GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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Memorandum

TO: Board of Zoning Adjustment

FROM: HLS for
Ellen McCarthy, Director
Office of Planning

DATE: May 10, 2005

SUBJECT: BZA Application #17322
2501 Pennsylvania Avenue Street, N.W.

APPLICATION

The application by Intrepid LLC requests 5 variances and 2 special exceptions to accommodate the construction of a mixed-use (residential/commercial) building. Pursuant to 11 DCMR 3103.2, variances from the following sections of the Zoning Regulations are requested:

1. Section 771.2 - FAR
2. Section 772.1 - Lot Occupancy
3. Section 773.3 - Residential Recreation Space
4. Section 774.1 - Rear Yard
5. Section 776.3 - Court Width

Special Exceptions are also requested to allow the following:

1. Sections 411.11 - Roof structure setback
2. Section 2514.2, - Extension of the C-2-A District portion into the R-5-B portion of a split-zoned lot

SUMMARY RECOMMENDATION

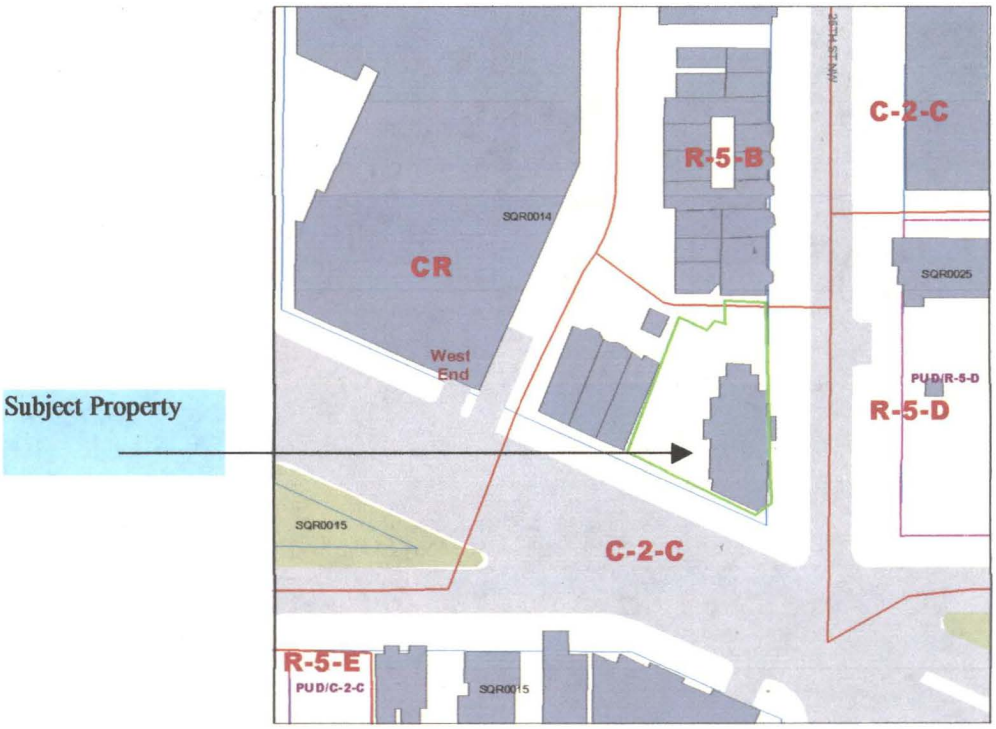
The Office of Planning supports the variances and special exceptions to allow the construction of the mixed-use building. The applicant has demonstrated that these requests will not be detrimental to the community and will be consistent with the intent and purpose of the Zoning Regulations. The Office of Planning therefore recommends **approval** of the requested variances and special exceptions.

