GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

RECEIVED
D.C. OFFICE OF ZONING
2002 APR 23 PM 4:47

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: April 22, 2002

SUBJECT: BZA Application No. 16871, 1300 N Street, N.W.

APPLICATION

Application of JBG/JER 13th & N, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under section 404, for the construction of a new apartment house in the R-5-E District at premises 1300 N Street, NW (Square 245, Lot 30).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of a variance from the rear yard requirements under section 404, for the construction of this new apartment house.

BACKGROUND

BZA
Case No. 16871
Exhibit No. 25

This application involves a variance request for a new apartment house, now in the early stage of construction, at the southwest corner of 13th and N streets, N.W. in the southern part of the Logan Circle neighborhood. This is an area that is just north of Downtown, now defined on the north by Massachusetts Avenue, N.W.

The efforts of the City and the private sector to obtain housing in and around the edge of Downtown go back many years. Concepts for Downtown housing date from the early 1960s. In the early 1980s, a renewed effort was undertaken to outline a plan for a "Living Downtown." The report, *Downtown D.C.: Recommendations for the Downtown Plan* (July 1982), was the work of the Mayor' Downtown Committee, consultants and the then Office of Planning and Development. This report formed the basis for the Downtown Plan in the District of Columbia Comprehensive Plan (adopted in 1984). In terms of

Board of Zoning Adjustment
District of Columbia
CASE NO.16871
EXHIBIT NO.25

residential development, the report focused primarily on retaining and adding housing in Downtown (defined at that time as extending north to M Street) but also addressed the importance of areas adjacent to Downtown.

> *Creation of the Downtown residential community cannot be fully understood without looking at the broader pattern of residential neighborhoods which encircle the central part of the city, and especially those neighborhoods which are immediately adjacent to Downtown...This encircling ring of residential neighborhoods also means that the Downtown community will not be isolated, but will be part of a broader residential community...The residential neighborhoods immediately adjacent are especially important to downtown. These include Dupont Circle, Logan Circle and Shaw neighborhoods to the north and the Sursum Corda neighborhood to the east. These residential areas blend together along the boundary of Downtown. It is likely that the future Downtown residents, as least those north of Massachusetts avenue, will feel part of this larger residential area.* (Pages 23-24 of the report, *Downtown D.C.: Recommendations for the Downtown Plan*).

In 1991, the Zoning Commission adopted the Downtown Development District in order to require residential development in certain areas of Downtown and to achieve other land use objectives. In 1997, the Zoning Commission began the process of rezoning a number of SP (Special Purpose) Districts around the edge of the Central Employment Area (CEA) to R-5-E (Zoning Commission Case 97-7). The Office of Planning initial report in this case, dated April 4, 1997, noted: "Protection of the housing supply and residential neighborhood character at the edge of the CEA by means of zoning map amendments is one principal goal." The rezonings from SP-2 to R-5-E were approved by the Commission and became effective November 11, 1999. The rezoning to R-5-E included an area south of Logan Circle, including the site of the development that is the subject of this variance request.

After years of various planning and zoning efforts, the Office of Planning is very pleased to see new residential development occurring both in Downtown and in adjacent areas, such as this site in the southern portion of the Logan Circle area. This project and others nearby are an indication that market conditions are right for major residential development.

SITE AND AREA DESCRIPTION

Site and Square

The development site, Lot 30 in Square 245, has a rectangular shape (23,975 square feet in area) and is located at the southwest corner of the intersection of 13th and N streets, N.W. (northeast corner of Square 245). Square 245 is bordered on the east by 13th Street, on the south by M Street, on the southwest by Thomas Circle, on the northwest by Vermont Avenue and on the north by N Street, N.W. The northern portion of the square

is occupied by the development site in this case, 1300 N Street, and by Crescent Tower Condominium, a curved 10-story residential condominium building with 94 units at the southeast corner of the intersection of Vermont Avenue and N Street, N.W. This building is immediately west of the 1300 N Street building site. The development site is bordered on the south by a public alley which is 15 feet wide at its intersection with 13th Street and which widens to 30 feet further west. Directly south of the alley, and therefore south of the development site, is the Sutton Plaza Apartments, a 10-story rental apartment building with 176 units. South of the Sutton Plaza building, extending south to N Street, are a number of properties with smaller buildings that are possible sites for future development. The Washington Plaza Hotel, a major hotel facing Thomas Circle, occupies the southwest portion of Square 245. Most of Square 245 is zoned R-5-E with the southwest corner zoned SP-2.

