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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM:  Jennifer Steingasser, Deputy Director

DATE: September 15, 2009

SUBJECT: BZA Application No 17964 - Emory United Methodist Church
Square 2940, Lots 801, 802, 808 & 813

I. RECOMMENDATION

The Office of Planning recommends approval of the requested variance relief from the following

1. Section 770.1 - Height Requirement: to permit a height of 63 feet where 50 feet is the maximum allowed
2. Section 771.2 - FAR requirement: to permit 2.97 FAR where 2.5 FAR is the maximum allowed
3. Section 772.1 - Lot occupancy requirement: to permit an increase to 67% where a maximum of 60% is allowed.
4. Section 2201.1 - to allow a reduction in the required loading facilities to provide 2, 30-foot loading berths; and
5. Section 770.6 - the roof structure requirements of
 - a. Section 411.3 and 411.11 to allow multiple roof structures without one enclosure, and for
 - b. A penthouse not meeting the minimum setback required at 6 feet 6 inches, and 4 feet 7 inches is provided

A request for special exception relief from Section 770.6 was submitted by the applicant. However, OP analyzed the request as variance relief for reasons described in our report.

II. APPLICATION-IN-BRIEF

Location: 6100-6120 Georgia Avenue, NW
Square 2940, Lots 801, 802, 808 & 813
Ward 4, ANC 4A

Applicant: Emory United Methodist Church

Zoning: C-2-A

Development: Construction of a mixed-use building containing a church, office, retail, residential and recreation uses

Relief Sought: The applicant applied for the following variance and special exception relief

- Height Requirement of Section 770.1,
- Floor Area Ratio requirement of Section 771.2,
- Lot occupancy requirement of Section 772.1, and
- Loading requirement of Section 2201.1
- Special Exception relief from the roof structure requirements of
 - Section 411.11 to allow multiple roof structures, and from
 - Section 770.6 for a penthouse not meeting the minimum setback requirement. The latter is analyzed as variance relief for reasons subsequently discussed

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17964

EXHIBIT NO. 22

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III. SITE AND AREA DESCRIPTION

The subject property is located on the west side of Georgia Avenue, NW between Quackenbos and Rittenhouse Streets. The development site consists of four lots (Lots 801, 802, 808 & 813) and Lot 802 is improved with the existing two-story church facility and a portion of the 20-space accessory parking lot. The other portion of the parking lot is located on Lot 801 together with a 1-story building. The northernmost lot (Lot 813) is developed with a frame and brick building which house the church offices. The southernmost lot (Lot 808) is undeveloped (vacant). All lots are bounded on the west by a portion of Old Piney Branch Road, which separates the lots from Fort Stevens. The existing church building and site are considered historically significant and eligible for landmarking. Preservation of the berm would retain a sense of the hillside and complements the viewshed as one travels from the north. This supports the 'church on the hill' vision as encouraged by Historic Preservation staff.

A mix of retail and residential uses are located to the north and south of the property. Opposite the site, across Georgia Avenue are similar type uses under C-2-A zoning.

IV. PROJECT DESCRIPTION

The applicant proposes to consolidate the four lots (Lots 801, 802, 808 & 813) for a total of 48,318 square feet in order to construct a 5 to 6 story mixed-use building around the existing church. The development would include:

- Retention of the church structure and its expansion to seat 500 (current seat capacity at 376 seats),
- associated offices,
- two retail spaces on Georgia Avenue,
- a 67 unit housing facility (51 senior and 16 affordable rental),
- a 24 unit transitional housing facility for families,
- a gymnasium, and
- two levels of partially buried parking for 97 cars, with bicycle parking on each level.

