



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: January 18, 2011

SUBJECT: BZA Application 18157: 2221 14th St. NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

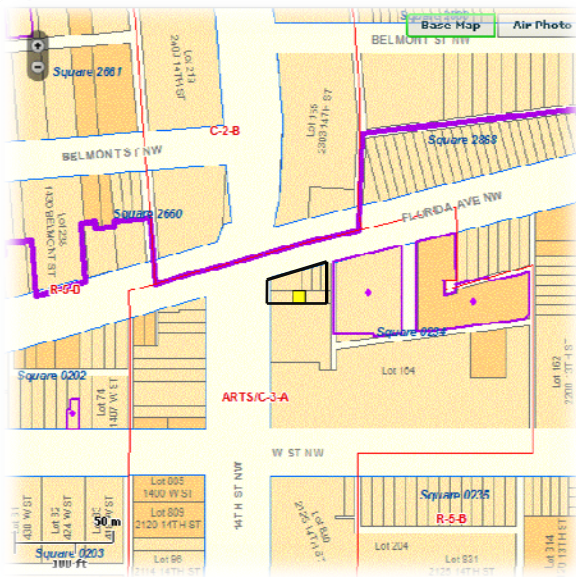
1. **An area variance pursuant to § 2101.1 of Title 11 DCMR**, to reduce the number of off-street parking from 15 spaces to 10 spaces;
2. **An area variance pursuant to § 2115.1 of Title 11 DCMR**, to reduce the size of the required standard size parking spaces of 9 feet by 19 inches to compact sized spaces measuring 8 feet by 16 feet;
3. **An area variance pursuant to § 2117.5, of Title 11 DCMR** to reduce the required width of the drive aisle from 20 feet to 18 feet in one location, as identified on the plan;
4. **An area variance pursuant to § 776.3, of Title 11 DCMR** to reduce the required court width in the area over the garage entry, where 24.5 feet is required and 18 feet is provided;
5. **A special exception pursuant to § 774.2 of Title 11 DCMR**, to permit no rear yard where 2.5 inches for each foot of vertical height, but not less than 12 feet is required;
6. **A special exception pursuant to § 770.6 of Title 11 DCMR**, to permit housing for mechanical equipment to be set back one-to-one from the roof's edges; and
7. **A special exception pursuant to § 1902.1 of Title 11 DCMR**, to permit a roof structure of 18 feet 6 inches in the Uptown Arts Overlay District, which limits the height to 8 feet 6 inches.

II. AREA AND SITE DESCRIPTION

Address	2221 14 th Street NW
Legal Description	Square 234 Lots 28 and 124-127
Ward	1
Lot Characteristics	Trapezoidal lot at the southeast corner of 14 th Street and Florida Avenue, with a 10-foot wide north-south alley at the rear.
Existing Development	Currently vacant lot, which was most recently used as a used car lot.
Zoning	ARTS: <u>Arts Overlay District</u> C-3-A: medium bulk major business and employment center



Adjacent Properties	<p>North: Across Florida Avenue, apartment houses with ground floor retail and row houses to the east of the apartment house immediately opposite the subject property.</p> <p>South: commercial buildings</p> <p>East: On Florida Avenue, a school at the rear across the alley and 2-story single-family row dwellings.</p> <p>West: Across the 14 street, row houses and flats.</p>
Historic District	<u>Greater U Street Historic District.</u>
Surrounding Neighborhood Character	Mixture of retail, residential and institutional uses.



Zoning and Vicinity Map

III. APPLICATION IN BRIEF

The applicant, Jemal’s 2221 14th LLC, has proposed the redevelopment of the site at 2221 14th Street NW. The proposed mixed-use development of 30 apartment units with 2,500 sf of ground floor retail, would replace an existing auto-sales use. The proposed development would satisfy all bulk requirements, including density height and lot occupancy, but would require special exception and variance relief from some area requirements as follows:

1. **An area variance pursuant to § 2101.1** to reduce the number of off-street parking from 15 spaces to 10 spaces;
2. **An area variance pursuant to § 2115.1** to reduce the size of the required standard size parking spaces of 9 feet by 19 inches to compact sized spaces measuring 8 feet by 16 feet;
3. **An area variance pursuant to § 2117.5** to reduce the required width of the drive aisle from 20 feet to 18 feet in one location, as identified on the plan;

4. **An area variance pursuant to § 776.3** to reduce the required court width in the area over the garage entry, where 24.5 feet is required and 18 feet is provided;
5. **A special exception pursuant to § 774.2** to permit no rear yard where 2.5 inches for each foot of vertical height, but not less than 12 feet is required;
6. **A special exception pursuant to § 770.6** to permit housing for mechanical equipment to be set back one-to-one from the roof's edges; and
7. **A special exception pursuant to § 1902.1** to permit a roof structure of 18 feet 6 inches in the Uptown Arts Overlay District, which limits the height to 8 feet 6 inches.

