



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: June 15, 2010

SUBJECT: BZA Application 18078: 3506-12 Georgia Avenue, N.W. and 714 Newton Place, N.W. Square 2895, Lots 825, 826, 830 & 831

I. SUMMARY RECOMMENDATION

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

1. **An area variance pursuant to § 770.1 of Title 11 DCMR**, to permit an increase in building height from 70 feet to 73 feet, 4 inches;
2. **An area variance pursuant to § 2101.1 of Title 11 DCMR**, to reduce the number of off-street parking from 42 spaces to 29 spaces;
3. **An area variance pursuant to § 2201.1 of Title 11 DCMR**, to reduce the size of the loading berth from 55 feet to 30 feet, the size of the loading platform from 200 square feet to 100 square feet, and to eliminate the requirement for one delivery space;
4. **A special exception pursuant to § 1330.1(b) of Title 11 DCMR**, to permit the construction of a building on a lot of 12,000 square feet or more in area;
5. **A special exception pursuant to § 1330.2 of Title 11 DCMR**, to permit two exceptions from the design requirements of the Georgia Avenue Overlay District; and
6. **A special exception pursuant to § 411.11 of Title 11 DCMR**, to permit a roof structure of varying heights.

II. AREA AND SITE DESCRIPTION

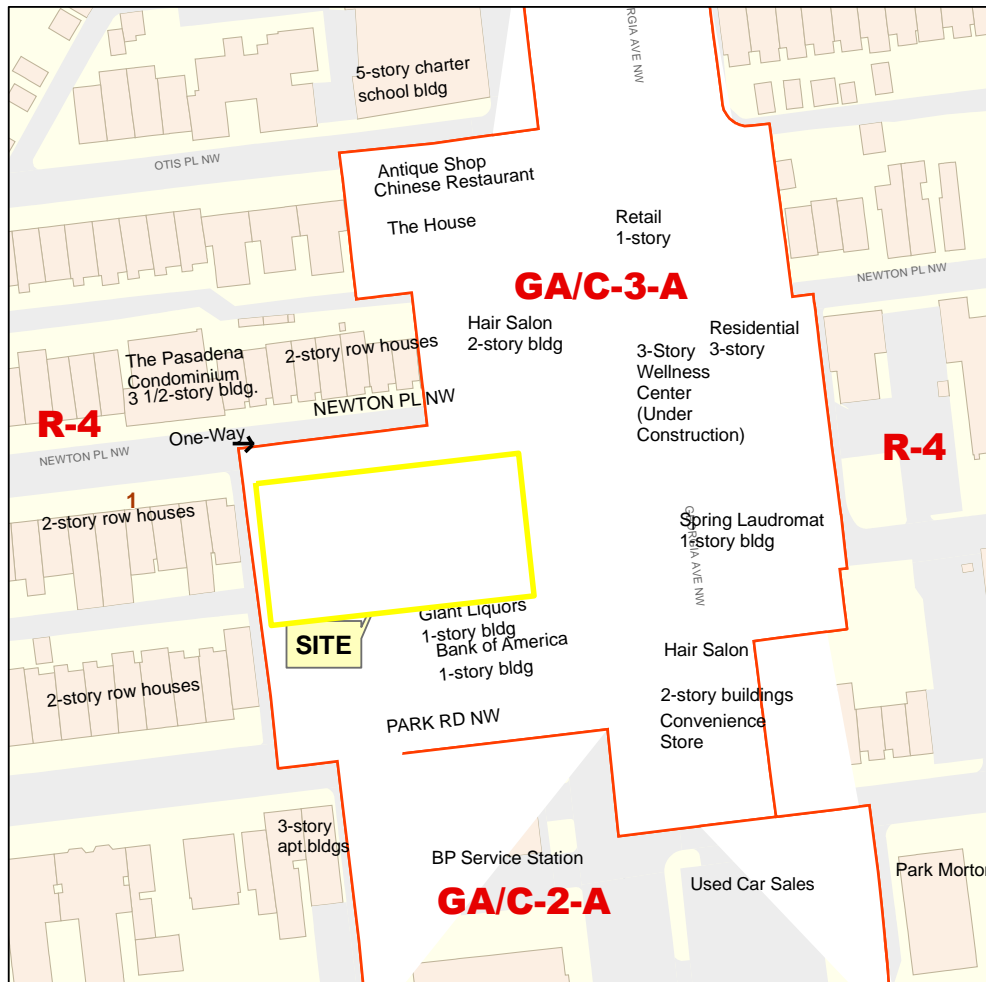
Address	3506, 3510 & 3512 Georgia Ave., N.W.; 714 Newton St., N.W.
Legal Description	Square 2895, Lots 826, 825, 830 & 831
Ward	1
Lot Characteristics	Rectangular lot, with alley access from the west side of the building.
Existing Development	A car wash, a two-story commercial building and a two-story four-unit apartment building, all vacant.
Zoning	GA: Georgia Avenue Neighborhood Commercial Overlay District C-3-A: medium bulk major business and employment center



