



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: May 3, 2011

SUBJECT: BZA Case No.18193, 1324 Park Road, NW

I. OFFICE OF PLANNING RECOMMENDATION

The subject application requests a use variance relief pursuant to 11 DCMR§ 3102.3 and § 330.5 to allow the first floor and the cellar of the rowhouse to be converted to a commercial use (retail/office/restaurant).

The Office of Planning (OP) understands the impacts that could arise from having a residential use between the two buildings with active commercial uses. However, the applicant has not provided empirical evidence that would demonstrate a hardship in accommodating residential use on the first and cellar floors of the building. OP has requested that the applicant provide:

- Time period for which the units have been vacant;
- Evidence of endeavors to rent units;
- Estimate of rental income lost for both units; and
- Estimates of noise attenuation measures.

II. AREA AND SITE DESCRIPTION

Address:	1324 Park Road, NW.
Legal Description:	Square 2843, Lot 36
Ward:	Ward 1, ANC-1A
Zoning:	R-4, permits row dwellings, flats and conversions to apartments, at a moderate density.
Lot Characteristics:	The lot is a nearly rectangular shaped with an area of 4,362 square feet and is developed with a three-story rowhouse.
Adjacent Properties:	The property to the east is a row building with a laundromat on the basement level, a salon/barber shop on the first floor and the residences on the two upper floors. The property to the west houses the El Rinconcito restaurant while to the south are rowhouses. All these properties are in the R-4 zone. To the north is the Tivoli Theater development with a <i>Giant</i> supermarket and retail stores in the C-3-A zone.



Neighborhood Character:	The subject square (2843) consists mostly of row dwellings and walk-up apartment buildings with the entire western portion of the square, (a triangularly shaped parcel, between Park Road and Kenyon Streets) developed with a mixture of retail and residential uses. Across Park Road and beyond the supermarket are duplex town homes which fronts on Monroe Street. Along with the adjacent retail uses there are a few corner retail used outside of the main 14 th Street mixed uses area.
Historic Preservation:	None

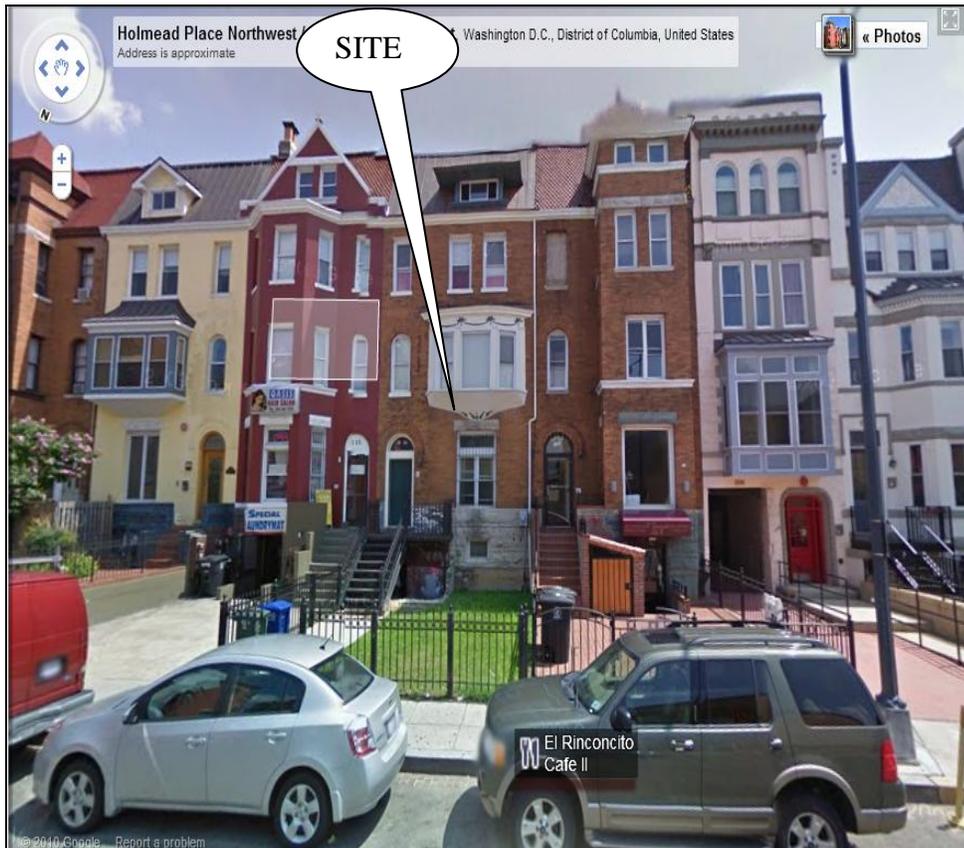
III. PROPOSAL

The applicant wishes to convert the existing first floor and cellar from residential use to commercial use. The second and third floors would retain their residential use. In the original application, the applicant requested that he be given the option for a retail/office/restaurant use. However, he has subsequently stated that the preference would be the restaurant use since he has had enquiries and interest expressed to use space for a restaurant.

