GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 4, 2002

SUBJECT: BZA Application #16877
Application of 2020 K Street, L.P.
Square 78, Lot 827

BZA
Case No. 16877
Exhibit No. 25

I. APPLICATION-IN-BRIEF

Relief Sought: 1) Variance of 10' 4 ½" from court width requirement and;
2) Special Exception for 2' 5" ¼" from rear yard requirement to enable addition of 3 stories to existing office building.
From Sections: 1) 11 DCMR §776.1, Pursuant to Section 3102.3, and;
2) 11 DCMR § 774.2, Pursuant to § 3104.1
Zoning: C-3-C
Sought Under: §3103.2

The applicant is planning to purchase Transfer Development Rights (TDRs) and apply them to the existing 8-story office building at 2020 K Street, NW, in the New Downtown Receiving Area. He wishes to keep the entire existing building footprint, façade, etc. and add an additional 3 floors through the TDR purchases. The existing building was remodeled within the last few years. The existing court, which separates the applicant's property from 2000 K Street and which contains a one-story restaurant, would be retained, as would be the existing setback from the rear alley. The building height would increase from 90' to 130', the maximum allowed by zoning. The Floor Area Ratio (FAR) would increase from 6.5 to 10.0, also the maximum permitted.

Because the existing building occupies all of its permitted envelope, and because the applicant does not wish to demolish the existing building, the proposed height increases would require relief from the court and rear yard requirements of the Zoning Regulations.

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that both the Variance and the Special Exception requests be APPROVED.

Board of Zoning Adjustment
District of Columbia
CASE NO.16877
EXHIBIT NO.25

III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

Square 78 in northwest Washington is bounded by:

- North: K Street
- East: 20th Street
- South: Pennsylvania Avenue and I Street
- West: 21st Street.

The Square is rectangular. There is an east-west alley. Lot 827 is at the southeast corner of 20th and K Streets, in the heart of the "Golden Triangle" section of Washington's central employment area. The building with which it is improved was constructed within the last 20 years, and has been remodeled since then. The land at the rear of the building is slightly higher than the land in the front.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Figure 1)*

The site is zoned C-3-C. The zoning becomes C-4, 1½ block to the east, on the east side of 19th Street. The building is not a landmarked structure, and there are no historic districts nearby.

V. PROJECT DESCRIPTION

The property's land area is approximately 41,000 square feet. It is improved with a 90' high, 8-story, 258,465 square-foot office building that has an FAR of 6.5 --including the 28,113 square feet of retail space. With the purchase of TDRs and the approval of the Board, the modified building would rise an additional three stories, to 112' plus penthouse, and have an FAR of 10.0. The new stories would be constructed to the same footprint as the existing building and would add 103,000 square feet of office space to the existing building. The total square footage of the new building would be 366, 045 square feet of office uses, and 28,113 square feet of retail space.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 2)*

The Comprehensive Plan's Generalized Land Use Map designates the area as suitable for High Density Commercial Land Use. The Ward 2 Element of the Comprehensive Plan supports the construction of additional commercial office space, citing in particular the Connecticut and K Street area, which is 2 ½ blocks east of the site. The transfer of development rights from the Old Downtown to the New Downtown Receiving Area also furthers public objectives by helping to preserve historic structures and saving or developing new preferred uses in the TDR generating area.

VII. REQUESTED ZONING RELIEF

A. Court

The existing building is contiguous with the eastern-adjacent 2000 K Street for only one-story. That one story area is occupied by Legal Seafoods restaurant. Above the restaurant there is a 19' 1 ½" court.

This allows the buildings at both 2000 K Street and at 2020 K Street to have windows on all four sides of their buildings above the first floor. There is no requirement that there be a court; buildings may directly abut each other. However, the Zoning Regulations require that when a building does provide a court, the court must be 3" wide per foot of court height. Adding the 3 stories, in 40', would require the court to become 10' 4 ½" wider, or a total of 29' 6", where it is now 19 1 ½". The applicant, thus, has three choices for achieving the additional height:

- Fill in the court with an additional bay on the east side, thus eliminating windows and light for both 2000 K and 2020 K;
- Demolish 2020 K Street's eastern wall, and move it westward 10' 4 ½";
- Apply for a variance from the BZA for court relief.

The applicant has chosen the last alternative.

B. Rear Yard

The rear of the existing building is 32' 11 ¾" from the building to the south, the recently-built 2099 Pennsylvania Avenue office building. Unlike a court, a rear yard is not optional. The rear yard is required to be 2 ½" wide for every foot of building height, as measured from the mean finished grade at the middle of the building's rear to the highest point of the main roof or parapet. 2020 K Street's "rear yard", is required to be 22' 11 ¾", which it is, measured from the middle of the 20-foot alley. With the additional three stories, the building would be required to have a 25' 5" rear yard. To build the proposed additional three stories, the applicant has two choices:

- Demolish the rear wall and rebuild it 2' 5 ¼" to the north;
- Apply for Special Exception for relief from rear yard requirements.

