STATEMENT OF REASONS IN SUPPORT OF APPLICATION
FOR AN AREA VARIANCE FROM THE HEIGHT REQUIREMENTS OF THE ZONING REGULATIONS TO PERMIT THE CONSTRUCTION OF AN ADDITION TO THE EXISTING BUILDING AT 51 LOUISIANA AVENUE, N.W.; SQUARE 631, LOT 17

This Statement of Reasons is submitted on behalf of JBG/Louisiana Avenue, L.L.C. (the "Applicant").

The Property. The subject property, 51 Louisiana Avenue, N.W., Square 631, Lot 17 (the "Property"), is located in the heart of the District of Columbia, near Union Station, the federal courts and the U.S. Capitol. The site, which is irregularly shaped, contains 91,021 square feet of land. The Property is situated on a full city block and is bordered by D Street to the north, New Jersey Avenue to the east, Louisiana Avenue to the southeast, C Street to the south (the property along C Street curves slightly to the northwest), and 1st Street to the west.

The Property is improved with two separate but connected buildings that are configured in a V shape around a landscaped courtyard, and by an above-ground six-level parking garage built in the 1970's. The main building, known as the Acacia Building, was constructed in 1935, and the second building was constructed in 1953. The existing building contains fifteen-foot (15') ceilings and has a two-story main lobby.

Current Use. The Property is currently used as an office building for a single tenant.

Proposed Use. Because of the needs of the tenant of the existing building, by this application, the Applicant proposes to demolish the existing parking garage and construct a twelve (12) story "new" office building in its place. The new building will be connected to the existing buildings via a seven (7) story addition to be constructed in the current courtyard. The floor plates of this addition will be aligned with those of the existing Acacia Building which has 15' slab-to-slab heights. Given that the proposed "new" office building will have 11'2" slab-to-slab heights, its floors will not align with either the floors in the addition or the existing Acacia Building. As such, there will be a series of ramped skywalks connecting various floors of the addition to various floors of the new office building. The area between the new office building and the existing Acacia Building and Annex will be enclosed with a glass atrium roof. This roof will span over the top of the addition. The new building will also include five (5) levels of below-grade parking.

Zoning. The Property is zoned C-3-C. The C-3-C zone is designed to permit compact medium-high density development, including office, retail, housing, and mixed use development. 11 D.C.M.R. § 740.8. The Property is in the Downtown East receiving zone for transfer development rights, which permits a maximum FAR of 9.0 and a maximum building height of one hundred ten feet (110'). 11 DCMR §§1709.15 & 1709.23.

The use proposed by the Applicant, an addition to an existing office building, is allowed as a matter of right in the C-3-C zone district.

Required Zoning Relief. Section 3103.2 of the Zoning Regulations permits the Board to grant area variances, pursuant to the following:

> Where, 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

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> conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief can be granted without substantial determent to the public good and without substantially impairing the intent, purpose, and integrity of the zoning plan as embodied in the zoning regulations and map.

In short, the Board may the Board is empowered to grant an area variance where it finds three conditions:

> (1) The property is unique because, inter alia, of its size, shape or topography;
>
> (2) The owner would encounter practical difficulties if the zoning regulations were strictly applied;
>
> (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

Roumel v. District of Columbia Bd. of Zoning, 417 A.2d 405, 408 (D.C. 1980); *see also Association For The Preservation Of 1700 Block Of N Street, N.W. v. Board of Zoning Adjustment*, 384 A.2d 674, 678 (D.C. 1978)(the applicant must demonstrate that compliance with the area restriction is unduly burdensome and the practical difficulties are unique to the property).

Relief from the zoning regulations is necessitated by the uniqueness and practical difficulties associated with the Property. The uniqueness of the Property arises out of:

- The oddly shaped lot.
  - The lot is five (5) sided and is bounded by D Street, N.W. to the north, New Jersey Avenue, N.W. to the east, Louisiana Avenue, N.W. to the southeast, C Street, N.W. to the south (the property along C Street curves slightly to the northwest), and 1st Street, N.W. to the west.
- The irregular V shape of the property.
- 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.

This confluence of unique factors gives rise to practical difficulties in designing an efficient addition that complies with the zoning regulations, meets the needs of the existing tenant or any other possible tenant and also utilizes the remaining development potential of the site. For example, the historic nature of the existing buildings and the standstill agreement preclude any

demolition to or additional height over the existing buildings. Given the sensitive nature of the existing buildings, new development must be sited so as not to encroach, either physically or visually, upon the existing buildings. This requires setbacks between the buildings and thus further limits the available site area for development. Additionally, the irregular V shape of the existing Acacia Building and Annex improvements diminishes the ability to efficiently develop the remaining portion of the Property. The high slab-to-slab heights (15') of the existing Acacia building requires a connecting addition building to transition from the existing space to new space. This addition utilizes density that might otherwise more efficiently be used on the site. The location of the Tiber creek running through the middle of the property makes it difficult to design an efficient below-grade garage and the adjacent Metro Tunnel on D Street limits the flexibility and increases the cost of construction of the below-grade garage. Given these and other limiting factors, the Applicant is not able to achieve the by–right available density of 591,363 square feet[1] and is only proposing new development for a total of 489,138 square feet on the Property. In order to achieve even this reduced density, however, it is vital that the height variance be granted.

Granting this application will not be of substantial detriment to the public good and will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

CONCLUSION

The requested zoning relief is required so as to allow the Applicant to construct the proposed addition to the existing buildings. The proposed design of the project is the product of extensive study of the Property and development requirements of the Applicant. The proposed project has been designed so as to respond to and respect the historic nature of the existing buildings on the Property. The proposed project resolves the inherent conflicts, challenges and opportunities associated with the Property without substantially impairing the intent, purpose and integrity of the zone plan, as embodied in the Zoning Regulations and Map.

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exceptions requested, such relief be granted.

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.

By: _____
Richard B. Nettler

By: _____
Joannine Rustad

[1] This figure is with the 6.5 FAR allowed in the C-3-C zone district. However, with the transfer of development rights, a 9.0 FAR would be permitted, resulting in a development potential of 819,189 square feet for the Property, of which only about half is being utilized.