Relevant project data can be found in the table below:

Section	Item	Regulation	Existing Building	Addition	Total / Proposed	Relief
	Site Area	n/a			48,318 sf	n/a
700	Height	50'	40 ft	61 ft 4" (Bldg A) 63 ft 4" (Bldg B)	63 ft 4ms	Requested Variance Relief
771	FAR	<u>2.5 max total</u> 2.5 max res 1.5 max other	0.12 5,872 sf	2.25 res (108,543.07 sf) 0.72 comm (35,016.44 sf)	2.97 143,176.90 sf	Requested Variance Relief
772	Lot Occ	60% 28,990.80 sf	12% 5,872sf	55% 26,575 sf	67% 32,373.06 sf	Requested Variance Relief
2201.1	Loading	1 @30 feet (retail) 1 @55 feet (residential) 1 platform @ 100 sf (retail) Service delivery 1 @20 ft (residential)	N/A	2 @ 30 ft deep (loading berths) 2 @125 sf (platforms)	2 @ 30 ft deep (loading berths) 2 @125 sf (platforms)	Requested variance Relief
2101	Parking	>3,000 sf, 1/300 sf (comm) 1 to 6 senior housing 1 to 2 affordable housing	20 (existing)	97 (proposed) 82 (required)	97 (total proposed) 82 (total required)	Conforming

Normally, a project requiring such extensive relief would be expected to be reviewed by the Zoning Commission as a Planned Unit Development (PUD). In this case, the proposal is within the limits anticipated within this zone for a site such as this, the project contains important amenities, and the applicant has been working with the Office of Historic Preservation within OP to address critical building design and site planning issues. Therefore, since all of the issues normally assessed in a PUD are being addressed in this proposal, OP does not object to the variance process.

V. ANALYSIS

The subject property is zoned C-2-A. The C-2-A district “is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core” (11 DCMR §720.2). As indicated by the table above, the applicant has requested several area variances which must satisfy the three variance tests of § 3103 of the Zoning Regulations, including

- 1) Is the property unique due to.
 - Exceptional narrowness, shallowness, or shape at time of original zoning regulation adoption,
 - Exceptional topographical conditions, or
 - Other extraordinary or exceptional situation?
- 2) Does the uniqueness, in combination with the zoning regulations result in peculiar and exceptional practical difficulties to the owner?
- 3) Does the variance substantially impair the intent purpose and integrity of the zone plan?

Uniqueness

The subject property’s uniqueness is derived from its distinct topography due to the site’s historical association with Fort Stevens. Specifically, the existing church structure sits on a 14-foot high berm which is considered a remnant of Fort Stevens according to OP’s Historic Preservation staff. This berm elevates the land well above Georgia Avenue and Quackenbos Street at the south. Therefore, the combination of the topography, the preservation of the existing church structure, and the desire to integrate the existing structure into the new construction create a unique condition of the property.

Variance to § 700 – Height**Peculiar and Exceptional Practical Difficulty**

The combination of the topography and historic significance of the property creates practical difficulties for the applicant in developing the site in furtherance of the church’s mission. The church building most likely would have to be demolished and/or the site would have to be extensively excavated to provide the required on-site parking below grade, or to provide the additional floors no taller than the existing church.

Further, the residential building addition must be attached to the existing building to create only one principal building on the site. The seamless connection was designed between old and new to meet this requirement between the church’s ground floor level and the addition.

Since neither extensive excavation nor demolition of the church is possible, the site’s topography creates practical difficulties for any new building on the site within the permitted 50-foot height of the zone.

Intent, Purpose and Integrity of the Zone Plan

The requested variance will not impair the intent, purpose and integrity of the Zone Plan. The site’s historic significance would not permit extensive excavation to provide two additional floors below grade. The increase in height is a result of balancing minimal excavation of the berm with the new building attachment to the main church in conformance with Section 2517.1. The perceived height of the new building would be lower than what is permitted by zoning and the 1910 Height Act.

