GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman
Director

DATE: January 4, 2005

SUBJECT: BZA Application 17265 - Request filed by Shaw Pittman, LLP for **two area variances** to permit an addition to an existing elevated bridge to a nonconforming office building at 1825 Connecticut Avenue, N.W., proposed by The Cafritz Company.

APPLICATION
Application of The Cafritz Company for:

Variance relief to

1. **§ 771.2 of 11 DCMR** to permit an increase in the maximum floor area ratio from 6.50 to 6.60; and
2. **§ 2001.3 of 11 DCMR** to permit enlargements or additions to a nonconforming structure that does not conform to the maximum FAR requirements

for an existing office building located on the east side of Connecticut Avenue and the north side of Florida Avenue, N.W., Square 2535, Lot 831. The property is zoned C-3-C Zone District.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

PROJECT DESCRIPTION
The existing building on the subject property, known as Universal Building South (UBS), was constructed in 1957, prior to the adoption of the Zoning Regulations. It is connected to the adjacent building to the north, Universal Building North (UBN), via a two-story elevated pedestrian bridge. This bridge connects the 7th and 8th floors of UBS with the 8th and 9th floors of UBN. The subject application proposes one additional level to this bridge so as to connect the 9th floor of the building on the subject property with the 10th floor of UBN. The total additional area

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to be added is 264 square feet, or 0.01 FAR. However, the FAR of the existing building is 6.59, in excess of the maximum 6.50 permitted within the C-3-C Zone District and making the building nonconforming the provisions of the C-3-C Zone District. Therefore, a variance is required to increase the FAR from 6.5 to 6.6, and a variance is required to permit an addition onto a nonconforming building.

The additional connection between the two buildings will facilitate movement between the two buildings, especially as the application indicates that there are many tenants that rent space within each of the buildings. It will also improve handicap access between the buildings by providing for direct access between UBS and UBN.

SITE AND AREA DESCRIPTION
The property consists of Square 2535, Lot 831, in the North West quadrant of the District. It is 53,590 square feet in area and more or less rectangular in shape. The topography of the site slopes downward from north to south. It is improved with an 8 to 10 story office building with ground level retail space.

The surrounding area is a mixture of residential, commercial and hotel uses. To the north of the subject property is a 12-story office building connected to the building on the subject property via a two-story pedestrian bridge within the C-3-C Zone District. To the south, across Florida Avenue and within the DC/R-5-B Zone District are restaurants and retail establishments. To the east is a theater within the C-3-C Zone District, and to the west, across Connecticut Avenue, are a church, an embassy and office and residential uses.

The area has been identified on the Generalized Land Use Map as medium density commercial land use, which is described as *" [s]hopping and service areas that generally offer a large concentration and variety of goods and services outside the Central Employment Area are the predominant uses. Most customers arrive by car, bus or subway."*

EXISTING ZONING
The subject property is zoned C-3-C, "high bulk major business and employment center commercial district." (§ 105.1(d)(3)(C))

C-3 Major Business and Employment Centers
"*The C-3 District is designed to accommodate major business and employment centers supplementary to the Central Business (C-4) District.*" (§ 740.1)

RELIEF REQUESTED:
Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"With respect to variances, the Board has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3)(2001) (formerly codified at D.C. Code § 5-424 (g)(3)*

(1994 Repl.)), "[wlhere, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6- 641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can 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. " (§ 3103.2)

Uniqueness of Property
The subject property is unique for several reasons. It is improved with a legally nonconforming office building that is nonconforming to the C-3-C Zone District for FAR that predates the adoption of the Zoning Regulations in 1958. Renovations to the subject building in the past have reduced the floor area of the building by approximately 14,460 square feet and the FAR from 6.85 to 6.59, bringing the building more into conformance with the provisions of the C-3-C Zone District. However, the building is still nonconforming for FAR, impairing the ability of the applicant to do further modernizations to it.

Variance pursuant to § 771.2 – Floor Area Ratio
Section 771.2 sets forth the maximum FAR within the C-3-C Zone District as 6.5. The existing building is unique because it was constructed prior to the adoption of the Zoning Regulations in 1958 with a FAR in excess of the maximum permitted. As a result, even the proposed minor structural alteration to the building is not permitted without a variance. This uniqueness, in combination with the Zoning Regulations, results in a situation in which the applicant is unable to make minor modifications (in this case the addition of 264 square feet) to the building. Therefore, it would result in an extraordinary and practical difficulty to the applicant to not permit the proposed increase in FAR.

Variance pursuant to § 2001.3 – Nonconforming Structures Devoted to Conforming Uses
Section 2001.3(a) permits enlargements or additions to a nonconforming structure provided it conforms to percentage of lot occupancy requirements. The C-3-C Zone District permits a maximum lot occupancy of 100 percent and the existing improvements to the site are in conformance with this provision. The proposed addition will conform to the use provisions of the zone district, and will not create any new nonconformity and will conform to all other structure requirements of the C-3-C Zone District.

The building is unique in that it predates the Zoning Regulations and is legally nonconforming to the maximum FAR permitted, limiting the ability of the applicant to make improvements to the structure. It would be an extraordinary and exceptional situation to not permit this building addition to a nonconforming structure that does not conform to the maximum FAR permitted, as this would impair the ability of the applicant to modernize and improve the structure.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following Ward 1 objective:

> *"To implement economic development objectives for the Florida and Connecticut Avenues by doing the following:*
>
> *(8) Enhancing existing commercial and retail structures;" (§ 1203.1 (r))*

COMMUNITY COMMENTS
ANC 1C, at their public meeting of December 1, 2004, reported that it "*has no concerns about the application*" and "*recommends approval of the application.*"

RECOMMENDATION
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances meet the required tests and can 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*".

The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

AA/sjm$_{AICP}$



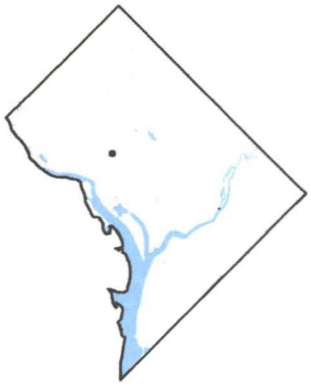
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BZA APPLICATION NO. 17265
1825 Connecticut Avenue, N.W.

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

Office of Planning ~ December 27, 2004

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