GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: July 20, 2001

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16744
The Hellman Company, Inc./Amoco Oil Company
500 New Jersey Avenue, NW
Square 627 Lots 7, 12, 801 and 802

SUMMARY

The applicant, The Hellman Company, Inc./Amoco Oil Company, seeks approval of

1. A variance from the floor area ratio (FAR) requirement of Section 771;
2. A variance from the height requirement under Section 770;
3. A variance from the parking requirement under Section 2101; and,
4. A variance from the loading requirement under Section 2201.

The applicant proposes construction of a new office building with ground floor retail uses.

Issues:

- In considering this case, the Board must determine if the Site is unique because of its size, shape or topography or other extraordinary or exceptional situation or condition. The Office of Planning believes the Site is extremely small in size an unusual in shape and therefore unique.
- The Board should consider if strict application of the regulations results in peculiar and exceptional practical difficulties. Based on the analysis of the Office of Planning the zoning regulations cause peculiar and exceptional practical difficulties in development of the Site. The Office of Planning notes, however,

BZA Case No. 16744 Exhibit No. 57

Board of Zoning Adjustment
District of Columbia
CASE NO.16744
EXHIBIT NO.57

that since the Site is in the Downtown East Receiving District the applicant may purchase transferable development rights to ease the burden of the zoning regulations.

- The Board should determine if the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Based on the analysis of the Office of Planning, the proposed design as modified by the proposed conditions will meet this test.

Recommended Action:

The Office of Planning recommends approval of this application with the following conditions:

1. The applicant will construct the building in substantial conformance with the architectural drawings presented in the application except for the following changes:
   a. The roofline shall be as shown on plan A2.11 with the sloped roof extending to the building wall, not notched or setback as shown in the elevation A3.01 and A3.03 on the north side.
   b. The First Street façade shall have the windows as shown on the First Street Elevation, not the 81' blank wall shown in the plan views.
   c. The windows shall be traditional double hung style windows.
   d. The windows shall be recessed 6 inches.
   e. The façade shall incorporate French doors and balconies
2. The applicant will use material of high quality as indicated by the applicant's architect Byron Black of Weihe Design Group, PLLC
   a. The lower section of the façade shall be limestone or limestone-like precast concrete.
   b. The upper section of the façade shall be brick.
   c. Cornice lines and balconies shall be limestone or limestone-like precast concrete.

Background

The subject property is located a 500 New Jersey Avenue, NW (Square 627, Lot 7, 12, 801 and 802) and bounded by New Jersey Avenue to the east, E Street to the south, First Street to the west, and Federal Reservation 196 and F Street to the north (See Attachment 1). The subject property is in a C-3-C District, the Hotel-Residential Incentive District, and the Downtown East Receiving District. The site currently occupied by boarded and fenced gas station, vacant retail structures and incidental parking (See Attachment 2). The site, located in the Central Employment Area, sits in a neighborhood of predominately high-density commercial and institutional structures including the Hyatt Regency Hotel, the Holiday Inn, the Washington Court Hotel, the Hotel George, the

Phoenix Park Hotel and the Georgetown University Law Center. Wide streets surround the site with large public spaces between curb and property line.

Project Description

The applicant proposes to construct a new building with a footprint of approximately 8100 square feet and 12 stories. The building will consist of a total of approximately 92,350 square feet of gross floor area devoted to office and retail uses. The building will have a total height of 130' and an FAR of 11.11. According to the applicant the building will include "fully designed facades on all four street frontages, incorporating French doors and balconies that enhance the façade, enliven the building, and provide views of the Capitol. The quality of these features ... make this Building a positive design contribution to the community." (Statement of the Applicant, p.3).

The applicant proposes extensive paving and landscaping along the three street frontages with an entrance to underground parking on E Street, and loading space access along 1st Street. New Jersey Avenue will provide the main entrance to the building.

Analysis

Comprehensive Plan

The Comprehensive Plan, in listing general policies for economic development, urban design:

200.10 Also of high priority is the development and implementation of policies and strategies that generate new and productive uses of currently underused commercially and industrially zoned lands.

204.2 (c) Enhance the environmental quality of areas of significant development through guidelines related to access and egress, setbacks, landscaping, lighting, facades, and structural relationship to adjacent buildings;

708.2 The policies established in support of the buildings are as follows:

(a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

709.2 The policies established in support of the streetscape objective are as follows:

(a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;

(b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;

(c) Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for both Downtown and District neighborhoods;
(d) Create an environment in the public space that attracts people and stimulates redevelopment and commerce;

The proposed development is consistent with these objectives.