The Surrounding Area

The area along 13th Street north of Massachusetts Avenue to north of N Street is an area of older apartment buildings and vacant or underdeveloped sites. This area has generally been associated with Logan Circle though sometimes it has been seen as a cluster relating to Thomas Circle. With the continuing resurgence of the Logan Circle neighborhood, this area will likely be marketed and associated with Logan Circle.

The most recent addition to the area is the new SoLo Piazza, a nine-story residential condominium building at 1300 13th Street, N.W., directly north across N Street from the development site in this case ("SoLo" is shorthand for "south of Logan"). This dramatic 77-unit condominium building was completed in late 2001 and occupancy began in January 2002.

The Logan Circle Historic District boundary is about one-half block north of N Street and the lower scale historic structures generally begin at that point. The Luther Place Memorial Church is immediately west of Square 245, across Vermont Avenue. To the east, across 13th Street, are several older apartment buildings plus some potential development sites.

In summary, the area in which the development site in this case is located occupies an important position between Downtown (south of Massachusetts Avenue) and the lower scale Logan Circle historic area to the north. This area offers many advantages for urban living and is clearly in the process of development and improvement. Residents can easily walk to work and to cultural/entertainment/shopping locations in the Central Employment Area to the south. They can also walk to nearby retail areas in Logan Circle, including 14th Street, and in the Dupont Circle area to the west. They can walk to relatively nearby Metrorail stations. Various bus lines are also nearby. Attachment 1, an aerial photograph, indicates the development site, the rest of Square 245 and portions of adjacent squares.

APPLICANT'S PROPOSAL

The Building Design

The applicant is currently constructing a nine-story apartment building on Lot 30 with a total of 170 "loft-style" rental units. The building will have 101 parking spaces on two levels, entered from the alley. The building, constructed on this corner lot, is currently designed with two high wings along 13th Street and N Street. In the rear are a landscaped courtyard and a three-story building element, called a "carriage house" on the west side of the property (next to the parking ramp). The "carriage house" contains eight of the 170 units in the building. The low carriage house and the courtyard were designed to add a special feature to the building and to relate to the Crescent Tower Condominium building to the west and the Sutton Plaza apartments building to the south of the alley. See Attachment 4 for a rendering of the building.

Background of Problem Requiring a Variance

The applicant indicates that the basic problem leading to the variance request results from a series of errors by the applicant and by the District government. The design of the project was begun when the site was still zoned SP-2. That zoning district allows courtyards for buildings on corner lots in place of a required rear yard (Section 534.4 of the Zoning Regulations). The applicant and the applicant's architect took the courtyard approach. However, the architect missed the point that the new R-5-E District does not allow that flexibility of using a court instead of a rear yard. Design proceeded after the rezoning. The construction drawings were submitted and reviewed by the D.C. Department of Consumer and Regulatory Affairs and the construction permit was approved. Construction began on the project in December 2001.

About that time, the applicant learned that a rear yard (22 feet in this case) was required in the R-5-E District. This variance request is to allow the applicant to proceed with the present design, using the courtyard approach in place of providing a rear yard.

ANALYSIS

Standards for a Variance

Section 3103.2 of the Zoning Regulations provides three standards for 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.

Analysis of the Variance Request

With respect to the first test for a variance, the applicant asserts that the series of errors (which did not identify the need for a rear yard in the newly zoned R-5-E District) constitutes an exceptional condition. OP agrees with this assertion that the errors constitute an exceptional condition.

The applicant also argues that strict application of the zoning regulations would constitute an exceptional hardship for the developer. The applicant would have to stop construction of the building and undertake a revised design. This could be done but it would add costs to the project and, ironically, would mean a less desirable design with respect to the street wall along 13th Street and with respect to views for residents in the adjacent Crescent Tower Condominium building to the west and the Sutton Plaza Apartments building to the south. OP agrees that the requiring a redesign to provide a rear yard would be costly in terms of time and redesign and, in design terms, would actually be counterproductive.

