GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 25, 2002

2002 JUN 25 PM 6:12
GOVERNMENT OF D.C.

SUBJECT: BZA Application No. 16892
Jemal's Ford LLC et al. 920 – 942 F Street, NW
Square 377, Lots 35, 819, 820, 821, 852, 853; plus a portion of a public alley for which an application to close will be filed)

I. APPLICATION SUMMARY

The applicant seeks three variances and a special exception in order to construct a 10-story, mixed-use office-arts-retail and residential building in downtown Washington. The project also has very significant historic preservation components.

The desired variances are from:

- 11 DCMR Section 771 FAR requirements in the Downtown Development District (DD);
- Section 1701.4(c) parking and loading access restrictions in the DD;
- Section 773 residential recreation space requirements.

The requested special exception is from:

- Section 411 and Section 777 requirements for roof structure setback.

The application assumes the closure of approximately 942 square feet of alley space. That application has not yet been filed.

BZA
Case No. 16892
Exhibit No. 33

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

- OP recommends the Board of Zoning Adjustment (the Board) APPROVE the requested FAR variance.

- OP recommends the Board APPROVE the requested parking access variance, unless otherwise recommended by the District Department of Transportation (D-DOT)

- OP recommends the Board NOT APPROVE the requested variance for residential recreation space, but that it APPROVE an alternative provision for a possible residential recreation space variance, as noted below in Section XI of this report. This alternative, which the

Board of Zoning Adjustment
District of Columbia
CASE NO.16892
EXHIBIT NO.33

applicant and OP have discussed, would allow for the applicant to meet all of its residential recreation space requirements with indoor space either on-site or through the provision of the 300 square feet at the adjacent apartment building at 910-916 F Street.

- OP recommends the Board APPROVE the requested special exception for roof structure setback, subject to the following conditions:
    1) The applicant shall furnish the Board with the setback exception dimensions being requested, prior to the Board's decision meeting.

    2) The applicant shall be allowed to vary the height of the roof structure, up to the usual maximum of 18'6", if such varied height helps to minimize the presence of the structure when viewed from 10th Street, especially in the vicinity of Ford's Theater, and from the east-west alley behind the proposed project.

III. **SITE AND AREA DESCRIPTION** *(See Attachment 1)*

Square 377 in northwest Washington is bounded by:

- North: F Street
- East: 9th Street
- South: E Street
- West: 10th Street.

The Square is rectangular and has an alley system consisting of a minimum 20 foot-wide east-west alley, sometimes known as Booth's Alley, which is accessed from F Street by a 15' alley. There is no access to the alley system from E Street, 9th Street or 10th Street. The Square is a mixed-use block in the Old Downtown section of Washington. It is contains retail, office, entertainment and hotel uses. Except for the facades of certain historic structures, the eastern half of the site for the proposed project has been vacant since 2000, when demolition for a formerly planned project was completed. The western half has not been cleared and contains three 19th century walkup commercial structures, as well as the 1960's Lane Bryant clothing store and parking garage.

The 35,288 gsf[1] site has three parts, for the purposes of this report:

1. The 17,593 square foot "original site" eastern portion at 920-930 F Street, NW, comprising Lots 852 and 853;
2. The 16,753 western portion at 932-942 F Street, NW, comprising Lots 35 and 819-821.
3. A 942 sf portion of alley the applicant intends to ask the City Council to close.

The site, and its surroundings, has a rich historical context. The location is within the Pennsylvania Avenue National Historic Site and the (local) Downtown Historic District. Ford's Theater, where President Lincoln was shot, borders the site on the south, facing 10th Street. The alley behind the Theater and the proposed project also has historic status.

Along F Street, in the eastern half of the present project, the following historic facades remain:

[1] 34,346 sf with the subtraction of the 942 sf piece of alley the applicant assumes will be closed by City Council.

- 920 F St
- 922-24 F Street
- 926 F Street
- 930 F Street, also known as the Atlantic Building.

The buildings retain various preservation-related covenants from the 1989 Historic Preservation Review Board (HPRB) and Mayor's Agent approvals.[2]

On the project's newly incorporated western area the following contributing historic buildings remain:

- 938 F Street
- 940 F Street
- 942 F Street

The non-contributing Lane Bryant building and parking garage wraps these three buildings as an "L" that has frontage on both F Street and on 10th Street. The first floor of the F Street section of the Lane Bryant building is currently used as a nightclub.

