

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13846 of JPJ Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7201.1) for a proposed addition to and change of an existing manufacturing use to retail store and restaurant in an HR/C-3-C District at the premises 619 H Street, N.W., (Square 453, Lot 830).

HEARING DATE: October 13, 1982

DECISION DATE: October 13, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of H Street between 6th and 7th Streets, N.W. It is in an HR/C-3-C District.

2. The subject site is rectangular in shape and flat. It contains 5,458.5 square feet. The site has approximately forty-one feet of frontage on H Street. The site is improved with a vacant three-story brick manufacturing facility constructed in 1900. The structure occupies 100 percent of the lot.

3. To the north the site is adjacent to a thirty foot public alley at the rear. To the east is a retail facility. To the south is H Street followed by office and retail facilities on the south side of H Street, N.W. To the west is a fifteen foot public alley.

4. The existing thirty foot public alley at the rear and north of the site runs east and west in the square and is not a through alley. The fifteen foot alley adjoining the subject site to the west runs north and south through square from H to I Streets, crossing the thirty-foot alley. The structure west of the fifteen foot public alley adjacent to the site occupies 100 percent of the site and contains a liquor store on the ground floor. West of the liquor store and within twenty-five feet of the subject site is a surface parking lot. Other uses on the north side of H Street include four Chinese restaurants, a Chinese retail food and gift shop, a business machine retail facility, a furniture store and the Wah Luck House, an apartment house for the elderly. On the south side of H Street is the North Potomac office building, Chinese restaurants and a surface parking lot.

5. The general area in which the subject property is located is known as Chinatown. It is a special ethnic district characterized by a mixture of uses such as Chinese retail food stores, gift shops, restaurants, other various retail facilities, residential structures, churches, offices and surface parking lots. The new District of Columbia Convention Center is approximately three blocks west of the subject site.

6. The applicant proposes to rehabilitate and to construct an addition to the existing structure for use as a combined Chinese restaurant/lounge and retail facility. Retail merchandizing of jewelry will be limited to the ground floor, occupying approximately 5,082 square feet developed in an open market setting serviced by a common area. The second floor will contain a Chinese style restaurant with a seating capacity of 250 and a kitchen. The third floor is to be utilized as banquet facilities and main offices. The banquet facilities will be available to the community for meetings, weddings, special events, etc. and will have a seating capacity of approximately 300. The roof of the structure will be enclosed with a glass dome as an addition for use as a lounge/bar with a seating capacity of 150. Access to the upper floors would be by two exterior glass enclosed elevators at the front of the structure and an interior stairwell.

7. The applicant's architect testified it is not feasible to provide the required off-street parking for the following reasons:

- (a) The spacing of the existing columns is not suitable for an efficient parking layout.
- (b) The structure is not suitable for parking either at grade or below grade. Excavation for parking below grade would undermine the structural integrity of the building. The architect was advised by a structural engineer that it would be impossible to structurally accommodate parking inside the structure.
- (c) It is impractical to provide for a ramp because the forty foot lot width is too narrow.

The Board concurs.

8. The applicant conducted a parking lot survey to demonstrate the availability of parking in a one to two block radius of the subject site. Many of the lots identified in the survey parking are interim uses and the lots would ultimately be developed to a more intense use. The applicant testified that several parking lot operators have stated that new developments on their lots would

contain commercial parking garages which said operator have commitments to manage. The operators assured the applicant that they would make these spaces available to the applicant.

9. The applicant testified that adequate public transportation exists in the area. Several bus routes run along H and 7th Streets, N.W. An entrance to the Gallery Place Metro subway station is located at 7th and H Streets. The applicant also anticipates that patrons of his facility will come by foot from surrounding offices, retail establishments and the new Convention Center.

10. The present certificate of occupancy dated November, 1954, indicates the previous owner/occupant as the Ballauf Manufacturing Company, which stored and repaired money counting and process machines.

11. The subject structure has a floor area ratio of 3.0, or 16,375 gross square feet. The fourth floor addition will provide 4,621.5 square feet. The total floor area permitted is 35,480.28 square feet, a 6.5 FAR, while 20,997 square feet, 3.85 FAR, is provided.