The applicant has chosen to do the latter.

The existing and proposed physical conditions, with respect to the Zoning Regulations, are shown in the table that follows.

Table 1: Zoning Requirements in C-3-C Zone

	EXISTING	CURRENTLY ALLOWED/ REQUIRED	PERMITTED/ REQUIRED WITH TDRs	PROPOSED	RELIEF REQUESTED	CITATION
HEIGHT	90'	90'	130'	130'	none	
FAR	6.5	6.5	10.0	10.0	none	
PARKING	235 spaces	1 space for each 1800 sf over 2000 sf of office use (258,465 sf = 142.4); plus 1 space for each 750 sf over 3000 sf for retail (28,113 sf = 33.5) Total: 176 spaces	107,580 sf new office space = 58.6 new spaces Total: 235	Existing 235 spaces	none	
LOADING	(3) 30' deep bays and (3) 100 sf loading platforms; (1) 20' deep service/de-livery space	For bldg. greater than 200K sf, (3) 30' deep bays w/ 3 loading platforms of at least 100 sf; (1) 20' delivery space; retail ancillary to project if less than 10% of sf	Same	Same as to left. Retail will be 7% of sf.	none	
COURT WIDTH	19' 1½"	3" /foot of bldg.height, less 20' high 1-story structure occupying 1st floor of court: i.e., 19' 1 ½"	Same formula as to left: i.e., 29' 6" would be required	19' ½"	10' 4 ½""	Variance from 11 DCMR Sec. 776.1 per Sec. 3103.2
REAR YARD	22' 11 ¾"	2 ½"/foot of bldg ht. from mean grade to highest point of main roof or parapet; i.e. 22' 11¾".	Same formula as to left: i.e., 25' 5" would be required	22' 11 ¾""	2' 5 ¼ "	Special Exception from Sec 774.1 & 774.2 per Sec. 3104.2

IX. DOES THE APPLICATION MEET THE TESTS FOR THE REQUESTED RELIEF?

A. Court Width Variance Tests:

1. **Uniqueness.** ***With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:***

It does meet this test.

The property is exceptional by virtue of its physical characteristics. These physical characteristics are not the land, per se. They are the physical improvements on the land, and their history.

In Clerics of St. Viator Inc v. D.C. Board of Zoning Adjustment (320 A. 2d 291; 1974 D.C. App.) the D.C. Court of Appeals concluded that it was permissible for the BZA to take into consideration not just a piece of land's difficult topography, etc., but also the difficult condition of its improvements, when determining uniqueness and hardship. The property is subject to the *Uniqueness or Exceptional Condition* constraint of the existing building's footprint in relation to the land, and the adjacent property at 2000 K Street. The court is already configured.

2. ***With respect to the* "Practical Difficulties"** ***that would be "unnecessarily burdensome" and impose* Undue Hardship** ***to the Applicant should the application for an FAR variance not be approved:***

It does meet the test.

Denial of the requested court width requirement would cause the *Practical Difficulty* of requiring either the filling-in of the court for the entire height of the building, resulting in the loss of windows and light to both 2000 K Streetand 2020 K Street, or the demolition and reconstruction of the eastern wall of 2020 K Street approximately 10 feet to the west.

3. ***Can The Relief 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?***

It can.

Granting the variance would not harm the *Public Good or the Intent of Zone Plan.* While the provision of a court is optional, granting the relief and allowing retention of the existing court allows the retention of a relatively new structure; adds commercial density at a location designated for such density in the Comprehensive Plan and the Zoning Regulations; furthers either historic preservation objectives and/or the retention/development of preferred uses in the Old Downtown through the purchase of TDR's; avoids the longer demolition and construction impacts that would be entailed with total reconstruction; and allows the retention light and windows on the sides of two office buildings.

B. **Special Exception Tests for Rear Yard Relief**

Although originally filed as a variance request, the request for relief from the rear yard requirements of Sections 774.1 and 774.2 is now being processed as a special exception request, pursuant to DCMR 11 3104.1.

1. ***If granted, would the relief be in* harmony with the general intent and purpose *of the Zoning Regulations and Zoning Maps?***

It would.

There is nothing unusual about the relief requested. The applicant's project is in a high density commercial zone district, and the presence of what would become an 11 story office building, separated from another office building by 32 - 33 feet, is consistent with the zone district. The consistency with other aspects of the zoning regulations is discussed below.

2. ***If the relief were granted, would the project* not tend to affect adversely the use of neighboring property, *(subject to the special conditions specified in the relevant title)?***

It would not.

