GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

D.C. OFFICE OF ZONING
RECEIVED
2001 APR 23 PM 1:35

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: April 23, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16687

The attached Final Report concerning the application for the JBG's apartment project at 2440 M Street is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

D.C. BOARD OF ZONING
RECEIVED
2001 APR 23 PM 1:35

Attachments

AA/ar

BZA
Case No. 16687
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16687
EXHIBIT NO.33

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF PLANNING
RECEIVED
2001 APR 23 PM 1:41

MEMORANDUM

TO: Board of Zoning Adjustments

FROM: Andrew Altman

DATE: April 20, 2001

SUBJECT: BZA Application #16687 (The JBG Companies)
25th and M St (Square 25, Lot 805)

I. APPLICATION

This report summarizes the Office of Planning's (OP) review of the above application from The JBG Companies (the Applicant) to the Board Zoning Adjustments pursuant to 11 DCMR §3103.1 for variances from the Zoning Regulations §771.2 (Commercial FAR), §773.3 (Residential Recreation Space), and §774.1 (Rear Yard) and 11 DCMR 3104.1 for Special Exceptions to 411 (Roof Structures) for the property described as Lot 805 of Square 25 (the Property) in northwest DC. The report presents the Office of Planning's findings and recommendations to the Board of Zoning Adjustment.

II. RECOMMENDATION SUMMARY

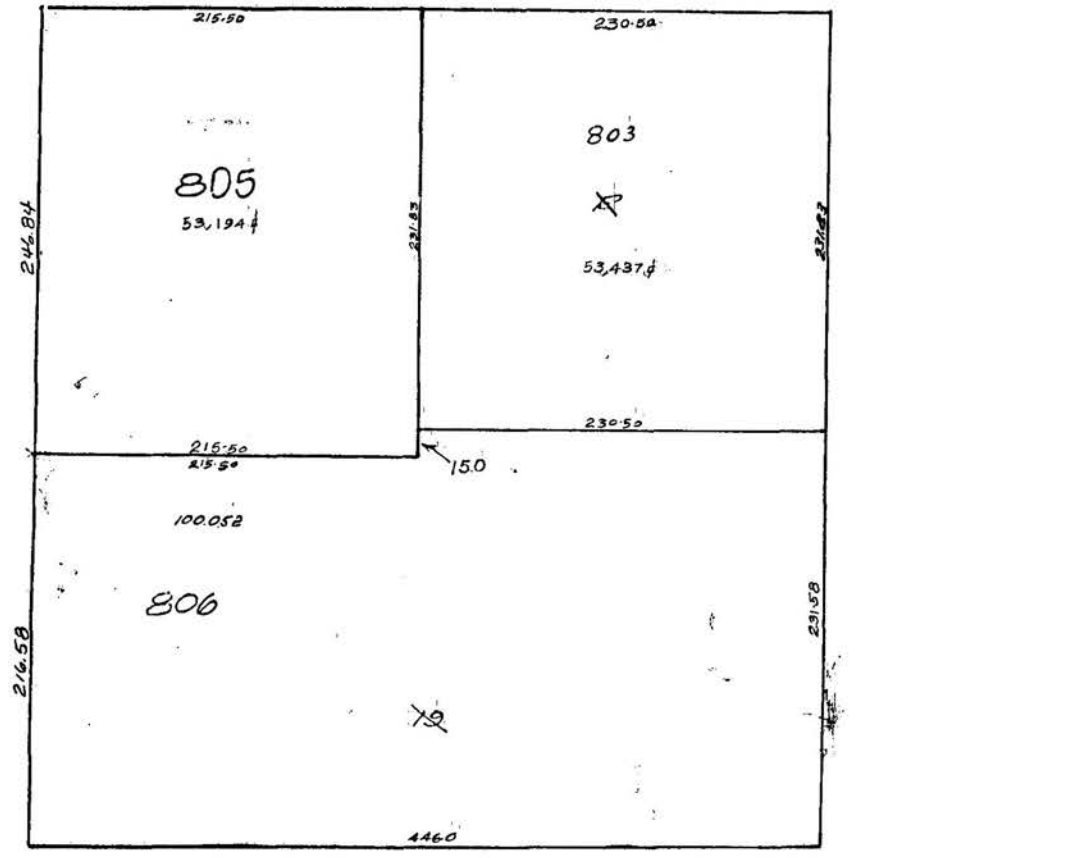
The Office of Planning recommends the BZA approve the special exception for roof structures, and variances for recreation space, rear yard and commercial FAR with conditions.

III. SITE AND AREA DESCRIPTION

Square 25 in northwest DC is bounded by 24th Street on the east, M St on the north, L Street on the south and 25th Street NW on the West. Lot 805 is a square shaped lot 53,194 square feet in size located in the northwest corner of Square 25 (Figure 1.). It is currently occupied by a 8-story, 104,792 square foot medical office building that fronts on M Street.

West across 25th Street are large row houses built in the early 1900s (see Figure X.), north across M Street is large commercial office building, to the east is lot 803 which contains a vacant federal office. To the east is a property owned by the Federal Government surrounded by a large parking lot. On the lot to the south is the Columbia Hospital for Women, originally built in 1920 and modified in 1982.

The west end is otherwise characterized by dense mixed-use developments dominated mostly by residential, hotels, medical office buildings and George Washington University.



Square 25

IV. PROJECT DESCRIPTION

The Project is built above and around the existing commercial medical office building that was built on this lot in 1986. Under the Zoning Regulations, the current calculations of FAR for the medical office building total 104,792 square feet or 1.97 FAR. In reality, due to berms along the 25th Street frontage, the building is considerably larger. The Zoning Regulations do not take into account volume with ceilings less than four feet above ground level. The berms along 25th

street eliminate several thousand square feet from being counted. The office building currently has 324 parking spaces to service the current users of the building. While the original building was designed to permit additional floors, the layout has presented the applicant with unique challenges in further development of the site.

The applicant has proposed to construct 142 residential units over the existing medical offices on 25th street and above the parking garage at the rear of the property. The proposal represents another 143,287 square feet of development on site. The residential addition will consist of:

22 Studios	15.5%
67 1-bedrooms,	47.2%
27 1-bedrooms with dens	19.0%
26 2-bedrooms	18.3%
142 Total	100.0%

The developer is providing 16,730 square feet of recreation space (11.7%) through a courtyard at the center of the property, the lobby, and landscaping along 25th Street. Of the 324 parking spaces, 62 will be lost due to the new construction, 182 are allocated to the office users, representing a 44% reduction to the office workers and visitors, and 80 spaces will be reallocated to the residential units.

A major change to the existing site is the removal of the berm along 25th Street. The applicant is removing the berm in order to locate additional residential units on the ground floor. Removing the berm causes roughly 7,950 feet of pre-existing office space to now officially count toward FAR calculations. The addition of this office space causes the building to now exceed commercial FAR restrictions for the C-2-C. Two elevators located along the rear of the project provide residents access to the upper floors

V. COMPREHENSIVE PLAN

The Comprehensive Plan has several citations (see below) that support the development of mixed-use projects.

Urban Design

713.2 *The policies established in support of the commercial activity corridors objective are as follows:*

(d) Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours;

Land Use

1104.1 *The policies established in support of the residential neighborhoods objectives are as follows:*

(c) Ensure a broad range of residential neighborhood options ranging from quiet, low density, park-like neighborhoods to active, high density, mixed-use urban neighborhoods;

VI. ZONING

The site is zoned primarily C-2-C, which permits 2.0 FAR of commercial and a maximum of up to 6.0 FAR for residential. The table below summarizes other requirements of C-2-C. A small portion at the rear of the property is zoned R-5-D; no development is occurring in this area.

	C-2-C
Height	90 feet
FAR	6.0 Residential 2.0 Other
Special Incentives	
Residential Lot Coverage	80%
Recreation Space	15%
Rear Yard	Below 20' height, 15' from center of Alley Above 20' height, 15 from alley curb.

C-2-C Requirements

VII. ANALYSIS

The Applicant is requesting a special exception from Section 411 (Rooftop Structures), variance relief from Subsections 773.4 (Recreation Space), and 776.4 (Closed Court) the discussion for each request is below:

A (1). Special Exceptions Requested

The applicant has requested a special exception from the setback requirements of Section 411 Rooftop Structures. In accordance with §3104.1, special exceptions are granted when they *"will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps,..."* The relevant subsections are cited below:

411.3 *All penthouse and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character.*

Sub-Section 411.4 below does permit more than one roof enclosure, but specifies when separate elevator cores are required.

411.4 *When roof levels vary by one (1) or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.*

The powers of the Board of Zoning Adjustment to grant special exceptions on rooftop structures is located in Sub-section 411.11, cited below.

411.11 *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 Adjustment shall be empowered to approve 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, when applicable, and to approve the material of enclosing, construction used if not in accordance with §§411.3 and 411.5; Provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

As referenced Section 411.11 also governs Sub-section 770.6, which states the following:

770.6 *If housing for mechanical equipment, a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:*

a. It shall meet the requirements of §411;

b. It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;

A. (2) Special Exception Analysis

Sub-section 411.11 gives the BZA the authority to determine the "location, design, number and all other aspect..." of rooftop structures. It does so with language covering 1) lot characteristics, 2) prohibitive cost, and 3) intent and purpose of the chapter. This language is comparable to the tests for variances.

While the existing building was designed to permit additional floors over the offices and the parking garage, the location of the existing building's structural support leaves few logical options for providing infrastructure to service the upper floors. Any modification to the existing building to overcome the limited options would result in prohibitive cost to the applicant. Finally, the location of the elevator core and resulting penthouse does not impair the provision of

light and air as it is located away from the 25th St frontage and a private alley separates the applicant's building from the property to the south. This separation guarantees the adjacent property sufficient light and air.

Based on these conditions the Office of Planning recommends approval of the special exception.

B. (1) Variances Requested

The applicant has requested a variance from the commercial FAR restrictions of §771.2; the recreation space requirements found in §773.3.; and rear yard requirements of §774.1. In accordance with Section 3103.2, the Board of Zoning Adjustments may grant variances when:

1. The Property exhibits unique characteristics of size, shape, topographical conditions or other extraordinary or exceptional situation…
2. Strict enforcement would result in exceptional practical difficulties or undue hardship; and
3. Relief can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the Zoning Regulations and Map.

§171.2 *For a building or structure for which an application for a building permit was filed on or after November 17, 1978, the maximum permitted floor area ratio shall be as set forth in the following table:*

§774.1 *Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial district, the minimum depth of which shall be as prescribed in the following table:*

DISTRICT	MINIMUM DEPTH OF REAR YARD
C-1 All structures	20 feet
C-2-A, C-2-B, C-2-C All structures	15 feet
C-3-A, C-3-B, C-3-C, C-4, C-5) All structures	2 1/2 inches per foot of vertical distance 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

773.3 *An area equal to not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space:*

DISTRICT	PERCENTAGE OF GROSS FLOOR AREA
C-1, C-2-A	20%
C-2-B, C-2-C, C-3-A	15%
C-3-B, C-3-C	10%
C-4, C-5 (PAD)	5%

776.4 *In the case of a closed court for a building, or portion of a building, devoted to residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than three hundred fifty square feet (350 ft^2).*

B. (2) Variance Analysis

The project involves building additional square footage over an existing building, which represents a unique and exceptional circumstance. OP believes that the project meets the first test for variances. A discussion of how the project may or may not meet the other test follows below.

Commercial FAR:
The applicant has proposed removing the berm along 25th Street to put residential units on the ground floor. Removing the berm causes existing commercial square footage to now count toward the sites commercial FAR limit of 2.0. Including office and parking that will thus count toward FAR, the commercial FAR will reach 112,874 (2.12 FAR). In so doing, the applicant is both improving the streetwall of the structure and providing the District with additional housing units. It is therefore does not impair or violate the purpose of the Zoning Code. It is important to note that this does not create new existing commercial square footage or increase the intensity of the use. It does, however, provide the applicant with potentially significant economic gain by exposing commercial office space to additional light and air that other developments would not receive.

If the entire project was built today, the extra office density would not be awarded. However, the applicant is building over an existing structure, which as stated creates unique, site-specific challenges. Mixed-use development is the intent of C-2-C zoning classification, therefore the project does not impair the integrity of the zoning code. In addition, the applicant has stated that the commercial space now counting toward FAR has leases and is specifically designed to house sophisticated medical machines, thus making conversion to residential use a practical difficulty. The Office of Planning therefore recommends the variance on the commercial space be approved.

Recreation Space:
Based on drawings filed by the applicant the project is providing 15,700 square feet (or 73% of the requirement) of recreation space through a courtyard, lobby amenity area, and landscaped entrance. Most similar large apartments buildings provide rooftop recreation space enabling tenants to enjoy views of the city. This amenity may add to the rent a property owner can

charge. The applicant has claimed that the structural capacity of the existing building would require additional shoring up to provide roof top recreation space and that it is therefore a practical difficulty to make the roof strong enough to support tenant recreation space.

In talking with the Department of Building and Land Regulation Administration of the Deparment of Consumer and Regulatory Affairs, the difference in load requirements between standard roofs and those permitting resident access is very small when compared to the weight of the additional seven floors. Therefore, OP recommends to the BZA that in order to receive the variance, the applicant be required to provide a letter signed by the structural engineer for the original building that documents that the added weight of a roof sufficient for resident recreational access would require additional shoring of the underlying structure. With provision of this letter the Office of Planning recommends approval.

Rear Yard:
The project as designed locates balconies and bay windows over the rear yard of the building. The Zoning Code does make provisions for extensions into the rear yard; it is largely for building infrastructure that is necessary to the use of the building. It does not make provisions for projections such as bay windows and balconies. The applicant has argued that moving the southern wall to accommodate the projections represents a practical difficulty, which does appear to be true. However, while the projections may not be necessary to the building they do add to the aesthetic quality of the building and provide additional "eyes on the street (or alley)" for security purposes. They are elevated, and would not interfere with the purpose of the rear4 yard requirements. Therefore the Office of Planning recommends approval of rear yard variance.

VIII. COMMUNITY COMMENTS

Community review of the project falls under the jurisdiction of Advisory Neighborhood Commission 2A. After meeting with the ANC, the applicant modified their proposal to include a higher percentage of 2-bedroom units. The ANC voted to approve the project.

A tenant of the office building has voiced opposition to the project on the grounds that the residential units will now obstruct views from the office portion of the site. The Office of Planning contacted the doctor, but has not been able to hear his concerns as of the date of this report.

IX. OFFICE OF PLANNING RECOMMENDATIONS

Based on the above review, the Office of Planning makes the following recommendations with conditions:

1. Special Exceptions for Roof top structures - approve.

2. Variance for Commercial Space - approve.
3. Variance for Recreation Space - approve with conditions that:
    a. The applicant provide documentation from the structural engineer of the original building documenting that standard roof top recreation space would require additional structural reinforcement to the existing structure above and beyond what is needed to bear the additional 7 floors.

4. Variance for Rear Yard - Approval with conditions that any balconies or bay window projections extend no more than currently designed.


25th St
M St
C-2-C
R-5-B
Approximate
Building
Footprint
24th St
R-5-B
R-5-D
C-2-C
L St
Pennsylvania Ave

Figure



Figure 2.



Figure 3,



Figure 4.



Figure 5.



Figure 6.



Figure 7.



Figure 8.

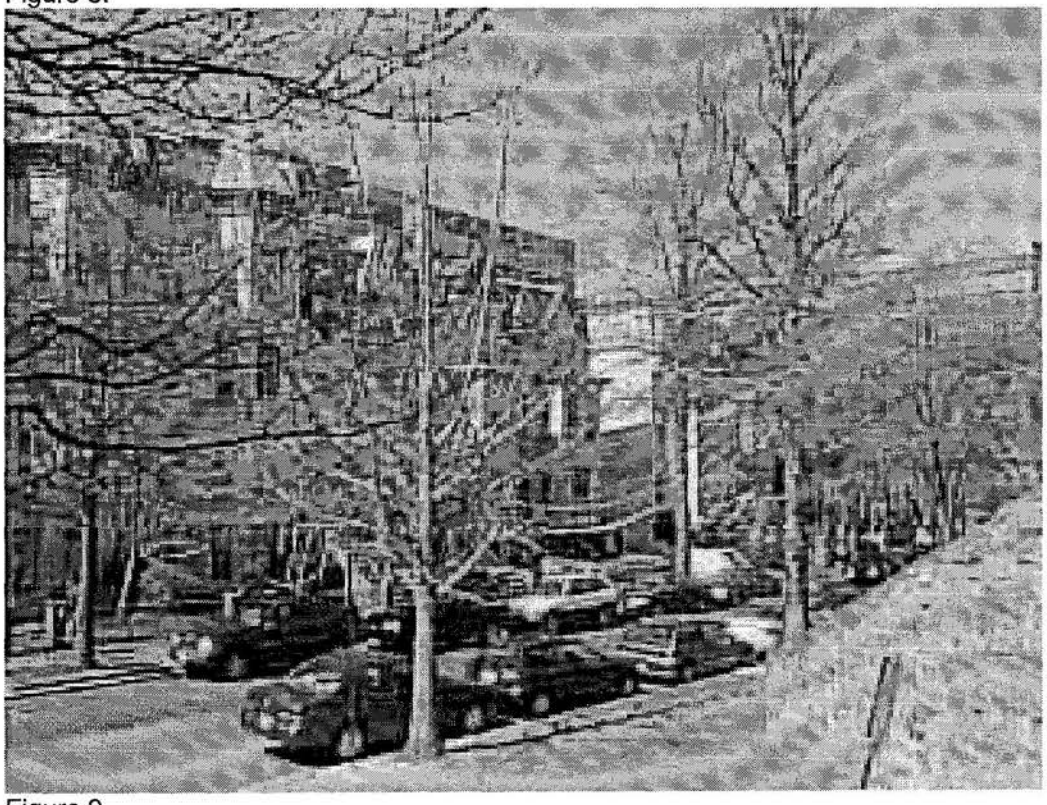


Figure 9.

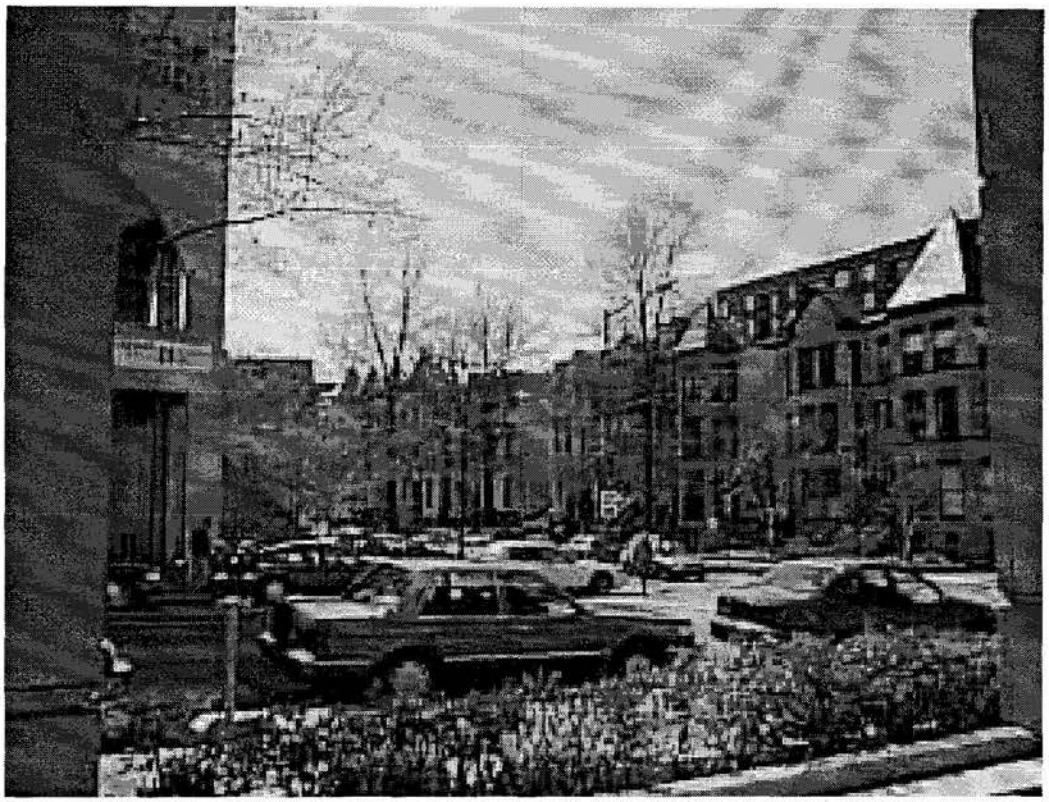


Figure 10.