GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

Office of Planning

DATE: September 21, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16763

The attached Final Report concerning the application for Case Number 16763 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16763
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16763
EXHIBIT NO.23

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: September 26, 2001

SUBJECT: BZA Case # 16763 Area Variance Request

APPLICATION-IN-BRIEF

Applicant: Summit Properties Partnership LP
900 15th Street, N.W.
Square 199, Lot 64

Relief Sough: Pursuant to 11 DCMR 3103.2, the applicant is requesting a variance from the minimum court area requirements, in order to convert the subject property from office to primarily residential.

From Section: 11 DCMR 3103.2

Relief Sought Under: Subsection 776.4

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject applicant be approved

Applicant's Justification:

The relief is necessary to address various design/technical issues in incorporating the addition into the existing historic building.

SITE AND AREA DESCRIPTION

The subject premises are in the McPherson Square Neighborhood of Ward 2. K Street, N.W. generally bounds the site to the north, I Street to the south, 15th Street to the east and 16th Street is to the west. It is on Square 199 and is comprised of Lot 64.

The subject premises are at the northeast corner of 15th & I Streets, directly across from McPherson Square, which is on the east side of 15th Street and just north of the U.S Veterans

Administration Headquarters Building, which is on the south side of I Street and south of the Southern Railway Building, which is at the southeast corner of 15th & K Streets.

The subject property, (formally the United Mine Workers Building) was constructed in 1912 to house the University Club of Washington. The original building was a five-story Italian Renaissance Revival Palazzo building. The design was altered in 1936, with the construction of a six-story addition when the United Mine Workers (UMW) took ownership of the building. The UMW Building was designated a historic landmark by the D.C. Historic Preservation Review Board ("HPRB") on April 22, 1999. As such, any changes made to the exterior of the structure must be approved by the HPRB. Because the building received federal rehabilitation tax credits, the interior of the structure must also be approved by the HPRB. The applicant has already received approval from the HPRB, of its plans to renovate and add a new addition to the subject building.

The subject project (The Summit Grand Parc building) consists of the total renovation of the vacant UMW building and the integration of a new residential addition to the structure. The proposed renovation and addition will convert what was an office building into a predominantly residential building with approximately 115,000 square feet of residential space. There will be 27 efficiency units, with one bathroom; 58 one bedroom one bathroom units; 13 two bedroom, one bathroom units; and 7 two bedroom two bathroom units. There will also be approximately 15,000 square feet of office and retail space included in the project.

Initially, the applicant expected to accomplish the renovations and addition as a matter-of-right project. The applicant filed for and received a building permit on May 11, 2001 to construct the Summit Grand Parc building. Pursuant to §636.3, no rear yard shall be required for any building or structure which is a corner lot abutting three or more streets. The subject structure abuts Vermont Avenue, as well as 15th and I Streets. Further, since the building is on a corner lot in the C-4 Zoned District, and occupies one hundred per cent of the subject lot, a court may be provided in lieu of a rear yard.

Under the approved plan, the lowest level of the courtyard would have been at approximately the mid-point of the windows between the second and third floors. It would have met the minimum requirements for a courtyard, in the C-4 Zoned District, but the applicant, did not consider the proposed level of the courtyard to be at a location which was aesthetically pleasing (especially for a majority residential project) and it posed design and access constraints. The approved location of the courtyard obstructed fenestration details of the historic building, and prevented the applicant from having full size windows in the new residential addition and complicated access to the courtyard from the amenity space. The applicant decided to make changes to the location of the court, by lowering the foundation of the courtyard to the level of the second floor, thereby resolving the design and access issues. The lowering of the courtyard, to the level of the second floor, will create a more visually appealing courtyard for occupants by allowing full size windows on the courtyard and permitting direct access to the courtyard from the second floor. However, the lowering of the courtyard increased the amount of total court area that must be provided in the building. The applicant is proposing to construct a court that will consist of 1,107.4 square feet, which would be 159.6 square feet less than the required amount of court area.

Under §776.4 of the Zoning Regulations, 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.).

