



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 7, 2014

SUBJECT: BZA Case 18688 - request for area variance relief from the height requirement (§ 770), Floor Area Ratio requirement (§ 771), and parking requirement (§ 2101.1) to develop a mixed-use building at 1348 – 1356 Florida Avenue, NE in the C-2-A zone.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to construct a five-story mixed-use building at 1348 – 1356 Florida Avenue, NE in the C-2-A zone, the Office of Planning (OP) **cannot support** the following area variance relief:

- § 770, building height (50 feet permitted; 55 feet proposed); and
- § 771, Floor Area Ratio (FAR) (2.5/3.0 (IZ) permitted; 3.5 proposed).

OP **is not opposed** to the Board granting the following area variance relief:

- § 2101.1, parking (25 spaces required, eight spaces proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1348 – 1356 Florida Avenue, NE (See Attachment 1.)
Legal Description:	Square 4068, Lots 0116, 0144, 0145, 0146, and 0147
Ward/ANC:	5/5D
Lot Characteristics:	The property, a corner lot, is generally rectangular in shape. The property is bounded on the west by Orren Street NE, the south by Florida Avenue NE, and the north by a 20-foot public alley. To the east are commercial buildings.
Zoning:	C-2-A – medium density community business center.
Existing Development:	The property is improved with a number of one and two-story structures, including an art store and an office and warehouse for a plumbing company. Also on the property is a gravel yard that is being used to store the plumbing company’s construction equipment and vehicles.



Adjacent Properties:	To the north across the alley are row dwellings in the R-4 zone. To the south, across Florida Avenue NE, are a mix of row dwellings and apartments in the R-5-B zone. To the west, across Orren Street NE, is Engine Company Number 10 (Truck House Number 13, Trinidad Firehouse), which is listed on the National Register of Historic Places. To the east are commercial buildings in the C-2-A zone, including an art gallery and corner store.
Surrounding Neighborhood Character:	The immediate area consists of a wide variety of commercial and residential uses. Square 4068 includes the mixed-use Delta Towers development, a BP gas station, corner grocery stores, a fire station, as well as attached and detached single family homes, flats, and apartments.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Griffin, Murphy, Moldenhauer & Wiggins, LLP, attorneys on behalf of Lock 7 Development, LLC, owner.
Proposal:	The applicant is proposing to construct a five-story mixed-use building with approximately 49 dwelling units and 1,161 square feet of retail space.
Relief Sought:	The applicant seeks area variance relief from the maximum building height (§ 770), maximum FAR (§ 771), and minimum parking requirement (§ 2101.1).

IV. ZONING REQUIREMENTS

C-2-A Zone	Regulation	Existing	Proposed ¹	Relief
Lot area (sq. ft.)	N/A	11,167 sq. ft.	11,167 sq. ft.	None required
Height (ft.) § 770	50 ft. max.	N/A	55 ft.	5 ft.
FAR § 771	2.5 FAR max. 3.0 FAR max. (IZ)	N/A	3.5 FAR	0.5 FAR
Parking (number) § 2101.1	25 residential spaces (1 for each 2 dwelling units)	N/A	8 spaces	17 spaces

V. OP ANALYSIS

The applicant proposes to construct a mixed-use residential building with retail at the corner of Florida Avenue and Orren Street NE and would preserve the façades of the existing commercial buildings on-site. The proposed development would have 49 residential units, approximately 1,161 square feet of retail, eight parking spaces at grade, and covered storage for 36 bicycles. A mixed-use building is a permitted use in the C-2-A zone. The applicant is requesting the following variance relief: § 770 to exceed the maximum permitted height by five feet; § 771 to exceed the maximum permitted FAR by 0.5; and § 2101.1 to not provide the minimum required number of parking spaces.

¹ Information provided by applicant.

HEIGHT and FAR

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

The applicant argues that development of the property is limited due to the presence of a ten-foot building restriction line along the Orren Street frontage; proximity of the property to the fire station; prior use of the property as a dry cleaning operation that would necessitate environmental remediation; preservation of the existing façade; proximity of the property to the H Street Arts Overlay and inclusion in the extension of the overlay; and the location of the property relative to the “Starburst” intersection at H Street and Benning Road NE.

With respect to the requested relief for height and FAR, there is not an exceptional situation or condition. The lot is a typical shape and size for commercially zoned properties in the Square, and the C-2-A zone permits up to 50 feet in height and an FAR of 2.5 (3.0 with Inclusionary Zoning [IZ]). OP notes that there are other residential uses in the Square. Furthermore, the property is not located in the H Street Arts Overlay.

- ii. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

None of the conditions noted in the applicant’s submission result in a practical difficulty related to the requested relief for height and FAR. The proposed development would feature a 14-foot floor-to-ceiling height for the first floor and the applicant would preserve the existing commercial façade. The applicant also states that compliance with the height requirement would be extremely burdensome and would impact its ability to preserve the façade. However, the proposed development is not located in zone that requires a 14-foot floor-to-ceiling height nor is preservation of the building façade a requirement of the C-2-A zone.

- iii. 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?**

OP is not opposed to any of the proposed uses, or to a mixed-use residential building on the subject property, as the C-2-A zone contemplates this type of development. However, the C-2-A zone does not permit a height of 55 feet or an FAR of 3.5, as the zone is intended to be located in low and medium density residential areas and to permit development to medium proportions, and the applicant has made no case to adequately address the first parts of the variance test for FAR or height relief.

PARKING

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

The 10-foot building restriction line along Orren Street and the prior use of the property for vehicle storage and laundry operations create an exceptional situation on the property.

ii. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?

With respect to the applicant's ability to provide the required parking, the building restriction line and site contamination result in a practical difficulty. The building restriction line limits the available area for the provision of parking onsite, both at grade and underground². Furthermore, if the applicant were to provide underground parking, the two-way ramp and associated drive aisles would limit the number of parking spaces that could be provided and would result in an inefficient underground parking structure. The existing site contamination and the costs associated with removing the contaminated soil, dewatering, and stabilization measures also contribute to the burden on the applicant should the requested parking relief not be granted.

iii. 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?

Approval of the requested parking relief should not result in substantial detriment to the public good and should not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. The property is well served by transit and is in close proximity to a number of Metrobus routes, Capital Bikeshare stations, car share options, and the forthcoming DC Streetcar. The applicant is proposing to provide 36 secure, covered bicycle parking spaces. The applicant is also proposing a range of transportation demand management measures.

VI. COMMUNITY COMMENTS

An official ANC submission had not been received at the time this report was drafted; however, ANC 5D indicated that it voted to support the project at its December 10, 2013 meeting. The Trinidad Neighborhood Association provided a letter dated December 8, 2013, in support of the application for zoning relief at 1348 – 1356 Florida Avenue NE.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time this report was drafted.

² OP notes that one of eight proposed parking spaces is located beyond the building restriction line.

