GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: November 17, 2003

SUBJECT: BZA Application 17078

APPLICATION
Ruby Restaurant, Inc. and Avalon Bay Communities, Inc., the Applicants, request a special exception for the location of a roof structure atop a proposed ten-story office building on property generally located at 777 6th Street, N.W. (Square 486 Lots 10, 11, 12, 13, 36, 93, 804, 805, 806, 807 & 808). This request was made pursuant to Sections 770.6 and 3104 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of this application.

SITE AND AREA DESCRIPTION
The 11 contiguous lots occupy the northwest quadrant of Square 486 immediately adjacent to the intersection of 6th and H Streets, N.W. The 0.44-acre (19,124 square feet) site is bounded to the east by an alley 16.75 feet wide extending south from H Street, and to the south by an alley 30 feet wide extending east from H Street. A commercial parking operation occupies all properties except for the southernmost lot developed with a vacant four-story building.

Development nearby consists mostly of 2-3 story mixed-use residential buildings with ground floor retail to the north across H Street, and 3-9 story commercial and residential buildings to the south across the alley from 6th Street. An 11-story Red Roof Inn stands to the east across the alley extending from H Street, and 2-5 story commercial buildings are to the west across 6th Street, N.W. Note that the hotel is set back approximately 15 feet from the alley. Parking spaces perpendicular to the alley and a sidewalk occupy this space.. All development in the area is of masonry construction. The site and most surroundings properties are zoned Community Business Center (C-2-C) and Downtown Development Overlay (DD) Districts (refer to Exhibit 1). Properties west of 6th Street are zoned Central Business (C-4) and Downtown Development Overlay Districts.

APPLICANT'S PROPOSAL
The Applicants propose to construct a ten-story office building with approximately 177,000 square feet including 12,000 square feet of ground floor retail. The main lobby entrance would

BZA
Case No. 17078
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17078
EXHIBIT NO. 27

open onto the 6th Street frontage, and entrances to the retail square footage would be along H and 6th Streets. Vehicular access to the underground garage, loading and trash docks would be from the alley extending along the southern boundary from 6th Street, and access to the delivery vehicle parking space would be from the alley extending south from H Street. Internally a pair of elevators to the underground parking garage would be located in the middle of the building off the entrance foyer. Otherwise, all vertical circulation, delivery and service areas would be clustered along the east side and southwest corner of the ground floor. Upper building floors would set back 15 feet from the southern alley. Office square footage on these floors would wrap around the building from the northeast to southwest corners. Vertical circulation and public facilities would be adjacent to and centered along the eastern building wall.

On the roof would be one or more outdoor terraces, and a penthouse 18.5 feet in height containing mechanical equipment, an elevator and pair of stairs. The Applicants request Board of Zoning Adjustment (BZA) approval of the penthouse along the eastern exterior building wall.

EXISTING ZONING AND RELIEF REQUESTED

The subject property is zoned C-2-C/DD. The Zoning Regulations include the following provisions for penthouse structures in commercial districts:

"770.6 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(a) It shall meet the requirements of § 411;
(b) *It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;* ...
(c) It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.

The Applicants indicate that the proposed development meets requirements of the Zoning Regulations except the penthouse would not be located a distance equal to its height from the eastern building wall. Regulations also include the following overall provision:

"411.11 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, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, *770.6,* 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

As a result, the Applicants request special exception relief to allow the proposed penthouse placement.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." The referenced special exception, to allow the penthouse to be located less than a distance "equal to its height" from the eastern building wall, is subject to the provisions of Section 411.11.

Compliance with Section 411.11

In the Statement of Support dated November 2003, the Applicants indicated "The (proposed) placement of the roof structure is the direct result of the small depth of the building lot, measuring only 85 feet." Locating a 30-foot wide penthouse in the middle of the building is "impracticable" because it "would force relocation of the elevator and facilities core to the center of the building footprint, significantly compromising the layout of the various floors for multi-tenant use." Such a change "would result in restrictive and unreasonably constrained tenant spaces" for future office uses on the upper floors. The resulting "inefficiency relating to the relocated core would likewise extend to the ground floor preferred uses" required under the Downtown Development Overlay zoning. In conversation with Planning Staff, the Applicants further explained the importance of providing:

- a formal lobby and grand hall to the principal elevator core;
- as much of the retail space as possible along the 6th and H Street frontages, and away from the alley; and
- as much continuous office space as possible on the upper floors, also primarily along busy street frontages, to be flexible to future tenant needs.

The Statement concludes the "setbacks from the building's two most prominent frontages will insure that the penthouse structure creates no visual impact upon the vistas for (6th and H) Streets". With respect to the Red Roof Inn east of the alley from H Street, the building that would be most impacted by this proposal, "any impact of the proposed building roof structure (placement) on light and air to the hotel will be negligible."

Staff agrees the planned penthouse location "would not affect ... adversely" the air and light of the neighboring hotel due to the intervening alley 16.75 feet wide, and the hotel being further set back a distance nearly equal to the alley width. OP therefore concurs with Applicants' explanation of the potential operational difficulties, and the anticipated impacts of this proposal on adjacent properties.

Compliance with Section 3104.1:

Based on the findings under Section 411.11, granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for a mixture of High Density commercial development including employment, retail, office, cultural and entertainment centers, and High Density residential development with high-rise apartment buildings as predominant uses.

The Generalized Land Use Policy Map of the Plan includes the subject property in the Chinatown Special Treatment Area. Policies established for this treatment area under Section 1126.2 include:

> "(a) Retain and enhance Chinatown as a thriving, mixed use Downtown community, including substantial housing with community and cultural facilities, street-level retail uses with related wholesale operations, supporting office and professional uses, and hotels; ..."

Based on this information, this proposal is not inconsistent with the Comprehensive Plan.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 6C reviewed this application during a regularly scheduled meeting on October 9, 2003 and voted to support this request subject to the Applicant agreeing to do the following (refer to Exhibit 3).

- utilize sustainable development best practices to manage rainwater and improve energy efficiency;
- incorporate design features that respect the Chinatown context;
- comply with input from the Chinatown Steering Committee; and
- provide a report on the Chinatown matters to the Planning and Zoning Committee at its next meeting.

Separate from this process, the Chinese design aspects of this project are being reviewed through Chinatown Design Review procedures (OP in coordination with the Chinatown Steering Committee).

AGENCY COMMENTS
Copies of this proposal were sent to the Fire and Metropolitan Police Departments for comment. D.C. Fire and EMS Department expressed no objection as long as access for department vehicles is maintained during construction (refer to Exhibit 4). First District Regional Operations Command expressed no objection as long as sufficient off-street parking is provided for all employees and clients "to preclude traffic congestion/stoppages in the immediate vicinity" (refer to Exhibit 5). Note the response mistakenly refers to extending the penthouse "over the eastern alley." Planning staff notified the agency of this misunderstanding and requested a modified report, if necessary. No supplemental response has been received.

RECOMMENDATION
The Office of Planning recommends approval of this application.

AA/afj

Attachments:

Exhibit 1 Aerial Including Zoning DC
Exhibit 2 Surveyor's Plat dated August 27, 2003 (edited)
Exhibit 3 Letter from Robert L. Hall, Jr., Chair, Advisory Neighborhood Commission (ANC) 6C to the Board of Zoning Adjustment dated October 29, 2003
Exhibit 4 Memorandum from Richard D. Fleming, Acting Battalion Fire Chief, D.C. Fire and Emergency Medical Services Department to Andrew Altman, Director, Office of Planning date November 5, 2003
Exhibit 5 Memorandum from Thomas E. McGuire, Commander to Executive Director, Office of Organization Development, Regional Operations Command, Central First District, Metropolitan Police Department dated October 26, 2003



BZA Application No. 17078
777 6th Street NW

N

Feet
0 50 100

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 21, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Owner Points
- Street Centerlines
- Property Squares

Exhibit 2

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 27, 2003

Plat for Building Permit of SQUARE 486 LOTS 10,11,12,13,804,805,806,807,808,36

Scale: 1 inch = 30 feet *Recorded In Book 30 Page 110*
REC. 2 Page 486
Receipt No. 08606 MICROFILM

Furnished to: FREDA HOBAR

Surveyor, D.C.

By: L.M.A. ✓TJ

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area w/ required by the Zoning Regulations will be reserved in accordance with the Zo Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

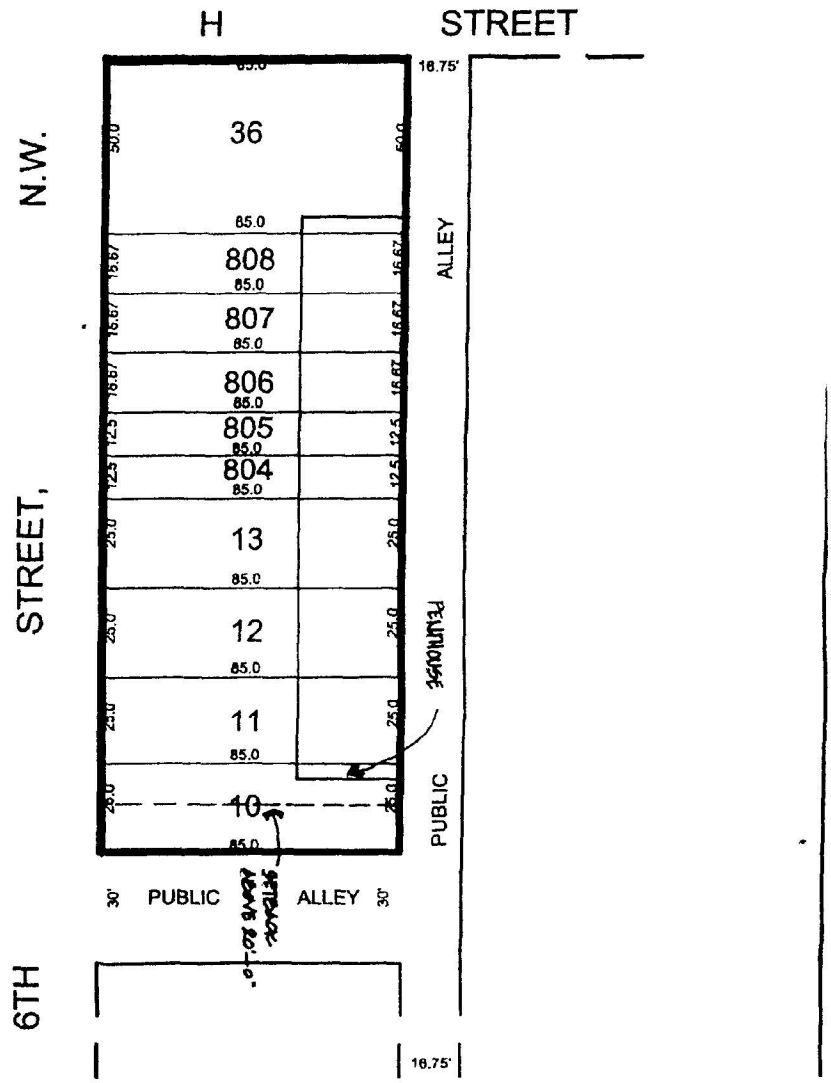


Exhibit 3

Government of the District of Columbia
Advisory Neighborhood Commission 6C

October 29, 2003

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: 777 6th Street, NW – BZA Special Exception
BZA Application No. 17078

Dear Members of the Board:

Please be advised that Advisory Neighborhood Commission 6C, at its regularly scheduled October 8, 2003 public meeting, at which a quorum was present, unanimously voted to support the Application of Trammell Crow Mid-Atlantic Development, Inc. for the special exception from the roof structure requirements, provided that the Applicant agrees to:

(1) utilize sustainable development best practices to manage rainwater and improve energy efficiency;
(2) incorporates design features that respect the Chinatown context;
(3) comply with input from the Chinatown Steering Committee; and
(4) provides a report to the Planning and Zoning Committee on the Chinatown matters at its next meeting.

Please accord the recommendations of the ANC the "great weight" to which they are entitled.

Sincerely,

Robert L. Hall, Jr.
Chairman, ANC 6C

Exhibit 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001



MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Richard D. Fleming
Battalion Fire Chief

DATE: November 5, 2003

SUBJECT: BZA Application No. 17078

The D.C. Fire and EMS Department has reviewed the above request.

The applicant proposes to construct a ten-story office building on the consolidated site, and requests a special exception to locate the proposed penthouse immediately adjacent to the eastern building wall and an existing alley below approximately 17 feet in width. We have no objection to this request, provided fire department access is maintained during the duration of the construction process.

If you have any questions concerning this review, please contact my office at 727-3659.

Exhibit 5

METROPOLITAN POLICE DEPARTMENT
Regional Operations Command - Central
First District

October 26, 2003

MEMORANDUM

TO: Executive Director
Office of Organizational Development

THRU: Assistant Chief of Police
Operational Services

THRU: Assistant Chief
Regional Operations Command - Central

SUBJECT: Bureau of Zoning Appeals Application Number 17078

Pursuant to the attached correspondence from the District of Columbia Office of Planning, the undersigned has evaluated the Zoning Appeals Application regarding the construction of a ten-story office building, with a requested exception to extend the penthouse over the eastern alley, at 777 Sixth Street, N.W.

The First District has no objection to the application EXCEPT for the following issue:

- Sufficient off-street park must be provided for all employees and clients, to preclude traffic congestion/stoppages in the immediate vicinity.

Thank you for the opportunity to comment on this proposal.

Thomas E. McGuire
Commander