



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 12, 2010

SUBJECT: BZA Case No. 18018, 2616 Georgia Avenue, N.W. (Mentors of Minorities in Education, TLC) Square 2884, Lot 34

I. SUMMARY RECOMMENDATION

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

- **An area variance to § 771.2 of Title 11 DCMR**, to increase the maximum floor area ratio (FAR) from 1.5 to 1.8;
- **A special exception pursuant to § 2514.2 of Title 11 DCMR**, to extend the regulations of the C-2-A district 33 feet into the R-4 district at the rear of the lot; and
- **A special exception pursuant to § 2116.6 of Title 11 DCMR**, to permit parking to not be located on the same lot as the building.

II. AREA AND SITE DESCRIPTION

Address	2616 Georgia Avenue, N.W.
Legal Description	Square 2884, Lot 34
Ward	1
Lot Characteristics	Rectangular lot, with alley access from the south side at the rear.
Existing Development	Two-story structure
Zoning	C-2-A – medium density community business center (front 92 feet) R-4 – row dwellings, conversions and apartments (rear 33 feet)
Adjacent Properties	North: Two-story commercial building South: Three-story apartment building East: Across Georgia Avenue, Howard University West: Private residential garage abutting the subject property, beyond which are row houses
Surrounding Neighborhood Character	Mixture of residential, commercial and university uses.

III. HISTORY

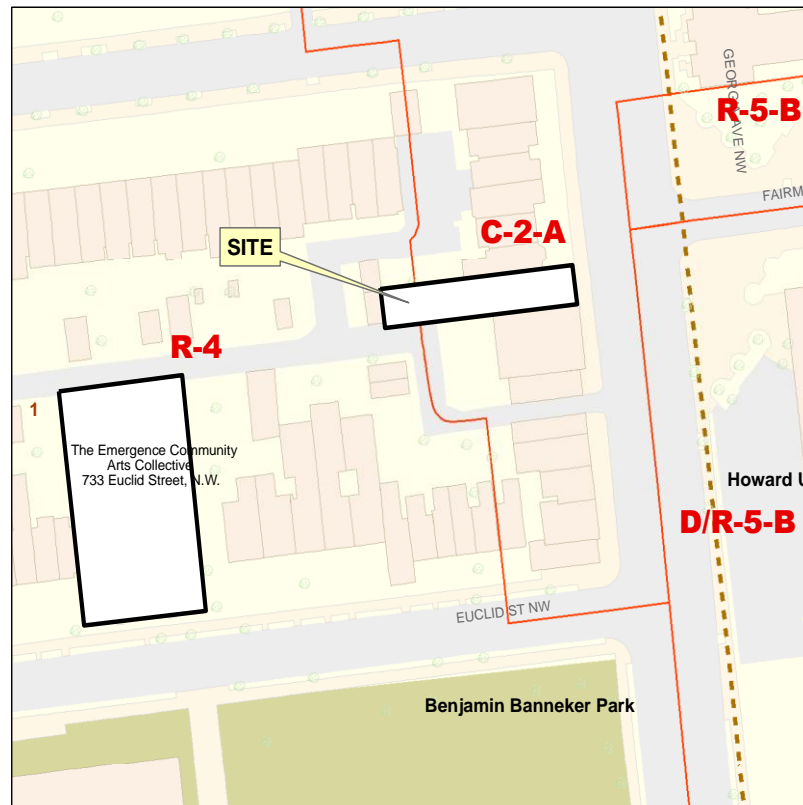
On April 11, 2007, BZA Order 17587 became effective. This Order granted the applicant's request to increase the nonresidential FAR from 1.5 to 1.9, and to extend the regulations of the C-2-A district 33 feet into the R-4 district at the rear of the lot for Mentors of Minorities in Education (M.O.M.I.E.'s) TLC to establish a private school. BZA Order 17587 expired on April 11, 2009. The subject application was filed



on October 6, 2009. The requested FAR has been reduced from 1.9 to 1.8 as a result of the elimination of a proposed lower level in the building addition at the rear.