Zoning

The Zoning Regulations provide the Board three standards for granting a variance:

1. The site is unique because of its size, shape or topography or other extraordinary or exceptional situation or condition.
2. Strict application of the regulations results in peculiar and exceptional practical difficulties.
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map

Site's Exceptional Conditions

The property is a long thin triangle of approximately 8,312 square feet. This small lot, which is approximately 68 feet at its widest point, is unusual in its shape due to the severe angle at the northern apex of the triangle. These exceptional conditions of the site are the cause for all four variance requests.

Exceptional Practical Difficulties

Height and FAR

The basic practical difficulty related to the height and FAR requests are related to the increased construction costs created by the exceptional size, shape and condition of the site. The site has such a small floor plate due to the small lot size that the core to floor ratio is much higher than a standard building. Also, due to economies of scale a minimum amount (approximately 100,000 GSF) of leasable space is needed to support office space in this market. The economic analysis by Bolan and Smart indicates that there would be a practical difficulty in constructing a by-right building. According to Bolan and Smart, even with the variances requested the project is on the margin of comparable profitability and therefore, other options available to make this work such as the bonus height and density of the HR Overlay and the opportunity to buy TDRs will not reach profitability.

The Office of Planning feels the applicant neeto make a more convincing case with regard to why he can't purchase TDR's for the additional density. However, the TDR purchase alone would not be sufficient, as the site requires more than the 9.0 FAR permitted with TDR's, the purchase of TDR's along with a variance would seem appropriate. The comparison provided by Bolan and Smart assumes that land values between the generic

parcel and the subject parcel would be the same, but theoretically, at least, the difficulties inherent in developing this site should be reflected in the price of this property. Recent TDR transactions recorded have been as low as $13/sf, even at $20/sf the purchase of the required TDRs by the applicant would be less than 2% of the project construction estimate.

Parking and Loading
Parking and loading requirements set forth a minimum geometry, based on vehicle size and turning movements consume a minimum amount of space. Because of the small size of the lot and its narrow width it is not only practically difficult, but impossible to provide a reasonable number of parking spaces or a full size loading space on-site. To accommodate the parking needs of a reasonable development of this site the leasing of vault space as proposed by the applicant would be required.

Public Good and Intent of Zoning
Height.
From the elevations indicated in the applicant's submission, it can be seen that the due to the topography this site sits in a bowl and buildings nearby will be taller than the proposed building. Also, 130' building height is common for the area because of the height bonuses of the HR Overlay and the TDR receiving district. Therefore, granting of a height variance to 130' would not impact the character of the area and is not contrary to the public good or the purposes and intent of the Zoning Regulations and Map.

FAR
Similar to the discussion on height above, the area around the site is characterized by high density development an the provisions of the HR Overlay and receiving District creates densities similar to what is proposed. The zoning regulations do contemplate that the area should be developed more densely by the transfer of development rights. To approve this application without requiring the purchase of development rights does not support the purposes of the zoning regulations to create a market for the transfer of development rights. However, this negative is outweighed by the positive aspects of the project.

Generally speaking approval of this project will bring much public good. A high quality office building will be built on this site that has been underutilized and dilapidated for years. The building may increase use of the many hotels in the area. The proposed streetscape improvements and ground floor retail space will bring life and vitality to the street. The vision of a memorial on the Federal reservation to the north, which would use a portion of the property, may come to fruition and convert an underutilized and unattractive space into a community amenity.

Parking and Loading
The parking and loading requirements for the building are adequately handled by the plan to appropriately use adjacent public space. The parking and loading provisions proposed creatively address the problem given the severe site constraints.

ANC's and Community Groups – The applicant has not gotten approval from ANC 6A, but is scheduled to be heard by that body on July 26th. A number of letters have been received in the record in support of the project. The ANC 6A Zoning and Licensing Subcommittee met on June 13, 2001 and recommended to the Commission that it endorse the project. The single member district commissioner and Councilmember Sharon Ambrose have written letters of support for the project.

Recommendation

The Office of Planning recommends approval of BZA application 16744 requesting a the following variances:

1. A variance from the floor area ratio (FAR) requirement of Section 771 to permit an FAR of 11.11;
2. A variance from the height requirement under Section 770 to permit a building height of 130';
3. A variance from the parking requirement under Section 2101 to allow 6 spaces on-site and 54 spaces underground in vault space; and,
4. A variance from the loading requirement under Section 2201 to permit the loading space configuration on the plan, which uses public space.