The approved matter-of-right project included a court of 69.75 feet in depth, and required a total court area of 1,081.13. The matter-of-right project had a courtyard area of 1088 square feet. The lowering of the courtyard from between the second and third floors, to the level of the second floor, increased the amount of total court area that must be provided in the building to 1,267 square feet. The applicant is proposing to construct a court that will consist of 1,107.4 square feet, which would be 159.6 square feet less than the required amount of court area, in the C-4 Zoned District. The applicant is therefore, requesting variance relief from the required court area requirements of the Zoning Regulations.

AREA ZONING

The subject premises are in the C-4 Zone District. The C-4 district is designed for the downtown core that comprises the retail and office centers for both the District of Columbia and the Metropolitan area. The C-4 district contains high-density residential and mixed-use developments.

APPLICANT'S PROPOSAL

The applicant proposes to renovate the historic United Mine Workers Building and convert it from office use to primary residential use. The conversion requires variance relief from the minimum court area requirement. The variance is necessary to address various design/technical issues in incorporating the addition to the existing historic building. The minor variance allows the creation of a more visually appealing and accessible courtyard for residents of the building.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3103.2, the applicant is requesting an area variance from the minimum court area requirements, in order to convert the subject property from office to primarily residential. The relief is sought from §776.4.

AUTHORITY TO GRANT VARIANCE

11 DCMR § 3103.2 is the D.C. Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested variances.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

Yes. The subject property is located on a corner lot in the C-4 Zone District. Additionally, the property is improved with the United Mine Worker Building, a historic landmark designated by the Historic Preservation Review Board. Therefore, any adaptive reuse for residential purposes is constrained by the site's location on a corner lot, with one hundred per cent lot occupancy and the restrictive parameters that are created by the historic landmark designation of the building on the site. Further, the integration of a new residential portion with an historic building creates a unique and exceptional condition. The lowest level of the courtyard (which was approved as a matter- of-right) would have

been at approximately mid-point of the windows between the second and third floors. It would have met the minimum requirements for a courtyard, in the C-4 Zoned District, but the applicant, did not consider the proposed level of the courtyard to be at a location which was aesthetically pleasing and posed design and access constraints. The approved location of the courtyard obstructs fenestration details of the historic building, prevents the applicant from having full size windows in the new residential addition and complicate access to the courtyard from the amenity space. The applicant decided to make changes to the location of the court, by lowering the foundation of the courtyard to the level of the second floor, thereby resolving the design and access issues. The lowering of the courtyard, to the level of the second floor, will create a more visually appealing courtyard for occupants; by allowing full size windows on the courtyard and permitting direct access to the courtyard from the second floor. However, the lowering of the courtyard increased the amount of total court area that must be provided in the building. The applicant is proposing to construct a court that will consist of 1,107.4 square feet, which would be 159.6 square feet less than the required amount of court area.

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

Yes. The lowering of the courtyard, to the level of the second floor, is necessary to create a more visually appealing courtyard for occupants and will provide substantial amounts of air and light, as will as significant aesthetic benefit; by allowing full size windows on the courtyard and permitting direct access to the courtyard from the second floor.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. The requested variance can be granted without 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 underlying purpose of the court area requirement is to provide an adequate amount of light and air to the residential and office tenants of the building. The courtyard to be provided will be only 10% smaller than what is required by the Zoning Regulations. In actuality, by lowering the court to the level of the second floor, more light and air is provided than in the matter-of-right option, since the court will now reach the entire second floor.

The applicant believes that the benefits to the community that result with more efficient interior layout will help assure the success of a mostly residential project in downtown, an area of the city where housing is a major priority. If the Board allows the requested minor deviation from the required amount of court area, by approving the requested variance, it would allow a more efficient building layout that will produce a more attractive interior space for the residential and office tenants of the building. The granting of the variance would have no impact on the exterior of the building.

COMMENT COMMENTS

The applicant made a presentation to ANC 2B on September 12, 2001, at the regular scheduled mouthy meeting. ANC 2B voted unanimously to support the project.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Summit Properties Partnership LP, requesting minor variance relief from the court area requirements in the C-4 Zone District, in order to build a high-quality mostly residential project in the downtown area, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Sections 3103.2, and 776.4, and concluded the application 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.