GOVE_ _ .MENT OF THE DISTRICT OF COLU..BIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: October 15, 2002

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16930
Lawrence N. Brandt, Inc.
500 New Jersey Avenue, NW
Square 627 Lots 7, 12, 801 and 802

Summary

The applicant Lawrence N. Brandt, Inc., seeks approval of

1. A variance from the floor area ratio (FAR) requirement of Section 771;
2. A variance from the height requirement under Section 770;
3. A variance from the parking requirement under Section 2101;
4. A variance from the loading requirement under Section 2201; and,
5. A special exception from the roof structure requirements of Section 411.

The applicant proposes construction of a new office building with ground floor retail uses at 500 New Jersey Avenue. The building will serve as the headquarters for the National Association of Realtors. The triangular site is currently improved with a vacant gas station structure, two vacant retail structures and incidental parking.

- The Office of Planning believes the Site is small in size and unusual in shape and, therefore, unique.
- Based on the analysis by the Office of Planning the zoning regulations cause peculiar and exceptional practical difficulties in development of the Site. The Office of Planning notes, however, that since the Site is in the Downtown East Receiving District the applicant may purchase transferable development rights to ease the burden of the

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zoning regulations; however, the exceptional cost burden of constructing on this lot and the benefits of a model "green building" could support the granting of a variance. At present, though, the applicant has not provided sufficient information to determine that this will be a model "green building". The US Green Building Council has established a rating system for green buildings called the LEED rating system, which has established four categories of green buildings: certified, silver, gold, and platinum. The applicant has indicated to the Office of Planning that it is consulting with an LEED certified architect to determine if it can be certified and at what level it will be certified.

- Based on the analysis of the Office of Planning, the proposed design would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map, if adequate pedestrian environment and street activity is established by the development. The Office of Planning is continuing to work with the applicant on the streetscape design.

Recommended Action:

The Office of Planning cannot make a recommendation until further information is provided regarding the following:

1. The LEED certification of the building to support the applicant's statement that this will be a national model of a green building.
2. The applicant will continue to work with the Office of Planning to develop an appropriate streetscape.

Background

The subject property is located at 500 New Jersey Avenue, NW (Square 627, Lot 7, 12, 801 and 802) and bounded by New Jersey Avenue to the east, E Street to the south, First Street to the west, and Federal Reservation 196 and F Street to the north (see Attachment 1). The subject property is in a C-3-C District, the Hotel-Residential Incentive District, and the Downtown East Receiving District. The site is currently occupied by a boarded and fenced gas station, vacant retail structures and incidental parking (see Attachment 2). The site, located in the Central Employment Area, sits in a neighborhood of predominately high-density commercial and institutional structures including the Hyatt Regency Hotel, the Holiday Inn, the Washington Court Hotel, the Hotel George, the Phoenix Park Hotel, a fire station, and the Georgetown University Law Center. Wide streets surround the site with large public spaces between curb and property line.

Previously, the Board reviewed and approved a development on the subject property with essentially the same variance relief requested. New to the relief requested is a special exception from the rooftop structure requirements of §411.5, which requires that penthouse and mechanical equipment enclosures shall be of equal height. The design of the building has also changed; the previous design incorporated fully designed facades on all three street frontages, with French doors and balconies.

Project Description

The applicant proposes to construct a new building with a footprint of approximately 7000 square feet at the first floor, approximately 8800 square feet on upper floors and 12 stories. The building will consist of a total of approximately 101,400 square feet of gross floor area devoted to office and retail uses. The building will have a total height of 130' and an FAR of 10.59. According to the applicant the building will incorporate many "green building" features including:

