



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** June 17, 2014

**SUBJECT:** BZA Case No.18785, 1326 Florida Avenue, N.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

Ditto Residential, LLC, contract purchaser, has applied for self-certified zoning relief in order to construct a new four-story plus cellar 45-unit apartment building at 1326 Florida Avenue, NE, where there is now a one-story commercial structure that would be demolished. The Office of Planning (OP) **recommends the Board approve the following relief** for the proposed development of the C-2-A zoned Square 4068, Lot 835, in the Trinidad area of Northeast Washington:

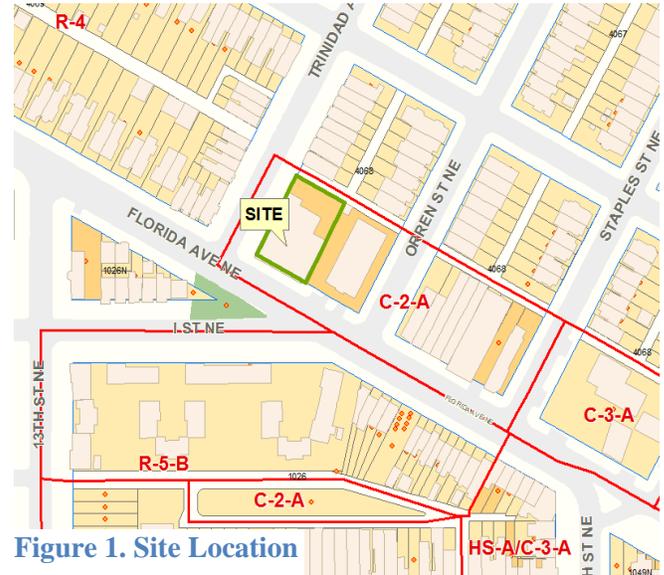


Figure 1. Site Location

**Area Variance, §2101.1 Parking**

- (Required - 23 spaces to meet minimum 1:2 spaces to unit ratio ; Proposed - 16 spaces proposed at a requested 1:3 ratio)

**Area Variance, §2117.8(a) Driveway Slope** (relief requested in June 16, 2014 supplemental filing)

- (Required – 12% maximum grade; Proposed – 16% grade)

**Special Exception** (relief requested in May30, 2014 supplemental filing)

- §§ 411.11 and 770.6 Roof Structure Setback
  - (Required: 1 to 1 ratio of roof structure setback from exterior wall to height of roof structure above the roof (14 ft., 8 ¾ in. setback); Proposed - 0.73 to 1 ratio (10 ft. 8 ¾ in. setback)

**II. AREA AND SITE DESCRIPTION**

<b>Applicant</b>	Ditto Residential, LLC, contract purchaser	<b>Legal Description:</b>	Square 4068, Lot 835
<b>Address:</b>	1326 Florida Avenue, NE	<b>Ward:</b> 5	<b>ANC:</b> 5D
<b>Zoning:</b>	C-2-A	<b>Historic Preservation:</b>	None.
<b>Lot</b>	Flat, rectangular 9,941 sf corner lot, 80 ft. x 124.17 ft. The Square is bounded by Florida Avenue, Trinidad Avenue, and Orren Street and Morse Street, NE.		

<b>Adjacent</b>	There is an approximately forty-foot high fire house to the east. R-4 rowhouses and duplexes occupy the rest of the Square, which is bounded by Florida Ave., Trinidad Ave., Orren St. and Morse St., NE.
<b>Area Character:</b>	The site is east of Gallaudet University, on the southern border of the Trinidad neighborhood. The area has a mixture of commercial and residential structures on the C-2-A zoned, row structures on the R-4 zoned sections of that avenue, and 2 to 2.5 story rowhouses, duplexes and four-plexes in the extensive R-4 district to the north.

**Table 1. Site Summary**

**III. PROJECT SUMMARY**

The applicant proposes to demolish a one-story commercial building and construct a 45-unit four-story apartment building with a cellar level of residences enabled through excavation for areaways and driveways.

A driveway in the rear yard, which would be perpendicular to Florida Avenue, would provide access to 16 parking spaces located on one basement level, below the occupied cellar. The roof level would have a building-wide recreation deck at the southwest corner.

**IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

C-2-A	Reg. §	Required / Permitted	Existing	Proposed	Relief Required
Lot Area	---	none	8,039 sf	Same	none
Lot Width	---	None	60.5'	Same	none
Lot Occ.	772.1	75% w/IZ	n/a	75%	none
FAR	1904.1 2604.2	3.0 w/IZ	<b>n/a</b>	3.0 29,823 SF	none
Height	1902.1	50 ft. max.	n/a.	50 ft.	none
<b>Roof Structures</b>	<b>411.5</b>	<b>18'6" and 1:1 setback</b>	<b>n/a</b>	<b>14.75' high. 0.73:1 ratio</b>	<b>4 ft. on east, 3 ft. 2 in. on east. Requested</b>
<b>Parking</b>	<b>2101.1</b>	<b>1:2 = 23 spaces</b>	<b>n/a</b>	<b>1: 3 = 16</b>	<b>7 spaces (30%), Requested</b>
Bike Pkg.	2119	not required for residential uses	--	---	---
Loading	2201.1	0 if less than 50 units	n/a	0	None
Driveway	2117.8	12% max. grade	n/a	16%	4% relief may be required; not requested
Rear Yard	774.1	15 ft. min.	n/a	19 ft. 9 in.	None
Side Yard	775.5	Not required	n/a	none	None
Open Court	776.1	Not required	n/a	none	None
Closed Ct.	776.2	n/a	n/a	none	n/a

