GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 4, 2002

SUBJECT: BZA Application 16881 - Request filed by Holland & Knight LLP for one **special exception** and one **area variance** for the proposed construction of a 13-story apartment building, a mixed use residential and commercial building proposed by Greystar Atlantic Company for property at the southwest corner of 4th Street and Massachusetts Avenue, N.W.

APPLICATION
Application of Greystar Atlantic Company for:

1) **Special exception relief pursuant to §411.11 of Title 11 DCMR** from the strict application of the roof structure requirements; and
2) **A variance to §772 of Title 11 DCMR,** maximum percentage of lot occupancy in commercial districts;

for the property at the southwest corner of 4th Street and Massachusetts Avenue, N.W., Square 517, Lots 40, 41, 47, 48, 803-805, 808, 811-817, 854, 855, 857-863 and 868-870. The property is zoned DD/C-2-C, Community Business Center Commercial with the Downtown Development District overlay.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requests for special exception relief and variance as submitted by the applicant.

PROJECT DESCRIPTION
The project is a mixed-use development proposed by Greystar Atlantic Company, the contract purchaser of the property. The proposed 262-unit building will contain 13 aboveground levels, plus a penthouse/roof deck area that will include an outdoor rooftop swimming pool. The applicant has indicated that the residential square footage will be 316,278. Approximately 218 parking spaces (including 10 spaces reserved for the physically handicapped) will be provided

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within a four-level underground garage, accessed from Massachusetts Avenue. A circular drive is proposed to be located within the public space on the Massachusetts Avenue side of the building at the lobby entrance to the apartment building. Loading will be accessed from H Street. Ground level retail (12,966 square feet) will be located along the H Street and Fourth Street frontages, and a portion of the Massachusetts Avenue frontage. The remainder of the Massachusetts Avenue frontage is to be residential. Pedestrian access to the apartment building lobby will be from Massachusetts Avenue.

The special exception and variance are requested to allow for an additional stair access to the roof and to permit the construction of the building as proposed. The subject property is subject to Zoning Commission Order No. 940 as an amenity to the Planned Unit Development of the former Woodward & Lothrop department store building for the provision of housing units.

AREA DESCRIPTION

The property encompasses Lots 40, 41, 47, 48, 803-805, 808, 811-817, 854, 855, 857-863 and 868-870 in Square 517, in the North West quadrant of the District. The subject property is located on the west side of 4th Street, between Massachusetts Avenue and H Street, and consists of 27,155 square feet. It surrounds on three sides Old Engine Company No. 6 at 438 Massachusetts Avenue, a major historic landmark built c.1860. Old Engine Company No. 6 is boarded up.

The surrounding area is characterized by a variety of uses. To the north and east are surface parking lots, and vacant and boarded up buildings. To the west is a church and a homeless shelter. To the south is a church and a federal office building (General Accounting Office). Small private office buildings are scattered throughout the area. Adjacent to the subject property is the Old Engine Company; an existing 10-story elderly housing apartment building (Judiciary House) on H Street; and a 462-unit apartment building (Paradigm Massachusetts Apartments) under construction at the southeast corner of 5th Street and Massachusetts Avenue. A 323-unit apartment building (Massachusetts Court) is proposed for the south side of H Street, between 3rd and 4th Streets.

The area has been identified on the Generalized Land Use Policies Map 2 as Downtown Plan Area. To implement this designation, the area has been zoned with the Downtown Development District overlay.

EXISTING ZONING

The property is located within the C-2-C district with and the DD district.

C-2-C Community Business District

The C-2-C district is "designed to serve commercial and residential functions similar to the C-2-A district, but with higher density and mixed uses."

DD Downtown Development District

"The purpose of the Downtown Development District is to help accomplish the land use and development policies of the Comprehensive Plan relating to the affected sectors of Downtown."

RELIEF REQUESTED:

Special Exception pursuant to 411.11 – Roof Structures
Section 411 sets forth the area, placement and density requirements for roof structures. Section 411.3 requires that all penthouse and mechanical equipment be placed in one enclosure and §411.5 requires that all enclosures be of equal height. The applicant has proposed a penthouse structure and a separate stair enclosure on the roof of the building. The penthouse is to be 18.5 feet in height and the stair enclosure is to be 10 feet in height.

