GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: October 17, 2001

SUBJECT: Waiver of Rules for Late Submittal of Report on Board of Zoning Adjustment Application No. 16775, New Office Building at 1012 10th Street, N.W. for the National Medical Association

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The attached report concerning Board of Zoning Adjustment Application No. 16775, New Office Building at 1012 10th Street, N.W. for the National Medical Association, is being submitted less than seven days prior to the Board of Zoning Adjustment meeting on October 23. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachment

AA/jf

BZA
Case No. 16775
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16775
EXHIBIT NO.26

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: October 16, 2001

SUBJECT: BZA Application No. 16775, New Office Building at 1012 10th Street, N.W. for the National Medical Association

APPLICATION

Application of the National Medical Association, pursuant to 11 DCMR Sections 3103 and 3104, for a variance to allow a certificate of occupancy to be issued to the nonresidential space of the project in advance of completion of the required residential space in a combined lot development, variances from the rear yard, parking and loading berth requirements, and a special exception for the roof structure.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the requested special exception for the roof structure and the requested variances from the rear yard, parking and loading berth requirements be granted. With respect to the housing timing variance, the Office of Planning supports the arrangement that the National Medical Association has made with a developer for the development of future housing. However, in order to avoid the timing issue, the applicant should establish a housing escrow account, as allowed under new rules which have been approved by the Zoning Commission and which will soon be effective.

BACKGROUND

The National Medical Association is a national organization of African-American doctors and other medical professionals. The organization that became the National Medical Association was founded in Atlanta in 1895 as the National Association of Colored Physicians, Dentists and Pharmacists (renamed the National Medical Association in 1903). The headquarters of the Association has been located in Washington, D.C. since

approximately 1901. In the early 1980s the Association constructed a relatively small, four-story building of approximately 13,000 square feet on the property being addressed in this application. At that time, the Association had a staff of nine. The zoning of the property was then HR/SP-2. Construction of the proposed office building for a non-profit organization in an HR/SP-2 District required a special exception. After a hearing on September 16, 1981, the Board of Zoning Adjustment approved the development (BZA Order No. 13530).

The building was completed in 1983 and the Association has been located in the building since that time. The Association has continued to grow and now has a staff of approximately 45. The present building is not adequate for the Association's future needs. The Association wants to demolish the present building and build a new and larger headquarters building on the same site. Building a higher building on the same site involves new some design and use issues. In the 20 years since that original BZA decision, the zoning of the site has changed and the area has changed. More changes in the area are coming in the near future as a result of ongoing development and the completion of the new Washington Convention Center at Mount Vernon Square, about a block to the east.

SITE AND AREA DESCRIPTION

The site is Lot 57 in Square 342. The lot is located on the west side of 10th Street between Massachusetts Avenue and K Street, N.W. As indicated above, the site is now occupied by a four-story office building, the headquarters of the National Medical Association. The area of the lot is 3,258 square feet. The lot has a width of 34 feet, 8 inches and a length of 94 feet. The site is essentially level. The lot is bordered on the west and the south by a public alley. The square and portions of the surrounding area are now zoned DD/C-2-C.

Square 342 is bounded on the north by Massachusetts Avenue, on the east by 10th Street, on the south by K Street and on the west by 11th Street. The northern portion of Square 342, bordering Massachusetts Avenue, has two relatively large and recent office buildings owned and occupied by national associations. Directly north of the existing National Medical Association building is the Cato Institute, the seven-story building with the prominent glass atrium at the corner of Massachusetts Avenue and 10th Street, N.W. On the northwestern corner of the square is a building constructed in the early 1980s for the National Food Brokers Association. The American Roads and Transportation Builders Association now occupies this building.

Directly south of the applicant's site, across the alley, is the eight-story Carpenters Building, an office building dating from the 1920s. West of that is a small two story building used as an office and, west of that, a small parking lot. The southwest corner of the square is occupied by four-story boarded-up building. North of that building, at 1009 1109 11th Street, is American Youth Hostel's Washington, D.C. hostel. North of the hostel building are four lots that have been paved and are used as a parking lot. It is likely that at least parts of the southern portion and parts of the western portion of the square

will be combined and developed in some way, but that future development pattern is not clear at this time.

An aerial photograph of Square 342, indicating the National Medical Association site, is attached.