IV. PROPOSED DEVELOPMENT

The subject property comprised of lots 28 and 124-127 would be cleared of all existing improvements to accommodate the proposed mixed-use development of a 6-story apartment building with 2,500 square-feet of ground floor retail. The new building would be constructed to create a street wall along the 14th Street and Florida Avenue frontages and the existing curb cuts on 14th Street and one on Florida Avenue would be closed. Vehicular access to the 10-space underground parking garage would be from the public alley. Fourteen bicycle parking spaces would be provided, nine of which would be in a secured room for building residents. Retail and residential trash storage and removal would also be from the rear, where the east elevation would be set back from the alley lot line by 5 feet to increase the alley's effective width to 15 feet. The project currently does not provide for off-street loading, since this is not required by the zoning regulations for apartment houses with fewer than 50 units.

The 2,500 square-foot retail space would front on 14th Street and Florida Avenue, with direct access to sidewalk seating on Florida Avenue. This level would also include the residential lobby, accessible from an entrance at the northeast corner of the site. Upper floors, two through six, would include efficiency and one bedroom apartments, with a roof terrace provided on the roof of the building for use by the tenants. Two green roof areas would be provided, including the 19-foot long court area above the garage entry ramp and on the roof to the east of the roof terrace.

VI. ANALYSIS

A. Variance Relief

The proposed development requires relief from the number of required off street parking spaces (§ 2101), the size of those spaces (§ 2115.1) and the width of the drive aisle to access those spaces (§ 2117.5). The requested relief pursuant to Section 3101 is reviewed as follows:

Uniqueness

The subject property's varied width and irregular shape in combination create an exceptional situation for redeveloping the property with a structure which meets some of the C-3-A District's area requirements for development of a lot.

§ 2101 - Off-Street Parking

The application requests a decrease in the number of required off-street parking spaces from 15 to 10.

Peculiar and Exceptional Practical Difficulties

The optimal design for the irregular shaped lot affects the garage's area and its effective number of parking spaces. The building's design resulting from the lot's irregularities could reasonably accommodate up to eight vehicles along the lot's longest length. Therefore, more than one garage level would be necessary to provide the fifteen spaces required spaces. Provision of additional levels creates a practical difficulty due to the required width for double-loaded drive aisles for ramps, which would consume any practical useable

parking area below the first level. Therefore, only one level of parking could be provided, which ultimately reduces the number of spaces that could reasonably be accommodated on-site.

Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan. The subject property is located on the multi-modal transportation 14th Street corridor. Metro Bus operates at least three bus routes on the corridor, as well as the Circulator bus. Smart Bike options are available two blocks away at the corner of 14th and U Street to the south. The Green Line Metro Station is also located within a four-block walking distance. Up to fifteen bicycle spaces would be provided, in excess of the two that would otherwise be required for a 30-unit apartment building within the C-3-A District. Car-share locations are also available in the immediate vicinity. Therefore, the availability of a variety of transportation options reduces the incentive to own and store a vehicle on the premises and also minimizes spillover parking in the neighborhood.

§ 2115.1– Size of Parking Spaces

The applicant proposes to provide 9 compact sized spaces, measuring 8 ft x 16 ft instead of the required 9 ft x 19ft, standard-sized space.

Peculiar and Exceptional Practical Difficulties

The lot's exceptional situation regarding its area and shape combined create a practical difficulty to provide the required parking area for each space in the building's garage. The applicant sought to accommodate the maximum number of on-site spaces available to residents, given the lot's small size. However, if the regular-sized spaces were to be provided, the required 19-foot length of each space would reduce the required 20-foot width for the drive aisle, as shown on the submitted plans. Therefore, this creates a practical difficulty in balancing the provision of the required standard-size spaces with the width requirement for drive aisles.

