

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director, Development Review
DATE: December 31, 2012
SUBJECT: BZA 18477 – 1400-1404 14th Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

Abdo Development (applicant) requests variance relief, pursuant to § 3103.1 and special exception review, § 3104.1 to accommodate a mixed use building at 1400-1404 14th Street, NW with retail, office and residential uses in the C-3-A/14th Street ARTS Overlay district:

Variances:

- § 1902.1 (b), Setback above 50 feet adjacent to a residential zone (10 feet at the 5th floor and 20+ feet at the 6th floor, no setback provided); and
- § 2101.1, Parking (38 spaces required, 3 spaces provided);

Special Exceptions:

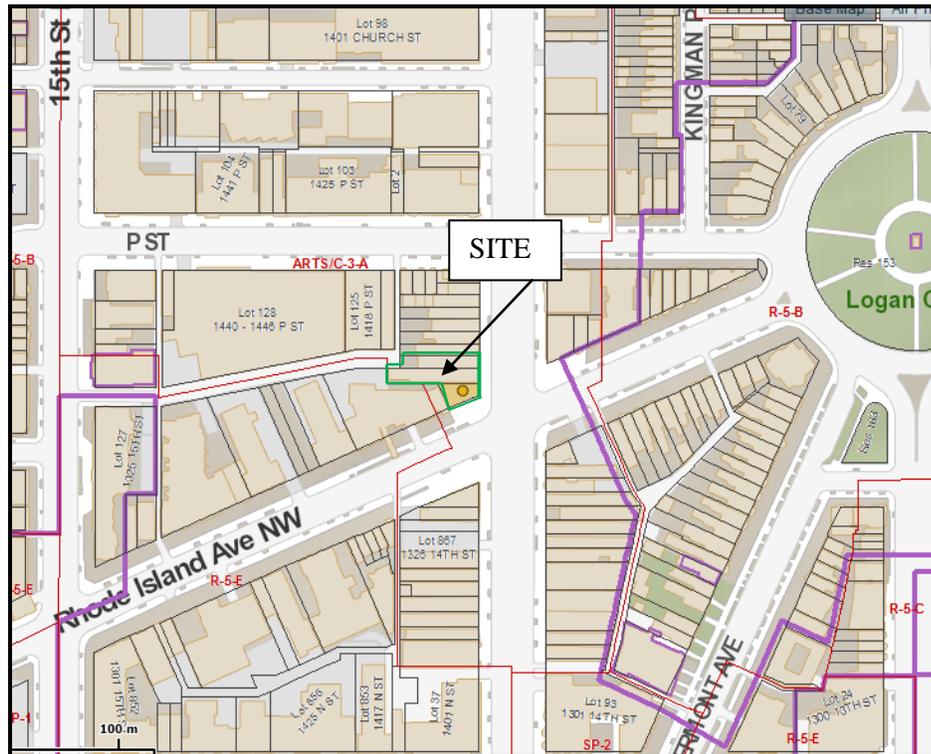
- § 774.2.5, Rear Yard (16.5 feet required, 0 feet provided)

The Office of Planning (OP) **recommends** approval of the requested variances and special exception and further recommends that the bicycle parking location(s) be identified on the Site Plan.

II. LOCATION AND SITE DESCRIPTION:

Address:	1400-1404 14 th Street, NW
Legal Description:	Square 210, Lots 82, 102, 800
Ward/ANC:	2/2F
Lot Characteristics:	The irregularly shaped lot has an area of 8,203 square feet at the intersection of Rhode Island Avenue and 14 th Street, NW. The northwestern portion of the lot abuts a 10-foot wide north-south alley and a 30-foot wide east-west alley.
Zoning:	C-3-A – shopping and business needs, housing, and mixed uses ARTS Overlay - Uptown Arts-Mixed Use Overlay District
Existing Development:	Lots 82 and 102 are developed with 1-story commercial buildings while Lot 82 has a 2-story commercial building.
Historic District:	The subject property is within the Greater 14 th Street Historic District.