With the exception of 920 F Street, which is an early 20th century building, the historic buildings and remaining facades were erected during the 14 years between 1876 and 1890.

Adjacent properties on Square 377 have been redeveloped in the last 10 years. To the east, the National Union Life Insurance Building has been recently renovated; the Riggs Bank Building at the corner of 9th and F Streets is now a hotel; and a 14-story apartment house, including portions of contributing historic buildings, is underway.

The site is one block from both the Metro Center and the Gallery Place Metro stations and is, thus, served by all five of the region's heavy rail lines.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned DD/C-4, as is the surrounding area.

As noted above, the site is the Pennsylvania Avenue National Historic Site and the Downtown Historic District. There are several on-site structures or facades that contribute to the historic district. There are also numerous historic landmarks nearby, the most notable of which is Ford's Theater, located across the alley that defines the project's southern boundary

V. PROJECT DESCRIPTION

The applicant controls 34,346 square feet in Square 377. The development partnership proposes the construction of a mixed-use -- primarily office -- complex that would contain approximately 291,000 gsf, rise to 120 feet above F Street at its highest point, contain three levels of below-grade parking for

[2] See Applicant statement of June 25, 2002, Tab H for the BZA Order for Application No. 14967. See Tab J for the 1989 Mayor's Agent's historic preservation order.

approximately 180 vehicles, and have a project density of approximately 8.24 FAR.[3] While the height and uses are permitted as a matter of right, the project does not meet requirements of the Zoning Regulations with respect to FAR, parking and loading access, roof structure setbacks, and residential recreation space.

The current project incorporates significant elements of a previous project on the eastern half of the present site. This project's building permit has lapsed.[4] The previous project had a long history, including 1989 BZA Case No. 14967 and contemporaneous HPRB and Mayor's Agent review for partial demolition, façade and artifact preservation, and new construction.. That project proceeded only as far as partial demolition and façade stabilization. The present project is proposed by a different development partnership than the earlier one. The proposal is significantly revised and covers approximately twice as much land area in Square 377 as had the earlier project.

The applicant is, however, trying to consolidate many of the concepts from the earlier (eastern) project with a similar approach to development of the western half of the new, larger site. The applicant has expressed the intention to:

- Save the four remaining historic facades from the earlier project;
- Deliver on all of the preservation, first source, labor and other agreements of the previously approved project;
- Construct 6,000 square feet of additional housing downtown;
- Rehabilitate and use 3 additional buildings on the site, almost *in toto,* that contribute to the Downtown Historic District;
- Develop more preferred uses than are required by the DD or the SHOP District, and;
- Provide additional amenities, such as a pedestrian passageway useful for patrons of Ford's Theater.

The applicant states that it would not be possible to do this without the requested zoning relief.

The overall proposed project would contain the following:

1. Approximately 291,000 sf of space that is charged against FAR-space. The applicant has listed the following partial breakdown of FAR-countable uses:
    a. Approximately 250,000 square feet of Office Space.
    b. Approximately 39,412 gsf of "Preferred Uses"
        - 6,000-square feet of residential space at an as-yet to be determined location within the project[5];

[3] This was the proposed FAR as of June 28, 2002, and is calculated by the applicant with the assumption that a 924 sf portion of the adjacent alley will be closed, for a total site area of 35,288 sf. See also the table on page 6 of this report.
[4] According to the staff of the Historic Preservation Office of OP..
[5] This space was shown as being located on the second and third floors of 938-42 F Street in the plans dated April 12, 2002, submitted with the Application in April, 2002. The applicant has since indicated in conversations with OP that during its testimony to the Board, the applicant intends to revise this so that the residential space can be located anywhere within the proposed project.

- 10,890 sf for cabaret/dinner theater use, provided such space can be leased within 12 months of the project's completion or, if not, the provision of other arts-related or active retail use, subject to OP's review[6];
- 22,522 square feet of FAR-countable ground floor retail uses included in 11 DCMR Sections 1710 and 1711;

c. 3,744 sf of space in, or immediately adjacent to, the lobby, devoted to exhibit space for historical documentation and artifacts.

2. Primarily non-FAR-countable uses:
   - Most of the parking for approximately 180 vehicles, on three below-ground levels[7].
   - Some of the cabaret/dinner theater/retail space noted above.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 2)*

The Comprehensive Plan's Generalized Land Use Map designates the area as suitable for high density Central Business District Uses. Such uses include offices, retail and services, cultural and arts offerings, and residential uses. Office use is generally predominant. The proposed mixed-use project conforms to the Generalized Land Use Map designation.