APPLICANT'S PROPOSAL

The applicant, the National Medical Association, proposes to demolish the present building and build a new building in its place. The site size remains the same. The building would be 105 feet high with nine stories and will total about 25,275 square feet. The site is 34.67 feet wide and 94 feet long. The proposed building would occupy 90 percent of the site. Because of the narrow width of the lot, the architect has placed the core features (two elevators, stairs, rest rooms and mechanical/electrical space) along the north side of the new building in order to leave as much of each floor open as possible. The ground floor has a lobby, reception area and space for a small museum. There is a mezzanine floor, six office floors and a large open space on the ninth floor for use as a boardroom. There is also one lower level devoted primarily to storage space.

Building this higher and larger building on the same site has some design implications. As a result, the Association is requesting a special exception for the location of the roof structure and four variances: 1) rear year variance, 2) parking variance, 3) loading space variance, and 4) housing timing variance. The roof structure special exception and the rear year variance, parking variance and loading space variance are all related to the small size of the lot, especially the narrow width of the lot. The housing timing variance is due in part to the size of the lot. The Association has found a way to satisfy the housing requirement off-site but cannot guarantee meeting the timing requirements for producing the housing and does not want to make a housing escrow contribution.

For convenience and clarity, the special exception request and the four variance requests are outlined in more detail below in the analysis section.

PLANNING CONSIDERATIONS

In addition to the specific site conditions, and the related variances and special exception being requested by the Association, the Office of Planning is aware of several broader planning considerations that have some relationship to the proposed development. These are discussed briefly below.

Development of the Mount Vernon Square Area: Square 342 is part of the Mount Vernon Square area, the area generally centered on Mount Vernon Square and extending west to 12th Street (the general eastern boundary for the Franklin Square area) and east to New Jersey Avenue, N.W. The full development of the Mount Vernon Square area as the next great urban neighborhood in the center of Washington is already underway and will continue over the next 10-15 years. The key element is the new Washington Convention

Center now under construction north of Mount Vernon Square, opening in 2003. The old Carnegie Library Building in the center of Mount Vernon Square will reopen that same year as the home of the Washington History Museum. Adjacent blocks, now partly or completely undeveloped, will be rebuilt with new office buildings, hotels (including a convention center headquarters hotel on a site to be selected) and housing, with related retail, entertainment and cultural facilities.

Once the new convention center is completed, the rebuilding of the existing convention center site south of New York Avenue with new hotels, housing and entertainment and cultural uses will have a major impact on the area. Tenth Street will again extend south through that area to the center of Downtown. The Downtown Plan includes objectives for the Mount Vernon Square Area (Section 932). The western portion of the Mount Vernon Square area, around the site of the National Medical Association, seems likely to be predominantly office and hotel, with major residential developing east of 7th Street in the NoMa area.

The existing National Medical Association building has been somewhat on the northern edge of downtown development since its construction in 1983. It is understandable that the Association wants to rebuild on the same site and be part of the future Mount Vernon Square area as the area improves. **From the City's standpoint, the construction of a new and larger office building for the National Medical Association on this site will be one more step in improving the area.**

Future Development of Square 342: As described above, parts of the southern and western portions of Square 342 will likely be combined and rebuilt in some way, but the future pattern is not clear. K Street has a wide right-of-way and from 13th to 9th streets there is a wide area of public space on both sides of the paved street. Coordinated streetscape development of this space can provide a significant public amenity in this section of Downtown.

The redevelopment of the National Medical Association site may encourage other new development in Square 342. Because alleys on the west and south border the National Medical Association site, that development will be essentially self-contained. **It will not interfere with whatever development pattern eventually takes shape on the adjacent underdeveloped sites on the southern and western sides of the square.**

Retaining Associations in the City: The District government has long sought to retain and encourage expansion of existing headquarters of national organizations, including professional membership organizations. Headquarters of organizations have direct and indirect economic benefits. Retaining and increasing such organizations strengthens the national capital role of the city. Section 200.9 of the Comprehensive Plan calls for "Expansion of the District's preeminent role as the location for corporate and other headquarters" (including professional membership organizations). **Taking steps to allow this new and larger headquarters building is important in retaining this**

organization in the city, an organization that has been located in Washington, D.C. for approximately the past century.

ANALYSIS

Roof Structure Special Exception

Applicant's Proposal: Because the building site is so narrow, the applicant's architect proposes to place the core functions on the north side of the building. The roof structure will be about 15 feet high above the roof, 41 feet long and approximately11 feet wide. Section 770.6(a) calls for roof structures to meet requirements of Section 411 and Section 770.6 requires that a roof structure shall be set back from all exterior walls a distance at least equal to its height above the roof on which it is located. Section 411.11 allows the BZA to approve the location of roof structures if such structures do not meet normal setback requirements of Section 770.6, provided that the light and air of adjacent buildings shall not be affected adversely in a case where various factors, including size of building lot, would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable. The applicant is therefore seeking a special exception for this location of the roof structure. The applicant notes that there is a space of approximately 20 feet from the edge of the National Medical Association north property line, which would be the line of the roof structure, to the face of the Cato Institute Building (above grade) to the north.