BZA
Case No. 17322
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO. 17322
EXHIBIT NO. 43

SITE DESCRIPTION and BACKGROUND

The subject property is located at the corner of Pennsylvania Avenue and 25th Street, N.W. and is currently developed with a five-story historic landmark building known as the Luzon Building. The building occupies an irregularly shaped lot of 10,187 square feet of land area and is split zoned C-2-C and R-5-B. Approximately 20 feet (784 square feet) of the property at its northern-most lot line projects into the abutting R-5-B Zone. The immediate neighborhood is a mixture of commercial and residential structures in the R-5-B, R-5-D, R-5-E, CR, and C-2-C Zone Districts. The property is bound to the north by row-house type condominium apartments zoned R-5-B, and to the west by 3, 5-story town-house structures zoned C-2-C and the Westbridge Property of 157 apartment units zoned CR. The Luzon Building was designated a historic landmark by the Historic Preservation Review Board (HPRB) on September 19, 1990.



The site's proposed redevelopment has been subject to many reviews beginning in 1991 and is well documented in past BZA Orders including Orders # 15461 A, through E. In addition, due to the historic nature of the existing structure, the Historic Preservation Review Board provided several staff reports on the many iterations of the site's design throughout the 14-year development process.

The applicant's statement provides a well-documented timeline of previous ownership, design and approval phases. This report will briefly highlight the pertinent aspects to provide some context for the subsequent analysis.

Prior BZA Decisions

In 1991, hearings were held and on September 4, 1991, the Board granted special exception and variance relief with conditions for the following:

1. Special exception under Section 2514.2 to extend the use, height and bulk regulations of the C-2-C zone into the R-5-B zone.
2. Special exception under Section 411.11 for roof structure setback.
3. Variance from the percentage of lot occupancy requirements (Section 772).
4. Variance from the FAR limitation (Section 771).
5. Variance from the rear yard requirements (Section 774).
6. Variance from the residential recreation space requirements (Section 773).

(Order No. 15461, dated August 13, 1993 at pages 1-17, 22-25).

Subsequent to this approval, the project was challenged in court and the owner presented a revision to the BZA for a six-story building in an effort to settle the dispute. The height of the building was reduced to 70 feet, and the FAR was reduced to 5.26, with 4.07 for commercial use. The plan included residential use only on the top floor and on portions of three floors, accessed from 25th Street. Variances for residential recreation space, FAR and the roof structure setback special exception were eliminated. On June 9, 1993, the Board approved the revised application. (Order No.15461, dated August 13, 1993. Pages 17-21 and 26-29)

In 1994, a modification of the 1993 plans changed elevations on the west side to eliminate balconies and windows and a subsequent BZA Order issued on March 7, 1994 reflected these changes.

In 1996, the property was sold and the new owner proposed changes in the mix of uses, which changed the top floor to commercial with residential fronting only on 25th Street. In 1997, an order was issued granting approval to increase the commercial FAR, as well to include the windows removed in the 1993 plans, and to demolish the north and west walls except for walls facing 25th and Penn Ave. (Order No. 15461, February 3, 1997)

In 1998, the BZA approved a further modification request, to reinstate windows on the western wall of the building and to eliminate an interior wall in the ground floor retail space. As part of that modification request, the BZA also considered a Motion for Reconsideration of its earlier modification request. On September 3 and October 1, 1997, the Board denied the Motion for Reconsideration and approved the modification of plans. (Order No. 15461, dated March 31, 1998)

In June of 1998, the property was acquired by another owner who requested a modification of plans to convert the previously approved project from a predominantly commercial office building, with ground floor retail and approximately 5,600 square feet of residential use, to a residential timeshare condominium with ground floor retail and 68 to 72 residential units. In order to accommodate the required light and ventilation on

each floor, an open court was included in the rear northwest corner of the building, thereby reducing the FAR of the building from 5.26 to 5.16. The height of the building and of the roof structure was unchanged. On September 6, 1998, the BZA approved the modification. (Order No. 15461, dated December 4, 1998)

CURRENT PROPOSAL

The current owner has proposed a mixed-use building, including ground floor retail, 15 condominium apartment units in the upper floors of the building, and two efficiency units accessible from 25th Street. Two levels of below-grade parking, with 26 parking spaces will be provided.

