

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: December 6, 2011

SUBJECT: BZA Case No.18289 – 443-459 I Street, NW -- Square 516, Lots 812-815 and 876

I. OFFICE OF PLANNING (OP) RECOMMENDATION

OP recommends the Board of Zoning Adjustment (BZA) **approve** the following relief to allow construction of a residential and retail building east of the intersection of 5th Street and Massachusetts Avenue, NW.

Area Variances

- § 772.1 Lot Occupancy (80% permitted for non-residential portion, 93.8% requested for floors 1 - 3).

Special Exception

- § 411.5 Roof Structure Height (uniform heights required, 9 feet and 18 feet 6 inches proposed)

The applicant has demonstrated that there are exceptional conditions that would lead to practical difficulties if the requested variance relief were not granted and that granting such relief would not substantially harm either the public or the zoning regulations. It has also demonstrated that the requested roof structures would meet the criteria for approving a special exception for varying their heights.

OP **cannot yet recommend** the Board approve the following requested relief because the applicant has not demonstrated the requests meet the standards for granting area variances:

- § 776.4 Closed Court area requirements (2,680 SF required; 1,156 SF provided for lower closed court)
- § 776.4 Closed Court (2,584 SF required; 1,221 SF provided for upper closed court).

Should the applicant demonstrate how the requests meet these standards, OP would reassess this recommendation.

OP has not made a recommendation on the requested relief from § 1707.4's limitation of historic properties' FAR to 6.0 FAR. OP has advised the applicant that there is no mention of Square 516 as one of the areas where this limitation is applied and that the self-certified application does not require relief from this section.



II. AREA AND SITE DESCRIPTION

Applicant: EQR-EYE Street, LLC.		Legal Description: Sq. 516, Lots 812-815, 876	
Address: 443-459 I Street, NW		Ward: 6	ANC: 6C
Zoning: DD/C-2-C		Historic Preservation: Mount Vernon Triangle	
Lot Features	Approximately square, level 20,614 square foot lot with two 2-story contributing historic former light-industrial/commercial buildings at 443 – 451 I Street; two 3-story contributing historic former townhouses at 453 – 455 I Street; and one 1-story non-historic light industrial building at 459 I St. The lot is bordered by I Street, two alleys and a vacant lot.		
Adjacent Properties	<u>North:</u> Across 30’ wide alley, a lot for which BZA has approved a 130 ft. high residential/retail building. <u>East:</u> Narrow alley, vacant lot, and recently re-developed office building. <u>South,</u> Across I Street, historic town-house structures and 130 foot high office building. <u>West:</u> Vacant District-owned properties planned for hotel/retail/residential development.		
Neighborhood Character	An area transitioning from low-scale residential, commercial and light industrial uses to dense residential, office and retail development at northern edge of Downtown. It includes one to three-story historic structures in the discontinuous Mount Vernon Triangle historic district.		