IV. APPLICATION IN BRIEF:

The applicant, M.O.M.I.E.'s TLC, proposes to convert the existing commercial building, originally constructed as a residential row house in 1910, into a private school and child development center. Building additions are proposed on the north, south and west sides of the building. A third floor would be constructed atop the existing building, with a roof-deck above the third floor. The application proposes that the first and second floors would serve as a child development center for 45 children with 8 employees, and the third floor would house a private school for 25 students with 3 teachers. The child development center and the school would mentor with Howard University, located across Georgia Avenue from the subject property.



Zoning and Vicinity Map

These additions would expand the building to accommodate the proposed uses, including making the building ADA compliant through the addition of an elevator and elevator machine room, handicap accessible rest rooms and handicap accessible entranceways and corridors. The design of the building additions would also eliminate a narrow passageway on the south side of the building and a dead-ended courtyard on the north side that are not conducive to a school for small children because of the loitering and illicit activities that these spaces encourage. Green features, such as rainwater collection, a green roof, solar power and geothermal heating and cooling are proposed for the building. Access to the roof for teachers and students would be added to allow for the teaching of green building techniques to the students and to provide a safe outdoor recreational area. This roof feature would contribute to the FAR.

Four parking spaces would be required, two for the child development center and two for the school. Two parking spaces would be provided in the rear yard of the subject property, accessible from the public alley. Two additional parking spaces would be located off-site at The Emergence Community Arts Collective,

located 733 Euclid Street, N.W. The applicant would utilize two of the seven surplus parking spaces available within that lot.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Proposed	Relief
Building Height (max.)	50 feet	47.5 feet	None required
Side Yard (min.)	None	None	None required
Rear Yard (min.)	15 feet	22.5 feet	None required
Lot Occupancy (max.)	60 percent	60 percent	None required
Floor Area Ratio (max.)	1.5	1.8	0.3
Parking (min.)	4 spaces	2 spaces on-site 2 spaces off-site TOTAL: 4	Special exception to permit 2 off-site parking spaces

VI. OFFICE OF PLANNING ANALYSIS

Variance to § 771.2 – Floor Area Ratio

Section 771.2 sets the maximum FAR within the C-2-A District for uses other than residential at 1.5. The subject application proposes to increase this FAR to 1.8.

Uniqueness

The subject property is unique as a result of the manner in which it is developed, including the topography at the front of the lot and layout of the alley system within the square. The subject property is developed with a structure that is set back 25 feet from the front property line with a six-foot wide passageway on the south side of the lot. Although the lot itself is relatively level, this is as a result of a retaining wall at the front of the property, elevating the passageway above the sidewalk and street and isolating the passageway from public view. There is an alley at the rear that doglegs around the property, and there is a detached garage on an adjoining alley lot that blocks any views into either the passageway or the courtyard, encouraging illicit activities that are not conducive to a child development center and school for small children.

Practical Difficulty

Building additions are necessary to make the building ADA compliant and to eliminate site design flaws. The building addition on the south side of the structure, which would eliminate a narrow outdoor passageway, would be devoted to the provision of a modern stairwell, an elevator and an elevator machine room. The addition to the rear would accommodate ADA compliant restrooms and a second stairway on each of the floors. A modern commercial kitchen on the first floor would occupy the remainder of the rear building addition on the first floor.

The third floor would accommodate the Montessori school. Approximately one-third of the new third floor would be devoted to support functions of the building, including the elevator, stairwells and restrooms. Overall, approximately one-third of the gross floor area of the building would be devoted to updated support functions of the building, and not to the educational services the building would provide. To not permit the modest increase in FAR from 1.5 to 1.8, the applicant’s ability to operate a child development center and a school would be reduced. The increase is equal to only 825 square feet, or approximately 200 square feet per floor, including the roof deck.