Adjacent Properties	North: Across Newton Street, row houses and a three-story apartment house. South: One-story commercial buildings East: Across Georgia Avenue, Senior Wellness Center (under construction), and a commercial uses. West: Across the public alley, row houses and flats.
Historic District	N/A
Surrounding Neighborhood Character	Mixture of office, embassy, hotel and institutional uses.

III. APPLICATION IN BRIEF

The applicant, PMDP-GA LLC, has a contract to purchase the subject property from the Central Union Mission and proposes to construct a one hundred percent affordable 83-unit apartment building. A 29-space parking garage, loading and refuse removal would all be accessible from the public alley on the west side of the lot. A 2,311 square foot retail space would be located on the ground floor on the south side of the building, facing Georgia Avenue.



Zoning and Vicinity Map

IV. HISTORY

The subject property consists of four contiguous lots. Lot 831, located at 714 Newton Place, is improved with a four-unit two-story brick apartment building constructed in 1937. Lot 830, located at 3512 Georgia Avenue and the southwest corner of Georgia and Newton, is improved with a two-story commercial building constructed in 1912. Lot 825, at 3510 Georgia Avenue, is improved with a one-story car wash building constructed in 1925, and Lot 826, at 3506 Georgia Avenue, is improved as a surface parking lot. All of the properties are currently vacant.

On October 1, 2009, BZA Order No. 17717 became effective, granting the applicant, Central Union Mission, a special exception to develop the subject property, which is located on a property within the GA/C-3-A district in excess of 12,000 square feet in land area. The approval was subject to the condition that the proposed building not include a community-based residential facility or an emergency shelter. No other variances or special exceptions were requested. That building, which consisted of 37 apartment units, 27 on-site parking spaces and 2,753 square feet of retail space, was never constructed. Central Union Mission has since contracted with PMDP-GA LLC, the applicant of the subject application, to sell the property to them.

V. PROPOSED DEVELOPMENT

PMDP-GA LLC is the entity selected by the Deputy Mayor's Office for Planning and Economic Development (DMPED) to rebuild the 174-unit Park Morton public housing project. The applicant is in the process of acquiring the subject property to relocate some of the existing tenants at Park Morton prior to the demolition of any of the existing Park Morton buildings. The first phase of this project would be the construction of the subject building. A total of 83 units would be provided, including 65 one-bedroom and 18 two-bedroom units. One-hundred percent of the dwellings would be affordable, with one-third (27 units) set aside as replacement units for Park Morton at 30 percent of Area Median Income (AMI) and the other two-thirds affordable at 60 percent of AMI.