<p>Adjacent Properties:</p>	<p>North: 2-story retail building. South: 2-story retail building East: 3-story retail and office building West: 3-story building with retail and office uses and a 10-story apartment building</p>
<p>Surrounding Neighborhood Character:</p>	<p>The neighborhood has a variety of retail, office and residential uses. Along 14th Street are generally 2- story building with ground floor retail and upper floor office or residential uses in the C-2-A zone. Going west along Rhode Island Avenue are high rise apartment buildings in the R-5-E district. While Rhode Island Avenue east of 14th Street are 3-5 story rowhouse/apartment buildings in the R-5-B zone</p>



III. APPLICATION

The existing structures on Lots 82 and 102 would be demolished, and the site redeveloped with a 7-story building (39,392 gross square feet). The 2-story building on Lot 800 is a contributing building to the historic district and would be preserved and its use integrated with the new building. The first floor of the development would be dedicated to retail use (14,336 square feet) the second floor to office use (5,640 square feet) and floors 3-6 for residential use (30 apartment units) while the 7th floor will have a party/community room with access to a roof deck (27,012 square feet).

To accommodate the proposed development, the applicant has requested variances from required setback above 50 feet adjacent to a residential zone and from the required number of parking spaces and special exceptions review for not providing the required rear yard.

IV. HISTORIC PRESERVATION

The subject property is within the Greater 14th Street Historic District. The one-story buildings on Lots 82 and 102 have been determined to not be contributing to the historic district and will be demolished as part of the proposed development. The 2-story commercial building on Lot 82 has been determined to be a contributing building to the historic district and will be retained as part of the proposed development. The proposed development was reviewed by the Historic Preservation Review Board (HPRB) on June 28, 2012. The Board approved the concept design and delegated final approval to staff (See attached Historic Preservation Review Board Staff Report and Recommendation and HPRB Actions, June 28th Agenda).

V. ZONING RELIEF

	C-3-A/ARTS	PROPOSAL	RELIEF
Min. Lot Area § 2401.1	n/a	8,207 sf	None Required
Floor Area Ratio § 1904.1	4.8 total (with IZ) 2.5 non-residential	3.29 residential 1.51 non-residential 4.8 Total	None Required
Lot Occupancy § 634	80% residential (with IZ) 100% non-residential	74% residential 100% non-residential	None Required
Height § 1902.1	75 ft. (with IZ)	75 ft. 83.5 (to top of roof structure)	None Required
Rear Yard § 774.1	16.5 ft.	16.5ft. (partial)	Required
Parking § 2101.1	<u>Retail</u> In excess of 3,00 gsf, 1 space/300 gsf = 18 <u>Office</u> In excess of 2, 000 gsf, 1space/600 gsf = 5 spaces <u>Residential</u> 1 per 2 du. = 15 <u>Total:</u> 38 ¹	3	Required

¹ The historic portion of the building is exempted from the parking requirements.

Bike Parking § 2119.1	5% retail = 1 5% of office = 1	12 spaces ²	None Required
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V. OFFICE OF PLANNING ANALYSIS

- **Variance relief for parking and setback requirements:**

- i. **Uniqueness Resulting in a Practical Difficulty**

The shape of the subject property is a unique characteristic in that its depth varies and the portion of the property where Rhode Island Avenue and 14th Street intersect is not a right angle giving this portion of the property an irregular shape. These characteristics results in practical difficulties in providing the required parking and setback requirements.

Parking: To provide the required number of spaces on site the facilities would have to be provided below grade. Accessing such facilities would have to be from Rhode Island Avenue, 14th Street or the rear alleys. Having to retain the historic building on the site narrows the frontage available to accommodate a curb cut and also provide the required Arts Uses along 14th Street. Access from Rhode Island Avenue is also limited by its proximity to the intersection. Therefore, the likely access would be from the rear alley. However, the historic building on the northern portion of the property eliminates parking on that portion of the property due to its susceptibility to damage and the configuration of the remaining portion of the property would require multiple levels to accommodate the parking spaces. Because of the narrowness of the portion of the property adjacent to the alley accommodation of ramps, drive isle and required spaces would be very difficult and challenging and also damaging to the historic structure.