1. **Light Colored Roof** – The light colored roof will reduce the energy gain through the roof.
2. **Environmentally Friendly Refrigerants** – Chloroflourocarbon compounds are damaging to the ozone layer. Instead, it will use hydrochloroflourcarbon refrigerants.
3. **Use of Free Cooling** - The base building design approach includes the specification of a self-contained HVAC system with a waterside economizer capability. Given the right weather conditions, this will allow "free cooling" to occur.
4. **Variable Frequency Drives on Mechanical Equipment** – The self-contained HVAC units, pumps and cooling tower will have variable frequency drives, which reduce energy consumption.
5. **High Efficiency Lighting** – Electronic ballasts have been specified as well as T-8 lamps, both of which reduce energy consumption.
6. **Dry Type Transformers** – Dry type transformers have been specified.
7. **Water Conserving Fixtures** – Low consumption fixtures have been specified.
8. **Measurement and Verification** - This system provides additional sensors to advise on the indoor air quality.
9. **Grey Water Recovery** - This system will store and re-use roof runoff rain water to irrigate the landscaping on the site and the adjacent National Park Service park.
10. **High Performance Glazing** - Due to the extent of glazing in the building, energy codes require use of a high performance glass. The range of options currently being considered are in the highest level of energy performance. At this point, the exact glass has not yet been determined.
11. **Garage and Stairway Automatic Lighting Control System** – This system will reduces energy consumption by automatically turning off the lighting at a predetermined time by use of a time clock.
12. **Tenant Floor Lighting Controls** – A four-zone lighting control system is to be installed on each of the tenant floors. Zones will be controlled through a timeclock through the Building Management System (BMS).

13. **Occupancy Sensors**. Occupancy sensors, which detect if a room is occupied, will be used in the base building bathrooms. Additionally, occupancy sensors will become a "Building Standard" item for the private offices created as a result of the tenant work. All tenants will be encouraged to use such devices in their build-outs.

14. **Main Lobby Lighting Controls**. The main lobby will also have an automatic lighting control system. The exact system will be determined as part of the design of the lobby lighting. It could be as simple as the contactor and timeclock approach referenced above, or could be integrated with a dimming control panel.

15. **Local and Recyclable Materials** - The applicant will look for opportunities to use both local and recyclable materials in both the base building and tenant build-out phases of the project.

16. **Exterior Sun Control Devices** – The south elevation of the building will contain exterior sunscreens or a brise-soleil. This feature will serve to reduce the thermal load, and reduce energy costs.

These features make the building exceptional, according to the applicant and set a new standard for environmentally 'green' commercial structures in the nation." The applicant proposes extensive paving and landscaping along the three street frontages with an entrance to underground parking on E Street, and loading space access along 1st Street. New Jersey Avenue will provide the main entrance to the building. The public space adjacent to the building is substantial, with 52' to the curb on New Jersey and 25' to the curb on 1st Street. This provides the applicant with ample opportunity to provide a well-landscaped and attractive public space, particularly along New Jersey Avenue.

Comprehensive Plan

The Comprehensive Plan, in listing general policies for economic development, urban design:

> 708.2 The policies established in support of the buildings are as follows:
> (a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and
> (b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.
> 709.2 The policies established in support of the streetscape objective are as follows:
> (a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;
> (b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;
> (c) Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for both Downtown and District neighborhoods;
> (d) Create an environment in the public space that attracts people and stimulates redevelopment and commerce;

The proposed development could be consistent with these objectives, with the development of appropriate ground floor retail, landscaping and pedestrian amenities along the street frontage. In addition, the development is consistent with many of the goals and objectives of the environmental element of the Comprehensive Plan, particularly in regard to water quality and energy conservation.

> 408.3 The policies established for land use and zoning in support of the conserving energy objective are as follows:
>
> (c) Include energy efficiency consideration and solar and renewable alternate energy concepts in appropriate zoning, land use, and building regulatory processes. Building and site designs should be consistent with energy efficiency considerations;

The applicant has indicated to the Office of Planning that NAR intends to make this "green" building an example for others to follow and is interested in supporting a program to educate people on green buildings and showcase the building as a model.

Zoning

The Zoning Regulations, §3103, provide the Board three standards for granting a variance:

1. The site is unique because of its size, shape or topography or other extraordinary or exceptional situation or condition.
2. Strict application of the regulations results in peculiar and exceptional practical difficulties.
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map

Variance Analysis

Exceptional Situation

The property is a long thin triangle of approximately 8,312 square feet. This small lot, which is approximately 68 feet at its widest point, is unusual in its shape due to the severe angle at the northern apex of the triangle. These exceptional conditions of the site are the impetus for all four variance requests.

Practical Difficulty

Height and FAR

The site has such a small floor plate due to the small lot size that the core to floor ratio is much higher than a standard building. The basic practical difficulty related to the height and FAR requests are related to the increased construction costs created by the

exceptional size, shape and condition of the site. Also, due to economies of scale a minimum amount (approximately 100,000 GSF) of leasable space is needed to support office space in this market. The economic analysis by Bolan and Smart indicates that there would be a practical difficulty in constructing a by-right building. According to Bolan and Smart, even with the variances requested the project is on the margin of comparable profitability and therefore, other options available to make this work such as the bonus height and density of the HR Overlay and the opportunity to buy TDRs will not reach profitability.

Parking and Loading

Parking and loading requirements set forth a minimum geometry, based on vehicle size and turning movements consuming a minimum amount of space. Because of the small size of the lot and its narrow width it is not only practically difficult, but impossible to provide the required number of parking spaces or a full size loading space on-site. To accommodate the parking needs of a reasonable development of this site the leasing of vault space as proposed by the applicant would be required.

Public Good and Intent of Zoning

Height.

As indicated in the previous case, due to the topography this site sits in a bowl and buildings nearby will therefore be taller than the proposed building. Also, 130' building height is common for the area because of the height bonuses of the HR Overlay and the TDR receiving district. Therefore, granting of a height variance to 130' would not impact the character of the area and is not contrary to the public good or the purposes and intent of the Zoning Regulations and Map.

FAR

Similar to the discussion on height above, the area around the site is characterized by high-density development and the provisions of the HR Overlay and receiving District create densities similar to what is proposed. The zoning regulations do contemplate that the area should be developed more densely by the transfer of development rights. To approve this application without requiring the purchase of development rights does not support the purposes of the zoning regulations to create a market for the transfer of development rights. However, the applicant claims this negative could be outweighed by the potential positive aspects of the project as a model green building and improvement to pedestrian activity and street life along New Jersey Avenue.

OP cannot reach this same conclusion because there is no LEED certification to support the claim. There is no evidence to suggest the green building cannot be achieved with the provision of the zoning regulations including the purchase of TDRs to reach the FAR and height proposed by the applicant.

A high quality office building will be built on this site that has been underutilized and dilapidated for years. The building may increase use of the many hotels in the area. The

proposed streetscape improvements and ground floor retail space may bring life and vitality to the street. The vision of a memorial on the Federal reservation to the north, which would use a portion of the property, may come to fruition and convert an underutilized and unattractive space into a community amenity, which the applicant is willing to help construct and maintain.

Parking and Loading

The parking and loading requirements for the building are adequately handled by the plan to appropriately use adjacent public space. The parking and loading provisions proposed creatively address the problem given the severe site constraints.

ANC's and Community Groups

ANC 6A did not have a quorum at their October meeting. The ANC 6A Zoning and Licensing Subcommittee met and unanimously recommended to the Commission that it not approve the project. The main concern was the appropriateness of the architecture and its impact on the character of the HR District. The ANC requests that the Board allow the ANC to review the project at its next meeting (in November) and prepare a report for the Board's consideration at that time. A number of letters have been received in the record in support of the project

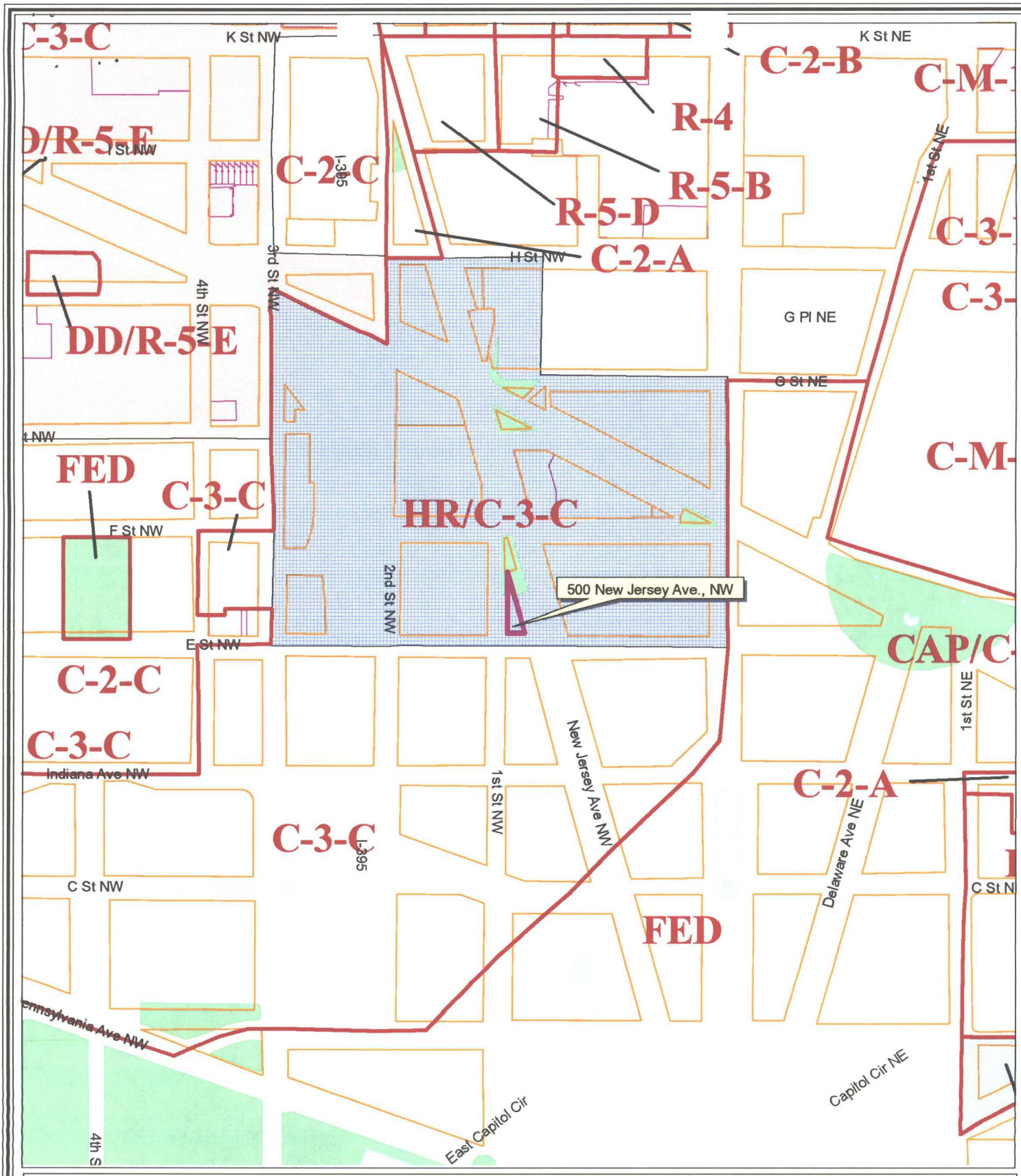
Recommendation

The Office of Planning cannot make a recommendation until further information is provided regarding the following:

1. The LEED certification of the building to support the applicant's statement that this will be a national model of a green building.
2. There is insufficient evidence regarding how the variance request meets the practical difficulty test.
3. The applicant will continue to work with the Office of Planning to develop an appropriate streetscape.

ATTACHMENTS:

1. Location Map
2. Aerial Photo



Feature Key

- Zoning Boundaries
- Square Index

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Scale 1:6000

500 0 500 Feet

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Attachment 1



Aerial Photo
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Attachment 2