

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: September 25, 2012
SUBJECT: BZA 18412 – North Capitol Commons, 1005 North Capitol Street, NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends** approval of the requested variances and special exception to accommodate the proposed mixed use development with any conditions recommended by the Department of Transportation (DDOT).

II. PROPOSAL IN BRIEF

Be the Change, on behalf of the District of Columbia (applicant) has requested variance relief, pursuant to § 3103.1 and special exception review, § 3104.1 to accommodate a mixed use building with 124 residential units, 2,982 square feet of retail use and 5,367 square feet of office use in the C-3-C district:

Variances:

- § 776, Court width and court area (minimum open and closed court width of 15 feet and area of 350 square feet are required, the following is proposed:
 - Open Court 1 – 3 feet width; 37.6 square feet area
 - Open Court 2 – 3 feet width; 41.9 square feet area
 - Closed Court 1 – 29.3 feet width
 - Closed Court 2 – 3 feet width
- § 2101.1, Parking (31spaces required, 0 spaces proposed); and
- § 2201.1, Loading (one, 55-foot loading berth, one, 200 square foot loading platform and one service/delivery space 20 feet deep required, one, 30-foot loading berth and one, 200 square foot loading platform proposed).

Special Exceptions:

- § 411.11, Roof structure (12-foot setback required, no setback provided along the eastern edge)

In the Pre-Hearing Statement dated September 18, 2012, the applicant revised the application to:

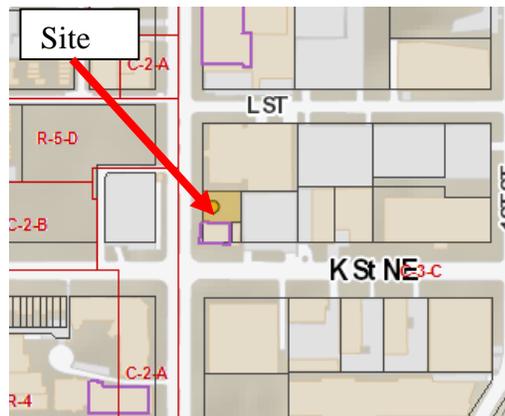
- In the alternative, provide no loading berth or service/delivery space as required under § 2201.1; and
- Withdraw the special exception request to reduce the rear yard, § 774.2, requirement. With subsequent refinements of the building’s design, the requested special exception is no longer necessary.

III. LOCATION AND SITE DESCRIPTION:

Address:	1005 North Capitol Street, NE
Legal Description:	Square 674, Lot 439



Ward/ANC:	6/6C
Lot Characteristics:	The nearly rectangular, vacant lot has an area of 8,925 square feet (approximately 0.2 acre) and is accessed only from North Capitol Street, NE.
Zoning:	C-3-C – medium to high density development including retail, office, housing and mixed use development. North Capitol Street is a TDR Receiving Zone
Existing Development:	The property is currently undeveloped and is fenced on all sides.
Historic District:	The subject property is not within a historic but is adjacent to the St. Phillips Baptist Church, a DC historic landmark.
Adjacent Properties:	North: 4-story Kaiser Foundation building and 6 story accessory garage which are currently vacant. South: St. Phillips Baptist Church East: undeveloped property West: 1-story building and surface parking lot for U-Haul truck rental and storage.
Surrounding Neighborhood Character:	Predominately moderate and high density residential and commercial uses with a few institutional uses.



IV. APPLICATION

The proposal is to construct a 14-story building with 124 apartment units, 5,367 square feet of office space and 2,982 square feet of ground floor retail space. The residences will all be one-bedroom units for low income residents with multipurpose room, kitchen, exercise room, storage rooms, lounge and laundry facilities. The office component on the first and second floors will provide support services for the residents and will include computer room, computer workstations, individual offices, and conference rooms. The mechanical and service uses which are essential for building operations are also located on the first and second floors.

V. ZONING RELIEF

C-3-C Zone	Regulation	Proposed¹		Relief
Lot Area	None specified	8,925 square feet		None required
Lot width	None specified	85 feet		None required
Height § 770 and § 771.4	90 ft. 130.0 ft. (N. Capital TDR zone) ²	130.0 feet		None required
FAR § 771.2 and § 771.4	6.5 10.0 with N. Capital TDR zone	9.50		None required
Lot Occupancy § 772	100%	100%		None required
Rear Yard (feet) § 774	2.5 in./height foot, >=12 ft. or 27.1 feet	27.1 feet		None required
Open Court § 776	4 in./height of court, >=15 ft. width		Width	Required
		OC 1	29 ft.	
		OC 2	3 ft.	
Closed Court § 776	4 in./height of court, >=15 ft. width and 350 sq. ft. area.		Width	Required
		CC 1	3 ft. 37.6 sf.	
		CC 2	3 ft. 41.9 sf.	
Roof Structure: § 411 and § 770.6	12 ft. maximum with setbacks from the edge of the building equal to the height of the roof structure	0 feet on the eastern edge		Required
Parking § 2100.1	Residential: 1/4 du = 31 Office: 1/750 sf above 2,000 sf. = 2 Retail: 1/1800 sf above 3,000 sf. = 0 TOTAL = 33 spaces	Residential: 0 Office: 0 Retail: 0 Total = 0 spaces		Required

¹ Information provided by Applicant

² The property is within the North Capitol Street TDR receiving zone as permitted under § 771.4(a).