The subject property would be cleared of all existing improvements. Existing curb cuts from Georgia Avenue would be closed. Vehicular access to the building would be from the public alley only, including parking, loading and refuse removal. One below-grade parking level would be provided and would include 29 off-street parking spaces, ten of which would be compact. Sixteen bicycle parking spaces would be provided, ten of which would be in a secured room for building residents. One 30-foot loading berth and one 100-square foot loading platform would be provided along the alley. Retail and residential refuse would be stored at and removed from the rear of the building. The new building would be constructed to create a street wall along the Georgia Avenue and Newton Place frontages. The building would be set back 8.77 feet from the property line at Georgia Avenue because of the Highway Plan prohibition against building construction within that area.

The ground floor of the building would include a 2,311 square-foot retail space on the south side of the building facing Georgia Avenue with direct access to the sidewalk. Eight residential units would also be located on the ground floor, on the north side of the building. The ground floor would also include the residential lobby, directly accessible from the corner of Georgia Avenue and Newton Place, and office space related to the leasing office. Upper floors would include the remainder of the apartments, laundry rooms and amenity space on the second, sixth and seventh floors. Two terraces would be provided on the roof of the building for use by the tenants.

One roof structure would be provided of varying heights to accommodate the elevator override at 14 feet, 4 inches, and the stairwell enclosure at 8 feet, 9 inches.

The application includes a list of seven transportation demand management (TDM) strategies. That list is as follows:

1. Provide secured bicycle parking storage for at least 10 bicycles in the parking garage.
2. Provide a shower in the exercise facility for the property management employees who may bike to work. Plumbing would be installed in the retail space to permit a shower upon tenant build-out.
3. Provide, upon request, a SmartTrip card with \$ 20 Metro fare media or a one-year membership in a car-sharing or bicycle-sharing service per residential unit to initial residents that affirm they do not own an automobile. Upon request, a SmartTrip card with \$ 60 Metro fare media to property management and retail employees at initial occupancy.
4. Provide website hotlinks to CommuterConnections.com and goDCgo.com on developer and property management websites.
5. Provide an on-site business center to residents with access to copier, fax and internet services.
6. Designate a member of property management as a point of contact who is responsible for coordinating and implementing TDM obligations.
7. Distribute alternative transportation information and brochures via lobby kiosks, welcome packets and bulletin board.

VI. ANALYSIS

A variance pursuant to § 770.1 of Title 11 DCMR - Height of Buildings

The application requests to increase the permitted height of the building from 70 feet to 73 feet, 4 inches.

Uniqueness

The subject property is impacted by exceptional conditions. The C-3-A district permits a maximum building height of 65 feet, and the Georgia Avenue Overlay District permits an additional five feet, where a 14-foot high ground floor is required, for maximum height of 70 feet. Although the ground floor is proposed to be 12 feet in height and not 14, the applicant is meeting the intent of the regulation by requesting only minor relief from the 14-foot floor-to-ceiling height for the ground floor, while providing higher quality retail space within the corridor.

Inclusionary Zoning (IZ) increases the Floor Area Ratio (FAR) permitted from 4.0 to 4.8, and increases the lot occupancy from 75 to 80 percent, for the provision of affordable housing. This is especially important for a 100 percent affordable building. Due to design requirements of the overlay district and the corner location of the site, the building would have to be constructed to the street line for 75 percent of its frontage, resulting in an L-shaped building. The L-shaped design limits the design opportunities available to the applicant for the layout of the structure, and results in a lot occupancy of only 74 percent. Most of the remainder of the lot not dedicated to lot occupancy would be utilized as a ramp for vehicular access into the below-grade garage.

Given the constraints of the lot, in order for the applicant to take advantage of the bonus density granted through IZ, a building height of 73 feet, 4 inches is required to add one floor to the building.

Peculiar and Exceptional Practical Difficulties

The applicant could expand the lot occupancy of the building from 74 percent to 80 percent and eliminate the need for the additional building height, but not without impairing the applicant's ability to efficiently design an apartment building with double-loaded corridors. The lot is not wide enough to accommodate two double-loaded corridors, and a single-loaded corridor would not result in efficient use of the property.

