

**BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION OF
1100 15TH STREET LLC
1100 15th Street, NW**

**BZA APPLICATION NO. 19095
HEARING DATE: OCTOBER 27, 2015
ANC 2B**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted by Carr Properties (the “Applicant”), on behalf of 1100 15th Street LLC, the owner of the property located at 1100 15th Street, NW (Square 0197, Lots 81, 812, 858, and 859), in support of its application to the Board of Zoning Adjustment for a special exception from 11 DCMR §770.6(a) for relief from the requirement that mechanical penthouse enclosing walls shall be of equal height (§411.5), pursuant to 11 DCMR §§411.11 and 3104.1. The relief requested will facilitate development of an addition to an existing office building in the C-4 District (the “Project”). The proposed development and requested relief are appropriate for the site, fully compatible with the surrounding area, and not inconsistent with either the Comprehensive Plan or the Zoning Regulations.

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Sections 411.11 and 3104.1 of the District of Columbia Municipal Regulations (“Zoning Regulations”)

III. BACKGROUND

A. Description of the Subject Property

The site of the proposed building addition is located in Square 197, which is bounded by M Street to the north, L Street to the south, 15th Street to the east, and 16th Street to the west (the “Square”). As shown on the plat attached hereto as Exhibit A, the proposed building addition will be located at the southeast corner of the Square at the intersection of 15th and L Streets, and consists of Lots 81, 812 858, 859, and a portion of an abutting public alley which the Applicant is in the process of closing (the “Addition Site”). The Addition Site is currently improved with multiple buildings that comprise the Washington Post headquarters. These buildings are in the process of being razed and will be replaced with the proposed addition which will primarily serve as the new headquarters for Fannie Mae, and will also include ground floor retail uses.

Upon closure of the aforementioned alley, the Applicant will combine the Addition Site with the two properties to the north, Lots 855 and 857, to create a single record lot that will consist of approximately 131,399 square feet of land area (the “Subject Property”). Currently, Lots 855 and 857 are improved with a fully-occupied commercial office building known as Columbia Center, which the Applicant acquired in July 2015 and will retain. The building addition that is the subject of this application will be constructed as an addition to the Columbia Center building.

B. Description of Surrounding Area

The Project is located within the District’s downtown core within an area primarily characterized by medium- to high-density commercial uses, many with ground-floor retail, as well as several hotels, private clubs, and institutional uses. The area is well-served by public transportation with the Farragut North and Farragut West Metrorail Stations located approximately

0.2 miles to the west and southwest, respectively. The McPherson Square Metrorail Station is approximately 0.2 miles to the southeast. The Subject Property is also accessible by several Metrobus routes as well as the DC Circulator.

C. Existing Zoning

As indicated on the Zoning Map, attached as Exhibit B, the Subject Property is currently zoned C-4, which is considered the District's central business district. The C-4 District permits a variety of commercial, retail, and business uses, as well as high-density residential and mixed-use developments. The maximum building height allowed in the C-4 District is 110 feet, with 130 feet permitted provided a building abuts a street that has a width of at least 110 feet. The proposed building addition can be built to 130 feet as a result of its frontage along 15th Street, which has a width of 110 feet. The Subject Property can also be built to a maximum floor-area-ratio (FAR) of 10.0, pursuant to Section 771.5, and a maximum lot occupancy of 100%, pursuant to Section 772.1.

With regard to yard and court requirements, buildings within the C-4 District are required to have a rear yard equal to 2.5 inches per foot of vertical distance measured from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. However, pursuant to Section 774.9(c), in the case of a corner lot, such as the Subject Property, a court that complies with the width requirement of a closed court, as specified in Section 776, may be provided in-lieu of a rear yard. The Applicant is providing a court in-lieu of a rear yard. Finally, there is no side yard requirement within the C-4 District.

Pursuant to Chapters 21 and 22 of the Zoning Regulations, the Applicant is providing, at a minimum, the number of required vehicle and bicycle parking spaces, and is providing the required number and size of loading berths, service delivery spaces, and loading platforms.

The Future Land Use Map of the Comprehensive Plan (January 2013), adopted as part of the District Elements of the Comprehensive Plan for the National Capital (the “Comprehensive Plan”), designates the Subject Property as High Density Commercial, as shown in the attached Exhibit C. The High Density Commercial land use category defines the central employment area of the District and other major office employment centers on the perimeter of downtown. These areas are characterized by office and mixed office/retail buildings greater than eight stories with lower scale buildings (including historic buildings) interspersed.

D. Project Description

The Applicant proposes to construct an addition to the Columbia Center, an existing office building located at 1152 15th Street, NW. As stated above, the Addition Site currently is occupied by the Washington Post Headquarters, which the Applicant acquired in March 2014. As currently proposed, the Applicant will redevelop the Addition Site as the new headquarters for Fannie Mae which, after an extensive search for new locations throughout the region, has committed to leasing approximately 85% of the proposed addition rather than potentially relocate outside the District.

