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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: March 13, 2012

SUBJECT: BZA Case No. 18325, 704 3rd Street, NW -- Square 529, Lots 802, 804, 845, 847

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18325

EXHIBIT NO. 29

I. OFFICE OF PLANNING (OP) RECOMMENDATION

- A. The Office of Planning (OP) **recommends the Board of Zoning Adjustment (BZA) approve** two of the Renaissance Centro Third Street LLC's three requested area variances, and its special exception relief request, to enable the adaptive reuse and expansion of an existing historic structure in the DD/C-2-C zone into a hotel and/or residential building.

Pursuant to § 3103.2:

- Variance from § 774.1, Minimum Rear Yard (15 feet required; 0 feet proposed)
- Variance from § 772.1, Maximum Lot Occupancy
 - (100% permitted, commercial, 80% permitted, residential; 100% proposed, to account for residential option)

Pursuant to §§ 3104.1 and 411.11

- Special Exception under § 411.5 (uniform height for roof structure required; heights of 12' and 18' 6" proposed).

B. Due to a lack of information, OP cannot yet recommend the requested relief from:

- Variance from § 2101.1, Minimum Off-Street Parking, pursuant to § 3103.2.
 - (Applicant states 58 are required (for hotel); 21 spaces for both hotel and residential options).
 - The applicant has not provided sufficient information to demonstrate the practical difficulty or the lack of a substantial negative impact on the public good.

OP has also requested that, prior to the hearing, the applicant confirm that the project would comply with §§ 770.6 (b), 1:1 roof structure setback.

II. BACKGROUND

Fig. 1: Site Location

In Order 17651 the Board approved the following relief for an office development previously proposed for the property:

- § 2001.3 – expansion of a non-conforming structure
- § 772 – lot occupancy (100%)
- § 774.1 -- rear yard (complete 15' relief)
- § 770.6 (b) – roof structure setback (1' 10" to 2' of relief)
- § 2101.1 – relief from direct access requirement (mechanical garage)

III. PROPOSED PROJECT

The applicant proposes a 126,156 gross square foot (gsf) hotel or residential building, or combination thereof. The DD/C-2-C site is in Housing Priority Area B. 33,018 gsf would be in the to-be-renovated Harrison building and 91,138 gsf

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would be in a new 12-story, 130 foot high addition to the rear of the historic structure. The building would occupy 100% of the site and would have a 9.3 FAR. There would be building entrances on both 3rd Street and G Street.

The parking and loading would be accessed from the alley to the north of the property. There would likely be 60 parking spaces on three underground levels, accessed by a ramp. , the applicant has requested relief to provide only 39 spaces on two levels, depending on future use, market and excavation conditions. Although not required for an addition to a historic structure, there would be one 25-foot and one 35-foot loading berth.

The applicant states that the 8.0 matter-of-right DD/C-2-C FAR would be increased to 9.3 through the previously executed Combined Lot Agreement 2009037719¹. While the applicant has not made clear how much of the 4.5 FAR residential requirement would be satisfied through the combined lot participation and how much would be met on the same site as The Harrison, such a demonstration may not be needed until the filing for a building permit.

I. AREA AND SITE DESCRIPTION

Applicant: Renaissance Centro Third Street, LLC		Legal Description: Sq. 529, Lots 802, 804, 845, 847	
Address: 704 3 rd Street, NW		Ward: 6	ANC: 6C
Zoning: DD/ C-2-C – Housing Priority Area B		Historic Preservation: designated historic structure	
Lot Features	The level 13,356 square feet site is bounded by 3 rd , 4 th and G Streets, and Massachusetts Avenue. The 5-story vacant, historic apartment building occupies the eastern half of the site and fronts on 3 rd Street. Two empty lots to the west front on G Street. An alley is north adjacent.		
Adjacent Properties	Square 529 is west of I-395, atop which a high-density PUD has been approved. There are two east-west alleys. The northern half of the Square is occupied by the 130 foot high Ashton apartments. The Fraternal Order of Police building is to the west. There are several other nearby historic structures.		
Nghbd. Character	The area is in the Downtown East portion of the Central Employment Area, 1 ½ blocks east of the Judiciary Square station. Uses are primarily office, with some residential and some institutional.		

II. ZONING REQUIREMENTS and REQUESTED RELIEF

Section	Item	Permitted/Required	Proposed	Relief
770.1	Height	130'	130'	Conforms
771.2	FAR	As Limited by Height Act & Lot Occupancy.	9.3 FAR 126,156 GSF	Conforms
772.1	Lot Occ.	100% for hotel 80% for residential	100% for hotel <i>100% for residential</i>	Conforms for hotel; <i>Relief requested for residential option</i>
1706.4	Residential	4.5 FAR required	Not clear	To be satisfied on-site or by CLD
774.11	Rear Yard	15'	0'	<i>-15', Variance Requested</i>
775.5	Side Yard	n/a	None provided	Conforms
776.4	Open Court	n/a	None provided	Conforms
776	Closed Ct.	n/a	None	N/A
411.3 & 411.7	Roof Struc. Encl.	One Enclosure 37% coverage	One enclosure < 37% coverage	Conforms
411.5 & 770.6(d)	Roof Struc. Height.	Uniform height of up to 18'6"	18'6" and 12'	<i>Special Exception Requested</i>
770.6(b)	Roof Struc. Setback	1:1 setback	<i>No dimensions shown.</i> See sheet 13.	<i>None Requested, but Clarification Needed.</i>

¹ CLD Covenant among Applicant and: Meridian on Mass. Avenue, LLC; Mount Vernon Place Methodist Episcopal church; The Hotel & Restaurant Employees, Local 25; CarrAmerica realty Operating Partnership, LP; the District of Columbia; and Consortium Two-450 Mass Ave LLC.