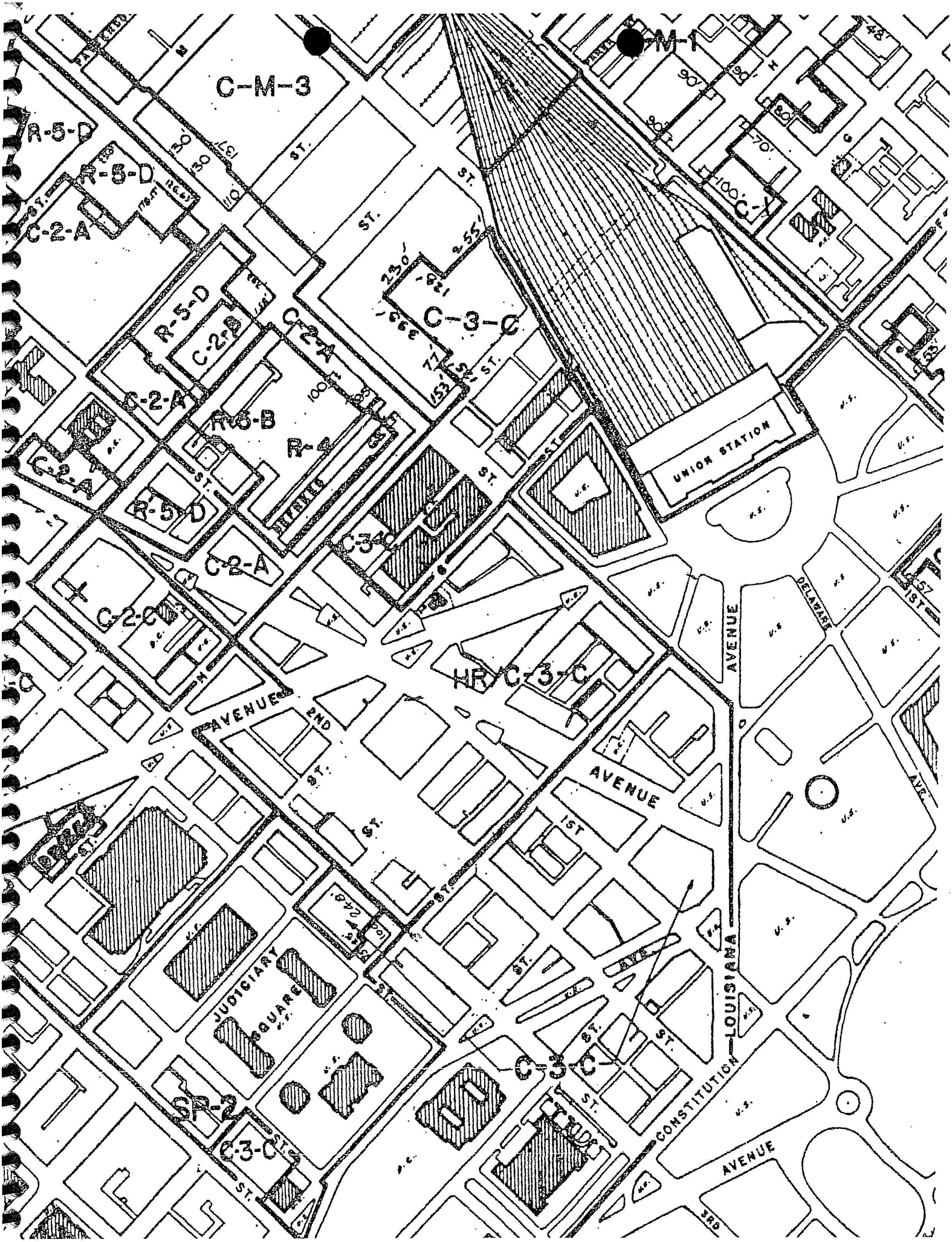
Though the Office of Planning has expressed some reservations regarding the applicant's failure to purchase TDR's, on balance, the positive impact this development will have on the neighborhood, the high quality of the design and building materials, and the great need to develop this site with an attractive and productive use outweigh these concerns. To ensure that this development remains a high quality one, the Office of Planning recommends the following conditions for this approval:

1. The applicant will construct the building in substantial conformance with the architectural drawings presented in the application except for the following changes:
    a. The roofline shall be as shown on plan A2.11 with the sloped roof extending to the building wall, not notched or setback as shown in the elevation A3.01 and A3.03 on the north side.
    b. The First Street façade shall have the windows as shown on the First Street Elevation, not the 81' blank wall shown in the plan views.
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    b. The upper section of the façade shall be brick.

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ATTACHMENTS:

1. Location Map
2. Survey Plat


C-M-3
M-1
R-5-D
C-2-A
C-3-C
R-5-B
R-4
C-2-B
C-2-C
C-4
HR
SP-2
UNION STATION
JUDICIARY SQUARE
DELAWARE AVENUE
LOUISIANA AVENUE
CONSTITUTION AVENUE
1ST ST.
2ND ST.
M ST.
N ST.

Form 947—D. C.

