GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman,
Director

DATE: October 8, 2002

SUBJECT: BZA Application 16926, EQR-JBG 2400 Residential, L.L.C.
2400 M Street, NW –Square 25, Lot 808

I. APPLICATION SUMMARY

The applicant wishes to construct a high-rise apartment building, with ground floor retail space at 2400 M St., NW. The site is the eastern half of the recently created Lot 808 in Square 25. It is zoned C-2-C and is a parking lot just north of and in the same Square as the former Columbia Hospital for Women. The western half of the parcel is a medical office building for which a residential addition was approved by the BZA in Case No. 16687.

The applicant requests the following zoning relief:

A. A special exception from the roof structure requirements of 11DCMR §411.4, to allow construction of three, rather than two, enclosures for the building's elevator structures;

B. A 4.2% variance from the 15% residential recreation space requirements of §773.3;

C. A two-foot variance from the 15-foot rear yard requirement of §774.1, to allow bays to be constructed above the first floor.

II. SUMMARY RECOMMENDATION

A. The Office of Planning (OP) **recommends the Board approve the roof structure special exception.**

B. OP **recommends the Board approve the residential recreation space variance**, subject to the applicant's providing additional information (noted later) requested by OP.

BZA
Case No. 16926
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16926
EXHIBIT NO.26

C. OP is **not prepared to make a recommendation on the rear yard variance at this time,** pending review of additional information that OP has requested from the applicant. The information requests are noted on page 8 of this report.

OP also notes in the next section that applicant has been asked to provide additional FAR information.

III. THE APPLICANT'S PROPOSAL *(See Attachment 3)*

The applicant wishes to construct a 90-foot high, 10-story apartment building on a 54,439 square foot site at the southwest corner of 24th and M Streets, NW. The 334 units would range from 500 SF studios to 1500 SF 2-bedroom units. The first floor would have 8,000 square feet of neighborhood-serving retail space. The total project would have 372,975 square feet.

There would be three levels of underground parking, for 255 parking spaces, 30 of which would be allocated to retail uses.

The building corridors would be double-loaded, with interior apartments wrapping around a 9,077 square foot landscaped courtyard. This courtyard would be one element of what the applicant states would be roughly 39,000 square feet of residential recreation space.

F.A.R. Note

The site is in a C-2-C zone, which permits a 6.0 FAR. The proposed building's FAR would at first be appear to be 6.85. However, the former Lots 803 and 805 were recently combined into a new Lot 808. New residential construction was previously approved atop and adjacent to the medical office building at the former Lot 803, at 2440 M Street, NW. The BZA granted special exceptions and variances for this project in Application No. 16687.

The applicant considers the project under review in Application No. 16926 to be an addition to (or Phase II of) the apartments the same developer intends to construct at 2440 M Street (now known as Phase I). The applicant proposes to transfer 52,340 square feet of what the applicant says will be unused residential FAR from the 2440 M Street project to the 2400 M Street project. These figures were included in the Zoning Self Certification Form received at the Office of Zoning July 1, 2002.

The applicant states that for the new Lot 808, development would not exceed the permitted 6.0 FAR. Information demonstrating this is noted as being listed on sheets A1.02A and A1.02B of the applicant's BZA approval set dated October 1, 2002. These sheets were not included in the drawings that had been provided to OP when this office was completing its report on October 8, 2002. OP has requested additional information about the FAR calculations from the applicant.

IV. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2)*

The site in the West End neighborhood is located between Dupont Circle, Georgetown and Foggy Bottom. This formerly industrial area is now characterized by dense mixed-use developments dominated by office buildings, hotels and apartments. Immediately to the west is the medical office

building noted above that is slated to be enlarged with the 140-unit apartment building known as 2440 M Street and also known as Phase I of the project presently being reviewed. To the south, the new owner of the former Columbia Hospital for Women tract proposes to build at least 150 condominiums; additional apartments, plus retail will be built if an existing restrictive covenant with the neighborhood can be modified. When projects are completed, Square 25 will have at least 625 new residences.