The project also conforms to many written elements of the Comprehensive Plan for the overall District, and for Ward 2. These include objectives for the strengthening the Central Business District as the commercial core of the region; the preservation of contributing buildings in the Downtown Historic District and the Pennsylvania Avenue National Historic Site; the development of a "living downtown" with a mix of retail, arts, residential and commercial uses; and the concentration of density near existing transit and Metro Stations.

VII. REQUESTED ZONING RELIEF AND PREVIOUS ZONING HISTORY

Pursuant to 11DCMR Section 3103 the applicant is requesting variances from:

- Section 771, FAR restrictions in the Downtown Development District (DD);
- Section 1701.4(c), parking and loading access restrictions in the DD;
- Section 773, residential recreation space requirements.

Pursuant to 11 DCMR Section 3104, the applicant is requesting a special exception from:

- Section 411 and Section 777 requirements for roof structure setback.

The following table summarizes applicable Matter of Right requirements and the requested relief. The site is 35,288 sf with the 942 sf portion of alley closed, as assumed by the applicant, and 34,346 sf with the alley not closed.

---

[6] Some of the cabaret space may be below-grade and not countable towards FAR.

[7] Because of the site's slope toward the south, some of the parking will be considered above-ground parking and will be countable towards FAR.

Type of Relief Requested	Applicable 11 DCMR Section	Required or Permitted as Matter of Right[8]	Proposed	Absolute Relief Requested	Percent Relief Requested
Variance, FAR in C-4/DD	Sections 771 [and 1707.4(e)]	6.0 FAR -211,728 gsf w/ alley closed -205,476 gsf w/out alley closed	291,000 gsf 8.24 FAR w/ alley; 8.47 FAR w/out alley closure or rental of air space)	 +79,272 gsf w/alley closed (+2.24 FAR); +85,524 gsf w/out alley (+2.47 FAR)	 37.4% w/ alley closed 41.6% w/out alley closed or rental of air space
Variance, Parking & Loading Access Restrictions in DD	Section 1701.4(c)	Prohibits new curb cuts on 10th Street in DD	Re-use of non-grand-fathered existing curb cut	Permission for car access and truck loading access[9] from 10th Street	N/A
Variance, Residential Recreation Space Requirements	Section 773	§773.3: 5% of residential space; possibly §773.8: 50% must be outdoors; possibly §773.7: for roof deck, no dimension < 25'	0% on-site; 300 sf transferred off-site	300 sf, transferred off-site	100%
Special Exception, Roof Structure Setback	§411.11; §Sec. 400.7 (b); possibly §411.5; §777	1:1 setback from exterior walls	Not Clear	Not known. Measurements cannot be determined from info. provided	Not known. Measurements cannot be determined from info. provided.

The eastern half of the site (920-932 F Street) was covered by BZA Order 14967.

[8] The applicant's FAR and FAR variance calculations are based on the applicant's assumption that the City Council will approve a future application to close 942 square feet of public alley "stub", bordered on three sides by the applicant's property.

[9] Applicant has indicated his intention to withdraw the request for truck loading access from 10th Street.

VIII. DOES THE APPLICATION MEET THE TESTS FOR THE REQUESTED RELIEF?

A. FAR VARIANCE

- *Uniqueness: Is the property exceptionally narrow, shallow, of a shape or with topography, or possessing of other extraordinary or exceptional situations or conditions of the specific piece of property that make it unique?*

  It is. The property is exceptional both because of its physical characteristics and because of historic preservation requirements that apply to it from previous development requirements.

  With respect to the straightforward physical characteristics, the 13'–14' grade change from the north makes a portion what would otherwise be below-grade parking space, count toward FAR. The approximately 5,835 square feet that would not count towards density on a more level development site accounts for approximately .165 of the requested additional 2.27 FAR.

  The physical characteristics may also include the historic nature of properties[10]. In order to meet preservation requirements of the Mayor's Agent's previous approval for the eastern half of the site, and the HPRB's recent recommendations for the western half of the site, the applicant will incur added cost for historic-preservation-related construction. These actions will include:
  - Underpinning of contributing buildings;
  - Façade stabilization and restoration;
  - Use of salvage and artifacts in new construction;
  - Construction of 4 floors of less-efficient space at 930 F Street, in order to recreate the historic floor plans;
  - Reconstruction of the historic board room on the 8th floor of 930 F Street;
  - Respecting a 40' deep "preservation zone" for the remaining facades on the eastern portion of the site;
  - Preserving and adapting three structures essentially *in toto* at the corner of 10th and F Streets;
  - Loss of revenues by not constructing new space at the prominent corner above the structures at 10th and F Streets;
  - Construction of less efficient core layout, and less efficient floorplates on the 9th and 10th floors, due to preservation-related set-backs
  - Devoting 3700+ sf to the exhibition of historic artifacts.