The plan most recently approved by the HPRB includes a seven-story residential building (with ground floor retail/service use), with setbacks from the footprint of the existing five-story Luzon Building at the sixth and seventh floor levels, as well as a partial eighth floor at the roof structure level, at the northernmost portion of the site. The partial eighth floor has no elevator access, and contains the bedrooms of the 7th floor unit. The top floors on both the Pennsylvania Avenue and 25th Street frontages are set back five to eight feet from the edge of the floor below.

The project will be constructed to a maximum height of 90 feet to the roof of the partial eighth story (80 feet to the top of the seventh floor roof), and 6.0 FAR (61,204 square feet of gfa), of which 0.42 FAR (4,287 square feet of gfa) will be devoted to non-residential use.

An eight-foot tall roof structure, measuring 1,494 square feet of gfa (0.14 FAR) will be located on the seventh floor roof, adjacent to and lower than the partial eighth story. The top of the roof structure will be 88 feet above the measuring point. The roof of the partial eighth floor will be 90 feet above the measuring point, with no roof structure above that roof level.

Based on the current proposal, the following variance relief is required:

1. Section 771.2 - FAR
2. Section 772.1 - Lot Occupancy
3. Section 773.3 - Residential Recreation Space
4. Section 774.1 - Rear Yard
5. Section 776.3 - Court Width

With special exceptions from the following:

1. Sections 411.11 - Roof structure setback
2. Section 2514.2, - Extension of the C-2-A District portion into the R-5-B portion of a split zoned lot

HISTORIC PRESERVATION

The Historic Preservation Review Board ("HPRB") has reviewed the design of the project three times and approved the current version in February 2005 (attached). Specifically, the HPRB mandated that:

1. The mass of the new construction above the level of the Luzon Building be pushed as far to the north as possible,
2. New construction not encroach on the "footprint" of the Luzon Building, and
3. New construction remain as low as possible.

The design constraints mandated by the HPRB have resulted in the need for the number of areas of zoning relief.

ZONING REQUIREMENTS and ANALYSIS

The subject site is split zoned R-5-B and C-2-C. 90% of the site is C-2-C zoned, which is designed to serve commercial and residential functions or a mixture of uses similar to those in the C-2-A district. Since the application also requests a special exception from the requirement of Section 2514.2, the analysis would focus primarily on the C-2-C zone requirements.

The following table summarizes the deviations from the requirements of the C-2-C Districts:

Standard	C-2-C Requirement	Existing	Proposed	Required Relief
Rear Yard	15 Feet; (28 feet-R-5-B)	15 ft.	0	Variance
Floor Area Ratio	FAR = 6.0 (4.0 comm./1.8 res.)	1.68	6.0	Variance
Lot Occupancy	C-2-C = 80% R-5-B = 60%	35%	95%	Variance
Court Width	4"/ft. of height	--	18	Variance
Residential Rec. Space	15% of residential gfa. (at least 50% outside)	--	100 Sq. Ft	Varaince
Zone Boundary Line Crossing A Lot	No more than 35 feet	20 feet	20 feet	Special Exception
Roof Structure	1:1 setback	-	Less than 1:1	Special Exception

Special Exception

The subject property is split zoned and the applicant is requesting that the C-2-C district be extended to the portion of the site in the R-5-B Zone District. Section 2514.2 of the Zoning Regulations allows for the least restrictive portion of a lot to be extended into a more restrictive portion for up to 35 feet in split-zoned lots.

The applicant has requested to extend the line up to 20 feet. The additional 20-foot extension will allow the building to be designed under one set of zoning regulations. Additionally, if this 784- square foot area was not included then the structural configuration, and functioning of the building could be affected.