Variance to §§ 771 – FAR**Peculiar and Exceptional Practical Difficulty**

The difference between the allowed FAR and the requested increase (0.5 or 24,156 square feet) is attributed to the parking floor plates on two levels (28,515 square feet) above grade. Typically parking could be located entirely below grade or as a surface lot, which would not affect the FAR calculation. However, extensive excavation on the site to provide floors well below grade is not preferred due to its historic relationship to Fort Stevens. In addition, surface parking could not be accommodated due to the

requirements of the proposed uses. Therefore, the inability to locate floors below grade and the retention of the historic church structure create practical difficulty in adhering to the allowable FAR.

Intent, Purpose and Integrity of the Zone Plan

The requested increase does not add useable residential space. Due to the slope and the presence of the historic building, the new construction would generally be perceived to be in line with the anticipated bulk permitted on this large site. The new construction is set back from the street and other existing residences, so there should be minimal impact on neighboring properties.

Variance to §772 - Lot Occupancy

Peculiar and Exceptional Practical Difficulty

The site plan indicates that the residential floors would not exceed the 60% lot occupancy but that the mixed use floors would have a lot occupancy up to 68%. The submitted plan shows that the increase in lot occupancy is attributed to the larger floor plates of the first and second floors where the new senior residential portion and church building would be attached to create one building.

Intent, Purpose and Integrity of the Zone Plan

The intent of the lot occupancy requirement is to ensure the provision of open space, and of light and air to the project and to surrounding, existing development. This is adequately met by the proposal's inclusion of a 3,500 square foot courtyard between the church and the senior housing units, the separation between the new construction and other development in the area, and the provision of large outdoor recreation areas. Further, the desire to meet the requirement of one principal building on the site in conformance with Section 2517 of the regulations increases the size of the floor plates in the first and second floors, unlike the residential third and fourth floors which meet the lot occupancy requirements.

Variance from 2201.1 - Loading

Regulations require that the project provides one 55-foot loading berth, one 30-foot loading berth, one 20-foot loading berth, and two loading platforms. The project instead provides two, 30-foot loading berths with access off Old Piney Branch Road.

Peculiar and Exceptional Practical Difficulty

Based on the applicant's site study, the topography determined where the loading could be efficiently located without extensive excavation of the berm, and the narrow road width would affect the ability to accommodate a turning radius for a 55-foot trailer. The transitional and senior housing is not expected to generate a need for large trucks requiring a 55-foot loading berth. Similarly, the small retail spaces are not expected to generate deliveries requiring multiple berths and loading platforms.

Intent, Purpose and Integrity of the Zone Plan

The integrity of the regulations would not be impaired. The reduction in the size from 55 to 30 should not encourage on-street loading and it would be still provided on-site. The loading facility would be sufficient to service smaller sized units, both senior and transitional units, which would not have excessive furniture needs. The loading facilities would be shared and managed by property management to further minimize potential impacts.

Variance to §§ 770.6 and 411 - Roof Structure Setback

The location of roof structures in the commercial districts are primarily regulated by the requirements of §§ 770.6 and 411 which states that

“(a) it shall meet the requirements of § 411 and

(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located.”

In this case, the roof structure does not meet the one-to-one setback ratio as required from the exterior walls on the south wing where the elevator core and stairs are located so relief is required.

Section 411.11 states, in part,

“ 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 . ”

The sections subject to the special exception allowance, §§411.3 through 411.6, do not regulate setback. Rather, the sections governing setback are referenced in §411.2. Because that section is specifically omitted, setbacks are not modifiable by special exception. The Office of Planning has recommended such review in recent cases before the Board including BZA#17719, and BZA #17809. The Office of Planning, therefore, recommends that the BZA review the requested relief as a variance.

Peculiar and Exceptional Practical Difficulty

The retention of the church and the attempt to provide elevator access for both the addition and the church presents a practical difficulty for efficient design. The location of the access core, including elevator and stairs serving both the south wing (transitional housing) addition and the church provides a more efficient design in providing access to this portion of the facility. Locating the new penthouse towards the center of the roof of the south addition would increase the penthouse visibility from Georgia Avenue and would also be contrary to the Historic Preservation staff's requirement. Because of this, the location of the access penthouse is limited and must be located to the edges of the south portion of the building as submitted in the roof plan.