2101.1	Parking	Hotel, 58; Residential not yet determinable	21 ²	<i>Relief Requested for Approximately 37 - 39 spaces</i>
2201.1 -2201.8	Loading	None	(1) 20' deep and (1) 35' deep berth	Conforms. <i>Exempted by § 2200.5</i>

III. OFFICE OF PLANNING ANALYSIS

A. Area Variances

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?
2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

Exceptional Situation or Condition

The applicant has demonstrated that the property is uniquely affected by the inability to demolish or significantly alter the historically-designated Harrison Building on the eastern portion of the site. This building's footprint occupies the full width of the site, for a depth ranging from 27 to 59 feet of the approximately 86 foot deep site. The project for the retention and addition to the historic structure has been given concept approval by the Historic Preservation Review Board (HPRB), subject to retention of the majority of the existing structure's façade and to the provision of additional information regarding final façade design and materials.

Practical Difficulty

The preservation of the historic structure creates practical difficulties. HPRB staff noted that the continued deterioration of the building, as development proposals by previous owners have been delayed over the last five years, poses an exceptional challenge to stabilizing the building and retaining a significant part of it during reconstruction.

With respect to the rear yard setback and lot occupancy for a residential structure, to comply with §775.1's 15 foot rear yard requirement, and the § 772.1's 80% residential lot occupancy limit, the first two levels of the proposed building would need to be set back 20' from the alley centerline (5 feet from the property line), and the upper floors would need to be set back by 15 feet from the property line. This would be in addition to the new construction being set back 31 feet from the 3rd Street property line to preserve a significant portion of the historic structure.

Although not detailed in this application OP is aware from previous BZA cases addressing this property that:

- Complying with this requirement would leave only forty feet for the construction of the addition – a dimension that does not permit the layout of a double-loaded corridor for either hotel or residential use.
- In addition to the constraints of this setback, the first five floors of the new construction must match the higher-than-standard floor-to-floor heights of the Harrison Building.

OP estimates that this combination of retention, setback and floor height matching would reduce the building's developable area by at least 40,000 square feet, even with the requested relief from rear yard requirements.

With respect to parking the applicant has stated that 58 spaces would be required for the hotel and, as of its updated March 6, 2012 filing, has requested relief to provide 21 parking spaces. (The original filing showed 39 to 60 spaces being provided). The applicant has explained, in concept, that the exceptional condition of providing extensive excavation and underpinning of a historic five-story masonry building would pose a practical difficulty for providing the amount of parking required by the Zoning Regulations. The applicant has not, however, provided information linking this concept to the amount of relief being requested in this case.

² The applicant had proposed 39 spaces as a contingency, but changed this to a definite 21 spaces in its March 6, 2012 filing.

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?

Substantial Detriment to Public Good or Substantial Impairment of the Zoning Regulations

Rear yard and lot occupancy relief:

The requested relief would not have a substantial negative impact on the intent of the zoning regulations because, as OP is aware from previous BZA applications for this site, there would be little impact on the office uses to the west and, to the north, the combination of the 20-foot wide alley and the 37 foot setback above five stories would ensure the continued provision of both light and air to the Ashton apartments.

Parking relief: OP cannot assess the request to enable the decrease of parking from 58 to 21. The applicant states that 58 spaces would be required for the proposed hotel use but does not indicate how that number was determined. For the residential scenario, the applicant has not presented information about the numbers of potential residences, parking ratios, etc. This information is needed to analyze the impact of the building's potentially being developed as a residential project with less than the required amount of parking.

B. Special Exception Request

The applicant seeks special exception relief from §§ 411.5 and 770.6 (d) requirements that the roof structure's enclosure be of uniform height. The roof structure would be 18'6" high in its center, where the height is required for elevator over-runs, and 12 feet high at its northern and southern ends, where staircases and roof access would not necessitate taller heights. The Board may grant the requested relief if the proposed structure will not adversely affect the light and air of adjacent buildings, nor materially impair the intent and purpose of the zoning regulations.

The requested special exception would reduce the profile of the penthouse from the ground. There are no eastern-adjacent buildings. The nearest western-adjacent building that rises above four stories is the Government Accountability Office on the western side of 4th Street. The north adjacent building is a 130' high apartment house that is 36 feet distant from the proposed building's penthouse. Its recreation area is on the roof. Granting the special exception relief would have no negative impact on any adjacent buildings or on the building's ground-level appearance. The requested relief would not impair the intent and purpose of the zoning regulations.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

The Historic Preservation Review Board has given the proposed design concept approval.

The District Department of Transportation (DDOT) had not submitted its report at the time OP's report was written. OP notes that DDOT has not had objections to parking relief requests for the site in the past.

V. COMMUNITY COMMENTS

ANC 6C voted 6-0 on December 15, 2012 to support the project.