Setback from Residential Zone: The required setback above 50 feet (5th to 7th floors) would affect the building on the narrowest portion of the property. As shown on the Applicant’s December 21, 2012, Exhibit A, if the setback were provided, the portion of the building that would remain would be fairly narrow and not habitable. With the setback, the placement of the core, required functional spaces and required separation between fire exists would consume most of the floor space and minimize the space for apartments.

- ii. **No Substantial Detriment to the Public Good**

Parking: The residents and users of the office and retail space would have their transportation needs served by walking, biking facilities and by the multiple bus routes along 14th Street and nearby streets. In addition, the closest metro station, the Dupont Circle Metro Station is 4 blocks west of the site. The applicant states that there are also a number of parking lots in the neighborhood which would provide long term as well as short term parking to serve the residents and has secured up to 20 parking spaces in the Washington Plaza Hotel parking garage, two blocks south of the site, for users of the development. Therefore, the reduction in parking will not be a detriment to the public good.

Setback from Residential Zone: The setback requirement is to protect residents in lower residential density zones adjacent to buildings in higher density zones and in most cases shorter residential buildings adjacent to much taller residential/commercial buildings. However, in this case, the closest residential building is higher (10-story) than the proposed 7-story development and is setback from the

² The applicant proposes to provide 12 bicycle spaces to help mitigate the reduction in parking spaces. However, the location of the bicycle parking spaces is not shown on the plans.

property line. Therefore, it is not envisioned that the proposed development would impact the light and air or cast shadows which would be a detriment to the residents of the adjacent building.

iii. No Substantial Harm to the Zoning Regulations

Alternative means of transportation such as bike, bus and Metrorail in addition to other buildings with public parking will mitigate the proposed reduction in parking spaces. Not providing the required setback would not negatively impact the light and air of residents of the adjacent residential building and therefore, granting the variances would not cause substantial harm to the Zoning Regulations.

• **Special Exception review for Rear Yard:**

The applicant has requested special exception review to waive the provision of a rear yard as stipulated in § 778.1: *2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet.* The historic building has a rear yard that does not currently meet the rear yard requirement. The new portion of the building would require a rear yard of 16.5 feet. No rear yard is being provided in this area. The standards for the special exception are met as follows:

774.2 The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-3-A, C-3-B, C-3-C, and C-4 Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met.

The property is within a C-3-A zone.

774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

No other buildings with windows face the westernmost portion of the property and the southwestern portion of the property is separated by open space. The historic building has windows but is separated by a 30-foot wide alley. Therefore, the light, air and privacy of the buildings to the rear of the property will not be affected

774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

The windows on the adjacent residential building are not in close proximity to the windows on the proposed development and therefore a sightlines analysis is not necessary.

774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

Adequate off-street functions will be accommodated on site as delivery and trash pick up will be provided at the rear of the building off the existing alleys. The applicant has requested a variance from the parking requirement and the spaces provided would also be accommodated at the rear of the building.

774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

The District Department of Transportation (DDOT) report will be submitted under separate cover. Attached are the Historic Preservation Staff Report and the HPRB summary recommendation.

VI. AGENCY COMMENTS

The District Department of Transportation (DDOT) report will be submitted under separate cover.

VII. COMMUNITY COMMENTS

At its public meeting on December 5, 2012, Advisory Neighborhood Commission (ANC) 2F voted to support the requested variances and special exception.

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	1400-1404 14th Street, NW	X Agenda
Landmark/District:	14th Street Historic District	Consent Calendar
Meeting Date:	June 28, 2012	X Concept Review
H.P.A. Number:	12-355	X Alteration
Staff Reviewer:	Steve Callcott	X New Construction
		Demolition
		Subdivision

Abdo Development, represented by architect Maurice Walters, seeks conceptual design review for construction of a six-story retail, office and residential building on a corner site at the intersection of 14th Street and Rhode Island Avenue in the 14th Street Historic District. The site is currently occupied by two non-contributing buildings that would be demolished and one contributing building that would be retained and rehabilitated for retail use.

Property Description

1400 and 1402 14th Street are one-story commercial buildings that were constructed in 1970 and 1960 respectively and which have been extensively remodeled with new facades in recent years. Based on their dates of construction falling well beyond the period of significance for the 14th Street Historic District (1855-1940), they are identified as non-contributing to the district in the National Register nomination.