Intent, Purpose and Integrity of the Zone Plan

The granting of this variance would not impair the intent, purpose and integrity of the Zone Plan. An increase in building height of 3 feet, 4 inches, or to 73 feet, 4 inches, is minimal, and would not be perceptible from the ground. It would allow for the construction of a seventh floor of affordable units. This would increase the number of dwelling units, in support of the provisions of the *Georgia Avenue - Petworth Metro Station Area and Corridor Plan* to improve the retail within the Georgia Avenue by increasing the number of residents in the Georgia Avenue corridor.

A variance pursuant to § 2101.1of Title 11 DCMR - Off-Street Parking

The application requests to decrease the number of off-street parking spaces provided from 42 to 29.

Uniqueness

The subject property is unique as a result of its width and the impact of the Highway Plan. The width of the building would not be sufficient to accommodate double loaded drive aisles and ramps necessary to provide access to lower levels due to a variety of factors. The L-shape of the building that would result from design guidelines of the Georgia Avenue Overlay District and the Highway Plan that does not permit any construction within the first 8.77 feet of lot area along Georgia Avenue, combine to decrease the footprint of the garage and reduce the number of parking spaces that would otherwise be possible to achieve within this garage.

Peculiar and Exceptional Practical Difficulties

The shape and size of the building as a result of the overlay design requirements and the Highway Plan reduce the number of parking spaces that could be provided on any one level of the garage. As a result, more than one garage level would be necessary, increasing the construction costs for a 100 percent affordable building.

Intent, Purpose and Integrity of the Zone Plan

The granting of this variance would not impair the intent, purpose and integrity of the zone plan. The subject property is located five blocks south of the Georgia Avenue/ Petworth Metrorail station, and Metrobus operates an express bus on Georgia Avenue past this property. Sixteen bicycle parking spaces would be provided, far in excess of the two that would otherwise be required for an 83-unit apartment building within the C-3-A district. The provision of shower facilities for the leasing center employees, and roughed in plumbing facilities for the retail space would make it possible and more convenient for any employees within the building to bike to work.

One-third of the units would be set aside as replacement units for Park Morton, a public housing development that provides off-street parking at a rate of approximately one space for every three units, similar to the parking ratio proposed in this application.

A variance pursuant to § 2201.1of Title 11 DCMR – Off-Street Loading

The application requests to reduce the size of the loading berth from 55 feet to 30 feet, reduce the size of the loading space from 200 square feet to 100 square feet, and eliminate the one required delivery space.

Uniqueness

The location of the garage ramp is dictated by the corner location of the lot and the need to construct the garage entry on the south side, away from the intersection of the alley and Newton Place, and not under the portion of the building adjacent to Newton Place. The building cannot be located on the south side of the lot because of the overlay district design requirement that 75 percent of the street wall be constructed to the street line. As a result the building and the garage ramp must be separate.

Peculiar and Exceptional Practical Difficulties

The separation of the building and the ramp expands the amount of lot area that must be devoted to the ramp and building, reducing the amount of available area for the provision of loading facilities. As a result it would not be possible to construct all of the loading facilities as required without negatively affecting the applicant's ability to address the design requirements of the Georgia Avenue Overlay District.

Intent, Purpose and Integrity of the Zone Plan

The granting of this variance would not adversely affect the intent, purpose and integrity of the Zone Plan. The apartment units within the building would be one and two-bedroom units only, with the majority, 83 percent, one-bedroom units, and all units less than 1,000 square feet in gross floor area. The variance would have no effect on the retail space, as no loading is required for that space.

Special exception pursuant § 1330.1(b) – Construction on a Lot of 12,000 Square Feet or More

“The following uses are permitted by special exception within the GA Overlay District regardless of whether the use is permitted as a matter of right in the underlying zone, pursuant to §§ 3104 and 1304.

- (b) *Construction of a building on a lot that has twelve thousand square feet (12,000 ft.²) or more in land area.”*

The subject property consists of 18,552 square feet of lot area, requiring a special exception, subject to the requirements of §§ 1304.1 and 3104.