The requirements of Section 2514.2 are reviewed as follows:

2514.2 ***If approved by the Board of Zoning Adjustment as a special exception under § 3104, the regulations applicable to that portion of a lot located in a lesser restrictive use zone district that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone district; provided:***

(a) The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet (35 ft.);

The requested extension will be from the lesser restrictive C-2-C district to the more restrictive properties in the residential R-5-B District for no more than 20 feet.

(b) In authorizing an extension, the Board shall require compliance with §2514.1(d);

Section 2514.1(d) is not applicable because the subject property is not within any of the identified residential districts (R-1 through R-4).

(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and

(d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

The extension of the zoning district line will not affect adjacent lots as the proposed design and appearance will be compatible with buildings in the area and is consistent with the appearance within the immediate neighborhood. The 20-foot extension of the height and bulk requirements of the C-2-C zone district towards the 5-story condominium development to the north will not affect the development of adjacent properties in the zone district and additional screening is not required.

The six-story portion of the building on 25th Street is designed to be compatible with the character of the 5-story residences to the north, and the height would only be visually increased by one additional floor (6th Floor) from the 25th Street frontage. The 7th and 8th floors are proposed to be set back from the 6th floor roofline and would not be immediately visible at grade from 25th Street. OP agrees that this would mitigate the height and mass of the proposed 8-story building. Two efficiency apartments would be directly accessible from 25th Street, similar to the nearby residences along the same side of the street. No

windows are proposed for residences, which will abut the R-5-B Zone therefore no further screening would be required. The 784-square foot area translates into approximately 4,710 square feet of gross floor area for six stories of residential units.

OP agrees that HPRB's requirement ensures that the present character of the neighborhood is respected and maintained through the design and appearance proposed by the applicant.

Roof Structure Setback

Section 411.11

The applicant is requesting relief from Section 411.11 that requires roof structures to be setback from the building wall a distance at least equal to the height of the structure above the roof. Under Section 411.11, the Board my grant relief from the strict requirements of Section 411 if the deviations do not adversely impair the structure, light and air of adjacent buildings.

The irregular shape of the lot, and the requirement that the existing building's footprint is not compromised with additional structure, constrain the site to the extent that the resulting remaining space had to be efficiently designed to accommodate the mechanical, elevator and stair core. The proposed locations of these elements run parallel to the west lot line to efficiently accommodate access to the building from the basement (parking) and ground levels. Any other available location on the site, including to the north would have resulted in the loss of the efficiency units on the ground floor, since no access to light and air would have been available for those units. Current plans ensure functional living areas for the ground level units, which would have front and rear access to light and air. Therefore, the location of the roof structure emerges 8 feet above the roof of the seventh floor closest to the north, west and east edges of the roof. According to the applicant's statement, all other structures would be placed within one enclosure to meet the requirement of Section 411.3.

OP agrees that the placement of the roof structure would not impair the intent of the Zone Regulations, nor have an adverse effect on the light and air to adjacent structures. The roof structure is in fact lower than the partial 8th floor and would have no more of an adverse impact than another full story. No other adjacent structures would immediately abut the seventh floor of the proposed building since abutting buildings to the west and north are up to five stories and would each share a party wall.