[10] Clerics of St. Viator, Inc. v D.C. Board of Zoning Adjustment (320 A.2nd 291; 1974 D.C. App.)

- *Practical Difficulties or Hardship: Would there be "practical difficulties" that would be "unnecessarily burdensome" and impose "undue hardship to the Applicant" should the variance not be approved?*

  There would.

  The applicant is clearly subject to historic preservation requirements and other obligations that impose burdens significantly in excess of a typical development. These have been noted above.

  In addition, the applicant will also be generating less income by devoting 6000 sf to residential space, rather than to office uses. The additional square footage devoted to preferred uses will also likely generate less income than would the leasing of such space for offices.

- *Impact on the Public Good and the Zone Plan: Can the relief 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?*

  It can. In return for a requested increase in the FAR[11], the applicant would be providing extensive historic preservation benefits, devoting approximately 100% more space to preferred retail and/or arts uses than is required, and constructing 6,000 square feet of residential space that is not required. In OP's opinion, this furthers the objectives of the Zoning Regulations, particularly Section 1700.

  In addition, the purpose of the 6 FAR limitation in the DDD for the designated historic districts was to protect the scale and character of the District and its smaller contributing buildings. However, the Atlantic Building was already one of the tallest structures on the site, and the Lane Bryant building is not a contributing structure. The new building has extensive setbacks to reduce adverse impact on the historic structures, and will likely feature a design substantially more sympathetic to the character of the historic district than the Lane Bryant building.

B. Parking Access Variance[12]

- *Uniqueness: Is the property exceptionally narrow, shallow, of a shape or with topography, or possessing of other extraordinary or exceptional situations or conditions of the specific piece of property that make it unique?*

  It is.

[11] Approximately 37%
[12] Although the April 2002 application also requests a variance for loading access, the applicant has since indicated it intends to withdraw this request. Accordingly, OP has not analyzed the request for a loading access variance.

If the present application is approved, the entire Square will be relatively densely developed. The interior alley system will have access from only one point – the fifteen- foot alley off of F Street, NW. This alley is contributing to a historic district.

The Ford's Theater national historic landmark is adjacent to the applicant's site and presents a potentially sensitive situation with respect to accessing parking and loading from a curb cut next door, particularly for larger delivery vehicles. In some respects, the applicant is faced with a Catch-22 situation with respect to vehicle access. It is prohibited from gaining access from either of the streets the project faces, yet there are implicit traffic and historic preservation limitations that mitigate against the project's obtaining all of its required parking and loading access from the alley system.

The western half of the applicant's site is currently improved with the 1960's-era Lane Bryant building. This parking garage contains 200 – 225 parking spaces on three above-ground-level already accessed by an existing curb-cut on 10th Street. With the proposed demolition of this building, the curb-cut and parking access would no longer be grandfathered-in. The applicant's parking access variance requests that the existing curb cut be allowed to be re-used for three new levels of underground parking with only 180 spaces. This is 20-45 fewer spaces than are now served by the 10th Street access point for the Lane Bryant building.

- *Practical Difficulties or Hardship: Would there be "practical difficulties" that would be "unnecessarily burdensome" and impose "undue hardship to the Applicant" should the variance not be approved?*

  There would.

  In the DD/C-4 zone a two-way alley is required to have a 20' width. The present alley system behind the applicant's site is accessed only from F Street by a 15' wide alley. This access point cannot be widened due to the adjacent facades of the historic buildings being preserved. Therefore, it is not possible to have an alley system with one access point and a separate egress point.

  The addition of a parking garage for 180 vehicles accessed from the alley behind the applicant's site will place additional strain on such a one-way system, potentially clogging the alley and impeding access to and egress from the applicant's project. The chances for this are increased by the need to provide delivery access for the applicant's project from the alley system, due to opposition to having deliveries and truck- loading for the project occur adjacent to Ford's Theater.

- *Impact on the Public Good and the Zone Plan: Can the relief 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?*

It can.

