GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: January 12, 2000

SUBJECT: BZA Application No. 16536—National City Christian Church

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APPLICATION

This application by National City Christian Church at 5 Thomas Circle requests a variance from the building height restriction and residential recreation space requirements for the construction of a 110 foot tall apartment house in an SP-2 District at 14th and N Streets, NW (Square 212, Lot 123). The site is currently a parking lot.

SUMMARY RECOMMENDATION

The Office of Planning recommends that this application be approved.

SITE AND AREA DESCRIPTION

The subject property measures (in clockwise fashion) 70 feet along Thomas Circle, 207 feet along Massachusetts Avenue, 170 feet along its boundary with Lot 832, 100 feet along the east-west alley, 160 feet along the north–south alley running through square 212, 151 feet along N Street, and 366 feet along 14th Street. The lot has an area of approximately 79,595 square feet, or 1.7 acres. The portion of the lot to be occupied by the proposed apartment building is approximately 19,630 square feet of asphalt parking lot at the corner of 14th and N Streets, NW. In BZA Order No. 15157, this Board gave approval for a 90-foot office building project that would occupy 100% of the site.

The 90 foot high Heatherington Apartments building (Lot 827, Square 212) is to the west of the site. To the west/northwest are the 90 foot high Town Terrace West and East condominium buildings. The surrounding area is developed with several 6.0 FAR, 90 foot high apartment

BZA
CASE No. 16536
EXHIBIT No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.23

buildings, including the James Apartment Building at 1425 N Street, NW, the Seville Apartments building at 1401 N Street, NW, the Eton Towers apartment building at 1239 Vermont Avenue, NW and the Latrobe Apartments building at 1335 15th Street, NW. The Zoning Commission approved HR/SP-2 zoning for lots 115-117 and 122 in Square 212, which comprise the western and southwestern portions of the square, thereby permitting 8.5 FAR and 130 feet in height a project currently under construction.

APPLICANT'S PROPOSAL

The applicant proposes to build a 110-foot apartment building as an addition to the National City Christian Church and its administrative office. The Church, an historic landmark, will remain. The proposed apartment building would replace the surface parking lot for the Church. The third level of underground parking in the apartment building will in turn replace the church surface parking lot. A door from the parking garage into the Church property is provided.

This proposal is to replace the use approved on July 18, 1990 by the BZA for a 90-foot tall office building addition on the site, which was never built.

The proposed 110-foot apartment building contains approximately 175,000 gross square feet of area for an FAR of approximately 2.3 for the apartment building, and a total FAR for Lot 123 of approximately 3.3, including the church. This total is far below the 6.0 FAR that would be permitted as a matter-of-right for an apartment building on the subject property.

ANALYSIS

Section 3107 of the Zoning Regulations (attached) requires the applicant to show exceptional practical difficulties or undue hardship upon the owner of the property for variance relief to be granted. It further stipulates that the relief may be granted only if it can be done *"without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. . ."*

Variance from SP height requirements

A variance is sought to allow the applicant to add an additional 20 feet in height to the 90-foot height limit under the SP-2 Zone for a maximum building height of 110 feet. There is no limit on the number of stories to be contained in buildings within the SP-2 District.

Exceptional Situation or Condition Resulting in a Practical Difficulty

The Office of Planning believes that the property is affected by an exceptional situation or condition resulting in a practical difficulty if the Zoning Regulations are strictly applied. In BZA Order Numbers 13924 and 14513, the BZA determined that a landmark-status historic

building on a site, combined with certain other factors such as rehabilitation of that building or compliance with certain federal legislation, does qualify as a unique situation for purposes of area variance relief.

In the present case, the applicant seeks to add an apartment building to the site while still preserving the historic National City Christian Church, which was built before the 1958 Zoning Regulations took effect. By current zoning standards, the site is significantly underdeveloped. The Board has previously granted variances for additions to historic properties so that significant FAR disparities are minimized. If the proposed addition were to be built under the current zoning regulations, the entire site would total less than 3.0 FAR in an area where the existing SP-2 zoning provides for 6.0 FAR.

The applicant argues that the current market and economic realities as to apartment building size and number of units, plus the applicant's need to construct a third underground level to replace the parking for the Church that the building usurps presents a practical difficulty to the project. The Office of Planning is supportive of the residential use on the site; however, the applicant needs to provide the Board with a more specific justification why the strict application of the zoning regulations, which would require the building to be 20 feet lower, would constitute a "practical difficulty" in accordance with section 3107.

The Public Good and the Intent, Purpose and Integrity of the Zone Plan
Subsection 903.2 (c) of the Comprehensive Plan establishes the objective to: *facilitate mixed-use development along Massachusetts Avenue, NW, that emphasizes the residential component of that mix, primarily in high-rise apartment buildings. . .* While the entrance to the proposed residences would be at 14th & N Streets, NW, the site in its entirety does have frontage on Massachusetts Avenue, which is less than 250 feet away from the proposed entrance. Not only will the project provide housing which is a high priority for the City and more open space than was proposed in the earlier-approved office project, it will provide substantially more parking—an improvement over the current conditions of the site.