As shown in the zoning tabulation sheet submitted with this prehearing statement, attached as part of Exhibit D, the proposed building, inclusive of the existing Columbia Center, will consist of approximately 1,244,200 square feet of gross floor area (GFA), which results in an FAR of 9.5, below the maximum 10.0 FAR allowed in the C-4 District. The proposed addition will be constructed to a height of 130 feet, as measured from the elevation at the midpoint of the building along 15th Street to the top of the parapet.

As shown in Exhibit D Sheets 4 & 6, the proposed addition can be generally described as a being a U-shaped mass that opens onto L Street. Along the north side between the addition and Columbia Center, an existing private driveway will remain; however, this area will be improved

with higher-quality paving and include a sizable flexible seating area. In addition, a large canopy structure, approximately 3,000 - 4,000 square feet, is proposed over this area which will connect the proposed addition to Columbia Center, thereby making them a single building for purposes of zoning (Exhibit D Sheets 13 and 21). The U-shaped mass of the proposed addition will be oriented towards L Street, forming a large open plaza, or courtyard, that will provide seating, landscape and other outdoor public amenities (Exhibit D Sheets 7 and 9).

The ground floor of the addition consists of two office lobbies and a series of retail pavilions separated by large openings, or arcades, that are intended to facilitate connectivity between the public streetscape and the large open plaza (Exhibit D Sheets 9 and 13). The retail pavilions and office lobbies will be primarily composed of transparent glazing, and will be recessed slightly along 15th and L Streets creating an overhang that provides shelter and relief at the street level, and invites pedestrians to circulate below the building and into and plaza. The ground floor of the proposed addition will include approximately 42,000 gross square feet of retail uses, which will bring numerous new jobs to the area and better activate the streetscape.

Above the ground level, the floors of the proposed addition will have a fuller footprint, creating the appearance as if the upper office floors are floating above the double-height retail pavilions (Exhibit D Sheet 6). The facade of the upper floors will consist of a glass and metal panel curtain wall system that will be assembled at varied depths and angles to create a distinct pattern. The unique articulation of the glass and metal panels will allow the building façade to be recognized at distances along 15th and L Streets (Exhibit D Sheet 5). Finally, the building will incorporate several highly sustainable elements and has been designed according to LEED Gold standards.

Access to parking and loading will be provided via the existing 15-foot public alley along the west side of the Addition Site, which the Applicant will widen to 20 feet through an easement that is being established as part of the aforementioned partial alley closing. The widening of the alley will facilitate two-way circulation which currently is not possible.

IV. **THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF**

The Applicant seeks a special exception from the roof structure requirement of Section 411.5 of the Zoning Regulations to allow penthouse enclosure walls of unequal height, as described herein.

A. Standard for Approving Special Exception Relief

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Description of Roof Structure Relief Requested

The Applicant seeks special exception approval pursuant to Sections 411.11 and 3104.1 for relief from the requirement that mechanical penthouse walls be of equal height (§§770.6(a) and 411.5). The Applicant's proposed roof plan includes a single penthouse enclosure with walls that vary in height between 13'-7" and 18'-6". The majority of the proposed roof structure is 18'-6".

There are two relatively minor areas along the west side of the building addition, adjacent to the public alley, and along the north wall of the open courtyard that measure 13'-7" and 14'-0", respectively. Aside from the penthouse enclosure walls having unequal heights in these two minor areas, the proposed roof structure meets all other requirements under Sections 770.6 and 411, including the requirement that the penthouse be set back from all exterior walls a distance equal to its height above the roof upon which it is located (§770.6(b)).

C. Standard of Review for Special Exception from Roof Structure Requirements

Section 411.11 of the Zoning Regulations empowers the Board of Zoning Adjustment to grant a special exception, under §3104, from the location, design, number, and other aspects of roof structures regulated under §§411.3 through 411.6, if the Applicant can demonstrate that full compliance would be 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 *provided* the intent and purpose of the Zoning Regulations are not materially impaired, and the light and air of adjacent buildings are not adversely affected.

Full compliance with the requirement that all roof structure enclosing walls be of equal height would be impracticable as it would either cause substantial operating difficulties by impacting the mechanical systems and circulation requirements of the proposed addition, or increase the visibility of the roof structure, especially from L Street and the open plaza, and create the need to request setback relief.

A reduction in the height of the entire penthouse to the lowest proposed height of 13'-7" would create operating difficulties related to the vertical circulation needs of the building and the type of elevator system that can be used. Since a portion of the penthouse is planned to be habitable,

elevator access to the penthouse is required which substantially reduces the amount of headroom available to accommodate an elevator override. In addition, considering the 130-foot height of the proposed addition, a conventional “over the top” elevator system is necessary, as opposed to a “side slung” or hydraulic system, to provide efficient vertical circulation. Further reducing the headroom available for the elevator override by lowering the penthouse height to 13’-7” would make it virtually impossible to provide an “over the top” system.

