



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: July 5, 2011

SUBJECT: BZA Application #18251 – Request for area variance relief from §§ 330.5 and 401.3 (lot area for apartment conversions) and special exception relief from § 411.11 (roof structures) to accommodate the conversion and alteration of an existing school building to apartment use at 27 O Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of this application for the apartment conversion and alteration of an existing school building requiring the following relief:

- §§ 330.5 and 401.3, area variance from lot area for an apartment conversion (deficient by approximately 288 square feet per unit)
- § 411.11, special exception for roof structures from setback requirements and uneven roof structure heights

II. AREA AND SITE DESCRIPTION

Address:	27 O Street N.W.
Legal Description:	Square 616, Lot 866 (hereinafter, the “Property”)
Ward/ANC:	5/5C
Lot Characteristics:	The Applicant proposes to subdivide existing tax lot 866 in Square 616 into two tax lots, resulting in one tax lot for each former school building on the site. The subject tax lot (hereinafter, the “Property”) contains the former Margaret Murray “MM” Washington Career High School (“MM Washington”). The Property would be irregular in shape and 50,944 square feet in size. It borders O Street to the south and public alleys to the east and west.
Zoning:	R-4: permits row dwellings and flats; apartment conversions of existing buildings are permitted subject to limitations
Existing Development:	The Property is developed with a vacant former school building (MM Washington). The school building is composed of multiple sections, including 1912, 1928, and 1938 wings which are approximately three-stories in height. ¹ A gymnasium addition was constructed in 1971. The building fronts O Street.
Historic District:	N/A
Adjacent Properties:	To the Property’s north is the former JF Cook Elementary School (“JF Cook”) building which fronts P Street. To the Property’s west, across an alley, is a multi-family building. To the Property’s east, across an alley, are the rear yards of low density commercial buildings.

¹ See Applicant’s project illustrations attachment, page 2.



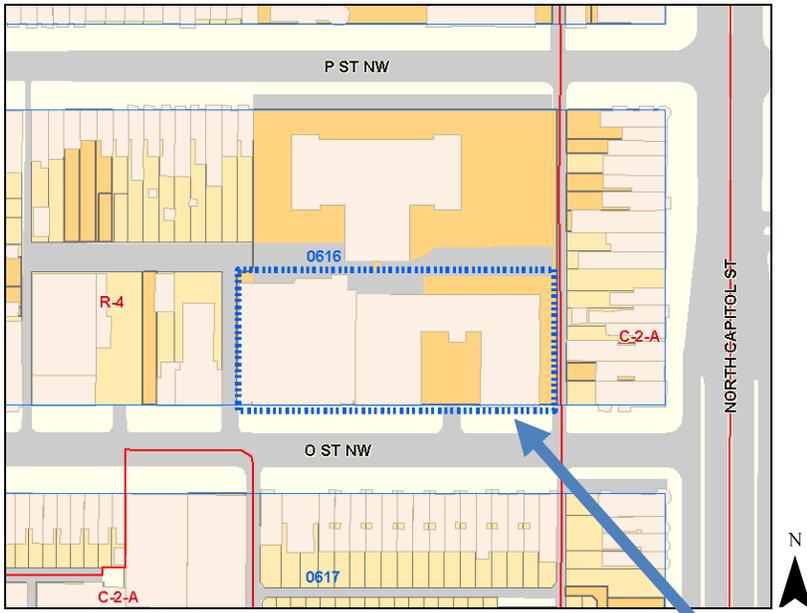
Surrounding Neighborhood Character:	The Square, along with the neighborhood more generally, is composed of a mix of uses, including row dwellings and apartment buildings, schools, and commercial uses along North Capitol Street.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	MM Washington Redevelopment Partners LLC (the “Applicant”), on behalf of the District of Columbia, owner of the property.
Proposal:	<p>The application proposes to convert an existing school building into 82 apartments, 77 of which would be allocated for affordable senior housing. The site is being developed pursuant to the MM Washington High School Surplus Declaration Resolution of 2010 and the MM Washington High School Disposition Approval Resolution of 2010. The terms of the disposition require the inclusion of affordable senior housing and community space.</p> <p>While the Applicant has applied to designate the 1912, 1928, and 1938 wings of the existing MM Washington Building as historic landmarks, the application proposes to demolish a portion of the 1971 gymnasium addition to create open court space.² Within the newly created open court, the application calls for a plaza, a new one-story building manager space, and minor extensions of second and third floor residential space projecting out from the east side of the 1971 wing. Inside the former gymnasium section, the application proposes to locate a multi-purpose space on the ground floor, apartments on the first and second floors, and the insertion of a new third floor of apartments. The existing lot occupancy for the site would be reduced from approximately 62% to 58%, and the project proposes a net reduction of 1,211 square feet.</p> <p>Parking and loading services would be located behind the building and accessible via public alleys. Sixteen surface parking spaces would be placed at the northeastern portion of the site, and a surface loading berth, delivery space, and platform would be located at the northwest portion of the site. Surface parking spaces in an existing courtyard enclosed by historic wings of the school would be eliminated. A new elevator would service the building and provide access to a new roof deck.</p>
Relief Sought:	§§ 330.5 and 401.3, area variance from lot area for an apartment conversion; § 411.11, special exception for roof structures from setback requirements (§ 400.7(b)) and uneven structure heights (§ 411.5)