Section 411.11 allows for the Board of Zoning Adjustment to approve deviations to the requirement of §411 where "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable..." provided that the intent and purpose of the Chapter and Title 11DCMR "shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

Increasing the height of the enclosure for the staircase to 18.5 feet will serve only to make the enclosure more visible. Connecting the two enclosures, so as to provide only one, will interfere with the use of the swimming pool and create and even larger enclosure than the sum of the two as proposed. In addition, to design the staircase and penthouse into one large structure would result in an impractical design that would be contrary to the purpose of providing "a reasonable degree of architectural control upon roof structure" (§411).

Light and air of adjacent buildings should not be adversely affected by the proposed roof structures, as all existing buildings surrounding the subject property are at least 40 feet lower in height. Although the building currently under construction at 5th Street and Massachusetts Avenue will be of equal height, it will be separated from the subject property by an alley and a 30-foot wide strip of land, reducing the impact the proposed building will have on that building.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 411.11 and that in granting the relief, the intent and purpose of the chapter "shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

RELIEF REQUESTED:

Variance to Section 772.1 – Percentage of Lot Occupancy
Section 772.1 requires that in the C-2-C district "no building or portion of a building devoted to a residential use...shall occupy the lot upon which it is located in excess of ... 80 percent." The applicant proposes lot occupancy of approximately 97 percent.

The shape of the lot is a modified triangle, narrowing to a minimum of 17.50 feet along the 4th Street frontage. A 30-foot wide portion of the Massachusetts Avenue frontage is cut out of the subject property due to the location of Old Engine Company No. 6, resulting in a 30-foot wide

"tail" at the northwestern corner of the property. This shape results in the applicant not being able to construct underground parking beneath this narrow portion of the building because it is too small of an area, and therefore having to construct a fourth level of underground parking.

It is the Office of Planning's conclusion that the unusual shape of the subject property, the location of the historic structure and the existing adjoining apartment house result in practical difficulties and exceptional site conditions. As a result of the construction of the proposed building on the subject property with its four levels of underground parking, the historic structure and the existing apartment building will have to be underpinned, as neither building contains four underground levels. The Commission of Fine Arts, which approved the façade of the proposed building, requested that the building lines along H Street and Massachusetts Avenue be continued at the street line to meet the existing Judiciary House apartment building on H Street and the new building under construction on Massachusetts Avenue, reducing design flexibility. (By continuing the building line along the Massachusetts Avenue frontage, views of the rear of Judiciary House from Massachusetts Avenue are minimized.) The location of the historic engine company in relation to the subject property also limits design flexibility, by eliminating the ability to provide a court within the widest part of the site. As a result of the need to build to the street lines and underpin the existing adjacent buildings, the applicant has requested to increase lot occupancy from 80 percent to 97 percent.

COMPREHENSIVE PLAN

The Comprehensive Plan states that the District government shall "encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives" and "increase new construction and maintenance of rental housing." The Generalized Land Use Map identifies the property as mixed use. This category is qualified by the text "A combination of land use categories are depicted in areas where a variety of uses are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes." This proposed new building contains both a commercial and a residential component.

COMMUNITY COMMENTS

ANC 2C considered the project at their meeting of February 6, 2002, and voted unanimously in support of the variance request to increase the lot occupancy from 80 percent to approximately 95 percent, and strongly supported the maximization of residential development in the area.

COMMISSION OF FINE ARTS

The Commission of Fine Arts, in a memo to the Mayor's Agent dated February 27, 2002, indicated that they had "no objection to the height, massing and setbacks of the concept design..." The applicant has informed the Office of Planning that on May 16, 2002 the Commission of Fine Arts approved of the design of the building.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception and variances. OP concludes that the special exceptions and requested variances meet the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

1) **Special exception relief pursuant to §411.11 of Title 11 DCMR** from the strict application of the roof structure requirements; and
2) **A variance to §772 of Title 11 DCMR,** maximum percentage of lot occupancy in residential districts.

AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16881

DC Office of Planning
May 28, 2002

Scale 1:1910

25 0 25 50 75 100 Feet

Attachment 1