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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: W Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review
DATE: June 4, 2013

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18565

EXHIBIT NO. 26

SUBJECT: BZA Case 18565 - request for special exception relief from the roof structure enclosure requirements (§§ 411.3 and 411.5) at 3040 M Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to permit the construction of roof structures at 3040 M Street NW, the Office of Planning (OP) recommends **approval** of the following relief:

Special Exception (pursuant to § 3104.1):

- § 411.3, number of roof structure enclosures (one permitted by right; six proposed); and
- § 411.5, height of roof structure enclosure (equal height permitted; varying heights ranging from 10 inches to 5 feet above the existing 3.5-foot tall parapet).

II. LOCATION AND SITE DESCRIPTION

Address:	3040 M Street, NW (See Attachment 1.)
Legal Description:	Square 1198, Lot 74
Ward:	2E
Lot Characteristics:	The property, a corner lot, is rectangular in shape. The property is bounded to the west by another retail business, the south by a 10-foot public alley, the east by Thomas Jefferson Street, NW, and the north by M Street NW.
Zoning:	C-2-A – Medium Density Commercial Business Center
Existing Development:	Nike Retail Store
Historic District:	Georgetown Historic District
Adjacent Properties:	To the west is a three-story commercial building. To the south, across the alley, is a two-story commercial office building. To the east, across Thomas Jefferson Street, is a six-story hotel building and three-story commercial building. Across M Street, to the north, are the Old Stone House historic site and a two-story commercial building.
Surrounding Neighborhood Character:	The immediate area consists of a variety of commercial uses. The M Street commercial corridor is zoned C-2-A.

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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Goulston & Storrs on behalf of Nike, Inc. (tenant) and M Street Eat II, LLC (owner)
Proposal:	The applicant is seeking validation of existing noncompliant roof structures. There are three existing roof structures that are grandfathered and include the elevator penthouse, stair bulkhead, and mechanical room. The applicant is seeking special exception relief for three additional roof structures – rooftop units (RTUs). The proposal includes the modification of one RTU (decreasing the height above the parapet and increasing the setback) to make it more compliant with the Zoning Regulations, although it would still require special exception relief.
Relief Sought:	The applicant seeks special exception relief to have multiple roof structures (§ 411.3) of unequal heights (§ 411.5).

IV. ZONING REQUIREMENTS

C-2-A Zone	Regulation	Existing	Proposed ¹	Relief
Enclosure § 411.3	One (1) Enclosure	6 total	6 total	Required for 3 RTUs
Enclosure Height § 411.5	Enclosing Walls Shall be of Equal Height	Varies	Varies	Required

V. OP ANALYSIS

a. Special Exception Relief from §§ 411.3 and 411.5

The applicant is seeking special exception relief pursuant to §§ 3104.1 and 411.11 from the requirements of § 777, specifically §§ 411.3 and 411.5, which state that all penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color and that enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof.

The building has multiple roof structures of varying heights. The elevator penthouse, stair bulkhead, and mechanical room are grandfathered as existing roof structures and the applicant is not seeking relief for these structures under this application. There are three rooftop units (RTUs), along with the associated ductwork, that are also considered roof structures for which the applicant is seeking special exception relief.

The Board of Zoning Adjustment may grant exceptions under § 3104.1 from the roof structure requirements, based upon the following criteria.

1. *The intent and purpose of this chapter and this title shall not be materially impaired by the structure.*

Section 411.11 states 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

¹ Information provided by applicant.

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 applicant has reduced the total number of roof structures from 7 to 6 and in doing so brought the property in closer conformity with the Zoning Regulations. Furthermore, the applicant is proposing additional modifications (decreasing the height above the parapet and increasing the setback from the parapet) to the RTU at the east side of the building based on comments received from the Commission of Fine Arts, which could result in minimizing the visual impact of the structure as viewed from M Street NW and Thomas Jefferson Street NW.

The Commission of Fine Arts recommended the following on February 21, 2013.

“No objection to issuance of permit for proposed lowering of exposed rooftop duct to make it not visible from public thoroughfare as shown in supplemental drawings dated 28 January 2013. Proposed alterations to parapet with attachment of perforated metal screen were withdrawn from this permit application at the written request of applicant. Note: Any subsequent modifications to the exterior design made during DCRA technical review must be re-submitted to the Commission for approval prior to issuance of permit.”

Construction of a monolithic enclosure to encompass the existing roof structures could be contrary to the Commission of Fine Arts’ desire to minimize the visual impact of the RTUs.