1404 14th Street is a two-story, brick commercial building dating constructed in 1894. It has a pressed brick façade capped by a corbelled cornice, a bank of three segmental arched double-hung upper-story windows, and a formed metal storefront surround. Based on its date of construction and characteristics, it is contributing to the historic district.

Proposal

The project calls for demolishing 1400 and 1402 to construct a six-story building with a tall retail base, second story office space (envisioned for use by the applicant), and four levels of residential units. The building would be clad in red brick with dark brick accents; as it will rise higher than the structures on each side, the design and material treatment would be equivalent on all sides. The street elevations would have projecting bays on floors 3 through 6, with a rounded glass corner tower at the corner. A projection on floors 4 through 6 would extend much of the length of the north side of the building, cantilevered 4-5 feet over 1404 14th Street; the north projection would be set back approximately 24 feet from the buildings' street facades.

The building would rise to a height of 67 feet to the top of the parapet. A penthouse, set back approximately 20 feet from Rhode Island Avenue and 14th Street, would rise to a height of 74'8" with the elevator override topping out at 78'4."

Evaluation

The Board reviewed a concept put forward by the applicant for this site several times in 2004. When first proposed, the project did not include the corner building (under lease to Caribou Coffee); later, the proposal called for cantilevering out over top of the retained corner building, but was not able to fully engage it into the composition. Understandably, the design suffered from the constraints of not having enough frontage to comfortably ground the desired building program and the contortions required in maintaining this non-descript building.

The incorporation of the corner site and removal of 1400 has allowed for the development of much more compatible and architecturally pleasing solution. The new proposal has been designed with a strong sense of verticality emphasized through the use of monumental piers between the projecting bays. It takes advantage of its corner site with a contemporary glass tower element that evokes similar towers on the district's historic buildings, without being overly historicist or referential. The design of the ground floor continues the rhythm of the small-scale buildings to the north, while using elements such as transom windows, a projecting metal awning, and a brick sign band to provide a human scale to the large openings. The recess of the glazing within the first and second floor openings will give the building shadow, depth and weight that is common in historic buildings but atypical for modern construction.

The design has evolved in consultation with the staff. When initially submitted, the top floor was partially recessed in an effort to try to ease the height discrepancy between the new construction and surrounding historic buildings. However, the proportions of the building suffered, and the stepped profile appeared busy, truncated and apologetic. The HPO encouraged that the top floor be pulled to the face of the building and that the top be emphasized. The result improves the design, and is more compatible in its proportions, roof profile and vertical emphasis.

The cantilevered bay on the north side of the building is an unusual feature, possible only by incorporating 1404 into the project. However, by designing the cantilever as a series of projecting bays, limiting their projection to a depth of 4-5 feet, and pulling them back substantially from the front elevation of 1404, it doesn't appear as a discordant or incompatible element. Rather, the series of projections adds visual interest, rhythm and scale to the long side elevation that will likely remain exposed over the tops of the smaller historic buildings on this block.

Recommendation

The HPO recommends that the Review Board find the proposed concept compatible with the character of the historic district and consistent with the purposes of the preservation act.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD



HPRB ACTIONS
June 28 and July 12, 2012

The Historic Preservation Review Board met to consider the following items on June 28, 2012. Present: Catherine Buell, Chair; Rauzia Ally, Andrew Aurbach, Maria Casarella, Gretchen Pfaehler, Nancy Metzger, Robert Sonderman, and Joseph Taylor. Graham Davidson absent.

CONSENT CALENDAR

The HPRB approved the following items on the consent calendar. Vote: 8-0

CAPITOL HILL HISTORIC DISTRICT

221 10th Street, SE, HPA #12-350, concept/rooftop addition
535 8th Street, SE, HPA #12-417, permit/sign
305 9th Street, SE, HPA #12-418, concept/rear addition
1028 D Street, NE, HPA #12-434, concept/new construction of a rowhouse

CLEVELAND PARK HISTORIC DISTRICT

3523 Quebec Street NW, HPA #12-359, concept/rear addition and recladding of side porch (Vote 7-0; Casarella recused)
3208 Highland Place NW, HPA #12-425, concept/rear addition
3403 Rodman Street NW, HPA #12-420, concept/front porch addition (Vote 7-0; Casarella recused)

DUPONT CIRCLE HISTORIC DISTRICT

1320 19th Street, NW, HPA #12-347, concept/sidewalk café awning structure.