IV. MAPS



Site Location



Picture of Site

V. OFFICE OF PLANNING ANALYSIS

The subject property is in the R-4 District which permits row dwellings, flats and conversions to apartments, at a moderate density. Commercial uses are generally not considered a compatible use in the R-4 District. Most of the dwellings on Square 2843 were constructed between 1895 and 1966. The subject structure was built in 1905 and thus predates the adoption of the Zoning Act of 1958. Within this area west of 14th Street, NW there is a number of small, neighborhood retail uses interspersed within the residential use. In particular, the subject property is between two buildings that have retail uses in their first floor and basement/cellar area. The restaurant use at 1326 Park Road was approved in November 2002 (BZA 16940). No permit for the retail uses at 1322 Park Road was found.

The application meets the variance relief as follows:

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

The property is unique by reason of an exceptional situation and condition because it is sandwiched between properties that have commercial uses on their first and basement floors. Other neighborhood retail uses within the residential district are generally corner stores and are not enclosed or surrounded by residential use.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property?

The applicant states that the adjacent retail uses and associated activities impact the subject property resulting in an inability to attract renters to the cellar and first floor apartment. The restaurant operates Monday to Friday between 10:30 am and 11:00 pm and on Fridays and Saturdays between 10:30 am and 12:00 am/midnight. The hair salon operates Monday to Saturday between the hours of 10:00 am and 7:00 pm while the laundromat operates daily between the hours of 9:00 am and 11:00pm. The applicant states that prospective tenants are unwilling to rent the space due to the daily and the long hours of establishment as well as the fear of noise.

OP has inquired of the applicant if he has considered sound attenuation measures to mitigate the noise. This may be an expensive undertaking with no certainty that it would make the units more marketable. However, the applicant did not provide any cost estimates for noise attenuation measures in order to evaluate the hardship that would be incurred if undertaken.

The applicant state that the apartment in the cellar has been marketed at 1,200 dollars per month for the past five years but there have been no takers which has resulted in a loss of \$72,000 in rental income. The applicant has not provided any marketing information to support this loss in rental income and no information was provided for first floor.

Can the requested relief be granted without substantial detriment to the public good and without substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

The area has a history of small neighborhood serving retail uses although it is in a residential zone (R-4) that does not generally permit retail use. However the applicant needs to provide additional information to assess if the requested use will create adverse impact on the community, or substantially cause detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. There is support in the community for the retail as is demonstrated through a resolution of support taken by ANC 1A.

VI. COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area as *Moderate Density Residential*. Row houses and garden apartments are the predominant uses in areas designated as moderate density. However, the Mid City Area Elements, Planning and Development Priority, (h) states that “. . . *small corner stores and other businesses, ethnic neighborhoods, and iconic neighborhood businesses are an important part of what defines this community. They should be strongly supported in the future.*”

A retail strategy study done by OP, *Central 14th Street, NW, SWOT Analysis, Retail Demand Analysis, Strategy and Preliminary Planning Diagrams, Park Road Development*, December, 2009, page 3, identifies the Park Road area northwest of 14th Street as an area with many small

neighboring serving retail uses. Although the property is just outside of the study area the plan identifies the existence of retail uses outside of the 14th Street/Park Road area and states that they are a part of the character of the neighborhoods and make no recommendation to curtail their existence.

VII. COMMUNITY COMMENTS

The proposal was reviewed by ANC-1A on April 13, 2011 and voted to recommend approval of the requested variance.

VIII. CONCLUSION AND RECOMMENDATION

OP has not objection to the requested use variance for the cellar and first floor provided the applicant provides the following information to document the hardship in using the space for uses anticipated in the R-4 zone:

- Time period units have been vacant;
- Evidence of endeavors to rent units;
- Estimate of rental income lost for both units; and
- Estimates of noise attenuation measures.