

**MEMORANDUM****TO:** District Board of Zoning Adjustment

2011 NOV 22 PM 1:52

FROM: Paul Goldstein, Case Manager

Joel Lawson, Associate Director Development Review

DATE: November 22, 2011**SUBJECT:** BZA No. 18281 - Request for an area variance and special exceptions to accommodate a new office and retail building at 611 - 627 K Street NW and 616 - 640 New York Avenue NW.**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of the proposed office and retail building at 611 - 627 K Street NW and 616 - 640 New York Avenue NW requiring the following relief:

- Special exception from §§ 770.6, 411.11, and 3104 to allow a reduced setback for a penthouse roof structure (deficient by no more than 9'7")¹
- Special exception from §§ 2108.1 and 3104 to provide fewer than the minimum required parking spaces (4 spaces deficient)²

OP is **not opposed** to the following relief request:

- Area variance from § 1701.7 to permit a reduced setback for the portion of the building above 110' in height as the building faces Mount Vernon Square (deficient by approximately 1'10" on the 10th floor and 13'10" on the 11th floor), but notes that the Applicant has not made a particularly strong case for this minor relief.

II. AREA AND SITE DESCRIPTION

Address:	611 - 627 K Street and 616 - 640 New York Avenue
Legal Description:	Square 451, Lot 2-4, 31, 801, 806-07, 810-11, 820-21, 824-26, and 830 (hereinafter, the "Property")
Ward/ANC:	2/2C
Lot Characteristics:	The Property, which represents the combination of fifteen lots, is roughly triangular in shape and 30,238 square feet in size. ³ The Property fronts on New York Avenue to the north and K Street to the south.
Zoning:	DD/MVT/C-2-C C-2-C: Higher density residential and mixed uses DD: Downtown Development Overlay District MVT: Mount Vernon Triangle
Existing Development:	There are several two and three-story buildings on the site, none of which are historically landmarked (the Property also is not located in a historic district). While the proposal anticipates the demolition of most of the existing buildings, four buildings would be partially retained and incorporated into the design, pursuant to a private agreement with the District of Columbia Preservation League (DCPL).

BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO.

18281

EXHIBIT NO.

29

¹ The Applicant's submission references § 771.1 which does not appear to be applicable to the needed relief.

² The Applicant's first submission requested a 6 space reduction.

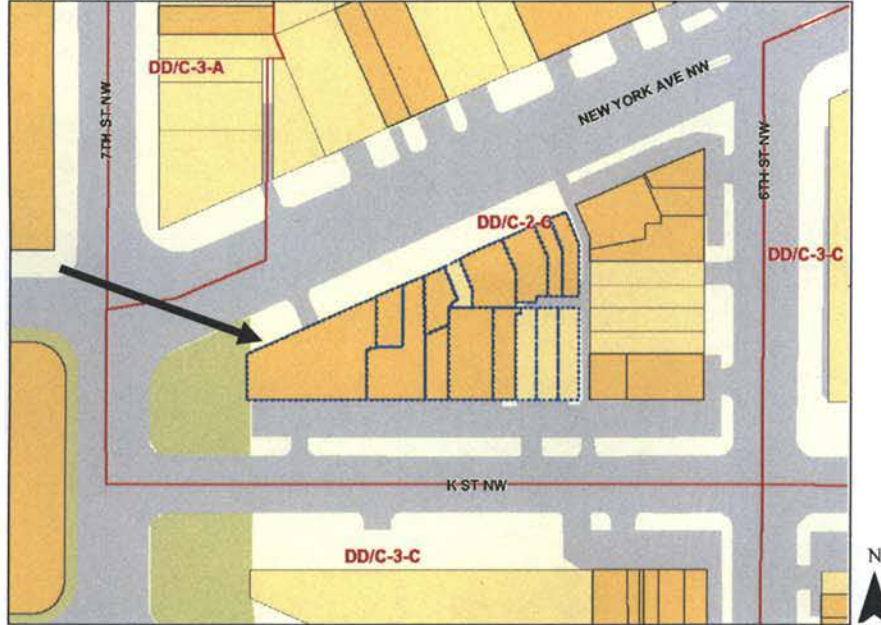
³ OP anticipates that the lots would be subdivided in coordination with any development.