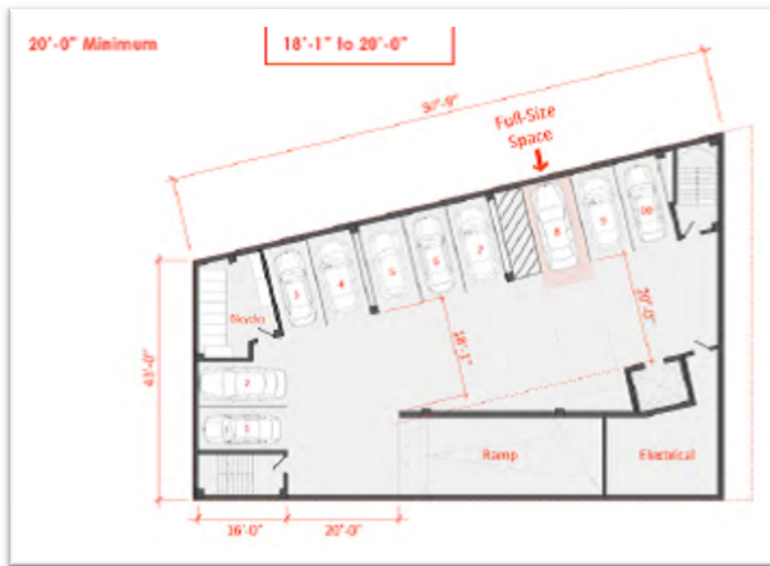
Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan, as compact spaces are permitted within the regulations. The option of an additional garage floor is prohibitive, as previously discussed, and the provision of regular-sized spaces would negatively impact the drive aisle area for the entire garage. The provision of compact spaces seeks to balance the need to provide on-site spaces with the ability to provide the required drive aisle width, which according to Section 2117.5 would impact accessibility and maneuverability of cars in those spaces.

§ 2117.5 – Drive Aisle Width

Peculiar and Exceptional Practical Difficulties

The lot's exceptional situation regarding its area and shape create a practical difficulty to provide the required drive aisle width throughout the entire garage, exclusive of columns, as stated in the provision. In this instance, one support column directly affects the required measurement in a small area, as shown in the diagram below. Since this support column is integral to the design, the drive aisle is effectively reduced from 20 feet to 18 feet in this location only. The narrow width of the lot in this area creates a practical difficulty in providing the required distance between the two columns shown in the diagram below.



Proposed Parking Level Plan

Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan, as only one parking space would be impacted, requiring additional turns for accessing and maneuvering to that space. This does not affect the intent of the Zone Plan, since the drive aisle width would not be reduced throughout the garage. Therefore, the intent and purpose of the provision would not be impaired and it would have no adverse impact on the Zone Plan.

§ 776 – Court Width

Peculiar and Exceptional Practical Difficulties

The lot’s exceptional situation regarding its area and shape create a practical difficulty to provide the required court width over the garage ramp, which provides a green roof area for the building. The court could not be widened in this area without adversely compromising the service and utility functions for the building’s operation, or impacting the small floor plate for residential and retail use.

Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan, the court area is intended to provide light and air to the building, which it would do for the rear units. The court in this area would meet its intended purpose and its function would not be diminished if this relief was granted. Rear units would still have at least 60 feet of unobstructed view across the length of the court.

B. Special Exception

Special exception relief, pursuant to Section 3104 is also required from the rear yard requirement (§ 774.2), the roof structure setbacks (§ 770.6) and the height of the roof structure (§ 1902.1 (a)). The relief is reviewed as follows:

Special exception pursuant § 774.2 – Rear Yard Depth

No rear yard has been provided in the submission, since it would severely impact the buildable area on the lot. Section 774.2 permits the Board of Zoning Adjustment to waive the rear yard requirements pertaining to C-3-A Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 are met as follows:

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.*

The existing adjacent commercial building does not have north facing windows abutting the property line, so that light and air to that building would not be affected by loss of windows. Further, no residential windows would face this abutting commercial building. The proposed design satisfies this requirement.

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 majority of units are designed to face the front elevations of the building, including along 14th Street and Florida Avenue. The rear units from the 2nd through 6th floor proposed would overlook a green roof court area, 19 feet in width at the rear. The rear units would face the 2-story building to the east of the 10-foot wide alley and would not have sight lines directly into the units. This condition is therefore satisfied with the proposed design.

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

The proposed design includes a trash storage area for both residential and commercial use setback a minimum of five feet from the property line abutting the alley, which would effectively provide 15 feet of alley area to facilitate movement of trash trucks in the narrow alley.

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 application was provided to the relevant agencies. See Agency Comments below.

Special Exception pursuant to § 770.6 – Roof Structure Setback

Housing for mechanical equipment, a stairway and elevator penthouse must be set back from on-to-one from all exterior walls per § 770.6. This section also requires that the provision of § 411 be satisfied.