The applicant argues that the relief requested can be granted without causing substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. OP agrees. The major reason for the rezoning to R-5-E in this area was to ensure residential development. That objective is being achieved with the present building and the sooner the building is completed and occupied, the sooner that additional activity and economic stimulus will be added to this area. Furthermore, as discussed previously, OP believes that the existing design is really better in terms of this building, and in relation to adjacent buildings, than a building with a rear yard. Not granting a variance and requiring a redesign would be, in this case, a step back in terms of the building design.

Conformance with the Comprehensive Plan

The 1300 N Street development is in conformity with the Comprehensive Plan and with long efforts by the District government to obtain new housing in Downtown and adjacent areas. The concept of a ring of residential neighborhoods around the Central Employment Area is outlined in the Ward 2 Plan (Section 1352.5). Section 1327.1 (A)(2) calls for maintaining and enhancing established residential neighborhoods, including Logan Circle.

ANC AND COMMUNITY GROUPS

The requested variance in this case has widespread community support, both from ANC-2F, other community groups and from adjacent property owners.

On Wednesday, April 3, 2002, at its regular monthly meeting, ANC-2F voted 4-0 to support approval of the variance requested in this case, BZA Application No. 16871. This support by ANC-2F is indicated in an April 16, 2002 letter to the Board.

The Logan Circle Community Association has written a letter of support to the BZA, dated April 4, 2002, supporting the variance.

Lara Ballard, President of the Board of Directors of the Crescent Tower Condominium, wrote the BZA on March 25, 2002 supporting the requested variance for 1300 N Street. As previously noted, the Crescent Tower Condominium is the curved building at the southeast intersection of Vermont Avenue and N Street, N.W. and is immediately west of the 1300 N Street building. Ms. Ballard notes that the present design provides better views for some residents of the Crescent Tower Condominium than would a design with a rear yard setback.

Gary Squire, the owner of the Sutton Plaza Apartments building at 1230 13th Street, N.W., has written a letter of support for the requested variance. As previously noted, the Sutton Plaza Apartments is the building that is immediately south on 13th Street, across the alley, from 1300 N Street. He notes that the existing plan of 1300 N Street places a lower building element in the center of the site than would a building with a standard rear yard, which means that Sutton Plaza tenants will face a more open low scale space.

OTHER AGENCY COMMENTS

This application was not referred to other agencies.

RECOMMENDATION

The Office of Planning recommends approval of the requested variance from the rear yard requirements (section 404), for the construction of a new apartment house at 1300 N Street. This variance will allow construction of the building to continue, following the present design. The Office of Planning believes that the present design, which requires a variance to continue, actually provides a better site plan for the apartment building and a better design relationship with adjacent buildings than a design providing a rear yard. OP believes there is a strong case in this instance for granting a variance.

In light of the experience with this design, which requires a variance, but provides a better design, OP believe it would be useful for the Zoning Commission to consider, outside of this application, the desirability of allowing more design flexibility with respect to the rear yard requirement in the R-5-E District.

Attachments

Note: Except for Attachment 1, the applicant has provided these graphics. Descriptions below are by OP:

Attachment 1: Aerial photograph of development site, Square 245 and portions of adjacent squares. In this 1999 aerial photograph, the 1300 N Street development site is still partially occupied by a previous building and the site of the recently completed SoLo Piazza condominium is a parking lot.

Attachment 2: View looking north on 13th Street toward Logan Circle. On the left (west) side of 13th Street are the Sutton Plaza Apartments, the 1300 N Street construction site and, north across N Street, the recently completed and occupied SoLo Piazza condominium building.

Attachment 3: View south on 13th Street toward Downtown, showing the construction site for 1300 N Street and the Sutton Plaza Apartments building beyond.

Attachment 4: Artist's rendering of the completed 1300 N Street building, seen from about the same view as Attachment 3.

Attachment 5: Drawing showing existing site design of 1300 N Street with courtyard and "carriage house" in the rear (the existing design that requires a variance).

Attachment 6: Drawing showing revised site design of 1300 N Street if a rear yard was provided (design required without a variance).

AA/jf



Feature Key

- Zoning Boundaries
- Square Index
- Historic Districts

Board of Zoning Adjustment
Application No. 16871
1300 N Street, N.W.

DC Office of Planning
April 22, 2002

Scale 1:1902

25 0 25 50 75 100 Feet

Attachment 1


ELECTRICAL





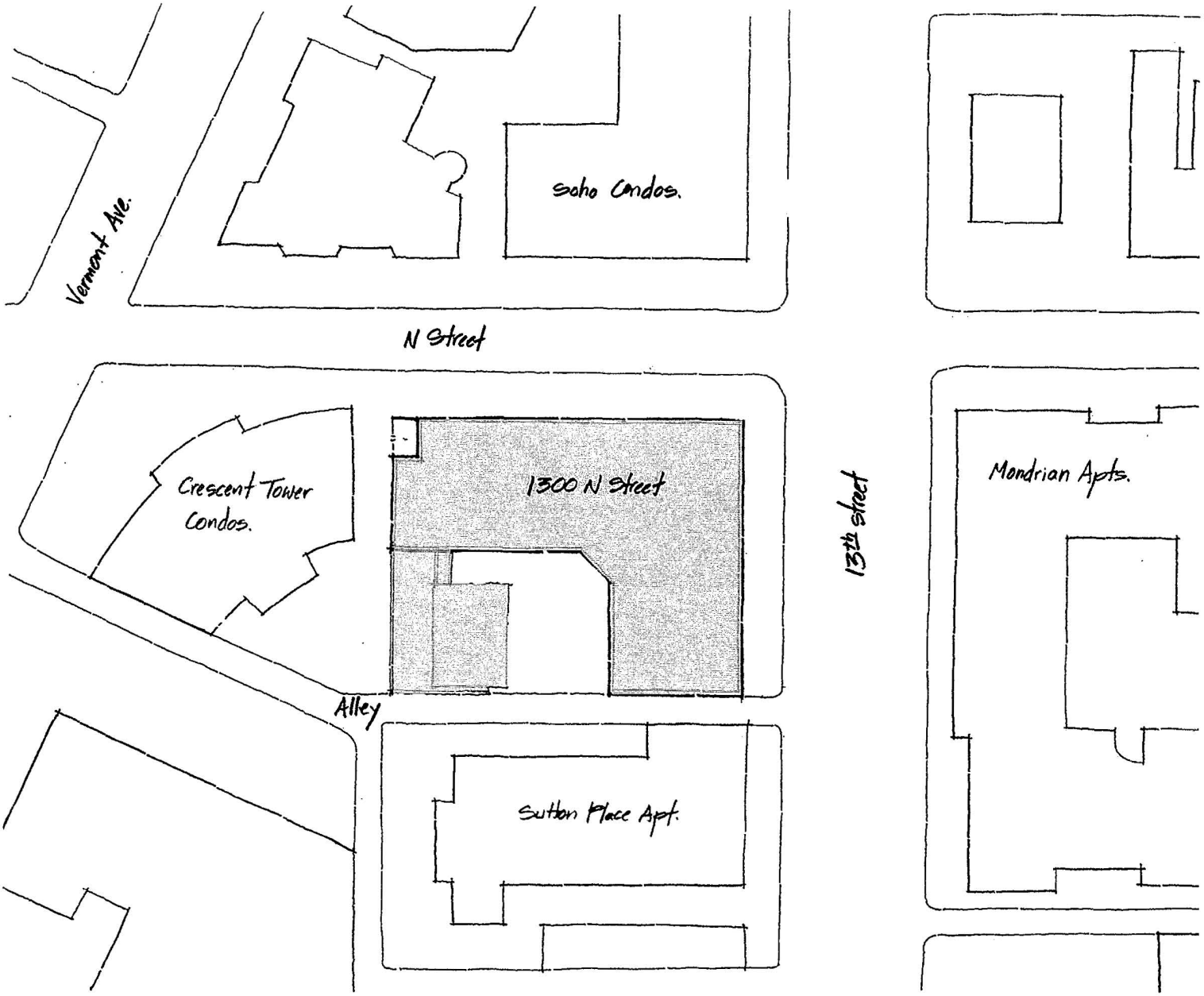


Exhibit A "L" Shaped 8 story tower with 3 story "carriage house"

RTKL

15 March 02

Logan Circle South – Current Building

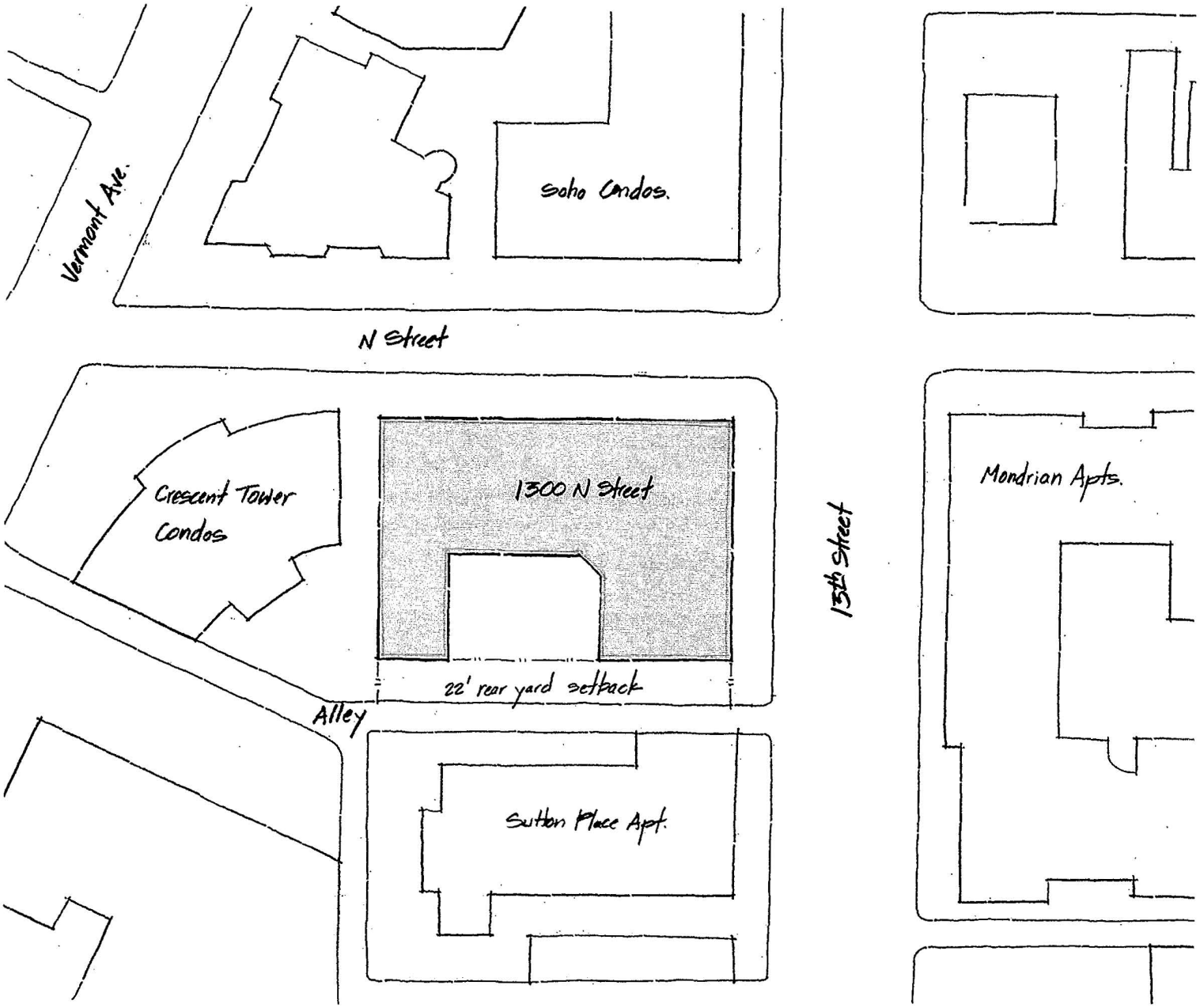


Exhibit B "U" Shaped 8 story tower with 22' rear yard set back along alley

RTKL

Logan Circle South – Building with Rear Yard Setback

15 March 02