12. A rear yard of twelve feet is required and a rear yard of nineteen feet, at the upper level, is provided for the addition. The existing building has no rear yard.

13. Fifteen off-street parking spaces are required and none are provided. The applicant seeks a 100 percent variance as to the parking requirements.

14. The applicant testified that the proposed use is consistent with the Chinatown portion of the proposed Downtown Plan for the District of Columbia. The plan advocates ethnically oriented ground floor retail facilities particularly along H Street, N.W. which is designated as "important retail frontage." Improvements in public transportation and streetscape standards which facilitate pedestrian circulation in and around the area are also advocated. The Plan's intent is to encourage pedestrian and transit movement and to discourage private automobile use.

15. Advisory Neighborhood Commission 2C, by letter dated September 22, 1982, stated that it had no opposition to the application since it had not been informed by any opposition.

16. The Office of Planning and Development, by report dated October 8, 1982, recommended approval of the application. The OPD reported that a practical difficulty does exist in the property and an undue hardship would be imposed on the owner/applicant if strict application of

the parking standards of the HR/C-3-C District were enforced. The subject structure pre-dates the application of parking standards in the current Zoning Regulations. The structure occupies 100 percent of the lot. It is structurally infeasible to provide parking on site either below or above grade. The OPD further reported that the proposed use is consistent with the Chinatown portion of the recommended Downtown Plan. The structure is suitable for the proposed use and the bulk and scale of the proposal is appropriate and consistent with surrounding uses and structures. The neighborhood would benefit from the rehabilitation and reuse of this vacant structure and the City would benefit from increased real estate and income taxes. Particularly, when the Convention Center is completed, the benefits of the proposal will extend to those visitors to the District on business or pleasure. The Board concurs.

17. The OPD reported that the Office of Business and Economic Development has expressed support of the application. The OBED cited as justification for this position:

- (a) The need for downtown restaurants in close proximity to the Convention Center.
- (b) The Chinatown policies of the recommended Downtown Plan.
- (c) The economic development policies of the recommended Downtown Plan which encourage growth and development of minority owned businesses.
- (d) The transportation policies of the recommended Downtown Plan and Washington Metropolitan Area Transit Authority policies which discourage downtown automobile use.

18. The Chinatown Economic Development Corporation by letter dated October 5, 1982, stated its support of the application citing as reasons the inadequate store front space within Chinatown and the need to provide additional restaurant facilities within the vicinity of the Convention Center.

19. No one appeared in opposition at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing finding of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of a practical difficulty inherent in the property itself.

The Board concludes that there are practical difficulties unique to the subject property. The subject structure was built prior to the adoption of the Zoning Regulations. It occupies 100 percent of the lot. The structure is not suitable for parking structurally. Due to the layout of existing columns, it would not be practical to design an efficient parking layout or to physically provide for an efficient ramp system due to the narrowness of the lot. The Board concludes that the strict application of Sub-section 7201.1 requiring fifteen off-street parking spaces would pose a practical difficulty on the applicant.

The Board further concludes that the relief requested can be granted without causing substantial detriment to the public good. The community would benefit from the rehabilitation and reuse of this vacant structure. Parking is available in the immediate community as an interim use and will continue to be available in the future once redevelopment has been completed in the form of structured commercial parking. Patrons of the proposed restaurant/retail facility will be pedestrian traffic from nearby offices, retail facilities and the new Convention Center. The site is well served by Metrobus along H and 7th Streets, N.W. and a subway entrance to the Gallery Place station is a half block away at the corner of 7th and H Streets, N.W. The proposed use is consistent with city policy in the recommended Downtown Plan and is consistent with city policy to encourage growth and development of minority owned businesses in the city.

The Board is further of the opinion that the relief can be granted without substantially impairing the intent, purpose and integrity of the Zone Plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 5-0 (Douglas J. Patton, Maybelle Taylor Bennett, Connie Fortune, William F. McIntosh and Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JAN 27 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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