OP Analysis: It seems clear that placing the core functions on the north or south side of the new building is a logical design decision, since placing the building core in the center of this narrow building would cut up the usable space. The Office of Planning believes that the views of the roof structure on the edge of the building would be limited and that the impact of the roof structure, located on the edge of the new building, on the light and air of the adjacent Cato Building, which is set back 20 feet, would be limited.

Recommendation: The Office of Planning recommends approval of a special exception for the location of the roof structure on the north edge of the new building.

Four Variances Requested

The applicant is requesting four variances, as described below. Section 3103.2 provides three standards for granting a variance.

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

- 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.

- 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.

These tests must be addressed separately for each of the four variances being sought.

In all four variance requests, the unique nature of the property is that the property is small and very narrow, just over 34 feet. Otherwise, the property is rectangular in shape and essentially level.

Rear Yard Variance

Applicant's Proposal**:** The Zoning Regulations require a 15-foot rear yard for a building in the C-2-C District. The applicant proposes to provide a 15-foot setback (rear yard) for the first two floors of the building, up to a height of approximately 21 feet. The remaining seven floors would be cantilevered five feet and would only have a 10-foot rear yard. Thus the need for a variance of five feet for the upper seven floors. The applicant says that, in effect, the building footprint is so tight that even taking off another five feet would have an undue hardship impact on the functional layout of the office floors. The applicant claims that this five feet intrusion into the required rear yard by the upper seven stories will not have a substantial detriment to the public good. Applicant notes that providing the full 15 feet at the ground level allows access by cars and trucks ands that the existing 11.75 foot public alley provides a buffer from the lots on the west side of the alley.

OP Analysis: The Office of Planning agrees that the building footprint is very tight and that taking out another five feet on the upper stories would impact the layout of the office floors. OP believes the variance of five feet for the upper stories can be allowed without a serious impact on future development that will take place west of the alley in the future.

Recommendation: The Office of Planning recommends that the requested rear yard variance for the upper seven floors be approved.

Parking Variance

Applicant's Proposal**:** Section 2101.1 of the Zoning Regulations requires general offices in the C-2-C District to provide one parking space for each 1,800 square feet of gross floor area in excess of 2,000 square feet. For this building of 23,275 square feet, 13 parking spaces would be required. The applicant proposes to have one handicapped parking space on-site and to meet the requirement by leasing spaces in nearby parking lots and garages. The applicant is in the process of securing those commitments for leased parking spaces. The applicant asserts that the small size of the property would make underground parking essentially impossible because of ramp requirements and prohibitively expensive. Although applicant proposes to meet the parking requirements

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by leasing spaces, the applicant also notes the convenience of the site to four relatively nearby Metrorail stations and to nearby bus routes.

OP Analysis: The Office of Planning agrees that the size of the building site makes underground parking impractical. OP believes that providing the required parking spaces nearby in leased space will not be detrimental to the public good. It is important that the zoning order note that the provision of such leased spaces is an ongoing requirement. It will probably not be too difficult to obtain leased spaces at the present time but it may become more difficult in the future as the surrounding area is developed.

Recommendation: The Office of Planning recommends that the parking variance be approved, but suggests that the order make clear that providing the leased parking spaces is an ongoing requirement.

Loading Space Variance

Applicant's Proposal: Section 2201.1 of the Zoning Regulations requires that an office building of the size proposed in this application provide one 30-foot deep loading berth with a loading platform and one 20 foot deep service/delivery loading space. The applicant seeks a variance from the requirement to provide the one loading berth but will provide a 20 foot deep service/delivery loading space in the rear of the building accessed from the alley. The applicant will be requesting a "loading zone" in front of the building approximately 30 feet in length.

The applicant asserts that the small size of the building lot make it impractical to provide the 30 foot loading berth. Applicant also claims that the activities of the National Medical Association do not require frequent deliveries or outside services and that frequency of such deliveries will be limited. Applicant believes some of the loading demand that is present can be provided by an on-street loading space.

OP Analysis: The Office of Planning agrees that providing a 30-foot loading berth would further reduce the first floor and mezzanine floor space, and remove the one handicapped parking space on the building site. In general, OP believes that loading demand for this relatively small building can be met as proposed. However, some service management will be required. The on-street loading space, assuming it is obtained, would probably not be available during rush hours.

Recommendation: The Office of Planning recommends that the requested variance be granted. OP suggests that the National Medical Association be urged to work with their suppliers on a continuing basis so that deliveries can be staggered so as most efficiently use the service/delivery loading space that is to be provided. Ongoing management of the delivery needs and times can reduce possible delivery conflicts.

Housing Timing Variance

Applicant's Proposal: The site is now zoned DD/C-2-C. The requirements for the DD/C-2-C District are outlined in Section 1706.4 and the existing requirement for combined lot developments are outlined in Section 1706.13 and 1708.1(f). This overlay district allows up to 8.0 FAR as a matter-of-right. Each lot shall provide on-site or account for off-site in a combined development no less than 4.5 FAR of residential use. The housing requirement for this site would be 14, 665 square feet.

The current regulations, in Section 1706.13 says "If a development project includes both required residential uses and nonresidential uses, whether on the same lot or in a combined lot development, no Certificate of Occupancy shall be issued for the nonresidential space until a Certificate of Occupancy has been issued for the residential space;..."

There has long been discussion about the need to allow some additional flexibility in the timing requirements for DD District combined lot housing. The Office of Planning has worked for over a year with developers, the Downtown BID and Downtown housing advocates to outline amendments to the regulations that allow more flexibility but also provide that the required housing in the DD District will be built. The Zoning Commission took final action to adopt the revised combined lot rules at their meeting on September 17, 2001. The Office of the Corporation Counsel is revising the draft final rules based on the direction of the Zoning Commission at that meeting. OCC anticipates that the new rules will be published and become final by mid November. These new regulations will provide an alternative to the timing provisions in the present regulations, allowing a developer of the sending site in a combined lot arrangement to deposit funds in an escrow account to guarantee future housing, with the amount determined by a formula, along with a covenant on the receiving site.

The National Medical Association is seeking a variance from the time requirements in the present regulations. They have entered an agreement with Douglas Jemal, the developer of a future housing complex on Square 517, that Jemal will build the housing on the Square 517 that would have been required on the National Medical Association property on Square 342. In conjunction with other development projects (the "Woodies Site" in Square 346 and the "F Street Properties" Site in Square 377), Jemal has previously (February 7, 2001) recorded a covenant that the Square 517 site shall be restricted to not less than 200,000 square feet and as much as 330,000 square feet of residential use, with additional commercial space allowed at grade level or below grade.

The applicant's counsel has told the Office of Planning that the developer, Douglas Jemal, will provide a letter certifying his agreement with the National Medical Association to build the housing at a future time at no cost to the Association. OP has not seen the letter at the time this report was filed. The letter will indicate that the housing requirement will be built at some future time, but will not guarantee that the housing will

be built in accordance with the time schedule required in the current regulations. That is why the applicant is seeking the variance.

The new regulations, which allow a deposit into an escrow account, provide an alternative to the current timing regulations. Under the formula in the new regulations, the National Medical Association could deposit $318,451 in an escrow account to guarantee that the housing would be built at a future time.

The applicant urges that it is impractical to build both office and residential use on such a small site and, in any event, the applicant needs as much of the envelope as it can construct for its own office use. Therefore, the housing must be built off-site. The applicant argues that if it has to wait until the developer can build housing (dependent on market demand) it may have to wait a number of years and would not be able to construct a new building to meet its growing demand. The Association wants a variance from the current rules on timing but does not want to make an escrow account payment that would provide flexibility under the new rules. As previously indicated, the new regulations allowing the escrow approach are expected to be final by mid-November.

OP Analysis: The Office of Planning agrees with the problem of constructing a mixed-use commercial/residential building on this site. The combined lot approach is designed, in part, to address situations where a small site makes mixed-use development difficult. In this case, using the combined lot approach will mean that the required housing will be built in an area on the north side of the Judiciary Square Area (Square 517 site) where there will be a concentration of housing. OP is in agreement with the basic agreement that the applicant has made with the developer of the Square 517 housing site. The timing of housing is a difficulty, since the housing may not be constructed for a number of years. However, this is exactly the type of problem that the new regulations, with the escrow account provision, are designed to address. OP does not believe it is appropriate, after the long effort to revise the regulations to allow more flexibility, to attempt to waive those rules.

Recommendation: OP recommends approval of the basic agreement between the applicant and the housing developer on Square 517 (Douglas Jemal). However, OP recommends that the National Medical Association pay the required amount into the housing escrow fund to ensure that housing will be built. At such time as the housing is built, with the developer having agreed not to charge the applicant, the escrow money could be returned to the applicant.

ANC AND COMMUNITY GROUPS

ANC-2F reviewed this proposal at their meeting on Wednesday, October 3 and voted unanimously to endorse the development proposed by the National Medical Association.

OTHER AGENCY COMMENTS

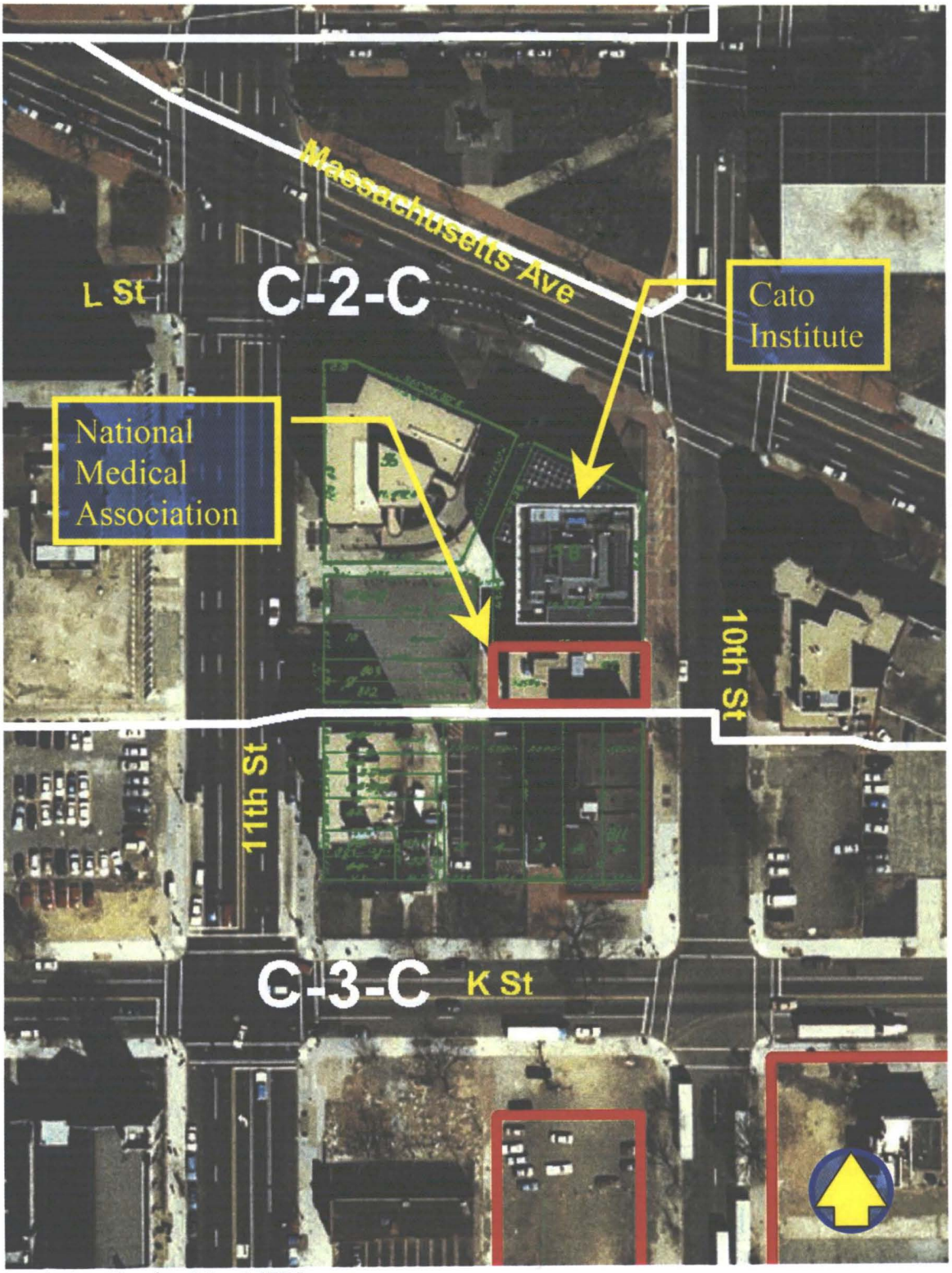
No other agency comments have been received.

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve the Applicant's request for a special exception for the roof structure and approve the rear yard, parking and loading variances. With respect to the housing timing variance, the Office of Planning supports the arrangement that the National Medical Association has made with a developer for the development of future housing. However, in order to avoid the timing issue, the applicant should establish an housing escrow account, as allowed under new rules which have been approved by the Zoning Commission and which will soon be effective.

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AA/jf



BZA Application No. 16775
National Medical Association Sit (Lot 57, Square 342)
1012 10th St, NW