The areawide design standards for the Downtown Development District (DD), as contained in 11 DCMR Section 1701.4(e) prohibit the construction or use of a driveway along 10th Street, NW, between E Street and F Street for the purpose of providing access to required parking or loading. Section 1701.4 also prohibits the construction or use of driveways on E Street, F Street and 9th Streets in this Square. This regulation is based on the Comprehensive Plan's policies and objectives for the Downtown Shopping District, which seek to provide a concentrated, linearly continuous, pedestrian-oriented retail core.

This poses something of a conundrum for new construction in Square 377. However, 11 DCMR Section 1703.1 (b)(3) gives some guidance on which undesirable access point locations are more undesirable than others. The subsection encourages, within the DD, "A pedestrian environment with ample sidewalks interrupted by a minimum number of vehicular driveways, especially along F and G Streets." Although access to required parking and loading functions from 10th Street in Square 377 is explicitly prohibited by 11DCMR Section 1701.4(e), Section 1703.1(b) (3) implies that there is a hierarchy of streets when it comes to encouraging the pedestrian experience and minimizing its interruption: F Street and G Streets in Square 377 are deemed more important than 10th Street.

Thus, according to the Zoning Regulations, the addition of a significant number of new entries/exits at the alley opening on the south side of the 900 block of F Street would be more detrimental to the public good than the maintenance of vehicle access to parking on 10th Street --especially at a location where a curb cut and parking garage already exists, and where the new parking garage would provide 20 – 45 fewer parking spaces than the garage already existing on the site.

This line of reasoning does not, however, necessarily apply to the location of the access point for vehicles servicing the applicant's site. The location of historic Ford's Theater, adjacent to the proposed project on 10th Street, must be considered in addition to the pedestrian experience on F Street. The number of truck deliveries for the project would be significantly fewer than the number of parking entries and exits. The visual impact of such truck deliveries on Ford's Theater would likely to be greater than for passenger vehicles, were both to be accessed from 10th Street. This is borne out by the National Park Service's opposition to using 10th Street for truck access, If, therefore, the alley system has the capacity and the necessary turning radii, it is preferable for loading to be accessed from the alley, rather than from 10th Street.

IX. Residential Recreation Space Variance

In conversations with OP, the applicant has indicated that he will give additional consideration to providing the recreation space on-site, in accordance with the Zoning Regulations. Alternatively, the applicant may propose locating the required recreation space at the adjacent apartment project, just to the east on F Street. While, in OP's opinion, the applicant has not justified the elimination of the required residential recreation space, OP

would be favorably inclined to the satisfaction of this requirement by the provision of an additional 300 square feet of recreation space at the adjacent property, to which the tenants at the applicant's project would have guaranteed access.

Because this alternative was not before the Board as of July 2, 2002, the following evaluation is of only the existing request for the residential recreation space variance.

- *Uniqueness: Is the property exceptionally narrow, shallow, of a shape or with topography, or possessing of other extraordinary or exceptional situations or conditions of the specific piece of property that make it unique?*

  It is.

  Although only 300 square feet of residential recreation space is required for the 6000 square feet of residential space, the Zoning Regulations require that 150 square feet of this space be provided outside. The only practical place to put such outdoor space would be on a part of the project's roof. 11DCMR Section 773.7 requires that if any portion of a roof is to be used for recreation space, the roof area shall have no dimension less than 25'. The roof deck would also have to meet code requirements for the minimum height of the protective railing. Given these minimum horizontal and vertical dimension requirements, plus the need for mechanical penthouses, the applicant has not been able to find a part of the roof that can meet the outdoor recreation space dimensional requirements and still meet the setback and sight line restrictions mandated by the HPRB. The property is unique with respect to the requirements of Section 773.

- *Practical Difficulties or Hardship: Would there be "practical difficulties" that would be "unnecessarily burdensome" and impose "undue hardship to the Applicant" should the variance not be approved?*

  There would be.

  Given the uniqueness of the site, as discussed above, the applicant's only alternative for locating the outdoor recreation space on-site would be in the 942 square feet of alley it intends to ask the City Council to close. However, the applicant intends to request this closure in order to be able to use the alley for the rear portion of its building footprint. The applicant has stated this is due to the historic preservation-related setback requirements along the F Street and 10th Street facades, as well as the upper stories of the rear façade. There would, therefore, be practical difficulties imposing undue hardship to the applicant should the variance not be approved, and the applicant be required to meet both the historic preservation requirements and the outdoor recreation requirements.