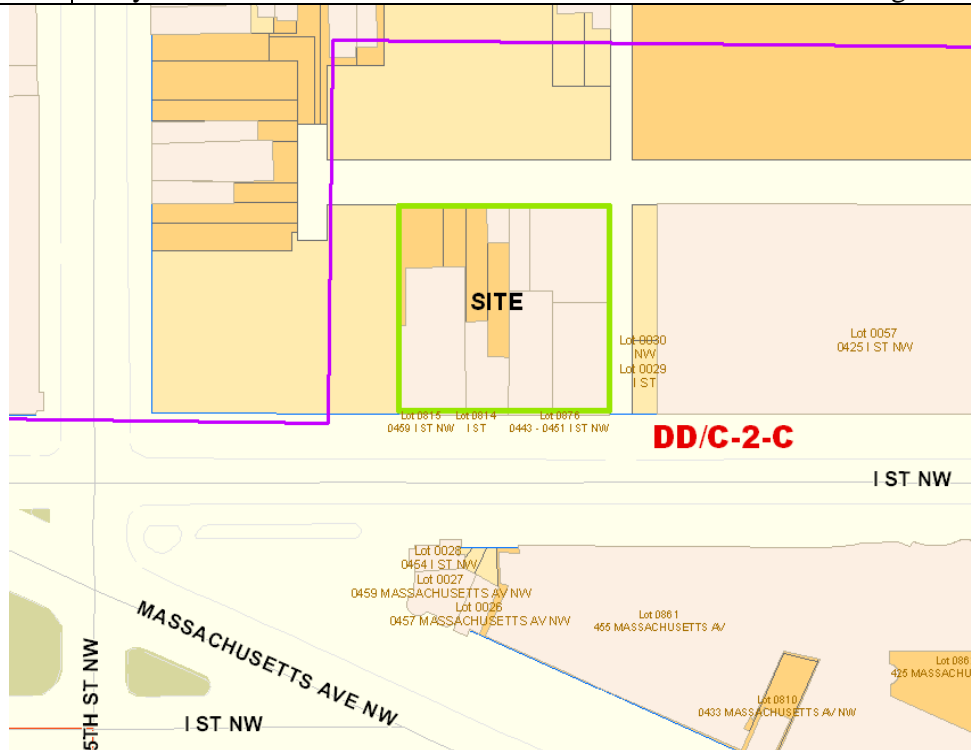


Figure 1. Site Location.

The site is in the DD overlay, but not in the Mount Vernon Triangle sub-area, which begins to the north and west beyond the purple line shown in Figure 1.

III. APPLICATION IN BRIEF

Proposal	Preserve four contributing historic structures, converting them to retail and residential uses, and construct a 110- foot high L-shaped primarily residential addition to the west of and behind the historic structures. There would be 162,112 gross square feet of residential space; 2,800 square feet of retail space; one 55-foot loading berth; one 200 square foot loading platform; 78 parking spaces on four underground levels, and unenclosed community recreation areas on the roof.
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OP's report reflects the plan revisions the applicant filed on November 29, 2011, which no longer require relief from roof structure setback requirements.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Item	Reg.	Existing	Required / Permitted	Proposed	Relief
Lot Area	none	20,615 sf	n/a	Same	conforms
Lot Width	none	144.58'	None	Same	conforms
Lot Occ.	772.1	Not provided	100% non-res. max. 80% res. max	93.8% (res. floors 1-3).	13.8%
FAR	1706.4	Not provided	8.0 total 4.5 residential minimum ¹	8.0 total (< 0.2 FAR non-res.)	Conforms. Applicant requests relief that is not required
Height	770.1	$< 40'$	110'	110'	conforms
Parking	2101.1	20	50 spaces (1/4 du's in new construction)	78	conforms
Loading	2201.1	0	None required for historic properties and additions	(1) 55 ft. berth; (1) 200 sf platform	conforms
Rear Yard	774	Not provided	0 ft. in certain historic districts ² ; otherwise at least 15 ft. depth above 20'	0	DCRA has determined none required
Side Yard	775.5	Not provided	None required	None provided	conforms
Open Ct.	771, 707.6	0	26' 11 1/4"	32' 10"	conforms
Closed Ct.	776.5	none	2,690 sf & 2,584 sf ³	1155 sf 1221 sf	1525 sf 1363 sf
Roof Structure	411.5	0	1 enclosure; Equal height walls $\leq 18.5'$; 1:1 setback; ≤ 0.37 FAR	Two enclosures 9 ft. and 18.5 ft.	Special Exception

Table 2: Zoning Requirements and Requested Relief

¹ OP has advised the applicant that there is no mention of Square 516 as one of the areas where a 6.0 FAR limitation is applied. While

² § 1707.6 exempt the Downtown and Pennsylvania Avenue Historic Districts from rear yard depth requirements. The Applicant's property is in the DD's Mount Vernon Triangle historic district. However, the Zoning Administrator advised the applicant that the exemption should be extended to all historic districts that have been established within the DD since the overlay was established.