Intent, Purpose and Integrity of the Zone Plan

The relief can be granted without detriment to the public good or the intent, purpose and integrity of the Zoning Regulations. While the mechanical penthouse would not meet the one-to-one setback requirement at all edges, the subject edges are at the interior of the development with reduced visibility from Georgia Avenue, and the setback requirement would be met from all perimeter building facades. The reduced visibility from prominent areas is an attempt to exercise a reasonable degree of architectural control over the housing for the mechanical equipment as intended by § 411.11.

Special Exception Relief – Roof Structure Enclosures

Section 411.3 requires that all penthouses and mechanical structures be placed in one enclosure, but Section 411.11 provides for special exception relief from this requirement, if this requirement is impracticable because of operating difficulties or other conditions relating to the building.

Section 3104

Special exception relief would not tend to adversely affect the use of neighboring properties or impair the general intent and purpose of the Zoning Regulations and Map, including Section 411.11, which anticipates the exercise of a reasonable degree of architectural control upon roof structures.

The building's penthouse structures emerge at different locations on the roof. This is in keeping with the separate functions of each section of the addition and the church building, which has a different roof at a lower level. A single enclosure would increase the "visual" massing of the building and would not be in harmony with the church building and the historic character of the square. The regulations are intended to minimize the visibility of the rooftop structures which the proposal accomplishes.

VI. AGENCY REPORTS

District Department of Transportation

The District Department of Transportation's report will be submitted under separate cover.

Historic Preservation: Comments

The site has not been landmarked but staff of the Historic Preservation Office of OP has recognized its historical significance due to its role in the Civil War. Recognizing that the site is not landmarked, OP commends the extensive collaboration of the applicant's team with Historic Preservation staff which is satisfied with the site's overall concept for development.

In OP's most recent discussion with Historic Preservation staff, relatively minor design adjustments were suggested to better acknowledge this site's visual significance, uniqueness, and historic impact.

- **Massing** With regards to the long wing of building behind the church structure, some additional massing articulation or visual separation should be considered. This could consist of a stronger visual break such as removal of a portion of the two upper floors between the senior residential units and the transitional and rental units. It may be that this massing articulation may be of more benefit than some of the façade treatment articulation shown in the most recent drawings.
- **Reassessing the street frontage to further highlight the visual significance of the church:** Retaining a sense of the hillside will complement the viewshed as one travels from the north, and supports the 'church on the hill' vision as reiterated during discussions with HP. This could include
 - Adopting a more "classical" façade treatment for the retail / office space on either side of the opening for the church entrance – not normally suggested, but in this case it might provide a stronger visual "base" that relates to the classical church design.
 - Cutting back the building at the street on either side of the church's main entrance to visually enhance its significance. This could likely be accomplished with no loss of square footage.
 - Redesign of the office space at the corner to reinforce the sense of the slope.

OP forwarded HP's design refinement suggestions to the applicant. As this is not a landmarked site, no written report is anticipated from the Historic Preservation Review Board, but staff indicated a willingness to continue discussions with the applicant. It is not expected that any further design refinement would result in changes to or expansion of the requested BZA relief.

VII. COMMUNITY COMMENTS

The applicant has indicated that the ANC 4A is in support of the variance requests. The ANC would submit its report to the Board. The applicant also met with the Brightwood Civic Association, which, according to the applicant, is also in support of the church's addition.

VIII. CONCLUSION AND RECOMMENDATION

The application meets the criteria set forth for both variance and special exception relief for the proposed addition to a noteworthy structure of historical significance. Preserving the church building and its complementary views as one heads north on Georgia Avenue makes it difficult to both build an appropriate addition that provides the desired amenities. The Office of Planning, therefore, recommends approval of the requested relief to allow construction of the addition to the church facility, including affordable senior, rental and transitional housing, retail space and a gymnasium.