- *Impact on the Public Good and the Zone Plan: Can the relief 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?*

It can.

The applicant proposes to provide 6000 square feet of housing downtown when he is not required to do so. In OP's view, granting relief from the residential recreation space requirement, particularly if the required 300 square feet is added to the adjacent apartment building (even if it is provided as all-interior recreation space) is more than balanced by the applicant's providing the housing, and by respecting the historic buildings through the setbacks noted above.

X. Roof Structure Setback Special Exception *(See Attachment 3)*

- *Will the Special Exception Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps?*

  It would be. The roof structure setback requirement is intended to ensure the visibility of the roof structure is minimized from the street, and to maintain adequate light, air and sun for neighboring properties. Because historic preservation and other design requirements dictate a stepped-back approach to the proposed building's massing, the proposed penthouse is already well set-back from the street on the north and west sides, and from nearby buildings on the east side. On the south side, while the penthouse is set back from the rear facade, it is not set back in a one-to-one ratio for the entire southern length of the building. However, the southern wall is at least 20' distant from the nearest building to the south.

- *Will the Special Exception Not Tend to Affect Adversely the Use of Neighboring Property, in Accordance with the Zoning Regulations and Zoning Maps?*

  It would not. As noted above, F Street and 10th Street will not have their light or air impacted by the proposed variance, nor will the buildings across the 15' alley to the east, nor those across the 20' alley to the south. A line of site study done by the applicant for the Historic Preservation Review Board *(Attachment 3)* indicates that the visual impact from across F Street would also be negligible.

XI. COMMUNITY COMMENTS

ANC 2C voted to support this project at a duly called meeting. There were no other community comments.

X. OTHER AGENCY COMMENTS

Although the present project, and the previous project that dealt with only the eastern half of the current site, received extensive review by the HPRB and the Mayor's agent, these bodies did not comment on the previous BZA case in Application No. 14967. Nor have they commented, nor are they anticipated to comment, on the present case.

There were no agency comments as of June 24, 2002. It will, however, be important to have the comments of D-DOT before the BZA decides the case.

XI. OP RECOMMENDATION

- OP recommends the Board APPROVE the requested FAR variance subject to the provision of certain non-office space and the fulfillment of certain other obligations promised by the applicant.

  The non-office space shall include:

  1) At least 6000 sf of residential space;
  2) At least 10,890 square feet of space which the developer shall actively market, for no less than 12 months after receipt of a certificate of occupancy for the project's office space, as a cabaret/dinner theater or, if such marketing is unsuccessful, for other arts-related uses, or, with approval of the Office of Planning, for other uses listed as "preferred uses " by 11DCMR Section 1710.1;
  3) At least 22,522 additional square feet on the first floor for uses listed as "preferred use" in 11 DCMR Section 1710, subject to the Downtown Shopping District provisions of 11 DCMR Section 1703.

  The variance shall also be contingent on:

  4) The provision of at least 3,744 square feet within or adjacent to the principal lobby for the display of historic artifacts and documentation relating to the historic structures within Square 377.
  5) Compliance with other agreements entered into by the prior project developer including, but not limited to, a First Source Agreement (with the Department of Employment Services) regarding construction-related employment; an agreement (with the then-Office of Business and Economic Development) regarding contracted development costs; an agreement (with the Department of Employment Services) regarding construction-related employment;
  6) Compliance with applicable agreements with the HPRB and Mayor's Agent regarding demolition, preservation, restoration, provision of a "preservation zone", integration of historic artifacts into the new façade, provision of a pedestrian passageway between 10th Street and the alley to the rear of the building, and other requirements;

- OP recommends the Board APPROVE the requested parking access variance, unless otherwise recommended by the District Department of Transportation (D-DOT)

- OP recommends the Board NOT APPROVE the requested variance for residential recreation space, but that the Board APPROVE the following alternative, should it be requested by the applicant:

  -The applicant is relieved of its requirement that 50% of its residential recreation space be provided outdoors. The applicant shall endeavor to provide 300 square feet of recreation space within the applicant's building. Should the applicant determine this is not practicable, the applicant may provide the 300 square feet of residential recreation space for 920-942 F Street at the adjacent 910-916 F Street, provided the applicant furnishes the Board, prior to the its decision, with a signed agreement between the applicant and the adjacent property owner at 910-916 F Street, stating that if the applicant is unable to provide 300 square feet of recreation space at 920-942 F Street, the applicant will cause, the provision of 300 additional square of residential recreation space at 910-916 F Street, that the owner of 910-916 F Street will accommodate this space, and that the owner of 910-916 F Street will permit the residents of 920-942 F Street to have access to this space.