High-density rezoning and development is also being considered for Square 37, immediately to the east.

V. ZONING, ZONING HISTORY AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned primarily C-2-C, which permits 2.0 FAR of commercial and a maximum of up to 6.0 FAR for residential. The table below summarizes other requirements of C-2-C.

	C-2-C
Height	90 feet
FAR	6.0 Total FAR, of which no more than 2.0 FAR may be non-residential
Special Incentives	
Residential Lot Coverage	80%
Recreation Space	15%
Rear Yard	Below 20' height, 15' from center of Alley Above 20' height, 15 from alley curb.

C-2-C Requirements

Other nearby zoning districts include R-5-B, R-5-D, R-5-E, CR and additional C-2-C areas.

The so-called Phase I site at 2440 M Street was the subject of BZA Application No. 16687. (Please see Section III for a description of how this site was recently combined with the site now being reviewed into a new Lot 808, and how the applicant proposes to apply unused FAR from the Phase I project to this Phase II project.)

The West End is not an historic district. The Foggy Bottom Historic District and the Dupont Circle Historic Districts are a few blocks, respectively, to the south and north. It is anticipated that the original building of the Columbia Hospital for Women, on the parcel immediately to the south of the applicant's, will be nominated soon for historic status.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN AND CURRENT PLANNING CONTEXT *(See Attachment 4)*

The Comprehensive Plan Generalized Land Use Map designates the area for mixed High Density Commercial/ High Density Residential Uses, with the exception of the area encompassing the former Columbia Hospital for Women, which is designated for institutional uses. The area was rezoned about 25 years ago to encourage mixed-use development. Office and hotel development has somewhat outpaced residential development. Planning meetings held with the community over the last year in conjunction with a rezoning proposal for Square 37 to the east have made it clear that the neighborhood

favors residential development north of L Street, and the provision of neighborhood-serving retail. The proposed project would build both.

The Comprehensive Plan text includes several citations (see below) that support the development of mixed-use projects. Given the extent of commercial office development and hotels in the West End, residential use on this site would represent a more important contribution towards achieving the mix of uses envisioned for the West End than would office space.

Urban Design

713.2 *The policies established in support of the commercial activity corridors objective are as follows:*

(d) Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours;

Land Use

1104.1 *The policies established in support of the residential neighborhoods objectives are as follows:*

(c) Ensure a broad range of residential neighborhood options ranging from quiet, low density, park-like neighborhoods to active, high density, mixed-use urban neighborhoods;

VII. DOES THE APPLICATION MEET THE TESTS FOR THE REQUESTED ZONING RELIEF?

A. Special Exceptions

Pursuant to 11 DCMR § 3401.1 the applicant is requesting a Special Exception to have 3 separately enclosed penthouse structures, rather than two.

11DCMR §411.3 establishes a norm of having all penthouses and mechanical equipment placed within one enclosure that harmonizes with the architecture of the building. However, if the building has more than one elevator core, §411.4 allows one enclosure for each elevator core at each roof level. The proposed building would have three elevator banks, each of which would have a mechanical penthouse. One of the penthouses would also contain one of the two stairwells required for ingress and egress from the roof deck the applicant proposes to build to partially address residential recreation space requirements.

According to the applicant, the Zoning Administrator has determined that the penthouse that contains both the elevator core and the stairwell does not constitute an elevator core, and that the Zoning Regulations do not allow for three separate enclosures unless the Board grants relief.

The applicant has, therefore, requested a special exception under §§ 411.11 and 3104.1.

- *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 enclosure requirement is intended to promote aesthetic harmony between the penthouse and the main building, and to minimize the unnecessary proliferation of roof structures. In this case, three elevator banks and two separate means of ingress/egress are required to meet building and zoning regulations, and to enable the use of the roof to partially meet the residential recreation space requirements.

