GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

DATE: January 11, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17271
51 Louisiana Avenue, N.W.

Summary

The applicant is seeking approval of a variance from the height requirements of §1709.23 for a proposed office building. The Office of Planning **recommends approval** of the requested variance based on the analysis of the variance tests below.

Site and Area Description

The subject property is located at 51 Louisiana Avenue N.W, Square 621, Lot 17. The lot is 91,021 square feet in size, covering the full city block bounded by C Street on the South, D Street on the North, 1st Street on the West and New Jersey Avenue on the East. The historic Acacia Building occupies the southeast portion of the lot with a 1950s addition to the west. The northern portion of the lot currently contains a parking garage that will be removed for the new construction. The subject property and the properties to the north and west are zoned C-3-C. Properties to the south and east belong to the federal government. The immediate area consists mainly of high density office and commercial uses.

Project Description

The applicants propose a 12-story, 130' office building to replace the existing 5-level parking garage on the northern portion of the lot. The new building will be joined to the Acacia Building by a seven-story office addition in the existing courtyard. A slanted atrium roof will cover the connecting building. The total gross floor area on the site after development would be 511,366 square feet. 591,636 square feet are allowed as a matter of right.

BZA
CASE No. 17271
EXHIBIT No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17271
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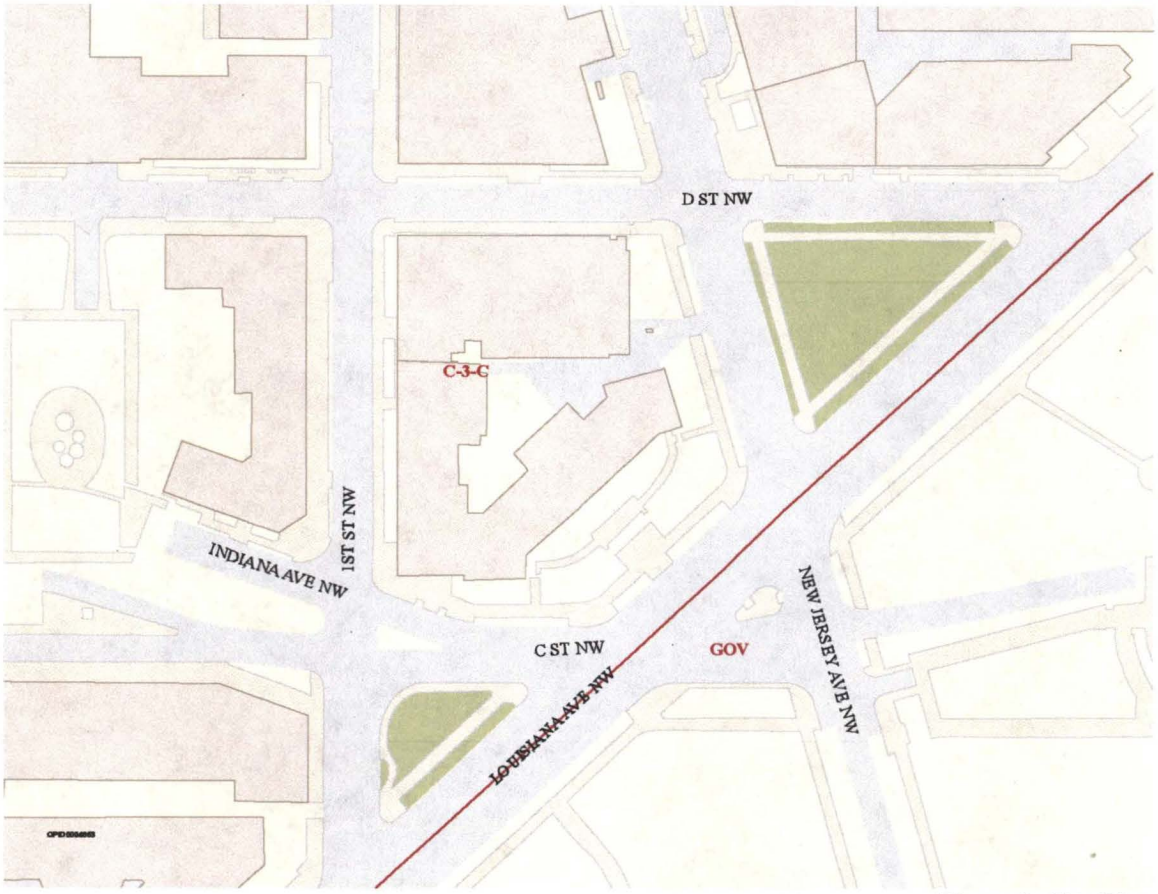


Figure 1: Site Map

Zoning Requirements

The applicant is requesting a variance from the maximum height allowed in the Downtown East receiving zone. The building meets all other zoning requirements for the C-3-C zoning district.

