

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: September 2, 2014

SUBJECT: BZA Case 18813 – 1301 Pennsylvania Avenue, SE

I. RECOMMENDATION

With regards to this proposal to construct additional non-residential floor area, the Office of Planning (OP) recommends **approval** of the following requested variance relief:

- § 771, Floor Area Ratio (FAR) (1.5 non-residential FAR permitted, 1.77 non-residential FAR proposed).

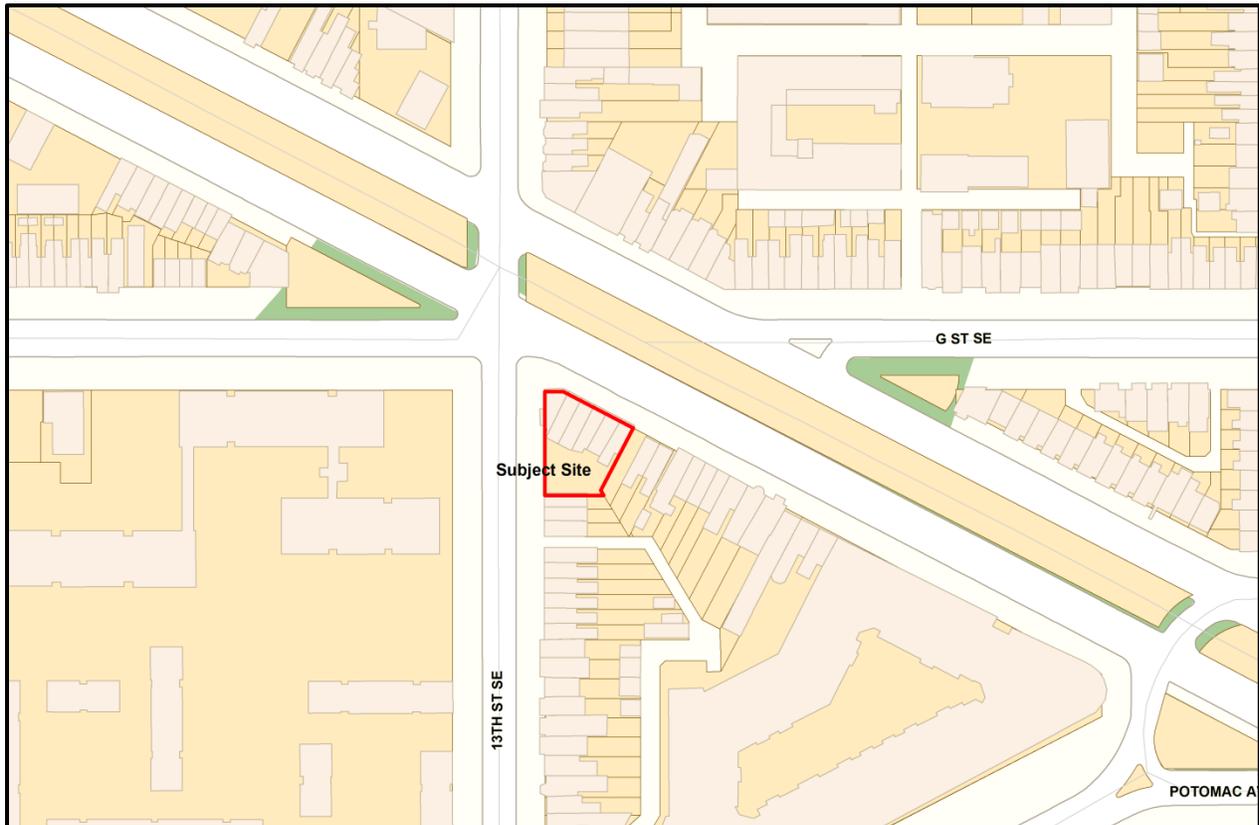
II. LOCATION AND SITE DESCRIPTION

Address	1301 Pennsylvania Avenue, SE
Legal Description	Square 1045, Lot 139
Ward and ANC	6, 6B
Lot Characteristics	Irregular corner lot; ~100 feet of frontage on 13 th Street and ~90 feet of frontage on Pennsylvania Avenue
Zoning	C-2-A – Moderate density mixed use commercial and residential
Existing Development	Three-story commercial building previously leased to office at the cellar and first floor levels, and six units on the second and third floors
Historic District	none
Adjacent Properties	North – Mixed use and density across Penn. Ave. West – Six story apartments East – Commercial and res. rowhouses South – Residential rowhouses
Surrounding Neighborhood Character	Mix of rowhouses, apartments, commercial and light industrial