The applicant's project is in keeping with neighboring buildings, both in scale and design. In fact, the applicant's project is 20 feet lower than the building to be developed on the western portion of the square and only 40% of the FAR for that project. Historic Preservation Review Board staff called the proposed design *"extremely elegant, reminiscent of Washington's golden age of apartment building construction."* ANC 2F found *"an absence of significant adverse impacts on light, air or shadows on neighboring buildings."*

OP believes that the design of the proposed addition is such that the public good and the intent, purpose and integrity of the Zone Plan are supported. The top two stories above the 90-foot level are set back 10 feet—somewhat mitigating the impact of the extra height requested for this project. The provision of market-rate housing on the edge of Downtown will provide an unexpected and most welcome boost toward implementation of the "Living

Downtown" concept that has been the focus of much of the recent planning and zoning effort in Downtown.

Variance from residential recreation requirements

Subsection 533.1 of the Zoning Regulations provides that *"When all or a portion of a building in an SP district is devoted to a residential use other than a hotel, recreation space shall be provided."* Subsection 533.4 provides that *"An area equal to not less than ten percent (10%) of the gross floor area devoted to residential use shall be provided as residential recreation space."* Subsection 533.9 provides that *"No less than fifty percent (50%) of the total residential recreation space shall be outdoors."*

In order for the applicant to comply with the above regulations, 17,500 square feet would need to be devoted to residential recreation space. However, the total land area of the site available for this project is only 19,630 square feet. The applicant is proposing to provide 8, 056 square feet of residential recreation space, about 4.6% of the building's square footage versus the 10% required by the SP-2 zone regulations. Approximately 2,719 square feet of this recreation space will be indoors; approximately 5,337 square feet will be outdoors.

In addition to a fitness room, a party room and a substantial lobby, the applicant provides a large landscaped court area and a significant strip of green along the length of the building on N Street, NW. The applicant also has an adjoining 800 square foot property across the alley near Town Terrace East that it plans to landscape. This property—although not counted as part of the site—is close to the applicant's court area and expands the area available for outdoor usage.

Exceptional Situation Or Condition Resulting in a Practical Difficulty

Again, the exceptional situation here is that the low-density historic Church with large open-space setbacks takes up an inordinate amount of the site. The applicant maintains that even if its request for variance relief from the SP-2 height restriction were approved, and the applicant were allowed to build to a height of 110 feet, the residential recreation space requirement would be so onerous as to render the applicant's project infeasible. While OP recognizes the constraints that the historic property poses, it has encouraged the applicant to explore all available means towards fulfilling the residential recreation requirement.

There are a number of outdoor open areas on the property that would satisfy the recreation space requirement were they not closed to the public for church security purposes. OP understands that the applicant is exploring opening these spaces to the residents of the building through a covenant—meeting a much higher percentage of the open space requirement. The applicant is also exploring the possibility—suggested by OP—for at least some portion of the roof to be used as a rooftop garden. Rooftop gardens have potential applications for peak runoff control, energy savings, air quality improvement, temperature moderation, etc.—in addition to use as open space. The issue here is apparently the cost of

underslung elevator access necessary to avoid a too-tall elevator override projection. It may also be stairwell re-design.

The Public Good and the Intent, Purpose and Integrity of the Zone Plan
While the applicant may not be able to provide the full 17,500 square feet required by a strict application of the Zoning Regulations, it is meeting the spirit of the Regulations by providing a significant amount of high quality open space for residents. Residents also have the opportunity to enjoy the open space of neighboring Thomas Circle. In addition, other well-landscaped areas, such as that of Luther Place Memorial Church at 14th and Massachusetts Avenue (on the opposite corner), offer the opportunity for passive recreation such as bird-watching. At least one of the hotels in the area has a pool that may be open to the residents for a fee.

OP believes that the applicant is making significant effort in the area of recreational open space such that the public good and the intent, purpose and integrity of the Zone Plan are supported.

ANCs and Community Groups – ANC 2F voted unanimously to support the project and urge the BZA to grant the requested variances. The Historic Preservation Review Board also granted conceptual design approval at its November 18, 1999 public meeting. HPRB staff, as mentioned above, called the building design *" extremely elegant . . ."*

RECOMMENDATION

The Office of Planning recommends approval of the subject application. The applicant meets all of the requirements of Section 3107 for variances.

Attachment

AA/mv

Attachment 1

3107 VARIANCES

3107.1 The power of the Board to grant variances, as set forth in the Zoning Act of June 20, 1938 (52 *Stat.* 797), as amended, is set forth in §3107.2.

3107.2 As set forth in D.C. Code §5-424(g)(3) (1981), "Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

SOURCE: §8207.11 of Regulations effective May 12, 1958.

3108 SPECIAL EXCEPTIONS

3108.1 Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 *Stat.* 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgement of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows:

TYPE OF SPECIAL EXCEPTION	DISTRICT	SECTION IN WHICH THE CONDITIONS ARE SPECIFIED
Antenna towers for TV or FM broadcasting and accessory buildings	Any R district	§211
Apartments, row houses	Any R-5-A district	§§350.4(c), 353, 401.3, 410.1 through 410.7
Athletic field of local community organization	Any R district	§209
Automobile sales or repair	CR district	§614
Bowling alley	W, CR, C-1 districts	§§609, 709, and 908
Building service trade	W or CR, C-1 district	§§612 and 911
Child development center	Any R district	§205
Commercial adjuncts to apartment house	Any R-5 district	§354

Attachment 2