The relevant provisions of § 411 are as follows:

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.*

411.11 *Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that 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 elevator core is proposed towards the rear in order to maximize the effective floor plate for residential use, as well as maximizing light and air to the building. This location is also recommended by HPRB as

being ideal to minimize the penthouse features from public space in the Historic District. Similarly, the walls around the mechanical and elevator core are of unequal height to reduce the effective massing on the roof and reduce visibility. The lot size combined with the requirements of the Historic District and the zoning regulations would make full compliance restrictive, in this instance. Relief from this provision is not anticipated to have an adverse impact on light and air to any nearby or adjacent building.

Special exception pursuant § 1902.1(a) – Height of Roof Structure – Arts Overlay District

The subject application requests an exception from Uptown Arts design requirements to permit the roof structure to exceed a height of 8 feet 6 inches above the roof.

Exceptions from the design requirements of the Uptown Arts Overlay District shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance §§ 1906.1 and 3104 and subject to the criteria below.

1906.1 The Board of Zoning Adjustment may grant exceptions under § 3104 from any of the requirements or limits of the ARTS District other than § 1901.6 based upon the following criteria; except that the Board shall apply criteria (c) and (d) only if relevant to the relief sought:

- (a) *The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District 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 proposed development would support the purposes of the ARTS Overlay District as it would provide residential units; strengthen the design character of the area in keeping with recent neighborhood development, and increase street activity in the area. Relief from the height restrictions of the penthouse would enable the optimal design for the lot's redevelopment. The height of the penthouse structures is focused towards the rear where there would be little to no visibility from the 14th Street and Florida Avenue frontages of the historic district, as recommended by the Historic Preservation Review Board.

- (b) *Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan;*

The building would be constructed to a height of 75 feet, and a maximum height of 83.5 feet is permitted. The applicant has proposed a 10 foot high penthouse for a total of 85 feet. The proposed building's penthouse would employ a standard elevator which requires an 18' 6"-high penthouse. Without the additional height no elevator roof access could be provided. This would be contrary to ADA code requirements to provide access to all residents, including their ability to enjoy the roof terrace. The roof terrace feature is a desirable feature of this development and adds value, as it provides the only on-site recreation area for future residents of this small property.

- (c) *The architectural design concept 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 shall refer the application to the State Historic Preservation Officer for review and report;*

This provision is not relevant to the relief sought.

- (d) *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; and*

This provision is not relevant to the relief sought.

- (e) *The Board 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 ARTS Overlay District.*

OP does not suggest additional design requirements to protect neighboring property or achieve the purposes of the ARTS Overlay. OP is satisfied that the applicant has satisfied the bulk requirements of the overlay, as well as the recommendations of the Historic Preservation Review Board.

§ 3104 Special Exceptions

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6- 641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title.

The proposed building would conform to the provisions of the C-3-A district, with no variances required from the bulk requirements. The design of the building would step back after the first floor on the south-side of the building abutting the commercial property and relief from the roof structure setback is not anticipated to affect the light and air to this property or the immediate property across the alley. As a corner building with a rear alley, it abuts no other property and granting the relief from the rear yard requirement would not adversely affect the use of neighboring property, including use of the alley for access. The Office of Planning finds the subject application to be in conformance with the special exception criteria contained within §§ 770.6, 774.2, 1906.1(a) and 3104.1.

The proposed building is in compliance with all other applicable provisions of the Zoning Regulations.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on December 2, 2010 ANC 1B voted unanimously to support the application for the requested special exception and variance relief. The report is submitted as Exhibit 25 in the Board's record for this case.

VII. HISTORIC PRESERVATION

The Historic Preservation Review Board provided a staff report at its meeting on November 18, 2010, which the applicant submitted under separate cover. The HP staff recommended approval in concept. The applicant will continue to work with staff on material selection and design development.

VIII. AGENCY COMMENTS

The District Department of Transportation (DDOT) held its preliminary design review meeting with the applicant on October 12, 2010. DDOT noted the following:

- That a commitment and protocol for loading and trash removal will be required of the applicant/developer.
- Current plans show the provision of 15 bicycle parking spaces in the garage, including space of 2'x5' for each bike. DDOT requested that the space allotted for each bike be 2'-6" x 6', and that maneuvering space be increased around bike parking.
- That a changing/shower area be provided for commercial space employees to facilitate commuting by bicycle.

The applicant will discuss these items at the public hearing.

IX. RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the character of the neighborhood and the standards for special exception relief and variance relief. The application can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Map."

OP recommends **approval** of the application according to the requested relief.

JS/kt
Case Manager: Karen Thomas