, and W-3;
- (e) CR; and
- (f) C-M-1, C-M-2, C-M-3, and M.

*2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.*

No modifications are proposed by the Office of Planning at this time.

## **V. COMMUNITY COMMENTS**

At its regularly scheduled meeting on December 2, 2015, ANC 2F voted unanimously to support the Applicant's request.

No comments from the immediate neighbors have been submitted into the record as of this writing.