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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 22, 2011

SUBJECT: BZA Case 18277 – 624 9th Street, NW

I. RECOMMENDATION

With regards to this proposal to construct a new office building, the Office of Planning (OP) recommends **approval** of the following:

- § 774, Rear Yard (Court in lieu: 22.5 feet wide required, 16 feet proposed);
- § 776, Court (27.5 feet required, 4 feet provided);
- § 777, Rooftop Structures (1-to-1 setback and uniform ht. required; Zero setback and multiple heights proposed); and
- § 2201, Loading (2 berths, 2 platforms and 1 delivery space required; 1 berth, 1 platform and 1 delivery space provided).

II. LOCATION AND SITE DESCRIPTION

Address	624 9 th Street, NW
Legal Description	Square 376, Lot 68
Ward and ANC	2, 2C
Lot Characteristics	Rectangular corner lot – approximately 180' x 70'; 20 foot alley on south side of lot
Zoning	DD / C-4 – high density downtown mixed use
Existing Development	Mixed use office building, permitted in this zone
Historic District	Downtown Historic District
Adjacent Properties	North – Martin Luther King, Jr. Library South – office building East – Reynolds Center for American Art and Portraiture West – Mather Studios (artist studios and ground floor arts uses)
Surrounding Neighborhood Character	High density downtown development

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18277

EXHIBIT NO. 25

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III. APPLICATION IN BRIEF

The subject site is currently the location of a mixed use office building. The building was to be expanded pursuant to the Board's approval of case number 18200. Since the time of that approval, however, the applicant reassessed their development options and has now elected to tear down the existing building and replace it with a new structure. The current proposal is for a nine story, 110 foot tall building with an FAR of 8.3. Retail would occupy nearly the entire ground floor frontage along G Street, and an office lobby would face 9th Street. Parking, loading and service access would be from the alley to the south of the building.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

DD / C-4 Zone	Regulation	Proposed	Relief
Lot Area	n/a	13,000 sf	n/a
Height (ft.) § 770	110 ft. max.	110 ft.	Conforming
Floor Area Ratio § 771	8.5 max. 110,500 sf	8.3 107,949 sf	Conforming
Lot Occupancy § 772	100% max.	98%	Conforming
Rear Yard (ft.) § 774	22.9 ft. min. (2.5 inches per ft. of ht.) OR 22.5 ft. court in lieu of rear yard (3 in. per ft. of ht. of court)	16 ft. min. court width	Required
Side Yard (ft.) § 775	None required	None provided	Conforming
Court § 776	27.5 ft. min. (3 in. per ft. of ht. of court)	4' ft.	Required
Rooftop Structures § 777	1-to-1 setback and uniform ht.	Zero setback on south side, multiple heights	Required
Loading § 2201	2 30' loading berths 1 20' delivery space 2 100 sf loading platforms	1 30' loading berth 1 20' delivery space 1 100 sf platform	Required

V. ANALYSIS

Variance Relief

The following variance relief is required for the structure as it is proposed:

- § 774, Rear Yard (Court in lieu: 22.5 feet wide required, 16 feet proposed);
- § 776, Court (27.5 feet required, 4 feet provided);
- § 777, Rooftop Structures (1-to-1 setback required; Zero setback proposed); and
- § 2201, Loading (2 berths, 2 platforms and 1 delivery space required; 1 berth, 1 platform and 1 delivery space provided).

In order to be granted a variance, the applicant must show that they meet the three part test described in §3103:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The subject lot is exceptional for its shallow depth. The lot is about 70 feet deep from north to south, compared to 180 feet from east to west. The property is unique because of its relationship to the Mather Studios building. Mather Studios has a small court against the subject property's western property line, with residential units facing onto the court. On upper stories, Mather Studios has at risk windows directly on the western property line.

- 2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

Rear Yard

Section 774.9(c) allows a corner lot in the C-4 zone to fulfill its rear yard requirement through the provision of a court in lieu of the normal rear yard. In this case the minimum required court width would be 22.5 feet, but a court of only 16 feet in width is proposed. However, the width of 16 feet, combined with the four foot court setback on the western property edge gives a total dimension of 20 feet, very close to the 22.5 foot requirement.