Section	Item	Required/Allowed	Proposed	Variance
1709.23	Height	110'	130'	20'
771.2	FAR	6.5	5.62	N/A
772.1	Lot Occupancy	100%	76.7%	N/A
774.1	Rear Yard	27' 8"	61' 2"	N/A
2101.1	Parking	271	520	N/A

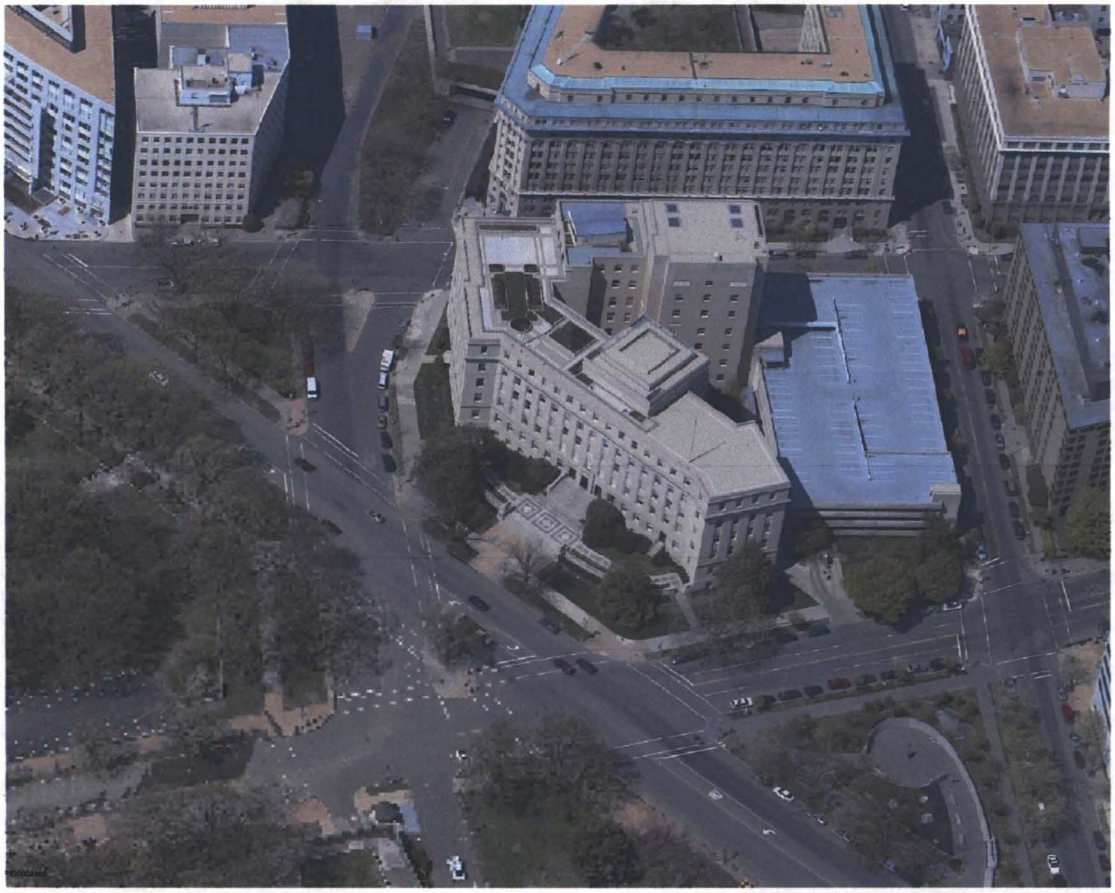


Figure 2: Aerial View from the East

Variance 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.

Exceptional Situation

The applicant has submitted arguments that the application meets the requirements of the first test for multiple reasons. First, the lot is an odd six-sided shape that significantly narrows from south to north. Second, the existing building is historic in nature and protected by long-standing agreement. The design of this building does not make efficient use of the developable area of the site, leaving inadequate building envelope space for the remaining matter-of-right FAR. The Acacia Building has floor to floor heights of fifteen feet that are much higher than typical ten to eleven foot heights and that cause inefficiencies in constructing a new addition. Finally, underground structures for the Tiber Creek combined storm sewer and the Metrorail tunnel limit underground development on the site.

Practical Difficulty

These existing situations on the lot provide practical difficulties to full development of the property. The historic nature and existing agreement between the Acacia Group and the D.C. Preservation League prevent the owner from demolishing or building over the existing buildings. The odd shape of the lot provides less buildable area on the unprotected north end of the lot. Options for underground levels are hampered by the existing sewer and Metro structures under the site. These factors combine to leave a developable area on the north side that is insufficient to capitalize on the lot's remaining matter-of-right gross floor area. The answer proposed by the applicant would increase the height on this northern portion while meeting all other zoning requirements to relieve the constraints placed on the bulk of the lot.