Historic District:	None
Adjacent Properties:	Abutting the Property to the west is a small federal pocket park. To the east, across a public alley, is a row of two-story commercial buildings fronting 6 th Street NW.
Surrounding Neighborhood Character:	The neighborhood near the Property is a mix of commercial, residential, and institutional uses of varying development intensities. The Property is located in the Central Employment Area (CEA). Across 7 th Street NW to the west of Square 451 (the subject Square) is Mount Vernon Square. The Walter E. Washington Convention Center is located northwest of the Square at the northwest corner of 7 th Street and Mount Vernon Place NW. To the north of the Square, across New York Avenue, are several three and four-story commercial buildings. To the south of the Square, across K Street, is the current National Public Radio headquarters building. To the east of the Square is a surface parking lot.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Association of American Medical Colleges (the "Applicant")
Proposal:	The Applicant proposes to construct a 130' tall office and retail building which would serve as the organization's headquarters. The building would contain approximately 290,500 square feet or 9.6 FAR, of which approximately 13,860 square feet would be dedicated to ground floor retail. The Applicant indicates that the design of the proposal would satisfy the requirements of the Mount Vernon Triangle (MVT) Overlay, which places requirements on the minimum amount and location of specified retail uses and display windows, among other features (see §§ 1701 <i>et. seq.</i>). Additionally, as a result of a private preservation agreement, the proposal would retain and cluster four existing historic buildings at the southeast portion of the site. Parking would be provided in three underground levels and consist of 162 spaces (where 166 are required). An existing public alley would provide access to the parking. Loading platforms and service spaces also would be accessed from the public alley. Concurrent with the application, among other development agreements, the Applicant has engaged in a combined lot development for the site which was recorded in the land records on August 31, 2011 (Doc. # 2011090109). Further, a dead-end portion of an east-west alley located on the Property was closed, and easements widening portions of the north-south alley to 15' and 20' width along the Property's eastern border were enacted, as provided in a recorded agreement in the land records on October 27, 2011 (Doc. #2011108173).

IV. IMAGES AND MAPS



Aerial view of the site (highlighted and identified with arrow)



View of the Property (identified with arrow) looking north across K Street

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project.

<i>C-2-C Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Height § 1701.7	130', as restricted by the Height Act	-	130'	Conforms
Floor area ratio (floor area/lot area) §§ 1706 &	8.0 FAR, but may exceed as permitted pursuant to	-	9.6	Conforms

1708	CLD covenants and TDR certificates			
Parking (#) § 2101	In excess of 2,000 sq. ft., 1 per 1,800 sq. ft. = 152 spaces; In excess of 3,000 sq. ft., 1 per 750 sq. ft. = 14 spaces; Total 166 spaces	-	162 spaces	Relief needed: 4 spaces deficient
Loading (# & size in ft.) §§ 2200.5 & 2201.1	12' x 30' berth/100 sq. ft. platforms = 3; 10' x 20' service/delivery space = 1	-	(3) 12' x 30' berth/100 sq. ft. platforms; (1) 10' x 20' service/delivery space	Conforms

VI. RELIEF REQUESTED

The Applicant aims to construct an office and retail building, which are permitted uses in the applicable zone. The Applicant has requested three areas of relief: (1) area variance relief from § 1701.7, which requires that no part of a building may project above a plane at a 45 degree angle from a line located 110' above the property line abutting Mount Vernon Square; (2) special exception relief from §§ 770.6, 411.11, and 3104 for a substandard roof structure setback; and (3) special exception relief from §§ 2108.1 and 3104 for fewer than required parking spaces.

Area Variance (§ 1701.7)

The area variance requirements pursuant to § 3103 to be met are as follows:

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

The Property exhibits an exceptional condition due to a confluence of factors. The site's roughly triangular dimensions create an irregular shape. While the eastern boundary of the site is roughly 166' in length, the site narrows to approximately 43' at its western property line and fronts on a federal reservation to the west and separates the site from 7th Street and Mount Vernon Square. The retention and clustering of four historic buildings on the southeast portion of the site reflects a historic preservation agreement with DCPL. The combination of an irregular shape and historic preservation obligations influences and constrains the new building's design.