³ Two times the square of required width, and not less than 350 sf.

V. OFFICE OF PLANNING ANALYSIS

A. Development Review

1. Area Variances

a. Exceptional Situation Resulting in a Practical Difficulty

The applicant has demonstrated that the retention of the historic properties constitutes an exceptional condition that would impose a practical difficulty without relief from the lot occupancy limitation. The retention of the historic properties requires that new construction be limited to the western and northern edges of the site. The applicant is proposing whole-building retention and lot occupancy greater than 80% only for the first three stories of the proposed building, the same stories occupied by the historic structures. The practical difficulty of achieving residential construction on the site without receiving relief from the 80% residential lot occupancy limitation would be great and could preclude construction of new dwelling units and the preservation of the historic structures.

The applicant has not demonstrated the existence of an exceptional situation resulting in a practical difficulty if the requested relief from the minimum area of closed court requirements were not granted. However, based on Sheet BZA-4 in Tab A of the applicant's November 29, 2011 filing, the applicant may be able to make such a demonstration, in which case OP would re-assess this request.

b. No Substantial Detriment to the Public Good

No substantial detriment to the public good is anticipated from granting the requested lot occupancy or closed court relief.

- Granting the relief would enable the applicant to preserve historic structures and to construct new housing where it is targeted by the Comprehensive Plan and the zoning regulations. The proposed courtyard areas would enable the provision of adequate light and air to building occupants because the courtyards would be closed courts for only three of their eleven stories.
- OP encourages the applicant to consider the installation of green roof areas to compensate for the lesser ground level permeability that would result from the granting of the requested lot occupancy relief.

c. No Substantial Harm to the Zoning Regulations

OP foresees no substantial harm to the zoning regulations from the granting of the requested relief for lot occupancy or closed courts. The project would adequately balance the zoning regulations goals of protecting historic structures and ensuring the availability of adequate light and air for building occupants.

2. Special Exception

a. Harmony with the Purpose and Intent of Zoning Regulations and Maps

Roof structure regulations are intended to ensure the accommodation of needed mechanical equipment and other spaces, while minimizing the structures' impact on the light and air available to surrounding buildings, and limiting their visual intrusion on the views from public space and rights of way, and from nearby buildings. The applicant proposes stepping-down the proposed height of the roof structure from 18' 6" at the rear of the addition to 9 feet at the front of the addition and has revised the design to adhere to the 1:1 setback requirement.

This would enable the roof structure to accommodate tall mechanical equipment atop the central portion of the roof, yet step down towards the front to reduce the visual impact on the historic portions of the project.

b. No Adverse Effect on the Use of Neighboring Property

There would be no adverse effect. The granting of the requested relief would aid in minimizing the appearance of the roof structures from neighboring buildings and nearby public space.

c. Complies with Special Exception Criteria

- **Full compliance is impractical due to conditions relating to the proposed building or surrounding area, and would be unduly restrictive, prohibitively costly, or unreasonable:** The lower height of the historic structures brings the wall of the addition visually closer to the street. Being required to maintain a uniform height for the roof structures would result in a more intrusive impact on the historic portions of the proposed building and the nearby portions of the non-continuous Mount Vernon Triangle historic district, which would be unreasonable.
- **The intent and purpose of the relevant chapter of the zoning regulations, and the light and air available to adjacent buildings shall not be materially impaired or adversely affected.** As noted above, the granting of the relief would serve the larger purpose of the roof structure regulations and would decrease the roof structure's impact on adjacent buildings.

B. HISTORIC PRESERVATION

The property is in the Mount Vernon Triangle Historic District and the proposed design has been given concept approval by the Historic Preservation Review Board.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No agency had filed a report with the Office of Zoning at the time OP's report was written.

VII. COMMUNITY COMMENTS

ANC 6C voted unanimously to support the requests on November 21, 2011.

The applicant has informed the Mount Vernon Square Neighborhood Association about the project and the relief requests, but no comments are on file.