Special Exception pursuant to § 1304.1 – Neighborhood Commercial Overlay District

- (a) *The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;*

The subject application proposes the elimination of two automobile oriented uses, a car wash and a surface parking lot, and the replacement of them and two other small buildings with a structure designed, to the extent possible, in conformance with the design criteria required by the Georgia Avenue Commercial Overlay District. The application also proposes the assemblage of four underutilized C-3-A zoned properties into one larger property that would establish a positive physical presence along Georgia Avenue. Multiple curb cuts extending through the public sidewalk on Georgia Avenue would be eliminated, improving the pedestrian experience. As a result, the design of the new building would enhance neighborhood character.

The proposed building would advance the stated purposes of the Georgia Avenue Overlay District and the *Georgia Avenue – Petworth Metro Station Area and Corridor Plan*. It would advance the objective to “[m]aintain and enhance neighborhood character” through the provision of a mixed-use building with ground floor retail and residential above. The retail space would have direct access from the sidewalk, 83 new residential units would be provided at the rear of the building and on the six floors above; the building would be designed to accommodate building entrances every 40 feet along Georgia Avenue; and not less than 75 percent of the street wall would be constructed to the property line on Newton Place and the Highway Plan line along Georgia Avenue.

The tallest portion of the building would be near Georgia Avenue, away from the residential row houses to the west on Newton Place. The lowest portions of the building would be along Newton Place, where bay windows would step-back after the first three stories. Above the fifth floor the building would again step-back, in deference to those lower scale row houses.

Chapter III of the Georgia Avenue Plan, Corridor Assessment, discusses under the Urban Design and Public Realm section the influx of automobile-oriented businesses, such as the existing car wash on the subject property that “*have resulted in a streetscape without definition and in general, poorer in quality as well.*” Chapter IV, Corridor Strategies, encourages “*development entities to target blocks with... underutilized land, to foster property assemblage and acquisition for redevelopment.*” The subject application would accomplish all of these.

The “*Great Streets Framework Plan for 7th Street - Georgia Avenue,*” recommends the removal of repetitive retail facilities and parking lots from Georgia Avenue and the replacement of those facilities with higher-quality multi-family development. It also recommends the transformation of the area around the Georgia Avenue-Petworth Metrorail station, located one-half mile to the north of the site, into an attractive residential and retail core. The subject application would contribute to the achievement of these recommendations.

(b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

The subject property consists of 18,552 square feet of lot area. Section 1300.1(b) requires that the construction of any building on a lot consisting of 12,000 square feet or more in land area must obtain a special exception in order to be developed.

Alternatively, the site could be developed retaining the existing four small lots, with four separate small buildings. However, the development of four small buildings would not advance the recommendations of the Georgia Avenue Plan to assemble vacant properties for redevelopment within the Park View neighborhood and to increase the intensity of land use within walking distance of the Georgia Avenue/Petworth Metrorail station. Larger mixed-use buildings, as proposed in this application, would provide modern retail spaces capable of attracting new and expanded retail opportunities uses to the area, as encouraged by the plan, together with increased residential density necessary to support those uses. Therefore, the granting of this special exception would contribute to the redevelopment of Georgia Avenue and would advance many of the recommendations of the Georgia Avenue Plan.

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

All vehicular access and egress for parking and loading would be from the existing public alley only, located on the west side of the building. No curb cuts are proposed and all existing curb cuts across public sidewalks would be removed.

(d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district.”

The Office of Planning does not recommend any additional requirements.

Special exception pursuant § 1330.2 – Exceptions from GA Design Requirements

The subject application requests two exceptions from GA design requirements to reduce the floor to ceiling height of the first floor from 14 feet to 12 feet, and to not construct a minimum of 75 percent of the face of the building to the Georgia Avenue property line.

Exceptions from the design requirements of the Georgia Avenue Commercial Overlay District shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance §§ 1304 and 3104 and subject to the criteria below.

