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**MEMORANDUM**

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

**FROM:** *sc* Stephen Cochran, AICP, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** November 22, 2011

**SUBJECT:** BZA Case No.18285 -- 1045 Wisconsin Ave., NW -- Square 1189 Lots, 830

**I. OFFICE OF PLANNING (OP) RECOMMENDATION**

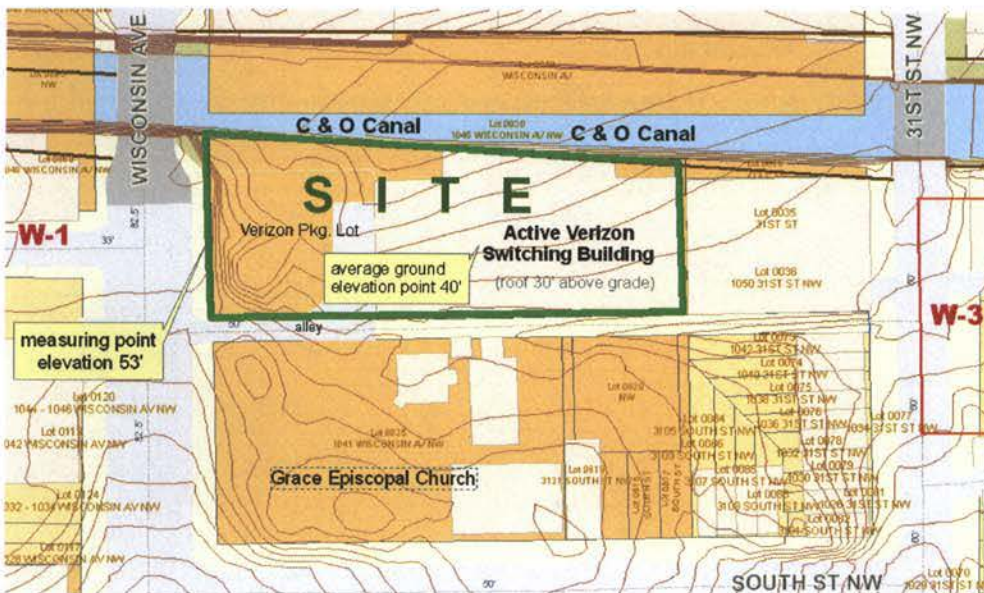
OP recommends the Board of Zoning Adjustment (BZA) **approve** the following variances, to allow construction of a residential and retail addition to the Verizon switching station at 1045 Wisconsin Ave., NW:

- § 2001.3 Non-Conforming Structure (Expansion Not Allowed; Expansion Proposed)
- § 931.2 Non-Residential FAR (1.0 non-residential permitted; 1.38 non-residential requested)
- § 933.2 Rear Yard Setback (at least 12 ft. required; 0 provided).

OP **cannot yet recommend** the Board approve the following areas of requested variances relief:

- § 931.2 Total FAR (2.5 total permitted; 2.77 total requested)
- § 932.2 Lot Occupancy (80% permitted a building with residential uses, 96% requested).
- § 930.1 Building Height (45 ft. permitted; 46'6" requested)

The applicant has demonstrated that exceptional conditions would lead to practical difficulties if some of the requested relief were not granted from §§'s 931.2 and 932.2, and has not adequately addressed either test for the relief requested from § 930.1. It has not justified the full extent of the requested relief

**II. AREA AND SITE DESCRIPTION**

BOARD OF ZONING ADJUSTMENT  
District of Columbia  
CASE NO. 18285  
EXHIBIT NO. 26