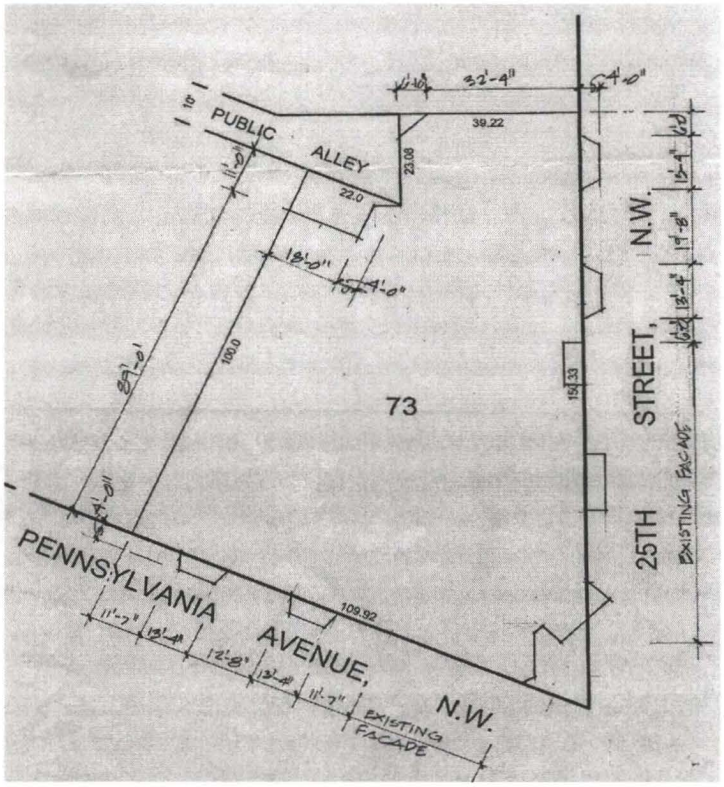
In addition, OP supports HPRB's requirement that the location of the roof structures be pushed back away from the front of the building, since it will minimize visibility of the structures and reduce the overall massing on the roof. Therefore, the intent and purpose of the Zoning Regulations will not be adversely affected.

Variances

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

OP supports the applicant's statement that the lot is characterized by:

- An irregular shape;
- The location of the historic landmark, which cannot be demolished in its entirety. Thus, the historic preservation aspects of the property create an exceptional situation;
- A rock formation close to the surface, which prohibits extensive underground structures;
- Its split zoned nature with C-2-C and R-5-B zoning designation.



These factors in combination constitute a unique lot with exceptional situations, which create inefficiencies in the layout of any addition to the site.

Based on the lot's condition, the analysis would address the practical difficulty and potential detriment to the Zone Regulations, for each requested item as follows:

Lot Occupancy

Section 772.1 of the Zoning Regulations allows maximum lot occupancy of 80% for development in the C-2-C District. The applicant is requesting an additional 15%, which will increase the lot occupancy to 95%.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

Due to the aforementioned uniqueness and exceptional situation, most of the development is concentrated away from the prominence of the corner towards the rear of the property. Theses factors combine to create a practical difficulty, which affects the overall buildable area on the property and a practical difficulty to development.

The lot occupancy variance also relates to and results from the rear yard variance discussed subsequently. The applicant has requested the elimination of the of the rear yard requirement and in effect this has led to an increase in the lot occupancy.

OP supports the applicant's statement that there is no practical way to develop the site in accordance with the lot occupancy requirements, while providing the preservation-oriented setbacks to the landmark structure and ensuring efficient living areas in the building. This is also supported by previous Boards approvals of many revisions in the proposed design for this site, which required a lot occupancy variance.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The lot occupancy requirement is aimed at preventing overcrowding and density to provide light and air to buildings. However, as an irregularly shaped corner lot adjacent to an alley and two other buildings with party walls, circulation of air to properties north and west of the existing structure is already precluded. In this case, the increase is also supported by HPRB's desire to "fill-in" gaps along the 25th and Pennsylvania Avenue street frontages. OP believes that no harm is done to the purpose and intent of the Zone Regulations in this regard.

<u>Residential Recreation Space</u>

Section 773

Section 773.3 requires that residential development in the C-2-C District provide not less than fifteen percent of the gross floor area of the building devoted to residential use for residential recreation space. The applicant is requesting a variance, since the fifteen percent requirement cannot be met on the site.

Based on the applicant's proposal, 15% is equivalent to 7,528.1 square feet in the C-2-C District. Based on the size of the remaining square footage where new construction is allowed, and code requirements for loading, retail uses, parking and core equipment, the applicant is only able to provide 100 square foot of lobby space to qualifying recreational space.