The lot is further hampered by the historic design of the Acacia building. The very high floor to floor heights combined with the diagonal placement of the building on the lot make it difficult to design an addition that takes advantage of the remaining space. The proposed building addition would fill the existing courtyard with stories of equal height to the existing building. The main new building would be designed with more efficient floor to floor heights and attached with a series of ramped skywalks.

Substantial Detriment

It does not appear that the proposed variance for height will have a substantial detriment on the surrounding neighborhood. While the buildings immediately surrounding this lot appear to be within the 90' C-3-C height limit, there are other buildings in the extended neighborhood that extend to 12 stories and would be of nearly the same height as the proposed structure.

In addition, OP believes that approval of this variance will not impair the intent or purpose of the Zoning regulations or Zoning map. There is no reason to believe that granting this variance will increase the likelihood of other buildings exceeding the height requirements of the zoning ordinance because of the unique circumstances of this property.

Based on the above analysis, OP believes that the application meets the standards of §3103.2 for approval of a variance from the requirements of §1709.23. The application will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the use of neighboring properties.

ANC Recommendation

The site is located in ANC 6C. The ANC report dated December 16, 2004 is attached. ANC 6C offers its support of the application with the condition that the applicant obtain LEED certification of the proposed building. The applicant has stated a desire to seek LEED certification, but is not able to determine the level of certification that will be applied for or received.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of the requested variance to permit the increase in height for the proposed new building. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the requested variance relief by the Board of Zoning Adjustment to allow the increase in height at 51 Louisiana Avenue N.W.

Attachment: ANC Letter

AA/tp

Government of the District of Columbia
Advisory Neighborhood Commission 6C

December 16, 2004

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: BZA Application No. 17271 of JBG/Louisiana Avenue, L.L.C.
51 Louisiana Avenue, N.W., Square 631, Lot 17

Dear Mr. Griffis:

At its regularly held meeting on December 8, 2004, with a full quorum of 5 Commissioners present and proper notice having been provided, Advisory Neighborhood Commission 6C (the "Commission") considered BZA Application No. 17271 of JBG/Louisiana Avenue, L.L.C. (the "applicant") for an area variance from the height restrictions so as to allow the construction of an addition at the subject property – 51 Louisiana Avenue, N.W., Lot 17 in Square 631 (the "Property").

The Planning and Zoning Committee (the "Committee"), which met on December 1, 2004, with a full quorum present, unanimously recommended that the Commission support the applicant with the condition that the BZA condition its approval on the applicant obtaining LEEDs certification. The Committee had found the Property is unique due to the following features:

- Its oddly shaped lot -- the lot is five (5) sided– with larger than usual public space surrounding the property.
- Irregular V shape of the existing improvements.
- Historic nature of the building -- The building is subject to a standstill agreement with DCPL entered into by the prior owner and thus effectively treated as a historic landmark.
- Extremely high floor plates of fifteen feet (15') in the existing building.
- Tiber Creek combined storm sewer running underneath the property.
- Metro tunnel underneath and adjacent to the property

The Committee further found that the uniqueness results in practical difficulties in developing the property if the zoning regulations are strictly applied and that there will be no harm to the public good done by the granting of the application, with the condition of the LEEDs certification requirement.

Present for the applicant at the ANC meeting was: Jeannine Rustad, Esquire, Robins, Kaplan, Miller & Ciresi L.L.P.; Dean Cinkala, Kai Reynolds and John Wilkinson of JBG/Louisiana Avenue, L.L.C. ("JBG") and George Dove, WGD Architects. After questions of the applicant from the Commission, the Commission voted unanimously to support the applicant with the condition that the applicant be required by the BZA to obtain LEEDs certification. This recommendation to the BZA is based on the Commission's determining that:

1. The Property is unique due to: (a) its odd shape; (b) the irregular V shape of the existing improvements; (c) historic nature of the building and standstill agreement with DCPL; (d) extremely high floor plates of fifteen feet (15') in the existing building; (e) Tiber Creek combined storm sewer running underneath the Property and the Metro tunnel underneath and adjacent to the property.

2. The uniqueness of the Property results in practical difficulties in developing the property if the zoning regulations are strictly applied. It was noted that, even with the additional height requested, the total development on the lot would not meet the maximum density of 6.5 FAR.

3. There will be no harm to the public good by the granting of the application with the condition of the LEEDs certification requirement.

Thank you for your consideration.

Sincerely,

Mark Dixon (KW)

Commissioner Mark Dixon
Chairman, ANC 6C

cc: Jeannine Rustad, Esquire