  With respect to architectural harmony, the penthouses have been given particular design consideration because they would be so visible from the roof deck. With respect to the intent of the zoning regulations, reducing the number of roof enclosures because one elevator area has not been determined to be an elevator core would require a bigger structure on the roof and would compromise the applicant's ability to use the roof deck for residential recreation purposes. Granting the special exception would promote the general purpose and intent of the zoning regulations' requirements for recreation space.

- *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. All roof structure enclosures, including the one for which a special exception is being sought, would meet height and setback requirements and would not reduce the light or air available to adjoining properties. The roof area's design is visually animated, reflecting its active usage. A separate enclosure would not detract from its appearance from the street or from nearby structures.

B. Variances

1. Variance Relief from Residential Recreation Requirements of Section 773.3

The applicant has asked for a variance to provide less than the required recreation area. The applicant is proposing to devote 39,000 square feet of space to residential recreation: This would be approximately 10.8% of the residential floor area, versus the 15% required by §773 in a C-2-C zone. With 362,381 square feet of gross residential floor area, 54,358 square feet of recreation space are required by the Zoning Regulations. This would be over one acre of recreation space and would be equivalent to the entire site area of the project. Such space would be a very significant recreational allocation for a high-rise building in the urban core that is likely to rent a high percentage of its exclusively market-rate units to residents without school-age children living on the premises.

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

Although level and regularly shaped, the property does have exceptional conditions. The site is almost 1¼ acres and essentially square. This would be ideal for an office use, but is less than ideal for residential use. In a central city location, such a site requires double-loaded corridors organized around a court or courtyard to give adequate light and air to all of the units. The double loading limits the area that can be devoted to the central court and recreation.

b. 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 practical difficulties.

In addition to the 9,007 SF landscaped central courtyard, the recreational package would include a 25,408 square foot roof deck with a swimming pool, running track and gazebo; a 1,507 square foot fitness center; a 486 square foot party/community room; and a 416 square foot library. The applicant also states that 2,083 square feet of above-average amenities in the lobby would also constitute recreation space. In OP's view, these spaces constitute a high degree of recreation amenity.

The applicant proposes to use every available piece of roof deck for recreational space, even though it requires seeking the special exception noted above. 2,400 square feet of otherwise leasable space will also be devoted to interior recreation, as well as 2,000 square feet of the oversized lobby. OP agrees with the applicant's contention that to provide the additional 15,000 square feet of recreation space required by the Zoning Regulations would necessitate the trading-off of apartment, retail or parking space. In the West End, none of these trade-offs would be desirable.

c. 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 approximately 73% of the residential recreation space required by the Zoning Regulations. The applicant would also be constructing 4,600 square feet of balconies, patios, etc. that are not considered as part of the residential recreation space calculations, but that would be considered recreation space by most apartment renters.

In addition to the 39,000 square feet on site, there are many recreational amenities within less than two blocks. The recreation center at Francis Junior High School has a state of the art outdoor swimming pool, as well as basketball courts, four tennis courts and a multi-purpose outside recreation area. The school has also developed a sports field on federal land one block from the proposed apartment site. Rock Creek Park is two blocks away.

Finally, the likely demographics of an apartment building with the location, unit-size and rental structure of the proposed project would tend to be high in single or unmarried people and people without children living at home. Such groups would likely favor quality of the residential recreation package over sheer quantity of recreation space.

In OP's opinion, the combination of the exceptionally high quality and variety of private recreation spaces to be provided to building tenants, as well as the plentiful and diverse nearby public recreation spaces would allow the Board to grant the requested relief with no detriment to the public good or the zone plan.

2. Variance Relief from the Rear Yard Requirements of §774.1.

The applicant is required to provide a fifteen-foot rear yard. The proposed project would do this up to a height of thirteen feet above actual ground level. Above the first floor, the applicant proposes bay windows and balconies that would project two feet into the rear yard.

a. 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?

As noted above, the property does have exceptional conditions even though it is relatively level and regular in shape. The site is less than ideal for residential use. In a central city location such a site requires double-loaded corridors organized around a courtyard to give adequate light and air to all of the units. This limits the amount of area that can be devoted to the central court and a recreational area located there.

b. 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 may be practical difficulties, but OP feels that, at this time, the applicant has not provided sufficient information to demonstrate that they impose undue hardship.

The applicant has tried to maximize the size of the central courtyard – thereby providing residential recreation space as well as light and air to the apartments facing the courtyard.
The applicant argues that the relationship between the courtyard and the projections is akin to a zero sum game: the larger the courtyard, the closer the applicant comes to meeting the recreation space requirements, but the more the applicant needs to project balconies into the rear yard space; conversely, the less the projection, the less the recreation space requirement is met. The applicant states that a marketable apartment requires a 19' minimum depth from kitchen to living room, but has not provided any evidence or comparisons documenting this.

The applicant states that, even if the courtyard were smaller, it would be infeasible to move the rear wall line, inclusive of the bay projection, two feet to the north because of the loading requirements for the proposed retail space requires "the structural supports must be located as proposed". The applicant has not provided an explanation for this.

c. 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.

Granting the requested variance would not unduly impact the light or air that would be available to the property to the rear of 2400 M Street. The Columbia Women's Hospital site will be re-developed. If the rear yard for that property is defined by an L Street address there would be, at a minimum, with the proposed variance, 28 feet between the new structure on the Hospital site and 2400 M Street (a fifteen

foot rear yard from the Columbia Hospital site, and a 13 foot rear yard if this project is granted a variance). If the rear yard for the Hospital redevelopment is defined by a 24th Street address, there would be at least 21 feet between the side wall of the Hospital redevelopment and the proposed 2400 M Street development. The applicant has calculated that the bays and balconies would project the requested two feet into the rear yard for 56% of the façade's surface. For 44% of the rear surface area there would be no protrusion into the air space at all. Further, the applicant has indicated that the contract owner of the Hospital site has no objection to the applicant's rear yard variance request, and has promised to furnish a letter attesting to this.

Nevertheless, OP is not prepared to make a recommendation on the requested rear yard variance absent the following information that OP has asked the applicant to provide.

- Letters registering no objection to the rear yard relief from both the owner and the contract purchaser of the Columbia Women's Hospital property to the south;
- Documentation of the infeasibility of 16 foot-deep, rather than 18-foot deep apartments on the south side of the building;
- A comparison of trade-offs between recreation space (particularly in the courtyard, and unit size, for the southern string of apartments.
- Clarification of the relationships among the structural bay system, the loading and parking entrances and ramps, and the requested rear yard relief.

OP will submit a supplemental report regarding the justification for the rear yard variance when this information is received.

VIII. COMMUNITY COMMENTS

At its regularly scheduled meeting on September 18, 2002, ANC 2A voted unanimously to support the project.

X. OTHER AGENCY COMMENTS

OP is not aware of any other agency comments.

XI. OP RECOMMENDATION

A. The Office of Planning (OP) recommends the Board approve the roof structure special exception request.

B. OP recommends the Board approve the residential recreation space variance.

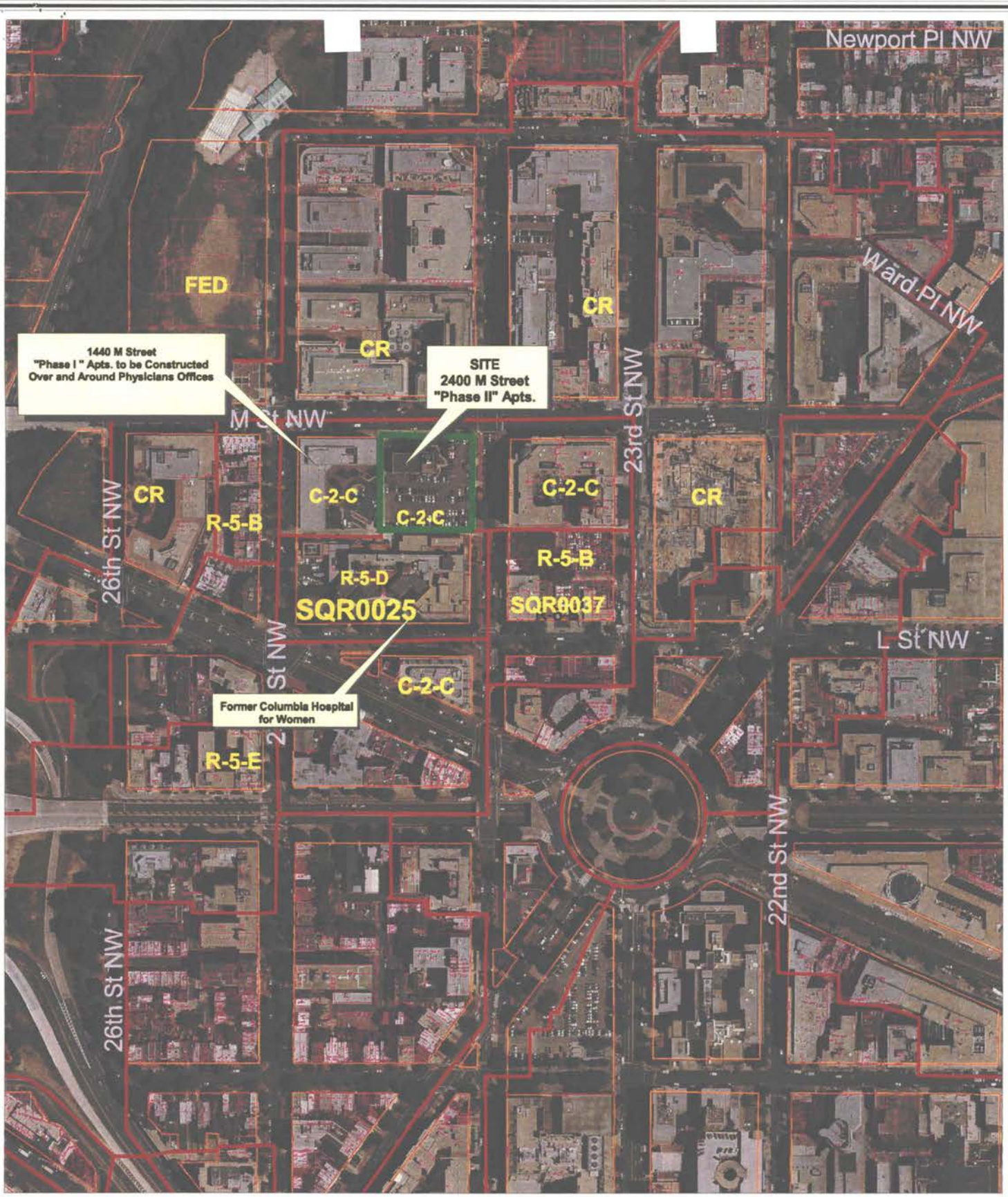
C. OP is not prepared to make a recommendation on the rear yard variance at this time, pending review of the following:

- Letters registering no objection to the rear yard relief from both the owner and the contract purchaser of the Columbia Women's Hospital property to the south;

- Documentation of the infeasibility of 16 foot-deep, rather than 18-foot deep apartments on the south side of the building;
- A comparison of trade-offs between the unit size of the southern apartment strings and the space required for recreation, light and air (particularly in the courtyard).
- Clarification of the relationship among the structural bay system, the loading and parking entrances and ramps, and the requested rear yard relief.

OP also notes that the FAR calculations and the relationship of Phases I and II require clarification; additional information has been requested.

Attachments
Aa/slc



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment

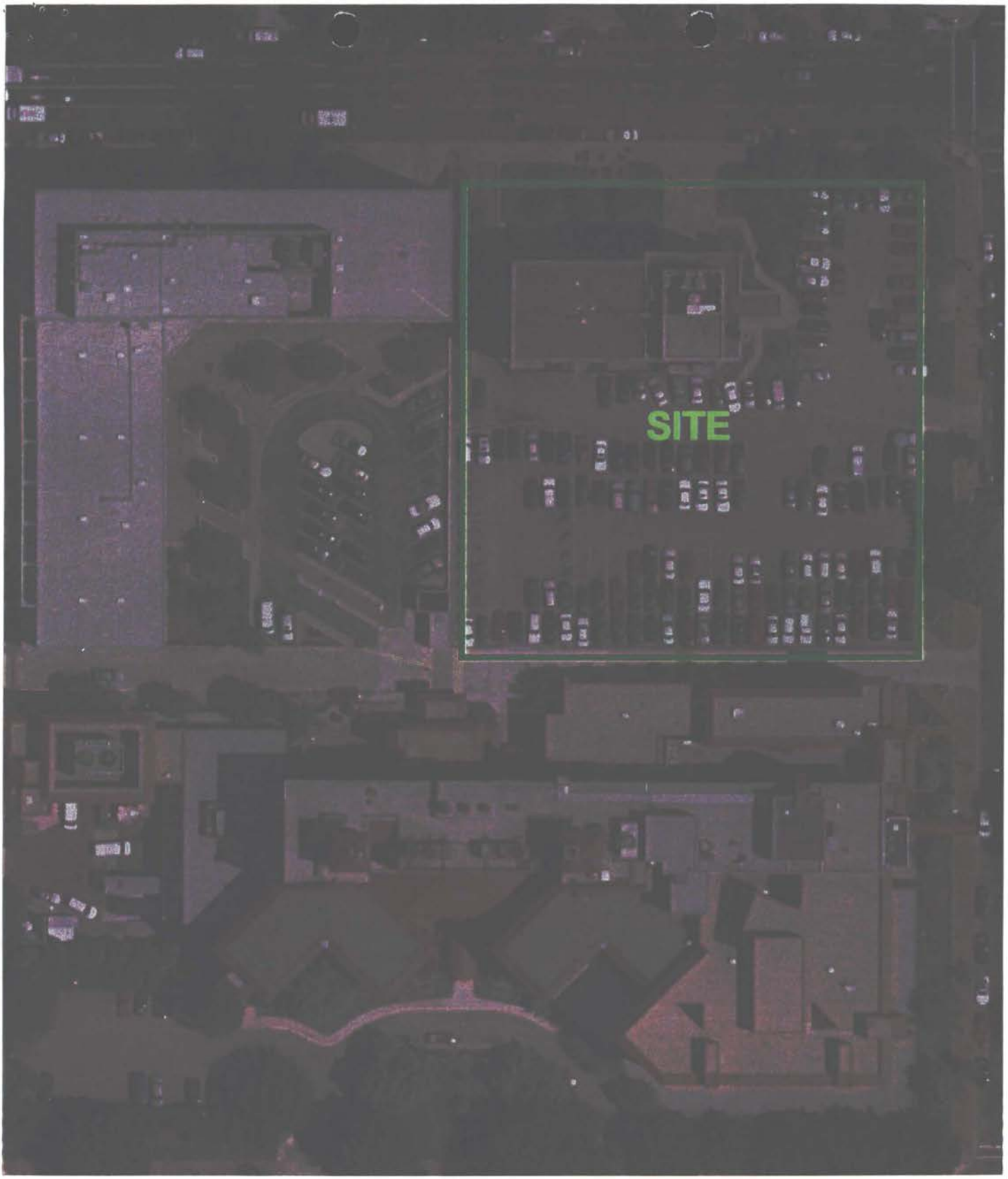
°Application No. 16926

Scale 1:3990

DC Office of Planning

September 24, 2002

Attachment 1



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment

Application No. 16926

2400 M Street, NW

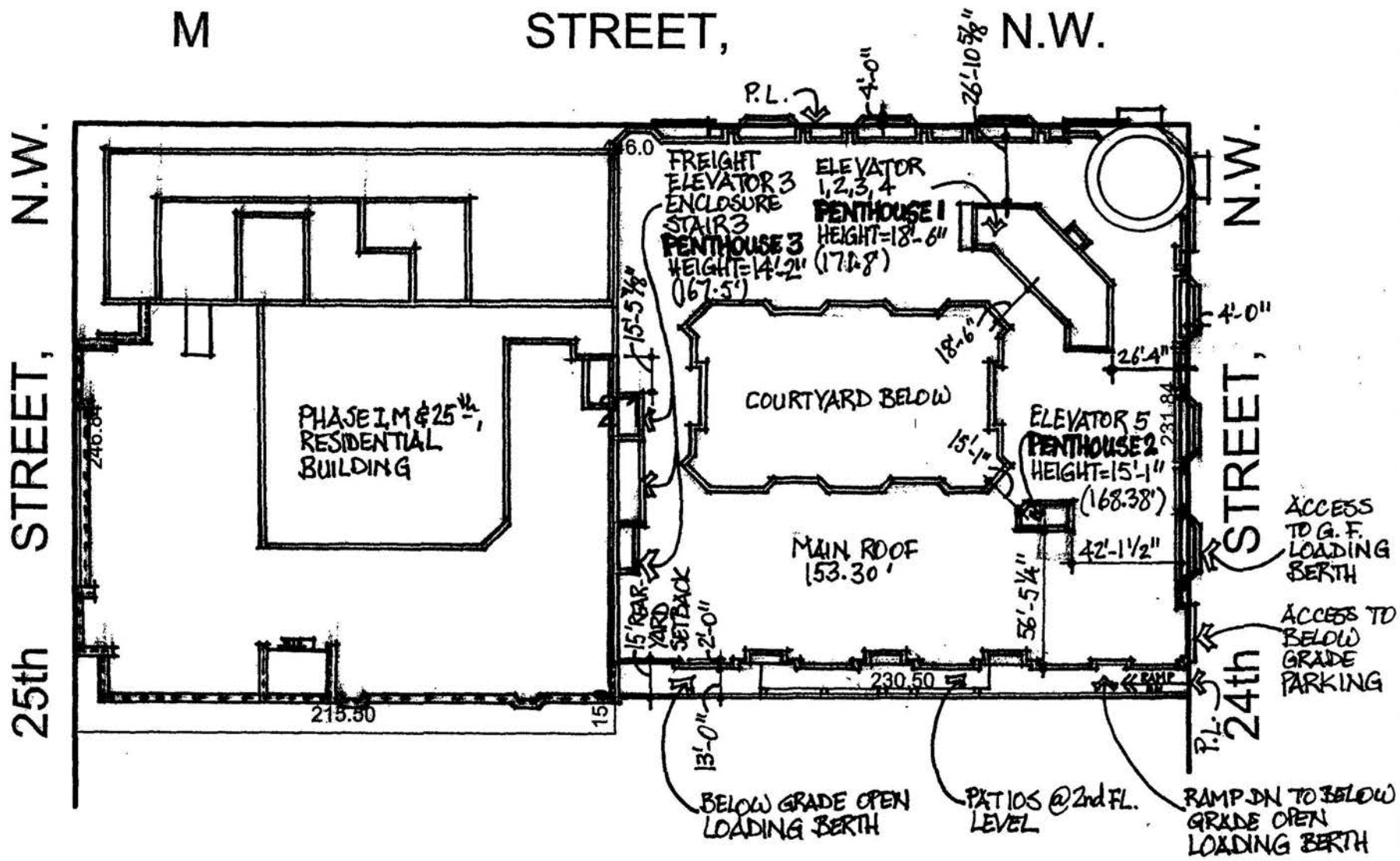
DC Office of Planning

September 24, 2002

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Attachment 2



Attachment 3



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
- Pr... and Te... mployment

Comprehensive Plan Landuse

DC Office of Planning
February 25, 2002

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Attachment 4