If additional recreation space were included, the number of residential units would decrease. Alternatively, the loss of the ground floor retail space would decrease neighborhood-serving retail, which would not be supported by the community. The existence of rock formation near the surface of the lot physically prevents further excavation beyond two levels and residential recreation space cannot be included in the below-grade parking area. In addition, the main roof area as designed is not feasible for residential recreation use since HPRB also requested that the roof structure height be no greater than 8 feet tall, preventing elevator access to the 7th and 8th floors' roof.

OP concurs that the strict application of Section 773.3 would create a practical difficulty for the applicant to provide the required percentage of residential recreation space, since all usable space was designed to maximize the efficiency of the livable areas and the required mechanical structures, which support the operation of the building.

The amount of recreation space proposed by the applicant is not detrimental to the public good, since the quality and sizes of private terraces are amenities provided to future residents of the building. There are other neighborhood recreation areas including the C&O Canal, Rock Creek Park, and the 25th Street YMCA pool facilities, which are all within walking distance of the Luzon Building. Therefore, given the easy accessibility of recreation opportunities, the difference from the required amount becomes negligible as to not harm the intent of the Zone Plan.

Rear Yard

The applicant is requesting a variance from the required 15-feet rear yard setback as required in Section 774.1. The following demonstrates how this variance is satisfied:

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

Because of the shape of the property and the limitations presented by the landmark structure's footprint, the mass of the building is pushed onto the south side of the building. Providing the additional setback would limit overall development and make operation of the building less efficient since it would preclude the proposed location of the elevator core and corridor loading.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The provision of a 15-foot rear yard on the site would result in a 15' wide by 100-foot long "canyon" adjacent to the 5-story landmark structure on the west. In previous decisions, the Board determined that the proposed project without the rear yard would be appropriate, since it would continue the street pattern along Pennsylvania Avenue. Provision of a rear yard would also affect the provision of retail space along Pennsylvania Avenue. Therefore, OP does not believe that variance relief would be detrimental to the public good nor would it impair the intent and integrity of the Zone Regulations. [1]

Court

Section 776.3 requires that when a court is provided at any elevation it should measure 4 inches per foot of height. The court in question is located at the northwest corner of the proposed building and measures 18 feet where 24 feet 3 inches is required. The reduction in the court width is required because it affects the building design, location of corridor, rear facing units, smaller roof area, and difficulty in the location of mechanical equipment on the roof.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

Due to the shape of the property and HPRB's requirement meeting the required court width of 24 feet would result in the loss of approximately 480 square feet of usable space[2] on the 7th floor in the building, with changes to the proposed location of the fire stairs. OP agrees with the applicant's statement that such a redesign would create a practical difficulty for the applicant to meet the court requirements and provide efficient and viable livable space for future residents.

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[1] In prior decisions, the Board also noted that no new conditions would be imposed over the then existing situation since the historic Luzon Building was previously non-conforming as to rear yard.

[2] It would create 5-foot wide bedrooms rooms on the 7th floor.

The applicant will provide further illustration at the hearing showing how this court requirement cuts through the floor plates and results in an exceptional practical difficulty.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Granting the variances from the court requirement on the upper floors would not impair the intent, purpose, and integrity of the Zoning Regulations. Not having the court will allow for a more efficient and practical building that will meet all building code requirements. Additionally, since the court is to provide light and air to the units and the variance only affects the upper floors, the purpose of the requirement will be provided. No abutting properties would be affected by the reduced court width, since the court width above the 6th Floor is above the height of the buildings primarily to the west of the subject property.

COMMUNITY COMMENTS

ANC 2A voted unanimously to support the developer's proposal for the site at its regularly held meeting on April 20, 2005 (attached).

As previously noted, the Historic Preservation Review Board also supported the project in concept, with conditions (HPRB, February 24, 2005: attached)

Response to FAR Concerns

In this instance, OP does not believe that a variance from the FAR is required, since the special exception request to extend the C-2-C Zone twenty feet into the R-5-B Zone, implies an application of the bulk requirements of the C-2-C zone into the most restrictive residential zone.