² The Applicant has indicated that HPRB consideration of the landmark application is scheduled for July 28, 2011.

IV. IMAGES AND MAPS



Aerial view of the Property (approximate boundary highlighted)



View of the Property looking north across O Street NW (Property identified)

V. RELIEF REQUESTED

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-4 Zone	Regulation	Existing	Proposed ³	Relief
Height (feet) § 400	40' max.	48.77'	~ 40'	None required
Lot area (square feet) § 401	900/apartment 50,944 square feet permits a max. of 56 dwelling units	50,944	50,944	Relief required: the site is 22,856 square feet deficient in size to accommodate the 82 units proposed. Each proposed unit is approximately 288 square feet deficient.
Lot occupancy (percentage) § 403	Greater of 60% or lot occupancy as of the date of conversion	62%	58%	None required
Parking § 2101	1 for each 3 dwelling units	-	16	None required ⁴

Apartment conversions of existing buildings in R-4 zones are governed by §§ 330.5, 401.3, 401.11, and 403.2, among other provisions.⁵ The conversion of a building to an apartment house must provide a minimum of 900 square feet of lot area for each apartment.⁶ Based on this minimum, a conforming number of apartment units on the Property would be approximately 56 units. The application proposes 82 units and therefore needs zoning relief. Further, the Applicant has indicated to OP that the future programming of the multi-purpose space would be consistent with matter of right R-4 uses.

Area Variances: §§ 330.5 and 401.3

The area variance requirements pursuant to § 3103 to be met are as follows:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The Property exhibits several exceptional conditions. First, the District determined that a school use is no longer appropriate for the site and that the MM Washington school building must provide affordable senior housing and community space.⁷ More specifically, the terms of the disposition require the Applicant to construct 80 to 90 senior rental apartments, of which 90% would be affordable to seniors earning less than 60% of the AMI or less than \$50,000 per year for a two person household. The Applicant proposes to build 82 units.⁸ Second, in addition to being an exceptionally large property for an R-4 zoned lot (50,944 square feet), the task of adapting the 99,514 square foot school building to apartments intended for a senior population

³ Information provided by Applicant.

⁴ The Applicant has provided OP with a copy of a Zoning Administrator letter indicating that there is an existing parking space credit of 136 spaces for the subject school building.

⁵ *Application No. 17779 of James C. Word* considered whether § 401.11 relief was necessary in the conversion of a pre-1958 church to apartments not conforming to § 401.3. The Board determined that such relief was not needed because “it [the church] wasn’t an apartment house before May 12, 1958.”

⁶ The Office of Attorney General has informed OP that area variance relief is appropriate for the conversion to apartments for both the pre- and post-1958 wings of the building.

⁷ The disposition indicated that renovations to the existing school building to adapt it to a long-term public use would be cost prohibitive.

⁸ The Applicant has indicated to OP the following affordability breakdown for the 77 units: 12 units would be priced for families and individuals at less than 30% AMI, while 65 units would be priced at less than 50% AMI. The affordability restrictions would be reflected in a covenant for the site. In addition, the Applicant has indicated to OP that the inclusionary zoning requirements are not applicable to the project, a stance that ultimately will be reviewed by the Zoning Administrator.