**Table 2. Zoning Requirements and Relief Summary**

**V. OFFICE OF PLANNING ANALYSIS**

**A. Variances**

Unique or Exceptional Conditions That Lead to a Practical Difficulty, and Relief Can Be Granted Without Substantial Harm to the Public or the Zoning Regulations

Parking (§§ 2101.1, 2104): The applicant has submitted both a parking study and an engineering assessment demonstrating that the lot's size and width as well as the locational constraints that the parking ramp configuration imposes on the location of the elevators and fire stairs combine to form an exceptional condition that would lead to practical difficulties if the requested relief were not granted. The applicant notes on pages 5 - 10 of its pre-hearing statement that the limited tolerances for the fire stairs and elevator preclude a parking configuration that could accommodate all of the 23 required spaces on a single level. The applicant states that excavating what would be a third below-grade level to accommodate the remaining 7 required spaces would pose a practical difficulty to the location of the bicycle storage area and would result in a net difference of \$18,000 per space for each of the 23 spaces.

The applicant has demonstrated that granting the parking relief would not pose substantial harm to either the surrounding neighborhood or the zoning regulations due to the relatively low rate of vehicle ownership by the development's targeted market, the site's location 2 blocks from a stop for the H Street NE street car line and the site's Walkscore of 78.

However, to make a fine distinction from the statement on page 12 of the applicant's pre-hearing statement, OP has not determined "that the proposed number of parking spaces is sufficient for a building of this type". That type of determination is more appropriately the purview of the District Department of Transportation (DDOT).

Driveway Grade (§ 2117.8(a)): The applicant's supplemental filing of June 16, 2016 demonstrating the lot width and depth pose a practical difficulty for accessing the entrance to the parking garage, which is below the cellar-level of apartments, unless the driveway employs a grade of at least 16% for a portion of its length. The applicant has also demonstrated that granting this relief to a private garage serving only residents of the proposed building would not pose substantial harm to the public or to the zoning regulations.

## **B. Special Exceptions**

### **1. Roof Structure Setbacks (§§ 770.6 (b) and 411.11)**

The roof structure is setback more than the 1:1 requirement from the exterior walls on the north and south sides of the building, but not from the east or west side. The applicant has demonstrated that the following criteria have been met for the requested 3 feet 2 inches of relief for the setback from the western façade facing Trinidad Avenue, and the 4 feet of relief for the setback from the eastern building wall facing the garage's driveway and the adjacent fire station western court wall.

§§ 411.11 and 770.6 permit the Board to grant special exceptions for these requests when:

- Operating difficulties, lot size or other proximate conditions would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.
  - The applicant has posited both operating difficulties that would ensue from the need to relocate the planned stairs and elevators, and Building Code requirements for minimum spacing between the rooftop HVAC condensers as the justification for the reduced setback request for the western side of the building.
- The special exception would not impair and would be in harmony with the intent and purpose of the zoning regulations
  - The applicant has demonstrated an exception would not compromise the regulations. The intent of the setback requirements is to reduce the impact of the roof structure on ground level views. The

structure would already be 4.25 shorter than the zoning regulations permit and would be partially screened by a solid parapet wall.

- Granting the request would not tend to adversely affect the use of neighboring property, or adversely affect the light and air of adjacent buildings.
  - It would not. The roof structure would meet setback regulations from the north wall, where the building would be closest to other residential buildings. On the south and west sides the building is on a street corner and impact would be minimal. There would be no impact from the lesser proposed setback on the east side, as the roof structure would be set back approximately 30 feet from the firehouse to the east, and would have no visual or functional impact on that building.

## **VI. OTHER DISTRICT AGENCIES**

The applicant has met with the District Department of Transportation (DDOT), which has told OP that it does not object to the relief requests. The department had not posted a comment to the case record as of June 10, 2014.

The site is not within a historic district

No other agency comments were on file at the time OP completed this report.

## **VII. COMMUNITY COMMENTS**

ANC 5D voted unanimously on June 10, 2014 to support the project. Although the ANC had not submitted a letter to the file as of June 16, 2016, the single member district commission stated that the full ANC would be filing a letter before the hearing.

As of June 16, 2014, there were two letters on file supporting the requested relief, particularly citing the parking relief. The file contained sixteen letters opposing the requested relief due to concerns about the proposed parking reduction.