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

The exceptional conditions impose a practical difficulty which is unnecessarily burdensome to the Applicant as it relates to providing a compliant 1:1 setback for a small portion of the building's highest floors along the western property line. As proposed, a section of the 10th and 11th floors are non-conforming to the setback requirement by approximately 1'10" on the 10th floor and 13'10" on the 11th floor, whereas an adjacent portion of the 10th and 11th floors would exceed the setback requirement.⁴ The non-compliant area comprises only an estimated 309 square feet of an approximately 290,000 square foot building. The Applicant indicates that "all of the Project's floor plates are also affected by either incorporating or deferring to the historic buildings on the site," and that such variation makes the "design, construction, and operation of the building more difficult and expensive," and obstruct the Applicant's ability to provide a degree of floor plate repetition in an already complicated building design.⁵ Additionally, the proposed design extends a dominant

⁴ See Applicant's Supplemental Submission, Exhibit A, page 15.

⁵ See Applicant's Supplemental Submission, page 5.

building feature along the New York Avenue façade to the building's western edge, a scheme which would be interrupted by strictly accommodating the setback requirement.

3. The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

While OP feels that the Applicant's justification for the relief is not particularly compelling, granting the variance should not impair the intent, purpose, and integrity of the zone plan. The proposal would support the spirit of the setback requirement by providing: (1) a 5' setback from the Property's western boundary line for the entirety of the building above 110'; and (2) a compliant setback for about half the width of the building on the 10th and 11th floors facing the western property line. The Zoning Regulations note that:

The principal objectives for the Mount Vernon Triangle District (MVT District) are to:

- (a) Promote the development of ground floor level street frontages that will be active and pedestrian-friendly, ...*
- (b) Promote a lively, mixed-use and high-density Mount Vernon Triangle neighborhood with neighborhood amenities and retail development that serves the MVT as well as nearby neighborhoods, the Convention Center, and the downtown. (§ 1720.1)*

The proposal fully addresses these principal objectives. Additionally, a variance should not cause substantial detriment to the public good due to its de minimis size and distance from other developable properties.

Special Exception: (§§ 770.6, 411.11, and 3104)

Section 770.6(b) requires that roof structures shall be "set back from all exterior walls a distance at least equal to its height above the roof upon which it is located." It further references § 411.11, which provides that

Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, 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 § ... 770.6, when applicable, ...; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

The proposed roof structure would be 18'6" high. It would be sufficiently set back from the building's north, west, and east sides, but would be deficient along the southeast side. The roof structure would be set back a minimum of 8'11" from a curving portion of the building and still would be located an estimated 25' away from the southern property line.⁶ The relief request is a consequence of a building design which sets back considerably from the four historic buildings on the site. Granting relief should not adversely affect the light and air of adjacent buildings, nor materially impair the intent and purpose of the zoning regulations.

Special Exception: (§§ 2108.1 and 3104)

The Applicant requests a reduction of 4 parking spaces from the 166 minimum requirement pursuant to §§ 2108.1 and 3104. Section 2108.2 permits a 25% reduction and § 2108.3 references the following factors for the BZA to consider:

⁶ See Applicant's Supplemental Submission, Exhibit A, page 15.

1. Nature and location of the structure;
2. Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;
3. Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;
4. Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use; and
5. Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation for review and report.

A reduction of 4 spaces should not materially impair the intent and purpose of the zoning regulations. The Property is located in the CEA and is accessible by multiple modes of public transportation. In particular, two metro stations are located within three blocks of the Property. The Applicant only requests an approximately 2% reduction in parking spaces and, as a strategy to mitigate any traffic impacts, has proposed a transportation demand management plan.⁷ The Applicant also has submitted a parking and traffic memorandum which concludes that the project should not have a significant impact on neighborhood traffic and parking.⁸ DDOT submitted a report, dated November 17, 2011, which expressed no objection to the relief requests.

VII. ANC/COMMUNITY COMMENTS

The Applicant has indicated that ANC 2C unanimously voted in support of the proposed relief requests during an October 5, 2011 meeting. To date, OP is not aware of any submissions by neighbors.

⁷ See Applicant's Supplemental Submission, Exhibit F.

⁸ See Applicant's Supplemental Submission, Exhibit E.