Surveyor's Office
DISTRICT OF COLUMBIA

Washington, D. C., MAY 1, 2001

Plat, *for Building Permit of* SQR 627 LOTS 7, 12 801, 802

B-134 32206

Recorded in Book M4/15 *page* 37457

Scale: 1 inch = 20 *feet*

S. O. 3419

Furnished to JAY KELLMAN

Surveyor, District of Columbia.

By RFB

GS

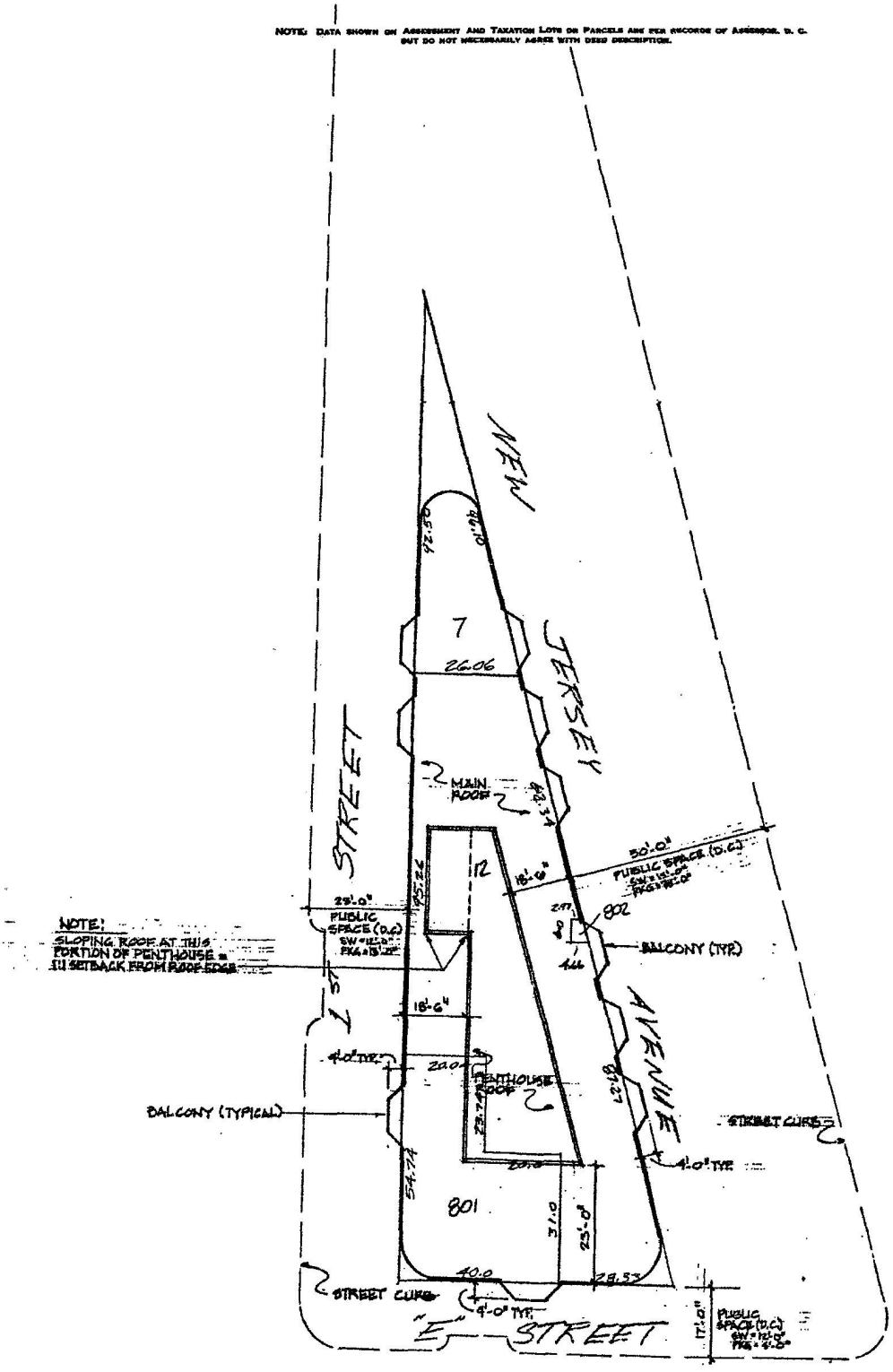
PS

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or constructions, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan, as shown hereon, is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking areas where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date 5-10-01

(Signature of owner or his authorized agent)

NOTE: DATA SHOWN ON ASSESSMENT AND TAXATION LOTS OR PARCELS ARE PER RECORDS OF ASSESSOR, D. C. BUT DO NOT NECESSARILY AGREE WITH DEED DESCRIPTION.



1479-P