In this instance the relevant criteria are specified in Sections 774.3 - 774.6:

- *Window Separation Sufficient to Protect Light, Air, Privacy*: The rear windows of 2020 K Street and 2099 Pennsylvania Avenue, which is across the alley from the applicant's property, are separated by 32-33 feet, if one considers the existing almost 23 foot rear yard setback plus the additional southern half of the alley.
- *Angles and Penetration of Sight Lines Adequately Protect Light and Privacy for Habitable Rooms:* The 32+ foot distance is sufficient for such protection, especially in office situations, where 11 DCMR, Section 199's definition of "habitable rooms" does not apply.
- *Off-Street Parking, Loading, Access:* As shown in Table 1, the applicant will continue to meet these requirements

X. COMMUNITY COMMENTS

Neither the case record, nor any communications with OP indicate any community positions on the project. ANC 2A did not have a quorum at the meeting when the project was presented.

XII. OTHER AGENCY COMMENTS

There are no other agency comments. OP will pursue the application with the District Division of Transportation to see if the additional 107,580 sf would cause any negative traffic impacts.

XIII. OP SUMMARY RECOMMENDATION

OP recommends the BZA approve the variance and special exception requests. Approval of the requested relief would be consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the zoning regulations, nor have any negative impacts on adjacent or nearby properties.

Aa/slc
Attachments (2)



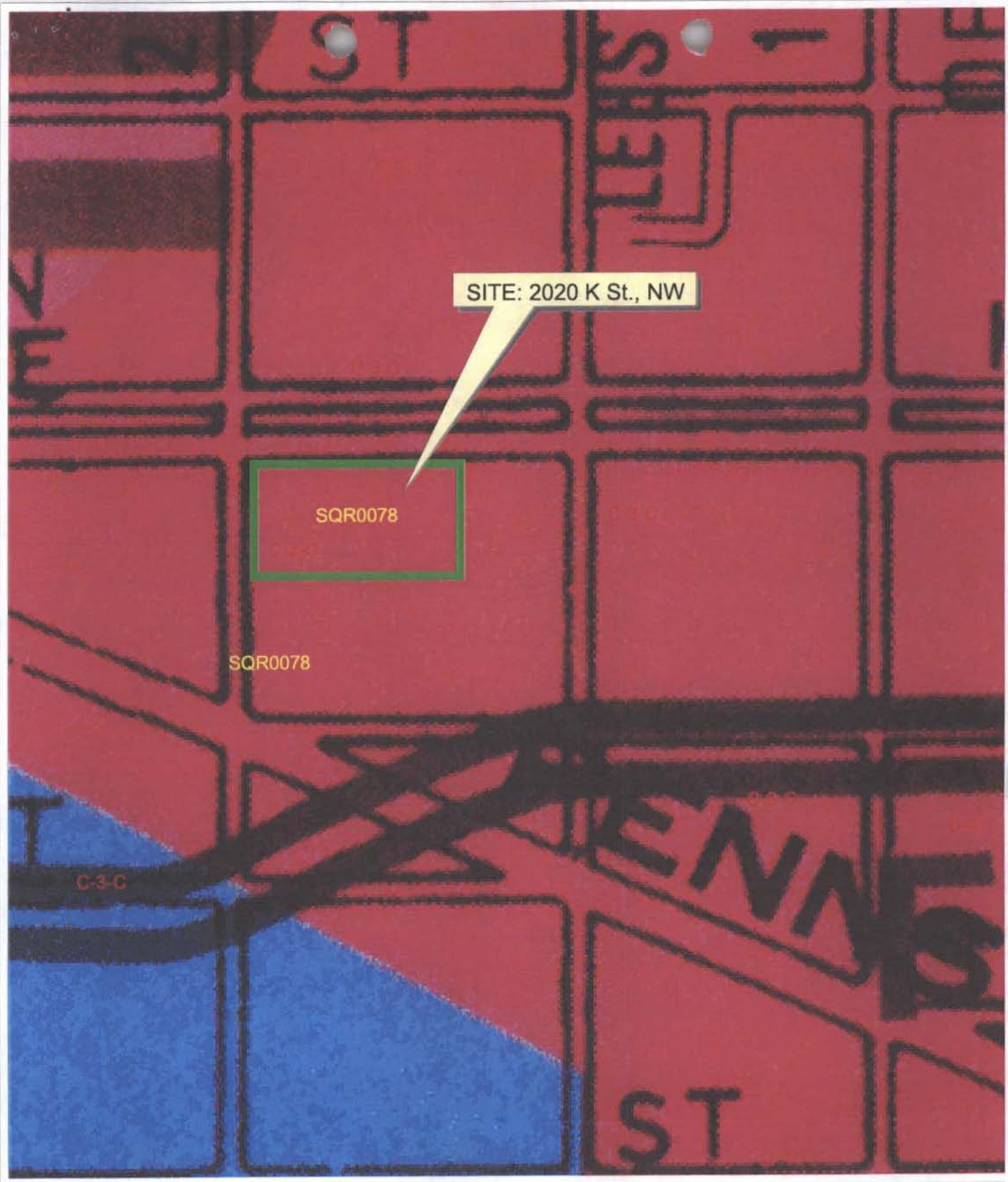
Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. # 16877

DC Office of Planning
May 21, 2002

Attachment 1



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse

DC Office of Planning
June 3, 2002

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Attachment 2