While the entire development meets the FAR requirement prescribed for the C-2-C Zone District, the 784-square foot area, which falls within the R-5-B Zone District has a prescribed FAR of 1.8 for all structures. If special exception approval under Section 2514.2 were granted, the maximum permitted FAR and 90-foot height would be applied to the entire site. OP concurs with the applicant's statement that a strict application of the FAR regulations on this 20-foot portion of the site would result in a practical difficulty for the developer to provide the seventh and eighth floor, which adds an additional FAR (1,255 square feet) to this portion of the site. The seventh and eight floor could not be moved further to the south since it would violate HPRB's requirement that these floors be pushed away from immediate visibility from Pennsylvania Avenue or 25th Street.

Similarly, if this twenty-foot area were not developed, a gap would be left along 25th Street, which would not be in character with the neighborhood. HPRB's earlier decisions also indicated that development should be continuous along the Pennsylvania and 25th Street frontages.

The increase in the FAR in the 20-foot wide strip to the north of the property creates an efficient structure, without which the development of the project would become improbable for this or any other proposed plan as documented in previous attempts.

If the Board determines this variance request a necessity, then the integrity of the Zone Plan would not be impaired if the variance is granted, since it would be in harmony with the intent of the Zone Regulations and the Board's approval of Section 2514.2.

SUMMARY AND RECOMMENDATION

The Office of Planning supports the variances and special exceptions to allow the construction of the mixed-use building at 2501 Pennsylvania Avenue. The property is limited by a variety of factors, the most significant being the shape of the property and its historic landmark designation, which in this case requires that any addition on the site be setback from the existing structure's footprint.

Given the extensive reviews and community input on proposed plans to develop the site over the years, OP believes that the project could not be attempted as a matter-of-right due to the inevitable site constraints. The development of this site would enhance the current renewal efforts in the immediate neighborhood to provide housing and neighborhood serving retail in the West End and Foggy Bottom neighborhoods. OP welcomes the community's support at this time as evidence of the developer's effort to address and mitigate their concerns. The resulting plan respects the neighborhood character and the building's landmark status, as it will appear to be wrapped around the existing landmark and appear as two separate structures.

OP believes that the applicant has demonstrated that these requests will be consistent with the intent and purpose of the Zoning Regulations and will not be detrimental to the community. The Office of Planning therefore recommends approval of the following requested variances and special exceptions:
Variance from:

1. Section 771.2 - FAR
2. Section 772.1 - Lot Occupancy
3. Section 773.3 - Residential Recreation Space
4. Section 774.1 - Rear Yard
5. Section 776.3 - Court Width

Special Exceptions from:

1. Sections 411.11 - Roof structure setback
2. Section 2514.2, - Extension of the C-2-A District portion into the R-5-B portion of a split zoned lot.

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HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Landmark/District:	**The Luzon Apartments**	(x) Agenda
Address:	**2501 Pennsylvania Avenue, NW**	( ) Consent
Meeting Date:	**February 24, 2005**	(x) New construction
Case Number:	**04-489**	(x) Demolition
Date Received:	**September 30, 2004**	(x) Alteration
Staff Reviewer:	**Tim Dennée**	(x) Revised concept

The applicant, Christopher H. Collins of Holland & Knight LLP, for owner Intrepid 2501 Acquisition LLC (Intrepid Real Estate)[1], requests the Board's conceptual review of a proposal to construct a seven- to eight-story apartment building on the lot of and wrapping around the landmark Luzon apartment building. The side and rear walls, roof, and the entire interior of the existing building would be demolished. The facades—that is, the Pennsylvania Avenue- and 25th Street-facing walls of the building—would be retained and restored, with a corner tower rebuilt, windows replaced, storefronts rebuilt, etc.