Furthermore, having to unnecessarily increase the height of the two lower areas of the penthouse to 18’6” would result in greater visibility of the roof structure which is customarily not favored, especially when viewed from the open plaza amenity along L Street, and require the Applicant to request penthouse setback relief, or, as described below, adversely impact the internal circulation of the penthouse.

To minimize the visibility of the portion of the roof structure that screens mechanical equipment (cooling towers, generators, and other building systems), the Applicant has located these elements at the north end of the proposed addition, as far away from public streets and the proposed open plaza as possible. As a result of the size requirements of the mechanical equipment, the circulation requirements for occupied space, and the depth of the proposed courtyard, the Applicant is only able to setback 14’-0” from the north courtyard wall, and along small portions of the east and west courtyard walls. Therefore, to reduce the visibility of the roof structure from the open plaza and meet the 1:1 setback required under the Zoning Regulations (§770.6(b)), the Applicant proposes to reduce the height of the roof structure in these areas.

The Applicant is proposing a similar approach to addressing the small area on the west side of the addition, along the public alley, where a jog in the alley results in a building recess that creates a small area on the roof where the available setback distance is reduced to 13’-7”. The

Applicant proposes to reduce the height of this area of the penthouse enclosure to 13'7" to maintain a 1:1 setback around the entire roof structure.

Increasing the penthouse height in these two areas to be consistent with the rest of the penthouse, while still maintaining the required 1:1 setback, would adversely impact the internal circulation of the penthouse. Increasing these areas to 18'6" would require the Applicant to reduce the footprint of penthouse to provide the required setback. As shown in Exhibit D Sheet 17, the locations within the penthouse adjacent to the areas of relief include circulation corridors that would either be substantially narrowed, such as along the south side of the mechanical area and cooling tower, or completely cutoff, such as along the public alley.

The requested special exception to allow penthouse enclosing walls of unequal height can be granted without impairing the intent and purpose of the Zoning Regulations, including the roof structure requirements of Section 411. The general intent of the Zoning Regulations is to establish the requirements necessary to, among other things, promote public health, safety, order, and general welfare for purposes of providing adequate light and air, preventing undue concentration of population and overcrowding of land, and to efficiently distribute population and uses of land. In addition, the intent of the provisions regulating the location, design, number, and other aspects of roof structures is to establish a reasonable degree of control with regard to ensuring adequate light and air to neighboring properties, establish a level of architectural consistency, and to minimize visual impacts.

As discussed above, the requested special exception will allow the Applicant to meet the 1:1 setback requirement on all sides of the penthouse, which will minimize the extent to which the penthouse will be visible, including from the proposed open plaza amenity and along L Street. Furthermore, considering how minor the extent of relief is, having penthouse walls of unequal

heights will not cause any adverse impacts on the use of, and availability of light and air to, adjacent properties. The area of relief along the courtyard will not be visible from any adjacent properties given its location within the interior of the site. Finally, the area along the west side of the penthouse will be separated from the adjacent property by the existing public alley.

V. **COMMUNITY SUPPORT**

The Applicant has worked with the community and has obtained support for the project. On September 9, 2015, at its regularly scheduled, duly noticed meeting, Advisory Neighborhood Commission 2B ("ANC 2B"), with six of the nine commissioners present, voted 6-0 to support the application. A copy of the support letter is attached as Exhibit E

VII. **EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION**

<u>Exhibit A:</u>	Surveyor's plat
<u>Exhibit B:</u>	Map of Addition Site / Subject Property and surrounding zoning
<u>Exhibit C:</u>	Portion of Comprehensive Plan Future Land Use Map
<u>Exhibit D:</u>	Updated architectural plans and drawings
<u>Exhibit E:</u>	Advisory Neighborhood Commission 2B letter of support
<u>Exhibit F:</u>	Outlines of testimony
<u>Exhibit G:</u>	Resume of Doug James, WDG Architecture
<u>Exhibit H:</u>	Resume of Shane L. Dettman, AICP, Holland & Knight LLP

VIII.
WITNESSES

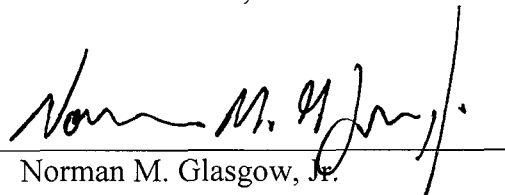
- A. Jason Bockenek, Development Manager, Carr Properties
- B. Doug James, AIA, Architect, WDG Architecture
- C. Shane L. Dettman, AICP, Director of Planning Services, Holland & Knight LLP

IX.
CONCLUSION

For the reasons stated above, the requested special exception relief meets the applicable standards under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

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