III. APPLICATION IN BRIEF

Applicant	Jemal’s Holland, LLC
Proposal	Renovate existing building and construct addition on the third floor. The building would have retail in cellar and on the first floor, and office on second and third floors.
Requested Relief	§ 771 – Floor Area Ratio





IV. ZONING REQUIREMENTS AND ANALYSIS

C-2-A	Regulation	Existing*	Proposed	Relief
Height (ft.) § 770	50' max.	38'11"	No change	Conforming
Lot Area (sf)	n/a	6,239 sf	No change	Conforming
FAR § 771	2.5 max. residential 1.5 max. non-residential 2.5 max. total	0.0 residential 1.49 non-residential 4,059 sf cellar 4,059 sf first floor 4,059 sf second floor 1,628 sf third floor	0.0 residential 1.77 non-residential** 4,059 sf cellar 4,059 sf first floor 4,059 sf second floor 3,361 sf third floor	Requested
Lot Occupancy § 772	No limit for non-residential	65%	No change	Conforming
Rear Yard (ft.) § 774	15' min.	25'	No change	Conforming
Side Yard (ft.) § 775	None required	None	No change	Conforming
Parking § 2100.7 Loading § 2200.7	For additions to pre-1958 buildings, more parking or loading only required if addition > 25% of the bld.	4 parking spaces No loading	Addition (1,733 sf) is only 11% of the total floor area	Conforming

* "Existing" column reflects the conditions under the approved building permit.

** 1.77 FAR is the figure provided by the applicant. OP calculation gives an FAR of 1.84 $((4,059+4,059+3,361) / 6,239 = 1.84)$.

The proposed development would meet most zoning requirements of the C-2-A zone, including height, lot occupancy, rear yard, parking and loading. The proposal would require a variance from the maximum non-residential FAR of § 771. In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103.

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

The subject property is exceptional in that it has a relatively small floorplate for a multi-story mixed use building, and it also has a small third floor that does not currently occupy the entire footprint of the building. The subject lot is also somewhat small compared to other sites for multi-story mixed use buildings along the Pennsylvania Avenue corridor.

2. Does the extraordinary or exceptional situation impose a practical difficulty to the owner?

The exceptional conditions combine to create a practical difficulty for the applicant. Within the FAR limit for non-residential a partial third floor can be constructed. But as shown on Sheet 7 of the August 25th plan set, a majority of that third floor would be taken up by core functions, including stairs, an elevator, restrooms, and mechanical space. The small residual floor area would be difficult to lease. Building a larger third floor would create a space more desirable for an office tenant to rent. The applicant's written statement explains why residential, which could be placed on the third floor as a matter of right, would not be a viable option. The building code would require an additional egress stair, which would not only occupy space on the third floor, but would disrupt the floorplans on lower floors as well. The additional utilities for the residential use could also disrupt the floor plates of the lower levels.

3. 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?

The requested variance can be granted without impairing the public good or the intent of the Zoning Regulations. Because the subject property is a corner lot on Pennsylvania Avenue, and because it has a large parking area and rear yard on its lot, the new construction would not impact light or air for nearby properties. The third floor would not increase the footprint of the existing building, nor would it go beyond the matter-of-right building volume permitted in this zone. The building would remain in keeping with the scale of nearby development. The amount of commercial use on the site would not impair the residential character of 13th Street and is appropriate for one of the city's most important avenues.

V. COMMUNITY COMMENTS

ANC 6B met on July 8, 2014 and voted unanimously to support the project. The residents immediately to the south have also submitted a letter to the record indicating their support of the project. OP has received no other communications from the neighborhood regarding this project.