2. The light and air of adjacent buildings shall not be affected adversely.

The applicant has reduced the overall number of existing roof structures, which should result in a benefit to the neighboring properties. The applicant is also proposing to reduce the mass and height of the roof structures, which should not result in an adverse effect to the light and air of the adjacent buildings.

VI. COMMUNITY COMMENTS

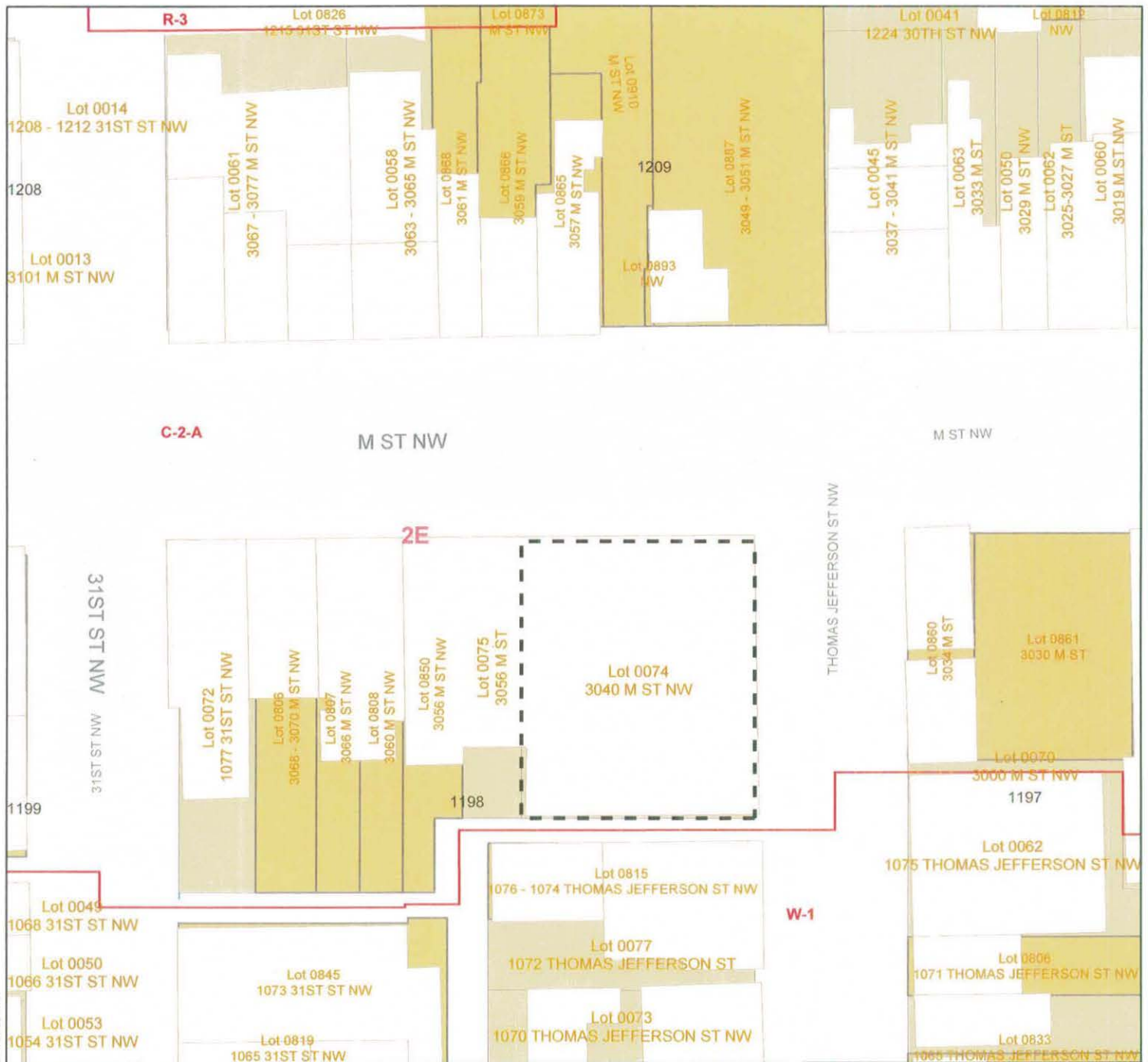
Advisory Neighborhood Commission (ANC) 2E voted unanimously to adopt the following resolution of no opposition.

“ANC 2E has no objection to the application based on the applicant’s assurance to us at the ANC 2E public hearing on April 29, 2013 that the requested exception will conform to any recommendations or requirements of the Commission of Fine Arts.”

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time this report was drafted.

Attachments: Location map



Government of the District of Columbia
Office of Planning ~ May 21, 2013

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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