presents special challenges. The oldest wing of the school building is nearly a century old, and the majority of the school building was constructed prior to 1958. The Applicant has indicated that the existing structure, particularly the gymnasium addition which has a massing of approximately 120' by 118', is not of a shape, dimension, condition, or configuration suitable for housing. In order to effectively use the space, the Applicant proposes to demolish a portion of the gymnasium massing to create a width suitable for double loaded apartment corridors. The Applicant also proposes to insert an additional floor within the volume of the gymnasium to, in part, more efficiently use the structure and to create appropriate ceiling heights.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional conditions impose a practical difficulty which is unnecessarily burdensome to the Applicant. Limiting the number of apartments to 56, as required pursuant to §§ 330.5 and 401.3, would cause several significant obstacles to the project's development. The foremost consequence is that the Applicant would run afoul of the terms of the disposition which require 80 to 90 units of housing. But aside from the issue of complying with the terms, the application also states that the proposed number of units is a more appropriate use of the adapted space. The Applicant is faced with the task of converting a building originally constructed as a school into apartments, with more than half of the building targeted for historic landmark designation. The proposal is not able to increase the lot size and would actually decrease the building footprint and total square footage. Within these constraints, the application proposes a layout which would mix unit sizes ranging from approximately 470 to 1,000 square feet. The application indicates that these are typical sizes for senior housing units and comparable to other similar housing projects. A conforming number of units (56), on the contrary, would produce either inappropriately large units or the inefficient use of the existing space.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Relief can be granted without substantial detriment to the public good. The proposal would adaptively reuse a vacant school building within the envelope of the existing structure. The project would reduce the massiveness of the overall building by carving out a portion of the 1971 gymnasium wing, which in turn would lower the building's overall footprint and square footage. The creation of affordable senior housing and activation of a sizable vacant building would also advance an important public purpose. The proposal is supported by ANC 5C and the Bates Area Civic Association.

Granting relief would not impair the intent, purpose, and integrity of the Zoning Regulations and Map. It would allow for the adaptive reuse of an existing vacant building to provide needed affordable housing opportunities in a residential zone.

Special Exception Relief: § 411.11

The application requests special exception relief under § 411.11 from the uniform height requirements for roof structures (§ 411.5) and from the minimum roof structure setback (§ 400.7(b)).⁹

Generally, § 411.11 allows the Board to grant special exception relief for non-compliant roof structures "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..." Further, the Board may approve "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

⁹ While in the past OP has considered relief under § 400.7 to require area variance analysis, OP notes that recent Board considerations have determine that special exception relief is appropriate.

setback requirements of §§ 400.7 ..., 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.”

More specifically, the application requires relief from § 411.5. Section 411.5 requires that “enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof” The application proposes a new enclosure containing an elevator overrun which would offer access to the roof. It would have a height of 15', whereas existing adjacent enclosures (containing a stairway and vestibule which are being retained) have heights up to 18.25'. In order for the enclosures to be a uniform height, the elevator enclosure would need to be constructed taller than necessary. Therefore, complying with § 411.5 would likely produce a more conspicuous structure of no benefit to the owner or to the public.

The proposal also requires relief from § 400.7(b). This section requires that the elevator penthouse “be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located... .” The application proposes that the enclosure would be set back zero feet from the eastern edge, where the gymnasium wing borders the lower roof of a historic portion of the school building. The elevator enclosure also would be set back zero feet from the southern roof edge, where it would border a newly created courtyard carved out of the existing gymnasium wing. The enclosure also would be set back 15.5' from the northern edge, space which is occupied by existing roof structures.¹⁰ For the elevator enclosure to conform to the setback requirements would prove problematic for the building floor plans and would unnecessarily separate out the grouping of roof structures into a more expansive configuration.

In order to be granted a special exception, the Applicant also must demonstrate that the criteria described in § 3104 are satisfied.

1. The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

The Zoning Regulations are intended to minimize the visual impact of roof structures. The application indicates that the elevator structure would be necessary for safety and handicap accessibility purposes for providing access to a proposed roof deck. Due to the proposed configuration of the building and the height and location of existing roof structures, constructing one large enclosure of a uniform 18.25' height would be unnecessarily conspicuous. Similarly, complying with setback requirement would be overly burdensome to the proposed building layout for little benefit.

2. The special exceptions will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

Approval of the special exception would not adversely affect neighboring properties. The new roof structure would be removed from all property lines and distant from any neighboring buildings. The enclosures should not unduly cast shadows or block air flow to any neighboring properties.

VI. COMMUNITY COMMENTS

The Applicant has indicated that ANC 5C unanimously voted to support the project. The Bates Area Civic Association, by letter dated May 16, 2011, supported the requested relief. To date, OP is not aware of any letters from neighbors in opposition to the proposal.

JLS/pg
Paul Goldstein, case manager

¹⁰ OP has asked the Applicant to clarify whether relief from the set back from the northern building edge is technically necessary.