At the last hearing, in December, the Board expressed concerns about the new construction unnaturally crossing over what would be perceived as the roof or footprint of the landmark Luzon. Not only troublesome in itself, combined with the proposed height of the new construction, that sort of encroachment would compromise the reconstructed tower's ability to stand out against the sky.

So, since the last hearing, the applicant has pulled the Pennsylvania Avenue section of the new construction from over the Luzon's footprint—a great improvement that should improve views of the tower. Having done so and rearranged the elevator/stair core, however, this puts the east wall of the penthouse above and on the same plane as the east wall of the seventh floor of the Pennsylvania Avenue construction—something that is best seen in Sheet A16 of the packet. This condition creates something of a jagged roofline and puts the penthouse conspicuously in the background of the corner tower. Elevators without machine rooms above can be used to lower the penthouse, but the applicant intends to have the service elevator reach the penthouse for maintenance of the mechanical equipment. It is recommended, therefore, that the penthouse be reduced in height at least for its easternmost section—where the passenger elevator is located—with the rest moved westward and centered more over the Pennsylvania Avenue section, including over the service elevator, of course.

[1] The architecture firm is Brennan Beer Gorman Monk (in cooperation with Cagley+Associates, *GHT Limited*, and Wiles Mensch Corp.).

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The massing of the new construction has been simplified and given better proportions, by creating an "attic" story on each, with a set-back partial story above. The attic story is demarcated from the body of the building by a cornice and by the upper termination of the projecting bays. Having three-story and four-story bays on the seven-story and eight-story sections, respectively, represents a better proportion and a better balance between the two-story bases of the building and the two-story tops.

The drawings for the reconstructed storefront have been refined, improving the proportions of the base and cornice, and the terrace or deck has been properly removed from the plans (although the section on Sheet A6 still shows a high parapet atop the projection). Again, if the entire storefront is to be rebuilt, then it should be as low as possible, i.e., as low as a traditional storefront projection, because a higher storefront can obscures views of the original exterior wall and the second-story openings and would steal attention from the original entrance. One guide for its height may be the height of the opening in the Luzon's wall behind it, but the staff has never had an opportunity to inspect the building's interior.

The tower design is yet closer to the original. Obviously, its reconstruction will have to be as accurate as possible.

The treatment of the public space on the 25th Street side should be restudied. The old Baist real estate maps suggest that the public space on that side is 30 feet deep, with 18 feet of "parking" within a 12-foot sidewalk/curb/tree box zone. In fact, the distance from the property line (located at the *outside* of the Luzon's projections, rather than at the wall plane) to the outside of the curb is more like 27 feet. The public area that is paved with concrete instead of brick (see attached photograph) is approximately 14.5 feet deep. If that entire area is fenced, as is suggested by the drawings, pedestrian passage at the tree boxes would be reduced to less than six feet—more than the minimum allowed by the Department of Transportation, but relatively little width near this important and increasingly populated corner. It is likely to make the walkway feel a bit cramped when compared with the large amount of space actually available. Any fencing should be pushed back some. After all, the property already possesses a few feet of its own unbuilt area in front, between the projecting bays. More important, however, is that better use be made of the public space. To justify sequestration of more than half of the public's space along that frontage, the applicant should create or restore to that area much more of the green "parking" that was intended, instead of simply paving most of the space.

The staff recommends that the Board approve the project in concept with the following conditions: that the tower be accurately reconstructed and the remaining walls of the Luzon be restored by the removal of paint, repair to the masonry, the installation of appropriate wood windows, etc.; that the brick of the 25th Street construction be sufficiently distinguished in color from that of the Luzon; that the penthouse be reduced in height or pulled back sufficiently from the east wall of the seventh story of the Pennsylvania Avenue section; that the storefront be reconstructed in close consultation with staff; and that any use or enclosure of public space should be limited, but that a design for landscaping any enclosed or fenced area be approved by staff.

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