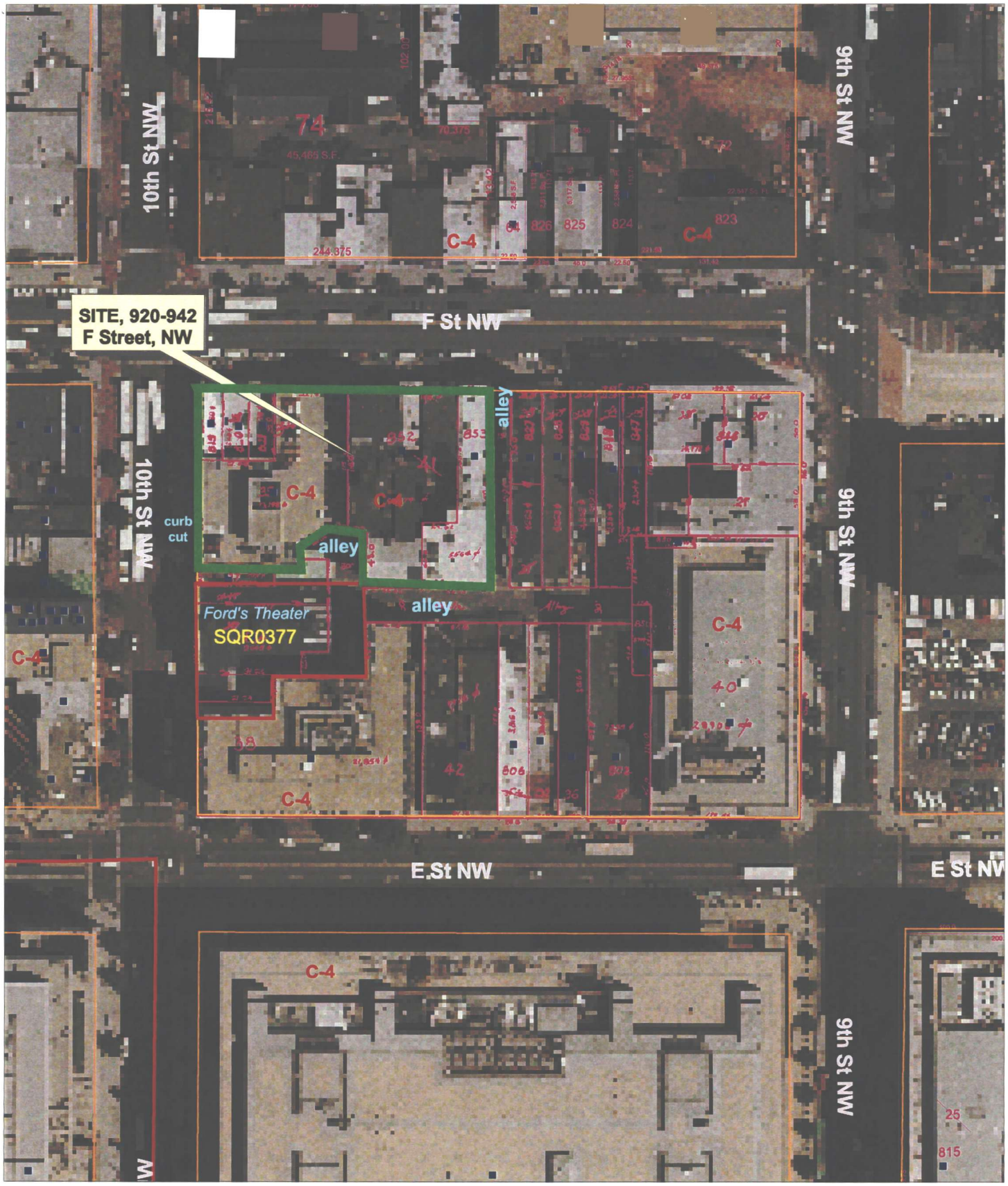
- OP recommends the Board APPROVE the requested special exception for roof structure setback, subject to the following conditions:
  1) The applicant shall furnish the Board with the setback exception dimensions being requested, before the Board's decision meeting;

  2) The applicant shall be allowed to vary the height of the roof structure, up to the usual maximum of 18'6", if such varied height helps to minimize the presence of the structure when viewed from 10th Street, especially in the vicinity of Ford's Theater, and from the east-west alley behind the proposed project.

AA/slc

Attachments:

1. Location and Zoning Map
2. Comprehensive Plan Generalized Land Use Map for Site Area
3. Conceptual building section, dated June 14, 2002



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16892

DC Office of Planning
July 1, 2002

Scale 1:1298

25 0 25 50 Feet

Attachment 1



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse
BZA Application No. 16892

July 1, 2002

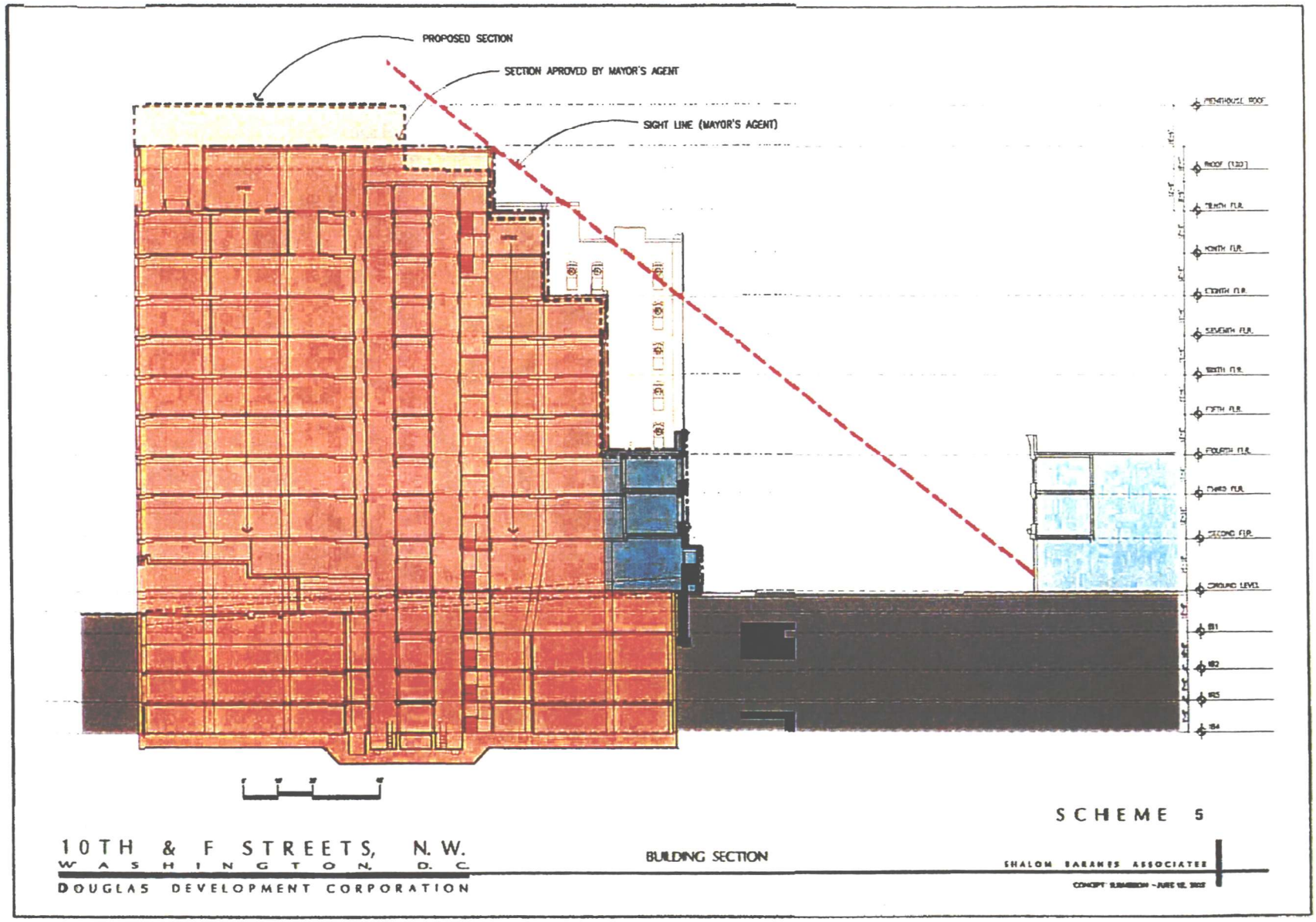
DC Office of Planning

Scale 1:2028

N

0 150 Feet

Attachment 2



Attachment 3