Figure 1. Location



|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                            |                |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------|
| <b>Applicant:</b> Verizon Washington, DC Inc. and Eastbanc, Inc. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Legal Description:</b> Sq.1189, Lot 830 |                |
| <b>Address:</b> 1045 Wisconsin Ave NW                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Ward:</b> 3                             | <b>ANC:</b> 2E |
| <b>Zoning:</b> W-1                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Historic Preservation:</b> Georgetown   |                |
| <b>Lot Features</b>                                              | It is immediately south of the C & O Canal and east of Wisconsin Avenue. 18,000 square feet of the 28,522 square foot site is occupied by a two-story Verizon switching station and the remainder is paved for vehicle and employee parking. The lot is generally flat but its street frontage on Wisconsin Avenue is thirteen feet higher than the other property lines.                                                                                                                                            |                                            |                |
| <b>Adjacent Properties :</b>                                     | <u>North:</u> The C&O canal. <u>East</u> adjacent: a five-story office building abutting the existing switching station and fronting on 31 <sup>st</sup> Street. <u>South,</u> across the alley: Grace Episcopal Church, a historic landmark, and, to its east, a commercial parking lot, and 14 row house structures fronting on South Street or 31 <sup>st</sup> Street. <u>West:</u> abutments for the Wisconsin Avenue bridge over the Canal, and a bike-share station. The Ritz Carlton Hotel is ½ block south. |                                            |                |
| <b>Neighborhood Character</b>                                    | Mixed use 19 <sup>th</sup> and 20 <sup>th</sup> century buildings containing residences, hotels, institutions, offices, retail, a church, and entertainment venues. The buildings range from two-story rowhouses to larger six and seven story properties that replaced former waterfront industrial buildings.                                                                                                                                                                                                      |                                            |                |
| <b>Proposal</b>                                                  | Construct an addition to the existing switching station that would convert its existing canal-level parking lot to a residential building also containing ground level retail, parking for residents and retail employees, and storage and loading for Verizon trucks. Requested lot occupancy relief would enable the building to be entered directly from Wisconsin Avenue.                                                                                                                                        |                                            |                |

### III. APPLICATION IN BRIEF

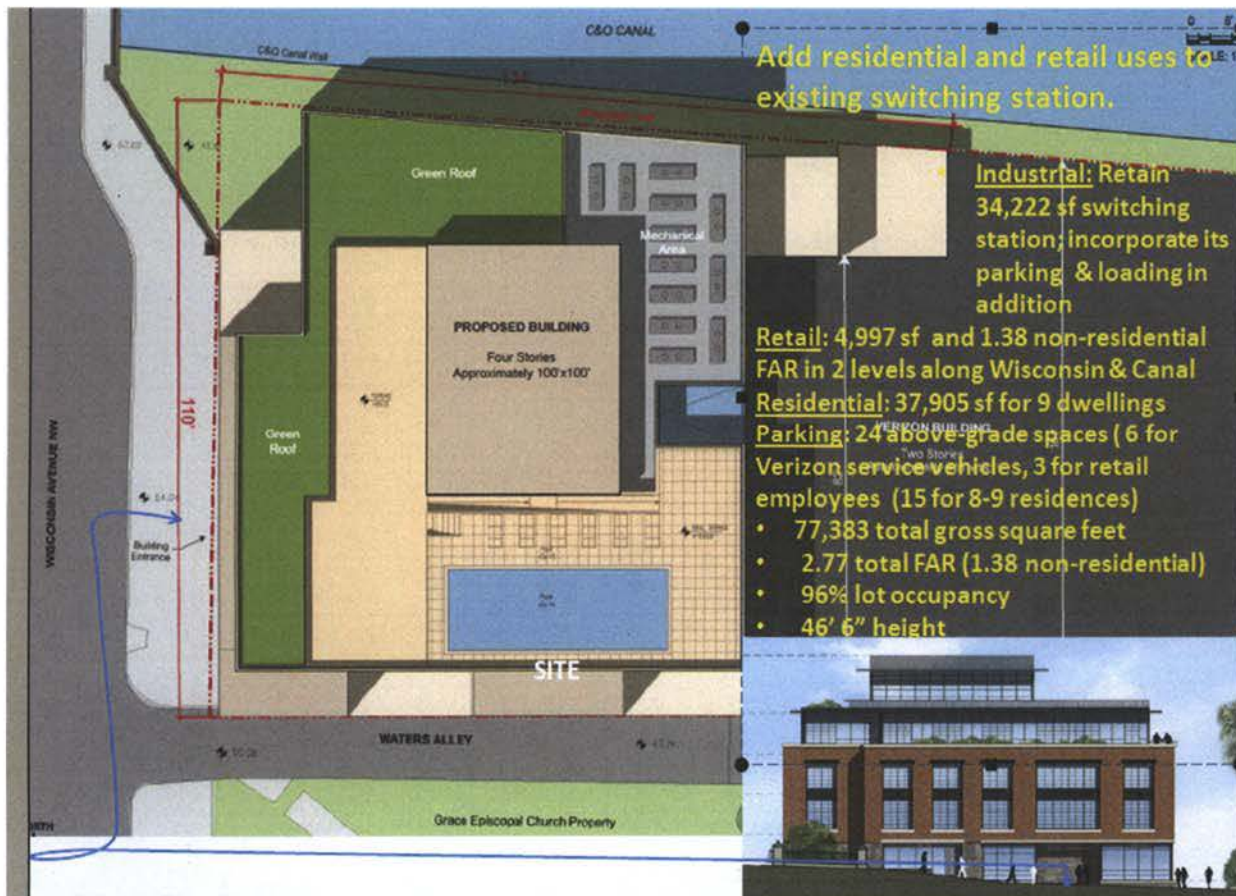


Figure 2. Site Proposal, with Inset of Elevation from Wisconsin Avenue

The proposed development is summarized in Figure 2. The applicant seeks relief to enable the construction of an addition an existing Verizon telecommunications switching station. The addition would be located where the company's vehicles now have surface parking. It would contain replacement indoor parking for those vehicles,

residences, retail space and parking for those uses. Pedestrians would enter the addition directly from Wisconsin Avenue. Parking would be entered from Waters Alley, on the site's southern boundary.

OP's report reflects revisions that the applicant filed on November 15, 2011. These increased proposed lot occupancy by an additional 2.3%; recalculated proposed non-residential non-conformity, resulting in a 0.29 FAR reduction; removed a proposed exercise room from the roof; re-located a dumpster so that parking would be no closer than 20 feet from the Wisconsin Avenue property line; and clarified that proposed retail square footage would be less than 5,000 gross square feet and would require no loading.

#### IV. ZONING REQUIREMENTS and REQUESTED RELIEF

| Item                               | Reg.          | Existing                      | Required / Permitted                                                           | Proposed                                  | Relief                                     |
|------------------------------------|---------------|-------------------------------|--------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|
| Lot Area                           |               | 28,522 sf                     | n/a                                                                            | Same                                      | none                                       |
| Lot Width                          |               | 110'                          | None                                                                           | Same                                      | none                                       |
| <b>Lot Occ.</b>                    | <b>932.1</b>  | 60.1%                         | 80% maximum                                                                    | 96%                                       | <b>+ 16%%</b>                              |
| <b>FAR</b>                         | <b>931.2</b>  | 1.2 (non-conforming non-res.) | 2.5 max.<br>(1.0 non-res. max)                                                 | 2.77<br>(1.38 non-res.)                   | <b>+10.8% total<br/>+ 38% non-res</b>      |
| <b>Height</b>                      | 930.1         | 17'                           | 45"                                                                            | 46.5' to roof                             | <b>1.5' (+ 3.33%)</b>                      |
| Parking                            |               | 20                            | 7 minimum                                                                      | 24                                        | none                                       |
| Loading                            | 2201.1        | 0                             | EEF grandfathered<br>None for retail ≤ 5000 sf<br>None for ≤ 50 dwelling units | none                                      | none                                       |
| <b>Rear Yard</b>                   | <b>933.2</b>  | 0                             | At 3" per ft. of height or 12' minimum, 14' needed.                            | 0                                         | <b>Retain existing 100% non-conformity</b> |
| Side Yard                          | 934.2         | 0                             | None required                                                                  | None provided                             | None                                       |
| Open Ct.                           | 935.1         | 0                             | 4"/1' height, at least 10'                                                     | 10'x15'; 15'x16'                          | none                                       |
| Closed Ct                          | 935.1         | none                          | n/a                                                                            | n/a                                       | n/a                                        |
| Roof Structure                     | 936.1<br>411  | 0                             | One enclosure<br>Equal height walls ≤ 18.5'<br>1:1 setback                     | ≤ 0.37 FAR, 1/3 roof area                 | none                                       |
| <b>Non-Conformity of Structure</b> | <b>2001.3</b> | Grand-fathered EEF in W-1     | May not increase or extend existing non-conforming aspect of structure         | Expand non-conforming non-residential FAR | <b>Required</b>                            |

Table 3: Zoning Requirements and Requested Relief

#### V. OFFICE OF PLANNING ANALYSIS

##### A. DEVELOPMENT REVIEW

##### 1. Exceptional Situation Resulting in a Practical Difficulty

The applicant has demonstrated the existence of several exceptional conditions:

- The switching station to which the addition will be attached is a non-conforming structure. It has no rear yard, and exceeds the site's permitted non-residential FAR by 0.2 percent.