- (a) *The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;*

The Georgia Avenue frontage of the subject property is impacted by the Highway Plan for the first 8.77 feet back from the property line. This plan prohibits construction of any buildings within it and prevents the applicant from constructing a building up to the street. However, this space would be improved as sidewalk and would give the appearance of a building constructed to the street line, enhancing the urban design features of the immediate vicinity.

The request to reduce the ground floor-to-ceiling height from 14 to 12 feet would allow for a consistent height for retail and the ground floor apartment units that would face Newton Place. The ground floor ceiling heights would be more similar to those within the remainder of the building, while still providing a retail ceiling height necessary for the attraction of modern retail businesses to the corridor.

- (b) *Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;*

The proposed reduction of floor-to-ceiling height of only two feet would have no effect on vehicular or pedestrian movement, but would facilitate this residential development, increasing the number pedestrians on the street through an increase in the number of residents, and positively affecting the viability of retail on the corridor. Construction of the building to the edge of the limits of the Highway Plan, rather than the property line, would result in an expanded sidewalk. The public sidewalk is approximately 10 feet in width, but when combined with the additional sidewalk width that would result from the building being setback to the edge of the limits of the Highway Plan instead of to the property line, would result in a sidewalk width of almost 19 feet, improving the pedestrian movement without creating any objectionable traffic conditions.

- (c) *Parking and traffic conditions associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences; and*

The decrease in the ground floor ceiling height and the construction of the building to the edge of the Highway Plan instead of the property line would have no effect on the parking and traffic conditions of adjacent or nearby uses. All parking would be located beneath the building, with direct access from the public alley system only.

- (d) *Noise associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences.*

Noise associated with this mixed use building should not significantly affect adjacent or nearby residences. The retail space and residential building lobby would be oriented to Georgia Avenue, away from the residential uses on Newton Place. Vehicular access to the building would be located off the public alley only, with the garage entrance located on the south side of the building, away from the intersection of the public alley and Newton Place, reducing the opportunities for conflict.

Special exception pursuant § 411.11 - Roof Structures

Section 411.5 requires that roof structure “[e]nclosing walls from roof level shall be of equal height, ...”

The applicant is proposing roof structure enclosures with heights of 8 feet, 9 inches and 14 feet, 4 inches.

Section 411.11 empowers the Board to grant relief from § 411.5 as follows:

“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 §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be adversely affected.”

Construction of a screen wall around the penthouse to a uniform height of 14 feet, 4 inches would be unreasonable, as it would result in a penthouse that would be more visible to more of the surrounding neighborhood. Increasing the height of the enclosing wall and the amount of wall that must be constructed only increases the probability that the screen wall would be visible to a larger portion of the neighborhood. Therefore, the Office of Planning finds it to be impracticable to require that one roof structure height be provided.

The proposed building is in compliance with all other applicable provisions of the Zoning Regulations.

§ 3104 Special Exceptions

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title.

The proposed building would conform to the provisions of the C-3-A district, with no area variances required. The design of the building would step back after the first floor on the north side of the building along Newton Place, toward the existing row houses west of the public alley. In addition, use of buff and limestone colored materials for the façade on the upper two floors would contrast with the brown brick veneer that would be used on the lower two floors. In

combination, these would reflect the lower density of the row houses. Therefore, the proposed special exception should not adversely affect neighboring properties.

The Office of Planning finds the subject application to be in conformance with the special exception criteria contained within §§ 1330.1, 1304.1 and 3104.1.

The proposed building is in compliance with all other applicable provisions of the Zoning Regulations.

VI. COMMUNITY COMMENTS

ANC 1A informed the Office of Planning that at their regularly scheduled meeting of June 10, 2010, the ANC voted to support the application, with the exception of the reduction in off-street parking.

VII. AGENCY COMMENTS

The District Department of Transportation (DDOT) requested that the applicant provide shower facilities for employees within the building, secured bicycle facilities within the garage and the list of TDM measures that would be offered. The applicant complied with these requests.

VI. RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the character of the neighborhood and the standards for special exception relief. Therefore, the application can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP