GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: June 14, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #16733

The attached report concerning BZA Application #16733 is being submitted less than 7 days prior to the Board of Zoning Adjustment consideration of the item scheduled for public hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment

AA/mbr

BZA
Case No. 16733
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16733
EXHIBIT NO.28

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: June 14, 2001

SUBJECT: BZA Application #16733 (Salvation Army Property)
525 and 575 Massachusetts Avenue, N.W. (Square 484, Lot 25)

APPLICATION

The application by the Salvation Army (Applicant) and CG Investment, Inc. (Contract Purchaser) requests, pursuant to 11 DCMR 3103.2, variances from the provision of §1706.4 to increase the allowable floor area ratio (FAR); §773.3 to reduce the required residential recreational space from 15% to 5%; and §776.3 to reduce the width of an open court in the DD/C-2-C District.

SUMMARY RECOMMENDATION

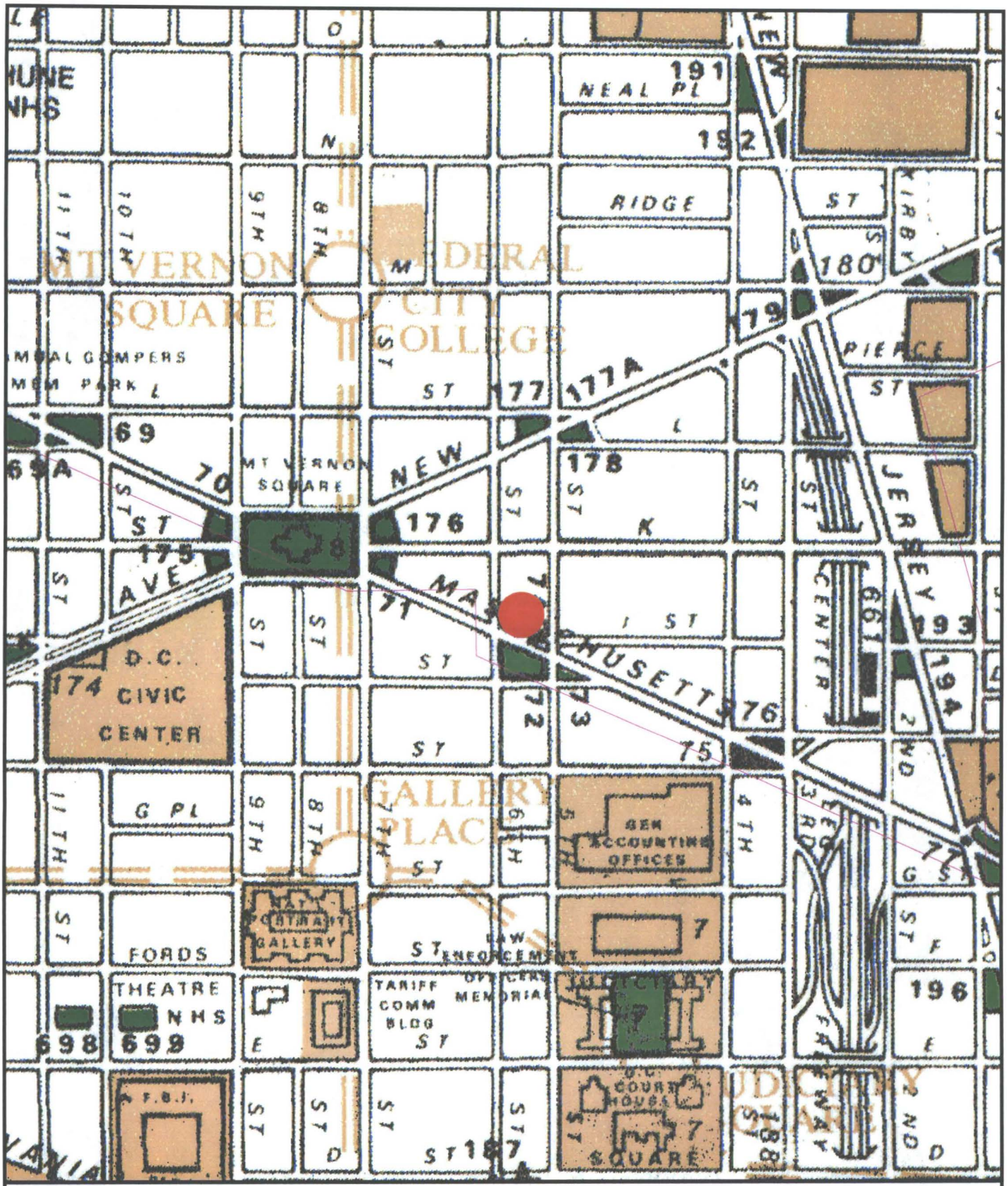
The Office of Planning (OP) supports the development of residential and hotel uses on the subject site and recommends that the requested variances be **APPROVED**. The proposed development is consistent with the aim of the District to develop a living downtown and envisions the Mt. Vernon area as a vibrant residential neighborhood. The granting of these variances will not be detrimental to the health and welfare of the residents of the area.

SITE AND AREA DESCRIPTION

The subject property, 525 and 572 Massachusetts Avenue, N.W. (Square 484, Lot 25), is located on the southern portion of the square and is currently a commercial surface parking lot (Figure 1). The site encompasses an area of approximately 30,735 square feet and is bounded by Massachusetts Avenue, N.W. to the south, I Street, N.W. to the southeast, 6th Street, N.W. to the west, 5th Street, N.W. to the east, and several commercial establishments on the northern portion of the square.

The subject site is surrounded by properties with a variety of uses and are as follows:

SSL: 0484 0025



Property Maps and data maintained by:
Government of the District of Columbia
Office of Tax and Revenue
941 North Capitol Street, NE
Washington, D.C. 20002

200 0 200 400 Feet

Prepared on: June 12, 2001

= the subject property

North: Directly north on the remainder of the square are a combination of row houses and several 2 and 3 story buildings with retail uses.

South: Across, Massachusetts Avenue is Federal Reservation 72. Going further south, are the Corinthian Baptist Church, the Gospel Mission building, a parking lot, and low-rise residential building.

East: Across 5th Street, are vacant properties, a mixture of commercial uses, and low-rise buildings.

West: Across 6th Street, are a multistory office building which houses the National Public Radio, several 1 and 2 story commercial buildings, and surface parking lots.

PROPOSAL

The applicant proposes to build a 155-suite hotel and a 200-unit apartment building on the subject property. The hotel will be oriented to 6th Street while the apartment building will front on Massachusetts Avenue. The application requests that the required 15% recreational space be reduced to 5%, the overall FAR of the development be increased from 8.5 to 10.4, and the width of the open court be reduced from 42.9 feet to 36.35 feet.

ZONING REQUIREMENTS

The subject site has a base zoning of C-2-C and is within the Downtown Development Overlay District (DD). The DD/C-2-C District permits residential, hotel, office, retail and services uses at a maximum of 8.0 FAR with the condition that residential use at no less than 4.5 FAR must be provided in all new developments. An additional 0.5 FAR may be gained if dedicated entirely to residential use.

ANALYSIS

The proposed development will consist of a 107,100 square feet, 14-story hotel that fronts on 6th Street and a 200,000 square feet, 14-story apartment building that fronts on Massachusetts Avenue. A semi-circular driveway off Massachusetts Avenue will help to prevent impacting traffic movements along Massachusetts Avenue. The buildings are connected on the first floor by a walkway. Underground parking is provided for both buildings. The Zoning Regulations, §2102.2, require 1 parking space per 2 rooms for sleeping for a hotel and the requirement for the apartment building is 1 for each 4 dwelling units. Therefore, a total of 145 parking spaces is required. The applicant proposes fifty spaces on two floors for the hotel and 95 spaces on three floors for apartment building. An additional 95 spaces will be provided in underground vault space and will be divided evenly between the hotel and the apartments. The hotel parking is accessed off 6th Street and from 5th Street for the apartments.

The requirements for development in the C-2-C zone and that proposed are outlined below in Table 1.

Table 1

Item	Existing	Required	Provided			Variance
Lot Area	30,600 s.f.					
Lot Width	186.75 s.f.					
Lot Occupancy		80% or 24,480 s.f. max.	80% or 24,480 s.f. max.			
FAR		8.5	10.4			1.54
Open Court		Width - 42.9 ft. Area - 3,687 s.f.	Width - 36.35 ft. Area - 3697 s.f.			6.55 ft.
Recreational Space		15% - 30,000 s.f	5% - 10,000 s.f.			10%
Rear yard		15 ft.	40 ft.			
			Hotel	**Apts.**	**Total**	
Parking Spaces		145	95	50	145*	
Loading berths			1@ 30 ft	1 @ 55 ft		
Height		130 ft. max.	122.7 ft.	130 ft.		

* an additional 95 parking spaces will be provided in vault space

Floor Area Ratio

Section 1706.4 of the Zoning Regulations allows a maximum FAR of 8.0 of which at least 4.5 has to be for residential use and the remaining 3.5 for non-residential use for properties in the DD/C-2-C District. Additionally, a bonus of 0.5 FAR (§1706.7) may be added if dedicated to residential use. Therefore, on this site, a matter-of-right development could have a FAR of up to 5.0 of residential use and 3.5 FAR of non-residential use. The application proposes to devote 3.5 FAR to the hotel (non-residential use) and increase the residential FAR to 6.54, that is, 1.54 above that allowed.

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The property is within the Mount Vernon Triangle Area that has been targeted as an area to be developed as a new downtown residential neighborhood with a concentration of housing. This housing strategy is outlined in the *Downtown Action Plan*, November 14, 2000.

> *"Mount Vernon Triangle should be developed primarily as a new downtown residential neighborhood. As the last available and most appropriate location for a significant concentration of new Downtown housing, Mount Vernon Triangle has the potential to accommodate approximately 5,500 new housing units. Here, a lively high-density neighborhood with a critical mass of residents would support nearby Downtown retail uses and serve as a transitional buffer to low-density residential areas to the north."*

To implement this housing strategy and goal, properties within Housing Priority Area A of the Downtown Development Overlay District, (described as the Mount Vernon Square North area in §1706.8) have been recommended to be granted relief from the limit on residential FAR. To implement this recommendation, the Zoning Commission is currently considering a zoning text amendment to the Downtown Development Overlay District, §1706 (ZO 00-30TA, Downtown Development Overlay District – Residential and Mixed Use Development, Housing Amendment). The Proposed Rulemaking for this text amendment is currently in the public review phase and Final Rulemaking by the Zoning Commission is scheduled for July 26, 2001 (Attachment 1).

Under the proposed text amendment, residential developments would be relieved of their density restrictions provided they comply with the maximum permitted height limitations, lot occupancy, and yard requirements (page 5).

> *"§1706.7**(d)*** ***Except for historic landmarks and properties listed in §1707.4 in the Downtown Historic District, the maximum FAR limitations in §§ 1706.4, 1706.5,and 1706.6 shall not apply to any building that is devoted entirely to residential use or to a combination of residential use and retail, service, arts, and arts-related uses listen in §§1710.1, and 1711.1; provided, the building shall comply with the maximum permitted height limitations of §§1701.1, 1706.15 and the lot occupancy and yard requirements of the underlying zone."***

Based on the above recommendations, the property is in an exceptional situation in that the existing zoning regulations has not provided enough incentives to encourage large scale residential development, instead limits the ability to develop residential use to its full capacity in this area. If the applicant were to wait until the adoption of the zoning text amendment, this variance would not be necessary and the property could possibly be developed as a matter-of-right at the requested 10.4 FAR. However, due to the desire to accelerate residential development in this area the applicant is requesting a variance at this time.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

If the increase in FAR is not allowed the applicant's interest in creating a critical mass of residential use within the Mt. Vernon area could be reduced. Without the variance, the development of the project could be delayed and therefore jeopardizing the project.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The proposal for residential development and a hotel will not be detrimental to the public good. In fact, this proposal is consistent with the goal of the Comprehensive Plan to encourage residential developments in order to increase the number of residents within the District. In turn, the economy and vitality of the District and specifically the Mt. Vernon area will benefit. Further, there is also the goal of the Comprehensive Plan and the need to increase hotel space in this downtown area especially to support the new convention center. The proposed increase in FAR would not impair the intent, purpose and integrity of the zone plan, as light and air would not be affected since the development is within the required lot occupancy, height limitations, and yard requirements.

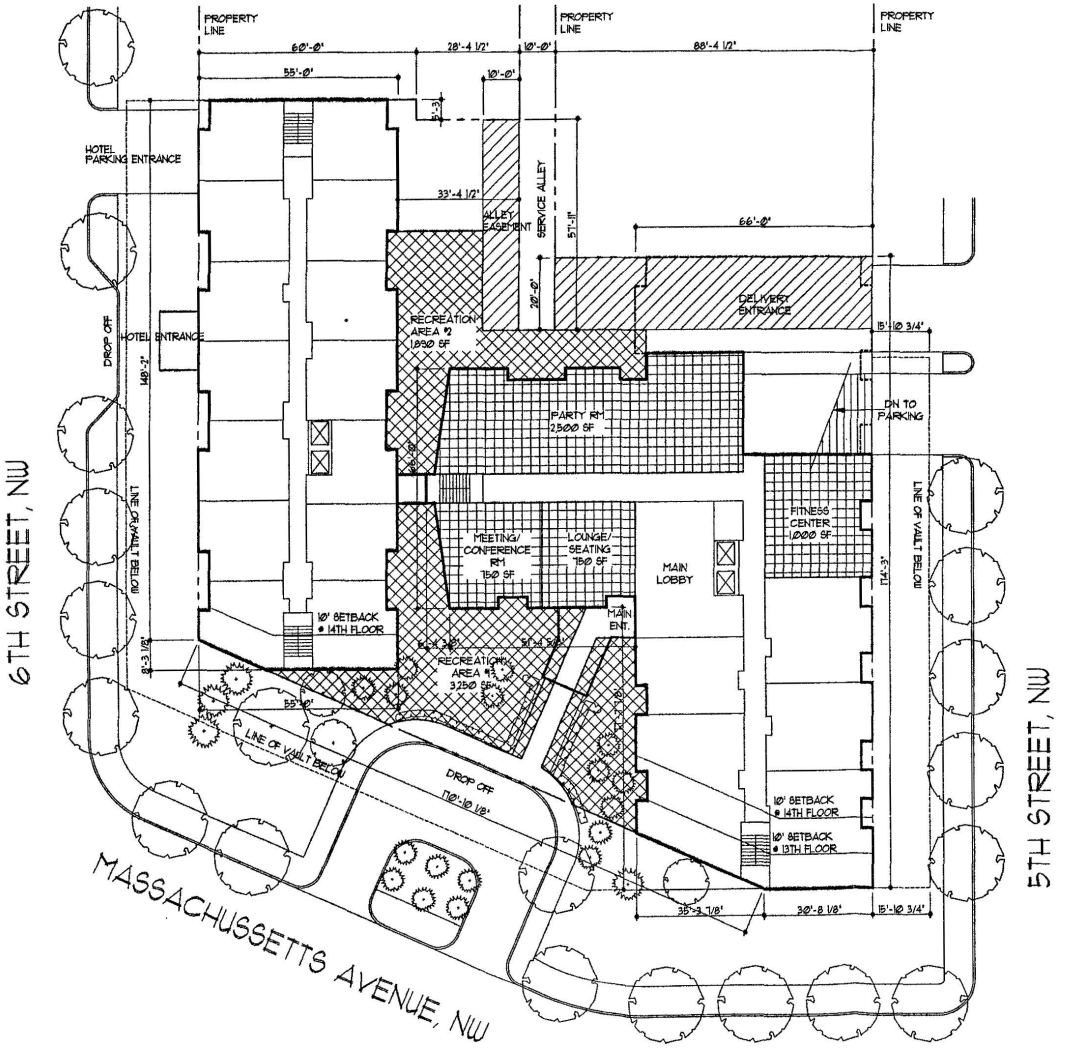
Residential Recreation Area

Section 773.3 of the Zoning Regulations require that 15% of the gross floor area of the apartment building be dedicated to residential recreation space. Based on the 200,000 square feet of residential space, 30,000 square feet of recreational space is required. The applicant has requested that the recreational space provided in this development be reduced to 5% or 10,000 square feet.

The area north of Massachusetts Avenue has limited opportunities for recreational facilities. A part of the development strategy for the Mount Vernon Triangle area is to develop a neighborhood with all the quality of life features for the neighborhood to succeed. Having recreation space for the residents will be important to the success of the neighborhood. However, as part of the aforementioned Zoning Map Amendment 00-30T, there is a recommendation to reduce the residential requirement in the DD/C-2-C district to 5% (page 4).

"§1706.4(f) ***The residential recreation space required in §773.1 shall be reduced to five percent (5%) of the gross floor area devoted to residential use, provided the bonus generated by this paragraph shall be used entirely for residential use."***

The application proposes 5,000 square feet of space internal to the building and 5,000 square feet of space outside of the building. The indoor space will consist of a 2,500 square feet club/party room, a 1,000 square feet party room, a 750 square feet business center, and a 750-lounge/sitting area. The outdoor recreational area will be provided in front of the apartment building (Figure 2).



C G INVESTMENTS, INC.

ARCHITECTURE PLANNING INTERIOR DESIGN

Figure 1

The following demonstrates how the application meets the standards for approval of the variance:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

One aspect of the property's uniqueness which justifies this variance is the fact that most of the roof top is required for housing mechanical equipment, which makes it difficult to provide recreational space on the roof, the site where many other downtown buildings locate some of their recreational space. In addition, the opportunities for providing outdoor recreation space are limited as there is a desire to have buildings placed along the property line of Massachusetts Avenue and the loading area and alleys to the rear of the property.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

A practical difficulty would be imposed on the development of the property if the full 15% of recreational space were provided. The number of residential units would be reduced at a time when the goal is to maximize the number of residential units. Additionally, the site area is fairly small and having to provide 30,000 square feet of recreational space will reduce the number of residential units. The opportunities for providing outdoor recreation space are further limited by the desire to have buildings placed along the property line and the loading area and alleys to the rear of the property.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The request for a reduction to 5% recreation space will not be a detriment to the public good as there still will be a substantial amount of recreational space in addition the recreational facilities in the greater community should serve the new residents adequately. It is the intent of the zoning plan and map that the recreational area should be safe and secure and the areas recommended for recreation meets these requirements. I addition, the OP feels that it is important, in the Downtown area, to encourage residents to utilize public space and other Downtown amenities for recreation, in order to foster street vitality. The applicant has outlined the areas proposed for indoor and outdoor recreational use and the intent, purpose and integrity of the Zoning Regulations to provide space for quality of life features for the residents of the development will not be diminished.

Court Yard

The third variance request is to reduce the minimum width of the open court area. Section 776.3 requires that the width of the court should be a minimum of 4 inches per foot of height measured from the lowest level of the court to that elevation, but at least a minimum of 15 feet. In the case

of a non-rectangular court, the width of the court is the diameter of the largest circle that may be inscribed in a horizontal plane within the court. Based on this, the width of the open court would be 42.9 feet. Two open court areas are provided on the property. The entrance court meets the requirement but the width of the rear court is reduced by 9.525 feet. The request for reduction in court width is assessed as follows:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

Due to the shape of the property and its adjacency to three streets the orientation of the buildings on the site is fairly fixed. Additionally, the need to place the buildings as close to the property line as possible, and the need to meet all the yard requirements puts limitations on the site development. At the rear of the property, the property line is uneven and has a public alley that is perpendicular to the property line that has limited the area to accommodate the court.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

Without the relief to reduce the court width, the number of the hotel and/or apartment units would have to be reduced which would adversely affect the ability to provide a critical mass of residential and hotel uses on the site.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The proposed reduction in the width of the court will not be detrimental to the public good as the court is adjacent to the public alley that will remain open to provide light and air to the hotel and apartment building. The intent and purpose of the zone plan for open courts to provide light and air to buildings will not be affected if the width of the open court is projected to the public alley. It should be noted that OP would not support closing of the alley with any redevelopment of adjacent properties.

COMMUNITY COMMENTS

At the time of submittal of this report, ANC-2C did not have a hearing scheduled to review this application and the ANC next meeting is not scheduled until July 2001.

SUMMARY AND RECOMMENDATION

The proposed variances to increase the residential FAR, reduce the residential recreational area, and reduce the width of the open court to the rear of the property meets the provisions of Section 3103.2 of the Zoning Ordinance for granting variances. The proposed development to provide

residential units and hotel use in the Mt. Vernon area over and above what is currently permitted by the Zoning Regulations is a goal of the City. The request to increase the residential FAR on this site is not premature as studies by OP and a citizen task force have made the recommendation to increase the FAR whose final approval will be considered in approximately one month. Approval of these variances will not cause any "substantial detriment to the public good" and "will not substantially impair the intent, purpose, and integrity" of the zone plan as embodied in the Zoning Regulations or Map", as they will fulfill the intent of increasing residential use in the Mt. Vernon area and in the City as a whole. The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance requested.

Attachment

AA/mbr

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 00-30TA
(Text Amendment – 11 DCMR)
(Downtown Development Overlay District – Residential and Mixed Use Development, Housing Amendments)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code § 5-413 (1994)), hereby gives notice of its intent to amend § 1706 of the Zoning Regulations, Title 11 DCMR, pertaining to residential and mixed use development in the Downtown Development (DD) Overlay District.

First, the proposed amendments will reduce the residential recreation space requirement in the C-2-C and C-3-C Districts within the DD Overlay District from fifteen percent (15%) and ten percent (10%) respectively to five percent (5%), provided the area made available through this proposed amendment is used exclusively for residential use.

Second, except for historic landmarks and specified properties within the Downtown Historic District, the proposed regulations would relieve residential housing projects in designated Housing Priority Areas in the DD Overlay District of their density restrictions. The residential housing project must comply with maximum permitted height limitations and lot occupancy and yard requirements. Moreover, the increased density may not be used to meet minimum housing requirements, to generate transferable development rights, or to engage in combined lot developments.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

In the following proposed text amendment, deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined:

The following rulemaking action is proposed.

Chapter 17, Downtown Development Overlay District, Section 1706, is amended to read as follows:

ATTACHMENT 1

1706.3 Each lot in the Housing Priority Area shall provide on-site or account for off-site by combined lot development residential use and development as provided in this section; provided further, that a building or combined lot development that provides new residential uses on-site shall ~~earn~~ **generate** bonus density or transferable development rights as follows:

(a) Residential development north of Massachusetts Avenue shall ~~earn~~ **generate** one **(1)** square foot of bonus density or transferable development rights for each square foot of residential use developed;

(b) Residential development south of Massachusetts Avenue shall ~~earn~~ **generate** two **(2)** square feet of bonus density or transferable development rights for each square foot of residential use developed; and

(c) Residential development that qualifies as affordable dwelling units as defined in ~~Subsection~~ **§** 1799.1 ~~of this chapter~~ shall ~~earn~~ **generate** two **(2)** square feet of bonus density or transferable development rights for each square foot of affordable housing developed.

(d) The increase in gross floor area provided by § 1706.7(d) shall not be used to generate additional transferable development rights. The residential density achieved by the development used to calculate transferable development rights shall not exceed the FAR listed in the following table:

Zone District	Transferable Development Rights
DD/C-2-C	8.0 FAR
DD/C-3-C	9.5 FAR
DD/C-4	10.0 FAR

1706.4 In the DD/C-2-C Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 8.0 as a matter of right, which FAR may be devoted to all residential use or include commercial or residential uses as provided in this subsection;

(b) Each lot shall provide on-site or account for off-site in a combined development no less than 4.5 FAR of residential use;

(c) On a lot that is south of Massachusetts Avenue, up to 1.8 FAR of this residential requirement may be met by constructing or by financially assisting affordable housing as defined in this chapter and as governed further by this section;

(d) On a lot that is north of Massachusetts Avenue, up to 1.35 FAR of this residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; ~~and~~

(e) If such affordable housing is provided off-site, commercial or residential FAR may be substituted on-site or in a combined lot development by the same amount of gross floor area as the affordable housing up to the maximum limit of 1.8 FAR south of Massachusetts Avenue or 1.35 FAR north of Massachusetts Avenue**; and**

(f) The residential recreation space required in § 773.1 shall be reduced to five percent (5 %) of the gross floor area devoted to residential use, provided the bonus generated by this paragraph shall be used entirely for residential use.

1706.5 In the DD/C-3-C Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 9.5 as a matter of right, which FAR may be devoted to all residential use or may include commercial or residential uses as provided in this subsection;

(b) Each lot shall provide on-site or account for off-site in a combined lot development no less than 3.5 FAR of residential use;

(c) On a lot that is south of Massachusetts Avenue, up to 1.4 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section;

(d) On a lot that is north of Massachusetts Avenue, up to 1.05 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; ~~and~~

(e) If affordable housing is provided off-site pursuant to paragraph (c) or (d) of this subsection, commercial or residential FAR may be substituted on-site, or in a combined lot development, by the same amount of gross floor area as the affordable housing, up to the maximum limit of 1.4 FAR south of Massachusetts Avenue or 1.05 **FAR** north of Massachusetts Avenue**; and**

(f) The residential recreation space required in § 773.1 shall be reduced to five percent (5 %) of the gross floor area devoted to residential use, provided the bonus generated by this paragraph shall be used entirely for residential use.

1706.6 In the DD/C-4 Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 10 as a matter of right, which FAR may be devoted to all residential use or include commercial or residential uses as provided in this subsection;

(b) Each building shall provide on-site or account for off-site in a combined lot development no less than 2.0 FAR of residential use;

(c) Up to 8.0 FAR of this residential development may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; and

(d) If such affordable housing is provided off-site, commercial or residential FAR may be substituted on-site or in a combined lot development by the same amount of gross floor area as the affordable housing up to a maximum limit of 0.8 FAR.

1706.7 The maximum ~~permitted~~ gross floor area **permitted under §§ 1706.4, 1706.5, and 1706.6** may be increased by 0.5 FAR up to a maximum of 8.5 FAR in the DD/C-2-C Overlay District, 10.0 FAR in the DD/C-3-C Overlay District, and 10.5 FAR in the DD/C-4 Overlay District; provided:

(a) The increase in gross floor area may be achieved by receiving transferable development rights as provided in § 1709, which gross floor area may be devoted to any permitted use on the receiving ~~site~~ **lot**;

(b) The increased gross floor area may be entirely devoted to residential use; and

(c) The increase may be earned by constructing or assisting affordable housing as defined in this chapter and as further governed by this section, or by earning retail bonus density as provided in § 1706.16.

(d) Except for historic landmarks and properties listed in § 1707.4 in the Downtown Historic District, the maximum FAR limitations in §§ 1706.4, 1706.5, and 1706.6 shall not apply to any building that is devoted entirely to residential use or to a combination of residential use and the retail, service, arts, and arts-related uses listed in §§ 1710.1 and 1711.1; provided, the building shall comply with the maximum permitted height limitations of §§ 1701.1 and 1706.15 and the lot occupancy and yard requirements of the underlying zone.

(e) The increase in gross floor area provided by § 1706.7(d) shall not be used to meet the minimum residential requirements of §§ 1706.4, 1706.5, and 1706.6 or to engage in a transfer of residential density through combined lot development. The maximum FAR that a residential development may accept through combined lot development is equal to the residential density achieved by the receiving lot minus its minimum residential requirement, but in no case greater than the FAR listed in the following table:

Zone of the Lot Receiving Housing	Allowable Combined Lot Transfer
DD/C-2-C	3.5 FAR
DD/C-3-C	6.0 FAR
DD/C-4	8.0 FAR

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Alberto P. Bastida, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.