Loading § 2201.1	1 @ 55 feet deep loading berth; 1-200 sf. loading platform; 1 service/delivery space 20 feet deep	1 @ 30 feet deep loading berth; 1-200 sf. loading platform In the alternative, none provided.	Required
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VI. OFFICE OF PLANNING ANALYSIS

- **Variance relief for parking, loading and courts:**

- i. Uniqueness Resulting in a Practical Difficulty**

The property is unique due to exceptional situations which have resulted in practical difficulties in providing the required parking, loading and courts. The property has a width of 85 feet which is fairly narrow to accommodate ground floor retail uses, the building lobby, a parking entrance and a loading berth entrance to accommodate a 55-foot truck.

Parking: The size of the property dictates that parking would have to be below grade in multi-levels in order to accommodate the thirty parking spaces and required ramps and turning areas. However, to the south of the property is the historic St. Phillips Baptist Church. In order to provide underground parking there is concern that the excavation on the property could negatively affect the stability and integrity of the church. That fact, along the property being surrounded by narrow public right-of-way and being adjacent to an individual historic landmark are exceptional situations which presents practical difficulty to providing the required parking spaces. Additionally, there is no rear alley, so access to the property is solely from North Capitol Street. The nature of the facility also dictates that residents would be less likely to have a car, so parking would be expensive to construct and less likely to be utilized.

Loading: The width of the property is unable to accommodate the turning radius needed to access the required 55-foot truck loading berth without multiple turns or backing into the space. To accommodate a 55-foot truck, a much wider curb cut would be required and would significantly reduce the amount of retail use along the North Capitol Street frontage. Further, the property has no rear access and therefore loading cannot be from the rear of the property.

The applicant has requested an alternative to not provide any loading facilities. The provision of parking and loading on the site would require a curb cut along North Capitol Street which would require approval from the Public Space Committee in the DDOT. DDOT has indicated that they would not approve a curb cut along North Capitol Street as it could interfere with traffic movements. Without the curb cut, the property can accommodate neither the parking nor the loading required.

Courts: Due to the shape and location of the property, the building was designed in an articulated manner to maximize the light and air into each of the units. In order to provide this light and air, courts were created. However, if the required width and area of each court were to be provided, either the size of the units would have to be greatly reduced or the number of units would have to be reduced.

The adjacency of the historic church, the lack of an alley access and the size of the lot all contributes to creating a practical difficulty in providing underground parking, a 55-foot loading berth and conforming courts. In the alternative, not having a curb cut across the public space would create a practical difficulty in providing parking and loading spaces.

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

Parking: The surrounding neighborhood would not be negatively impacted by the lack of parking on the site. It is not envisioned that many of the residents will own cars but their transportation needs can be served by the multiple bus routes along North Capitol Street and K Street, NE and by the Union Station Metro Station, which is within walking distance of the site. The applicant states that on-street parking to serve

residents and employees of this development is available in the neighborhood. An assessment of parking availability is addressed by DDOT in their report.

Loading: As stated above, all the units within the building are one-bedroom units, and are not of a size that would need large trucks to transport furnishings. Additionally, the projected low-income residents will be from the District and therefore not likely to be utilizing 55-foot long trucks. If the curb cut is not granted and relief from parking is provided, the applicant will continue to work with DDOT to accommodate on-street loading in front of the building.

Courts: The proposed courts will provide additional light and air to the units for future residents and will affect the users of adjacent properties or the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The proposed uses are consistent with the uses allowed in the C-3-C district, and the required parking and loading can be accommodated off-site. The reduction in court area and court width, although reduced in size, would not impact the use of adjacent properties or neighborhood character and therefore, there would be no substantial harm to the Zoning Regulations from granting the requested variances.

- **Special Exception relief for roof structure setbacks:**

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 . . . § 770.6 . . .

As proposed, the structure which encloses the elevator override, the stair tower, and mechanical equipment enclosure does not maintain a 1:1 setback from the eastern exterior wall equal to its height. The enclosure has a height of 12-feet and is therefore required to be set back from the roof's edge an equivalent distance. The location of the structure is a function of the internal configuration, layout and design of the building to accommodate the office, retail and residential uses. The proposed relief will be in harmony with the intent of the Zoning Regulations to shield and/or minimize from view the many structures, equipment and enclosure itself. The roof structure will not be visible from North Capitol Street or the adjacent church and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

IV. AGENCY COMMENTS

The District Department of Transportation report is provided under separate cover.

V. COMMUNITY COMMENTS

At its public meeting on July 11, 2012, Advisory Neighborhood Commission (ANC) 6C voted in favor of a resolution in support of the zoning relief requested in the original application. On September 13, 2012, the ANC reviewed the amended proposal and again voted to recommendation approval of the revised relief.