14TH STREET HISTORIC DISTRICT

1622 14th Street, NW, HPA #12-351, concept/one-story addition, storefront alterations.

U STREET HISTORIC DISTRICT

1310 T Street, NW, HPA #12-424, concept/rear and roof addition.

JUNE 28TH AGENDA

LANDMARK HEARINGS

Westory Building, 607 14th Street, NW, Case #10-17.

The Board designated the Westory Building at 607 14th Street, NW a Historic Landmark to be entered into the D.C. Inventory of Historic Sites and directed that the nomination be forwarded to the National Register of Historic Places. Vote: 8-0.

Peysers Building, 1518 K Street, NW, Case #11-07.

The Board designated the Peysers Building/Security Savings and Commercial Bank building at 1518 K Street, NW a Historic Landmark to be entered into the D.C. Inventory of Historic Sites and recommended the nomination be forwarded to the National Register of Historic Places under the National Register Multiple Property Document, *Financial Institutions in Washington, D.C., 1790-1960*. Vote: 8-0.

HISTORIC LANDMARK

Park View Elementary School, 3570 Warder Street, NW, HPA #12-363, concept/interior alterations.

The Board approved the conceptual design for the proposed modernization work and delegated the remaining design review to the staff. Vote: 8-0

14TH STREET HISTORIC DISTRICT

1400-1404 14th Street, NW, HPA #12-355, concept/new construction of six-story retail and apartment building.

The Board approved the concept design and delegated final approval to staff. Vote: 8-0

14TH STREET HISTORIC DISTRICT

14th & Corcoran Streets (1617 14th), NW, HPA #12-426, concept/new construction, apartment building.

The Board approved the concept design and delegated final approval to staff. Vote: 8-0

DUPONT CIRCLE HISTORIC DISTRICT

1337 Connecticut Avenue, NW, HPA #12-421, concept/two-story roof addition.

The Board provided comments on the proposal but took no formal action on the case.

SHERIDAN KALORAMA HISTORIC DISTRICT

1901 24th Street, NW, HPA #12-346, concept/construction of roof parapet.

The Board approved the concept for a four-sided railing with balusters, encouraging the applicant to make it as visually light as possible in consultation with staff and the neighbors. Final approval was delegated to staff. Vote: 8-0

FOGGY BOTTOM HISTORIC DISTRICT

2526 I Street, NW, HPA #12-449, rear addition and alterations.

The Board approved the concept with the conditions that: (1) the roof and floor framing of the main block be retained; (2) the glass-block openings be revised to be closer to the size and orientation of traditional windows on such a rowhouse; (3) the drawings be redrawn and thoroughly detailed and dimensioned, including a site plan, and as necessary to carefully depict all

of the doors and windows and openings proposed and to account for roof slope and drainage and a replacement fence; (4) all exposed, exterior walls of the basement addition be clad with a brick, with the brick sample to be approved by staff; and (5) that the revised plans return to the Board for review. Vote: 8-0.

JULY 12TH AGENDA

The Historic Preservation Review Board met to consider the following items on July 12, 2012. Present: Catherine Buell, Chair; Rauzia Ally, Andrew Aurbach, Maria Casarella, Graham Davidson, Nancy Metzger, Robert Sonderman, and Joseph Taylor. Gretchen Pfaehler absent.

HISTORIC LANDMARK

McMillan Park Reservoir, Consideration of draft Master Plan and Design Guidelines.

The Board concluded hearing public testimony, but left the record open for additional written testimony and requested additional information from the applicants. The Board will schedule a continuation meeting in September to deliberate.

Transcripts of Historic Preservation Review Board Meetings may be purchased from the court reporting agency that covered this hearing – Olender Reporting, Inc. (202) 898-1108, www.olenderreporting.com, or info@OlenderReporting.com. Copies of individual staff reports that are prepared in advance of the hearing are posted on our website and accessible through the following abbreviated URL: <http://tinyurl.com/7vcmpsy>