- The existing building already occupies 60% of a lot limited to 80% lot occupancy if it has any residential use.
- Verizon has several operational requirements. The facility must remain continuously operational. Verizon has prohibited construction atop the switching facility, which limits the area for potential construction to the existing surface parking lot between the switching station and Wisconsin Avenue. Parking for the Verizon service vans needs to be retained on site. The taller-than-typical height of these vehicles requires taller floor-to-ceiling heights than would otherwise be required for the first two levels of the proposed addition.
- The switching station is 97 feet east of Wisconsin Avenue., which is the only street bordering the site.
- There is an immediate drop of thirteen feet from the elevation of Wisconsin Avenue to the site's ground level. The finished grade on three side of the addition would be lower than on the western side.

The applicant has demonstrated that the exceptional conditions would result in the following practical difficulties without at least some of the requested zoning relief:

- Any addition would necessarily require the expansion of a non-conforming building with a conforming use. (§ 2001.3).
- Verizon's truck parking requirements and the inability to place windows in the western side of the addition that would abut the Wisconsin Avenue bridge's supporting wall necessitates that most of the lowest level and some of the second level be devoted to non-residential uses. Although below the grade of Wisconsin Avenue, much of the first two levels would be above the finished grade at the level of the alley and Canal retaining wall and would count towards FAR. This would increase the existing non-residential FAR non-conformity. *However, while the applicant has demonstrated that exceptional conditions would lead to practical difficulties in an addition's being limited to its existing level of non-residential FAR non-conformity, the applicant has not demonstrated the practical difficulty that would result from being limited to less than the full 2.77 total FAR being requested.*
- Any addition would need to stretch the full 97 foot distance between the existing building and Wisconsin Avenue, inevitably resulting in lot occupancy greater than 80%. Because non-residential FAR is limited to 1.0 of the maximum 2.5 FAR, the majority of the addition would need to be for residential uses. An addition could, therefore, not avoid exceeding the 80% lot occupancy restriction for a building that includes residential uses. *However, while the applicant has demonstrated that exceptional conditions would lead to practical difficulties in an addition's being limited to 80% lot occupancy the applicant has not demonstrated the practical difficulty that would result from being limited to less than the full 96% lot occupancy being requested.* Part of its stated reason is the need to include adequate parking and residential uses. However, while the applicant must accommodate at least 2 parking spaces for non-residential uses and 6 spaces for Verizon, between 15 and 16 parking spaces are being provided for the 8 to 9 residential units, when only 3 residential parking spaces would be provided.

While the applicant has demonstrated that the location of the floors in the existing Verizon building would require higher-than-typical floor to ceiling heights on the first two levels of the addition, and has stated that the addition's measuring point would be approximately 1.5 feet lower than the level of a portion of the building's first floor, *the applicant has not yet demonstrated the practical difficulties that would result from the overall building being limited to the 45 feet permitted in the W-1 zone.*

## **2. No Substantial Detriment to the Public Good**

No substantial detriment to the public good is anticipated from granting the requested relief. The expansion of the non-conforming building and its non-conforming non-residential FAR would result in the enclosure of parked service vehicles, and the filling in of a gap on an important street with shops and residences. The impact of increased lot occupancy would be negated by the light and air permitted the residential use by the openness that would surround the addition on the levels where residences are proposed and the relative lack of visibility of the non-residential levels below the level of Wisconsin Avenue. There would be no significant increase in the square footage of paved area and even that would be compensated for by the inclusion of green roofs atop the addition.

### **3. No Substantial Harm to the Zoning Regulations**

There would be no substantial harm to the zoning regulations from the granting of relief from § 2001.3 (expansion of non-conforming structure with conforming use), § 931.2 (Non-Residential FAR) , and § 933.2 (rear yard setback). However, there would be substantial harm to the regulations if the relief were granted from § 931.2 (total FAR), § 932.2 (lot occupancy) and § 930.1 (Building Height) without the applicant's having demonstrated a justification for the degree of the requested relief.

## **B. HISTORIC PRESERVATION**

The property is in the Georgetown Historic District and has been favorably reviewed by the Old Georgetown Board of the federal Commission of Fine Arts Commission.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT is continuing to work with the applicant to resolve public space concerns related to a bike share station located near a proposed retail entrance, and about potential loading and drop off from Wisconsin Avenue.

No agency had filed a report with the Office of Zoning at the time OP's report was written.

## **VII. COMMUNITY COMMENTS**

ANC 2E has notified the Board that the ANC has voted unanimously on October 31, 2011 to register no objection to any of the variance requests.

A representative of the Grace Episcopal Church, the south-adjacent property, has filed a request for party status.