Court

The windows of the Mather Studios present a practical difficulty for the design of the subject property. With no requirement for a side yard, the new building could be designed to extend to the western property line as a matter-of-right. The owner, however, has worked with the residents of the Mather Studios to maintain some open space on that side of the building. The result is a four foot wide court along the western property line. A fully compliant court of 27.5 feet would significantly reduce the building footprint available for the subject property.

Setback of Rooftop Structures

The shallow depth of the lot presents a practical difficulty to the applicant in regard to rooftop structure setback. In an effort to provide useable, contiguous retail space along G Street, the office lobby, elevators and service areas would be concentrated at the south side of building. This placement results in an elevator override and rooftop mechanical space that has a zero setback from the edge of the building. A 1-to-1 setback is normally required, but cannot be achieved because of the shallow depth of the building.

Loading

The shallow depth of the lot also presents a practical difficulty in regard to the number of loading berths and platforms. The applicant wishes to provide useable, leaseable retail space, and in fact the DD overlay requires that 50% of the ground be retail or arts uses in this location. Given the need

for an office lobby, elevators, stairs, service areas and a parking ramp, the amount of retail space available is already minimized. The proposed loading configuration maximizes the amount of retail space available. Although the latest plans, dated November 15th, do not show a loading platform, it appears that there is 100 square feet adjacent to the loading berth that can be used for that purpose.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Rear Yard

Relief to the rear yard provisions, which allow a 22.5 foot court in lieu of a standard rear yard, would not impair the intent of the Regulations or harm the public good. The Regulations intended to provide enough light and air to the rear of buildings. In this case there is a 20 foot alley adjacent to the property which widens out into an approximately 50 foot wide alley and open space south of the proposed court. Also, the proposed 16 foot court would be contiguous to the four foot court proposed for the western property line, in effect making a 20 foot wide open space at the southwest corner of the building. This configuration would be adequate for occupants of the subject site. Nearby building occupants would not be impacted.

Court

Court requirements are intended to ensure the provision of enough light and air to the occupants of the subject site. In this case, however, a court is proposed for the benefit of the adjacent building, which has windows facing east toward the subject site. The proposed four foot court is not required, and the applicant could build to the property line as a matter-of-right. But the added distance between buildings will benefit the residents of the Mather Studios and allow the continued use of at-risk windows on that building. In addition, privacy for those residents will be maintained because no windows are proposed facing onto the Mather Studios property.

Setback of Rooftop Structures

The location of the rooftop structure will not impair the intent of the regulations or harm the public. Penthouse regulations are intended to minimize the visual impact of the structures by setting them back from the building's edges. In this case the rooftop structures would be set back at a more than 1-to-1 ratio from 9th and G Streets, and would only intrude into the required setback on the alley side of the building, thereby minimizing the visibility. Flexibility in the penthouse location would not impact occupants of nearby buildings. Furthermore, the proposed core location allows a more efficient and leaseable office floorplate.

Loading

The applicant's written statement indicates that the proposed amount of loading would be sufficient for the building. While OP has seen no analysis supporting that conclusion, similar relief has been granted in the past for other mixed use projects. Compelling evidence is also provided by the fact

that the current office building on the site has no loading facilities and is loaded directly from the alley. The new office building, which would be of a comparable size, would have two loading spaces and a loading platform, drastically improving the loading situation for the alley.

Special Exception

The following special exception relief is required for the structure as it is proposed:

- § 777, Rooftop Structures (Uniform ht. required; Multiple heights proposed).

In order to be granted a special exception, the applicant must show that they meet the test described in §3104:

1. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Map?

The proposal for varying height for rooftop structures is in harmony with the intent of the Regulations. The Regulations intend to minimize the visual impact of rooftop structures. In this case the design reduces the height of the penthouse where possible, thereby minimizing its visibility and breaking down the mass of the structure.

2. Would the proposal tend to affect adversely the use of neighboring property?

The proposal would in no way impact the use of neighboring property. In fact, the design would minimize the visual impact of the rooftop mechanical space.

VI. HISTORIC PRESERVATION

The subject site is located in the Downtown Historic District. The design of the building will be reviewed by the Historic Preservation Office and the Historic Preservation Review Board.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.