The existing building has no elevator, and was developed at a time prior to handicap accessible entrances, corridors and restrooms that are required of child development centers and schools today. The need to retrofit the existing structure to accommodate these requirements, eliminate the design flaws of the site and provide access to the roof results in an FAR of 1.8. The applicant also proposes to add green elements to the roof of the building to not only attempt to convert a century-old row house to a sustainable structure, but also to educate the students in green building techniques for the future. With or without access to the roof for the students and faculty, the roof could be made green. However, to achieve the most benefit out of a green roof for not only this building but also the District as a whole, additional FAR must be provided for access onto the roof. The applicant would be unable to eliminate the existing design flaws, conform to ADA requirements and allow for the provision of hands-on education about green building techniques and comply with the maximum FAR of 1.5.

Intent of the Zone Plan

The requested variance would not substantially impair the intent, purpose and integrity of the zone plan. It would allow for the adaptive reuse of an existing structure and the establishment of a private school in a zone district in which that use is permitted as a matter of right.

Special Exception pursuant to § 2514 – Zone District Boundary Crossing a Lot

Section 2514.2 empowers the Board to extend the “*regulations applicable to that portion of a lot located in a lesser restrictive use zone district that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone district*”, subject to the following:

- (a) *The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five (35) feet;*

The subject application proposes an extension of 33 feet into the more restrictive use zone, less than the maximum 35 feet permitted.

- (b) *In authorizing an extension, the Board shall require compliance with § 2514.1(d);*

Section 2514.1(d) requires that “*any portion of the lot located in an R-4 District shall be deemed to be limited to a floor area ratio of nine-tenths (0.9)*”. The application proposes a floor area ratio of less than 0.5, less than the maximum 0.9 permitted.

- (c) *The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The extension would have no adverse effect upon the present character and future development of the neighborhood. The extension would be into the rear yard of a commercial property. Abutting the rear lot line is a garage structure within the R-4 district, but no residences. The nearest R-4 uses are across the public alley on the far side of the garage. North of the subject property is a similar commercial structure and to the south of the rear yard is a public alley.

- (d) *The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

The Office of Planning makes no recommendation pertaining to design, appearance, screening, location of structures or lighting. The proposed building addition would be only minimally visible from the residences to the west of the subject property, and extend only 14 feet into the R-4 district. The existing alley configuration, where the public alley dog legs

around the rear of the property and the location of detached garages on their own lots at the rear serve to screen protect adjacent and nearby properties.

It is the conclusion of the Office of Planning that the subject application is in conformance with the provisions of § 2514.2.

Special exception pursuant to § 2116 – Location of Parking Spaces

Section 2116.6 empowers the board to “*determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:*”

- (a) *Unusual topography, grades, shape, size, or dimensions of the lot;*
- (b) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*
- (c) *Traffic hazards caused by unusual street grades; or*
- (d) *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*

The subject property is narrow and small, with alley access from the side only. The width of the rear yard would be insufficient to accommodate more than two parking spaces. As a result the applicant is unable to provide the four required parking spaces on-site.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

Two of the required parking spaces would be located elsewhere than on the lot upon which the building they would be intended to serve, but would be located along the same alley as the subject property.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

These spaces would be located on a lot with vehicular access from the same lot as the subject property, 130 feet to the west at 733 Euclid Street, N.W. That lot is owned by The Emergence Community Arts Collective and contains 10 off-street parking spaces. Only 3 of the 10 spaces are required by the arts collective, resulting in a surplus of 7. Therefore, the arts collective would be able to lease two of the surplus spaces to the applicant. The Emergence Community Arts Collective submitted a letter to the file dated November 12, 2009, indicating their willingness to enter into such an agreement.

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

The Office of Planning does not recommend any conditions.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

The ANC1B, at its regularly scheduled meeting of October 1, 2009, voted in support of the application.

The Pleasant Plains Civic Association, at its monthly meeting of September 12, 2009, expressed support for the application.

Councilmember Jim Graham, in a letter dated September 15, 2009, expressed his support for the application.

IX. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a variance to § 771.2 and special exceptions pursuant to §§ 2514.2 and 2116.6 of the Zoning Regulations to permit the expansion of an existing building to house a child development center and private school. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP