GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: April 29, 2004

TO: District of Columbia Board of Zoning Adjustment

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

FROM: David J. McGettigan, AICP DJM

SUBJECT: Board of Zoning Adjustment Case No. 17156
CRP/MR 1414 22nd Street, L.P.
1414 22nd Street, NW
Square 48 Lot 806

SUMMARY

The applicant, CRP/MR 1414 22nd Street, L.P., the owner of the subject property seeks approval of a variance from the recreation space requirements of §773 in the DC/C-2-A zone district. The applicant proposes renovation of the existing six-story Congressional Review Office Building to provide 44 residential condominiums. The DC/C-2-C District requires residential uses to provide 20% of the gross floor area devoted to residential use as recreation space.

Recommendation:
The Office of Planning supports a variance from the required recreation space as the property does not have any available land for outdoor recreation space due to the existing building configuration and an existing parking easement. In addition, the Office of Planning finds there are exceptional conditions of the existing structure that create practical difficulties in providing the required recreation space. There exists an abundance of recreational opportunities in the immediate neighborhood, thus there will be no substantial detriment to the public good or the intent of the zone plan if the requested relief is granted. Therefore, the Office of Planning recommends approval of the variance from §773.

BZA
Case No. 17156
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17156
EXHIBIT NO. 24

CRP/MR 1414 22nd Street, L.P.
1414 22nd Street, NW
Square 48 Lot 806
BZA Application 17156
April 30, 2004

Background

The subject property is located a 1414 22nd Street, NW (Square 48, Lot 806) and is occupied by a 6-story office building built in 1976. The building is a not a contributing structure in the Dupont Circle Historic District. The property is bounded on the north by an automobile service station. To the west across 23rd Street lies Rock Creek Park. To the south across O Street in the DC/R-5-B zone are some residential rowhouses and to the east across 22nd Street is a mix of residential and commercial uses.

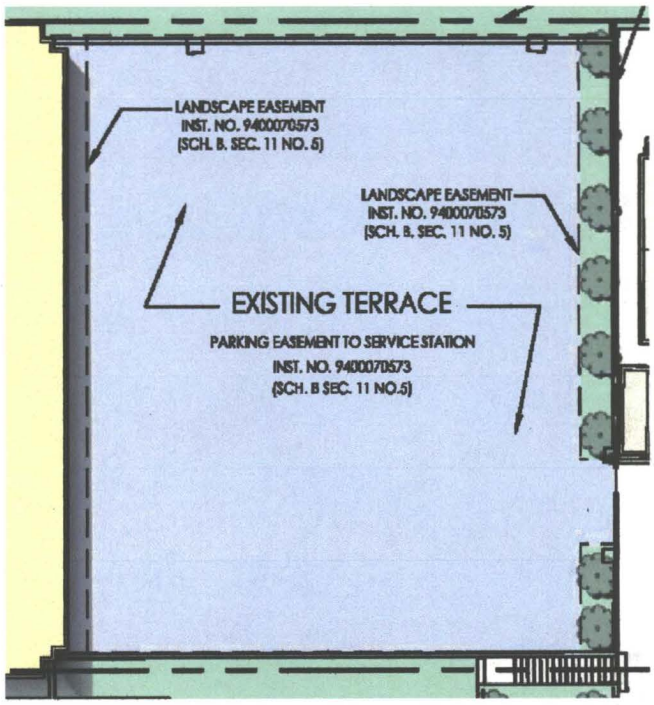


The subject property is in the DC/C-2-A zone (See Attachment 1). The C-2-A zone is designed to provide facilities for shopping and business needs, housing and mixed uses. The purpose of the Dupont Circle Overlay District (DC) is to require a scale of development consistent with the nature and character of the Dupont Circle area, protect the integrity of "contributing buildings", and enhance the residential character of the area.

CRP/MR 1414 22nd Street, L.P.
1414 22nd Street, NW
Square 48 Lot 806
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The property is within the jurisdiction of the Commission of Fine Arts under the Shipstead-Luce Act and requires design approval from that body. The applicant has received conceptual approval from the Commission of Fine Arts.

Project Description



The applicant proposes to provide 36 dwelling units in the existing six-story building. Three levels of underground parking will provide 94 parking spaces (100 existing). The parking, which is currently in use as a commercial parking garage, would be sold with the individual units. Some of the spaces would be given to the Condo Association for use as guest parking and any not sold with the units may be sold to residential neighbors. The façade will be completely replaced with new materials and fenestration. The roof structure will be reconfigured to provide a 750 square-foot rooftop terrace. A 750 square-foot area in the sub-basement will be converted into a lounge/meeting room and fitness center to provide a total of 1500 square feet of active recreation space for the development. The lounge/meeting room and fitness center will be designed to be accessible only to residents and will be camera-monitored 24 hours per day. The parking garage will be a private, secure garage and the recreation space and core will be individually secured. The Meeting Room/Lounge will be 350 square feet with furniture that can be stored away during meetings. When in use as a meeting room the space will accommodate 50 people. When in use as a lounge and fitness center, the lounge will accommodate 24 occupants and the fitness center will accommodate eight occupants (see Attachment 6). To improve the security of this space the applicant is investigating the inclusion of vision panels to enhance the visibility into and out of the space. Landscaped areas on the terrace will provide an additional 365 square feet of passive recreation space. The total space provided for residential recreation space is 1,865 square feet or about 3.1% of the gross floor area devoted to residential use.

Comprehensive Plan

The property is identified as moderate density residential on the General Land Use map (See Attachment 2). The moderate density designation includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing (§1103.2). The property is also in the Dupont Circle Special Treatment Area, which sets forth the following policies:

1131.2 The policies established for the Dupont Circle special treatment area are as follows:

(a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk;
(b) Ensure a general compatibility in the scale of new buildings with older low-scale buildings by restricting the maximum permitted height and floor area ratio of the new buildings to that of the underlying zone;
(c) Preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;
(d) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development; and
(e) Ensure compatibility of development with the Comprehensive Plan.

The Ward 2 Element of the Comprehensive Plan sets as an objective: "to promote the retention and expansion of current residential uses and discourage the expansion of commercial uses" in the Dupont Circle Area. The conversion of the existing commercial office building to a residential condominium is not inconsistent with these objectives and policies.

Zoning

The C-2-A zone requires that an area equal to not less than 20% of the gross floor area devoted to residential use shall be provided as residential recreation space (§773.3). The space provided shall be safe, secure, and suitably equipped or landscaped for the active or passive recreation use of the residents (§773.1). The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony or a portion of it adjoins an individual residential unit and is accessible only from that unit (§773.5). If any portion of a roof is to be used for residential recreation space, the roof area shall have no dimension less than twenty-five feet (§773.7). No less than 50% of the total residential recreation space shall be outdoors (§773.8). Residential recreation space shall be physically accessible to all residents of the building served by that space (§773.9).

The proposed use is permitted in the zone and the requirements for the C-2-A zone are summarized below.

Area Req.	Existing (Lot 806)	Required/ Allowed	Proposed	Variance	Code Ref.
Height	60'	50'	ETR	None	§770
FAR	3.2	2.5 (1.5)	ETR	None	§771
Lot Occupancy	60%	60%	ETR	None	§772
Res. Rec. Space	None	20%	3.1%	16.9%	§773
Rear yard	19.4'	15'	ETR	None	§774
Side yard	None	None	ETR	None	§775
Parking	100	22	94	None	§2100
Loading	None	None	ETR	None	§2200

The existing gross floor area of the building is 59,554 square feet, which creates a recreation space requirement of 11,911 square feet (20%). Of this, 5,956 square feet (50%) must be provided as outdoor recreation space. The applicant has provided 1,865 square feet (3.1%) of residential recreation space in three areas:

1. 750 square feet of interior residential recreation space in the sub-basement;
2. 365 square feet of passive outdoor recreation space on the terrace; and,
3. 750 square feet of rooftop terrace outdoor recreation space.

The applicant requests relief from 10,046 square feet of required residential recreation space.

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

The applicant describes two main factors that contribute to the exceptional situation of this property in regard to the relief requested (see Attachment 5):

1. The configuration of the existing structure, including:
    a. Limited opportunity for outdoor recreation space
    b. The existing stairway design
    c. The existing penthouse configuration
    d. The large commercial core
    e. The proportions of the building
2. An existing easement agreement on the terrace

The building is developed initially as commercial space. Therefore, no accommodation was made for outdoor recreation space in development of the lot. The building was

developed on 60% of the lot and the remaining 40% is a structured parking deck reserved for use as parking by an easement granted to the adjoining lot. This makes redevelopment challenging and limits the opportunity for the design and development of outdoor recreation space.

The only opportunities for outdoor recreation space are 365 square feet of landscape easement on the terrace and 750 square feet on the roof. The stairway design and penthouse limit the amount of space that can be developed as qualifying outdoor recreation space on the roof. The large commercial core and proportions of the building limit the amount of interior recreation space that can be provided.

The Office of Planning concurs that the existing conditions of the structure and the easement create an exceptional situation of the property.

Practical Difficulty

The existing lot coverage and building footprint configuration creates practical difficulties in providing outdoor recreation space. The building, originally designed as an office building, did not provide outdoor open space in its original design. The entire lot area is covered by either an existing building or a parking easement granted to the adjacent property owner. The only space available on the lot that could possibly contribute to outdoor recreation space are narrow strips on the terrace within landscape easements that will be planted to provide "passive recreation space" (approximately 365 square feet).

The existing design of the stairways serving the building does not provide sufficient emergency egress for more than 750 square feet of assembly space on the rooftop. In addition, the existing penthouse provides only 18'-6" width of space from penthouse to edge of roof. Since §773.7 requires that rooftop terraces have a minimum width of 25' the area of the rooftop that could qualify as residential recreation space is limited by the extent to which the penthouse can be modified without impacting mechanical equipment located inside.

Similar to the roof situation there are limited means of egress from the sub-basement. Suitable space must necessarily be located adjacent to the core. The areas adjacent to the core on the first basement level are occupied by the entrance ramp, travel aisles required for adequate vehicular circulation in the parking deck and mechanical systems which could not be easily relocated. The second basement level does have some space that can be set aside for residential recreation space adjacent to the core. By removing four parking spaces and some storage space on this level the applicant can provide 750 square feet of residential recreation space.

It becomes practically difficult to make up for the deficiencies noted above by providing the recreation space requirement in the above-grade floor area of the building. The size of the building core is larger than would be required for residential use of this building. As some of the core is demolished and recovered for residential space, the north side of the floor plate acquires the same difficulty in layout as the west side – a larger than typical distance from core to exterior wall. Typical residential floor plates provide 25-30 feet, the north and south sides of the core provide 35 feet and the west side over 40 feet. This results in a layout where a disproportionate amount of the unit space must be dedicated to areas that do not require access to windows. Thus, the proportions of the building footprint place a limit on the number of units that can be created in the building. The resulting larger units have an increased requirement for residential recreation space, compared to a standard residential development, without increasing the demand for residential recreation space. The strict application of the zoning regulations, which is based on square footage and not number of units, creates a disproportionate requirement for recreation space on this project.

The applicant states that the number of dwelling units that can be accommodated in the building in proportion to the maintenance and operating costs that the condominium association would be required to bear for this existing structure make maximizing the number of units critical to the project's success. Because of the practical difficulties discussed above in providing a reasonable density of units, each unit lost would significantly impact the economic and social viability of the condominium association.

OP concurs with this analysis of the practical difficulties in providing the recreation space required. Provision of recreation space within the above-grade floors of the building would eliminate dwelling units in an area that the Comprehensive Plan has defined objectives of increasing housing and reducing commercial use. Providing recreation space within the above-grade area of the building would necessarily impact the space available for the preferred use of the building. This use is more important than the recreation space, which is readily available in alternative locations as discussed below.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested could be granted, provided that it will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. The application proposes that the following points address this standard:

1. The renovation of the existing structure will not adversely impact the physical character of the neighborhood or diminish light and air.
2. The rehabilitation of the façade will enhance the architectural quality of the neighborhood;
3. The Comprehensive Plan supports the results of this project to increase residential uses in the Dupont Circle area; and,

The Office of Planning believes that the proposed variance from required recreation space will not be a substantial detriment to the public good nor impair the intent, purpose and integrity of the zone plan, because the proximity of recreational opportunities nearby will provide adequate alternative recreation opportunities for the residents (see Attachment 3). In addition, the recreation space that is provided on the rooftop terrace and the sub-basement exercise facility seem adequate for the on-site recreational needs of 36 apartment units. The rooftop terrace will have outstanding views (see below).



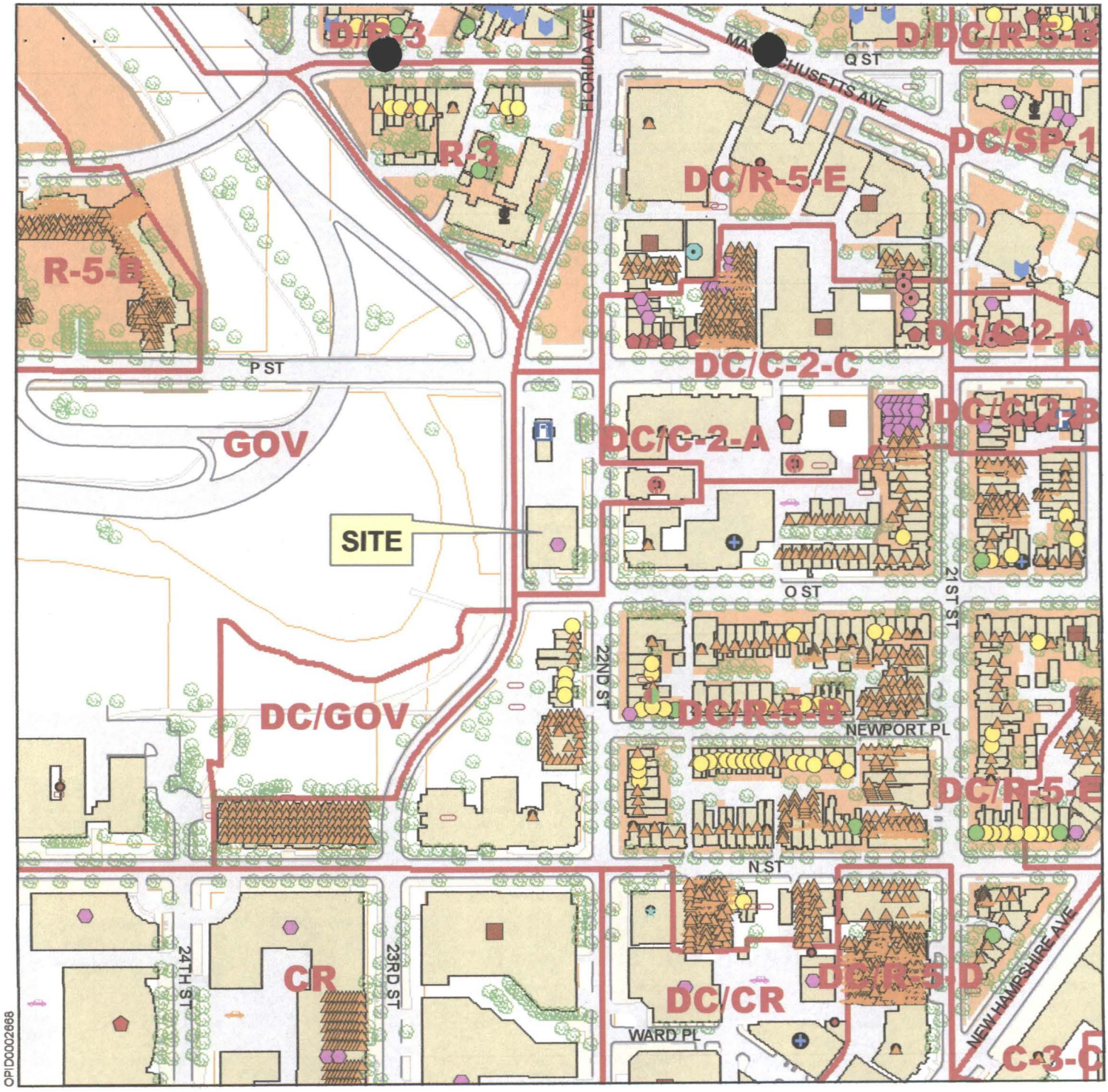
The sub-basement space, while not optimally located for safety and security, will be provided additional security by the 24-hour camera monitoring, the door security and the visibility windows.

Recommendation

The Office of Planning recommends approval of BZA application 17156 requesting a variance from the requirements of §773.

ATTACHMENTS:

1. Zoning and Use Map
2. Comp Plan Map
3. Aerial Photo
4. Aerial Obliques
5. Supplemental Information from the Architect
6. Basement Recreation Space Layout



Zoning and Land Use
BZA Application #17156
1414 22nd St., N.W.

N

Feet: 0 200 400



Land Use Legend

- Non-conforming Use
- Rowhouse
- SF Semi-Detached
- Resid./Mixed-Use
- Multi-family
- Multi-Resid. Garage
- Hotel/Inn
- Store
- Restaurant
- Office
- Parking
- Service Station
- Warehouse
- Religious
- Medical
- Educational
- Public Service
- Embassy or Chancery
- Health Care Facility
- Special Purpose
- Vacant
- Vehicle Service Station

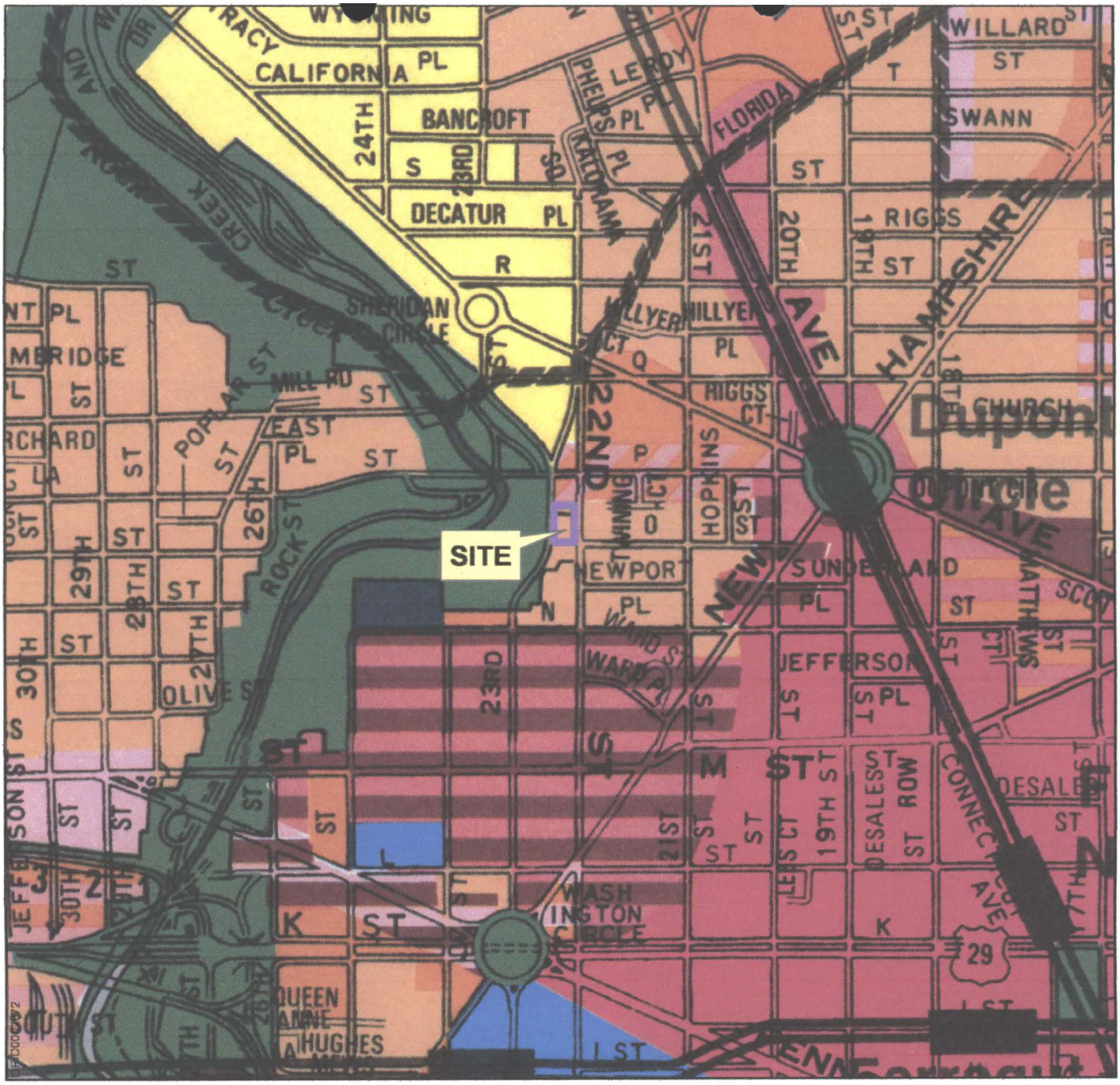
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Anthony A. Williams, Mayor

Office of Planning ~ May 4, 2004

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.

Note: Land Use Info based on OTR records.

Attachment 1



Comprehensive Plan Map
BZA Application #17156
1414 22nd Street, N.W.

N

Feet

0 500 1,000

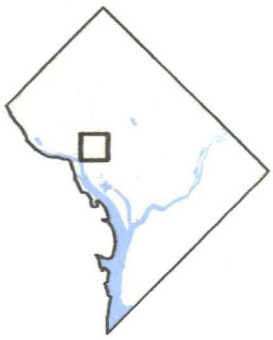
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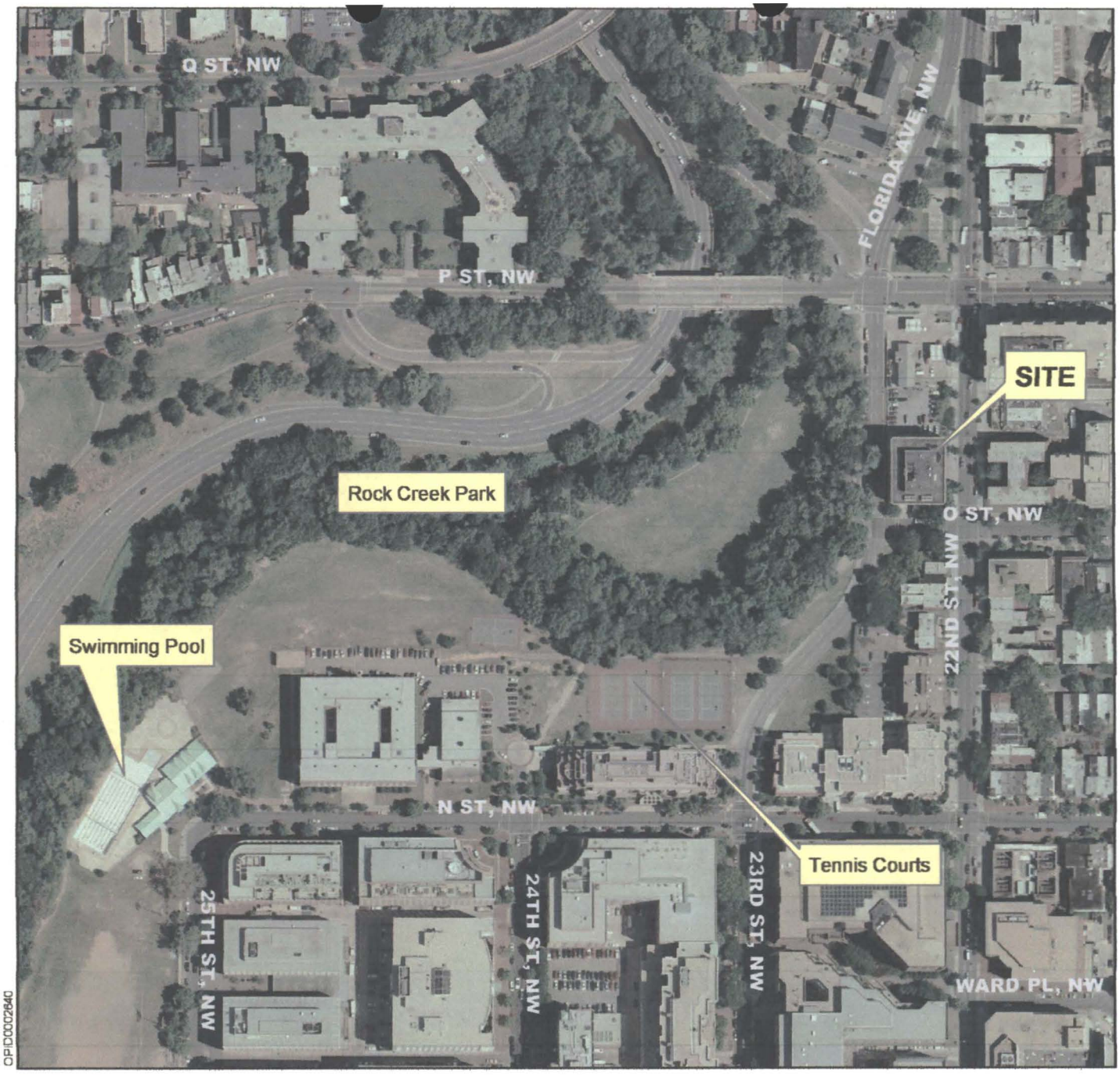
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Generalized Land Use Key

- 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



Attachment 2



Aerial Photo
BZA Application #17156
1414 22nd Street, NW

N

Feet

0 100 200 300

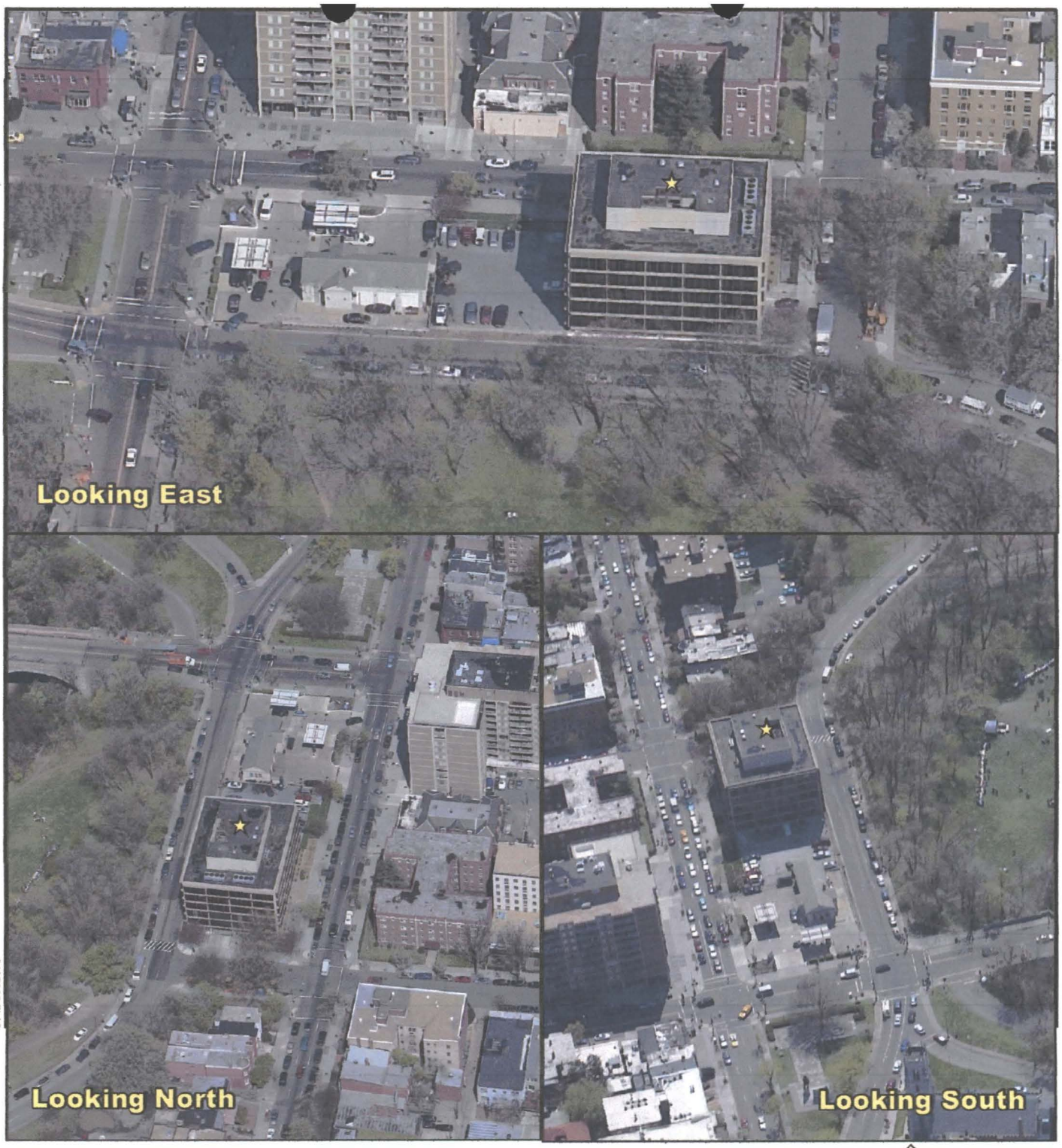
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Attachment 3



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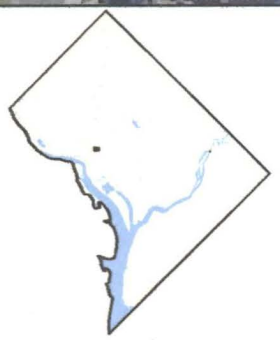
Aerial Oblique Photos
BZA Application #17156

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☆ Subject Site - 1414 22nd St., NW



Attachment 4

HICKOK WARNER COLE
Architects

Mr. David McGettigan
Office of Planning
Government of the District of Columbia
801 North Capitol Street NE
Suite 4000
Washington, DC 20002

03 May, 2004

re: Application of CRP/MR 1414 22ND STREET, L.P.
BZA Application No. 17156
Public Hearing: May 11, 2004

Mr. McGettigan:

It is our understanding that the test for reduction in the required exterior residential recreation space is clear and compelling and therefore we will not revisit the issues attendant to that. It has come to our attention, however, that the compelling case regarding the interior residential recreation space may not have been fully communicated.

Therefore, we have outlined the additional information which we discussed in your office on Friday, 30 April. Please contact me with any questions or clarifications that may be required.

This information is in addition to that already submitted in the Pre-hearing Statement for BZA Application number 17156. Also, please find attached the current unit layout plans and space plan for the proposed interior residential recreation space.

PROJECT DESCRIPTION
The Applicant proposes to renovate the existing office building located on the Property, containing approximately 59,554 square feet of gross floor area, and convert its use to residential use, providing **36** housing units.

The Property is Affected by an Exceptional Or Extraordinary Situation or Condition
As stated previously and as follows, the Property is affected by a number of exceptional situations and conditions relevant to the requested variance relief; these are:

- Existing structure;
- Shape and size;
- Existing prior commercial use;
- Existing lot occupancy;
- Location.

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The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

The conversion of this existing Commercial structure and its previous use to a matter-of-right Residential use presents practical difficulties.

Based on its shape and size:

a.) The typical Commercial core (including elevators, stairs, circulation, and shafts) is larger than the typical Residential core. The floor plate of the upper floors at 1414 22nd Street is approximately 10,000 square feet. Almost 10% of this area is dedicated to the aforementioned core; all of which is figured in to determining the required Residential Recreation space for this building. In other words, the applicant is asked to provide Residential Recreation space for the total gross floor area of an existing, inefficient building.

The first floor core is larger and the floor plate smaller than on the upper floors, making an even more disproportionate ratio of required Residential Recreation space to actual Residential floor area.

b.) The relationship of the core to the exterior of the building in a typical Commercial floor plate is deeper than the typical Residential floor plate. This dimension in Residential construction is typically 25-30 feet; the dimensions at 1414 22nd Street are 25 feet at the East, 35 feet at the North and South, and more than 40 feet at the West side of the building.

These unusual dimensions limit the number of units and their layout; they are fairly large for a single unit, but too small to accommodate two. In essence, the unusual shape of this building dictates the location of units, and makes it difficult to remove space from residential use without deleting entire units or impairing corridor access for other units. This dilemma is not one that can be easily solved by design, as it is just a fact of the existing building's configuration, in the same manner that unusual lot configuration or topography would create a hardship for ground-up development. The zoning regulations were written to cover typical situations, not extraordinary situations such as these.

c.) The updated unit count for 1414 22nd Street is 36 units.

Almost 12,000 sf of dedicated recreation space for 36 units (333 sf per unit) is a disproportionate and impractical demand of space.

d.) As is illustrated in the revised plans submitted with this statement, the unique, small footprint of this building is being utilized to provide the maximum number of units of sufficient density to make a condominium both socially and economically viable. To commit saleable square footage on the upper floors to recreation space, and thus reduce the number of units, is impractical when considering the lifecycle costs of maintaining a building of this size and the disproportionately large amount of available square-footage below grade. Outside of this below-grade area, there is no other space available for use that is not directly Residential in its use. Furthermore, any common residential recreation space must be maintained by the condominium association. In this building, the number of units available

to bear that cost is few. Each unit must bear a relatively high proportion of any added costs.

Another unique condition of the conversion of this existing Commercial structure to a matter-of-right Residential use is the disproportionately large below-grade parking area. This parking area will be a private, secure garage. In addition, this area accommodates the appropriate proportion of Residential Recreation space for the proposed condominium project.

The proposed residential recreation space is designed to be safe, secure, and utilized. The 750 square feet of Residential Recreation space is for use as a Meeting Room / Lounge (350 sf) and a Fitness Room (400 sf) on Level 2B.

The space is designed to be accessible only to residents and will be camera-monitored 24 hours per day on the first floor. Additionally, the residential recreation space and the elevator core will be individually secured.

The Applicant is investigating the inclusion of vision panels in the residential recreation space to enhance the visibility into and out of the space.

In summary, the conversion of this conforming office structure to a conforming residential use creates unique practical difficulties in fulfilling the residential recreation space requirement. These difficulties are above and beyond those experienced by developers of new buildings. In this letter, I have explained the difficulties that are caused by this building's large commercial core, the awkward distances from that core to the building exterior, and the small number of units that can be practically accommodated by the building. I also outlined the one benefit of a commercial-to-residential conversion, which is the large below-grade parking area. The applicant has already volunteered to use some of this space to fulfill the recreation space requirement, and I listed here how that space will be made secure and desirable.

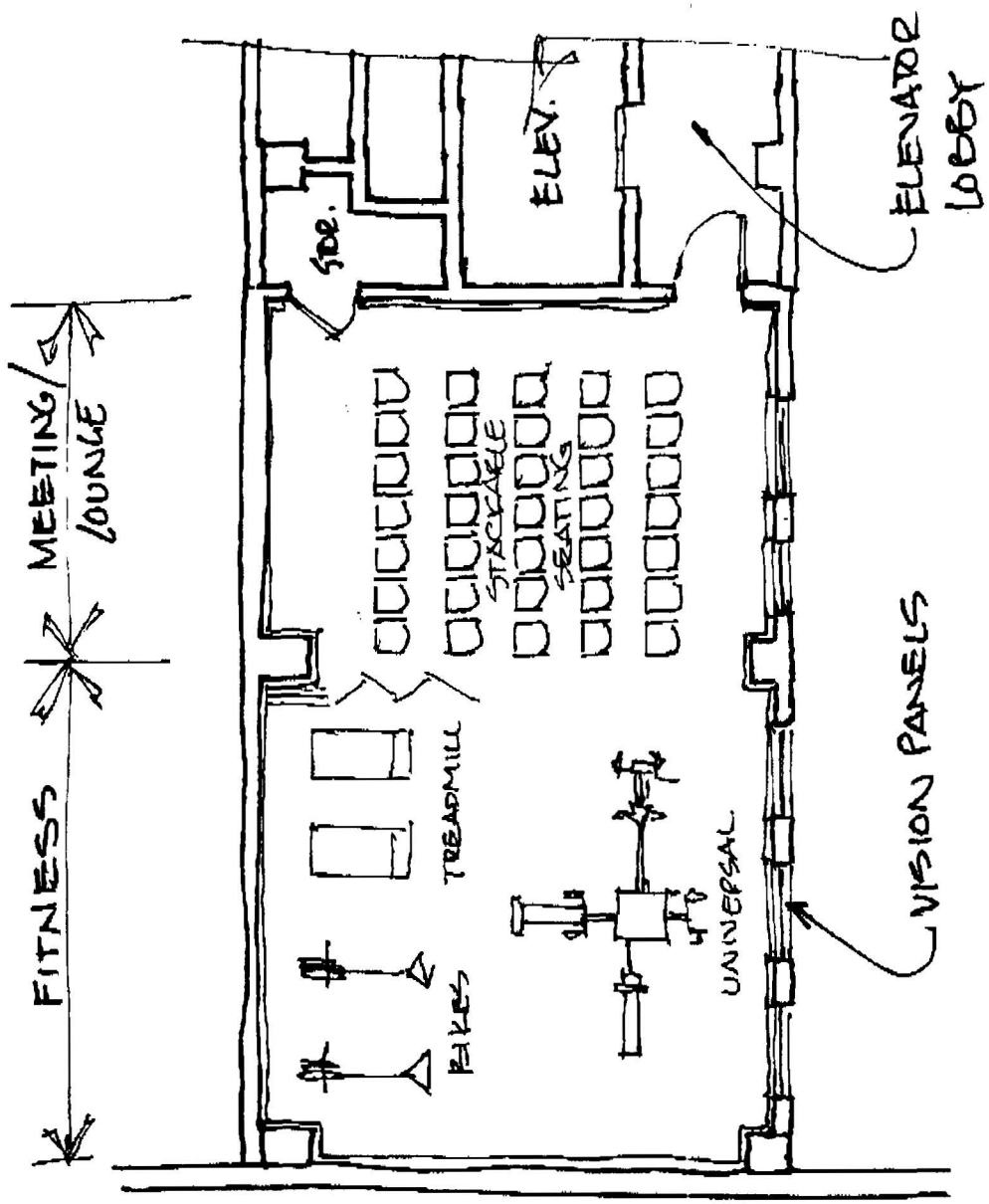
I thank you for taking the time to read this letter, and encourage you to contact me with any additional questions.

Sincerely,

Jack E. Mayorah – AIA
HICKOK WARNER COLE Architects

HICKOK WARNER COLE
Architects

05.05.04



PLAN: PROPOSED RESIDENTIAL REC. SPACE
2ND LEVEL
1/8" = 1'-0"

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