

**MEMORANDUM****TO:** District Board of Zoning Adjustment

2011 NOV -8 PM 3: 29

FROM: Paul Goldstein, Case Manager

Joel Lawson, Associate Director Development Review

DATE: November 8, 2011**SUBJECT:** BZA No. 18272 - Request for several variances and special exceptions to construct an apartment building at 17th and O Streets NW.**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of the proposed apartment building addition to the First Baptist Church of Washington at the southeast corner of 17th and O Streets NW (Square 181, Lot 163, also known as 1328 16th Street N.W.) requiring the following relief:

- Area variance from § 530.1 to permit a uniform building height of 90'
- Special exception from § 411.5 to permit roof structures of uneven heights

The Applicant has informed OP that an earlier acknowledged area of relief – an area variance from § 2115.4 to permit flexibility in the location of compact parking spaces – is no longer requested.¹

I. AREA AND SITE DESCRIPTION

Address:	1328 16 th Street NW
Legal Description:	Square 181, Lot 163 (hereinafter, the "Property")
Ward/ANC:	2/2B
Lot Characteristics:	The subject lot is large and irregular in shape. It measures approximately 426' by 130' and totals approximately 43,287 square feet in size. The Property spans from 17 th Street to the west to 16 th Street NW to the east, and borders O Street NW on its north side. The proposed development site borders a 16' wide public alley to the south. Regarding the site's zoning, DC/SP-2 zoning stretches for about 40' in depth from the 17 th Street property line. The remainder of the site is zoned DC/SP-1.
Zoning:	Split-zoned DC/SP-1 and DC/SP-2 SP-1: medium density development which encourages residential development SP-2: medium-high density development which encourages residential development DC: Dupont Circle Overlay District
Existing Development:	Roughly the eastern 2/3 of the Property is improved with a two-story church (First Baptist Church of Washington) and a three-story annex for administration and programming. Approximately one-third of the western portion of the Property, where the proposed apartment building would be located, currently operates as an accessory surface parking lot with 36 spaces.
Historic District:	Sixteenth Street Historic District Dupont Circle Historic District

BOARD OF ZONING ADJUSTMENT
 District of Columbia

 CASE NO. 18272

 EXHIBIT NO. 29

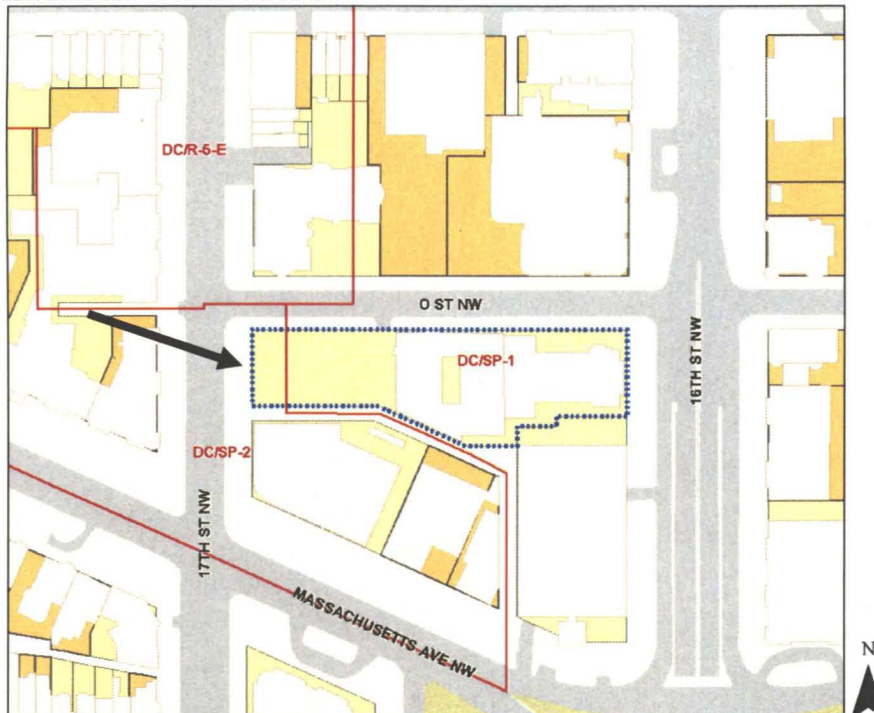
¹ The Applicant states that the Zoning Administrator indicated that such relief is not necessary for this project.

Adjacent Properties:	To the south of the existing surface parking lot (the development site) is an 8-story, 90' tall office building (Airline Pilots Association). To the north of the development site, across O Street, is a 10-story, 90' tall residential building (Richmond Condominium). To the west of the development site, across 17 th Street, is a 9-story, 90' tall residential building (Bay State Apartments).
Surrounding Neighborhood Character:	Square 181 is a mix of commercial and institutional use. More generally, the surrounding area features a range of uses, including commercial, residential, and institutional uses in an intensive building pattern. The prevailing zoning pattern in the area ranges between DC/SP-2 (predominately along the north side of Massachusetts Avenue between 16 th and 18 th Street NW), DC/R-5-E (along 17 th Street between O Street and P Street NW), and DC/SP-1 along 16 th Street NW north of Massachusetts Avenue.

II. PROJECT DESCRIPTION IN BRIEF

Applicant:	KS FBC, LLC
Proposal:	The Applicant proposes to construct a 9-story (90' tall) apartment building addition to the west side of an existing church annex. The addition would be located on the site of an existing surface parking lot. It would have approximately 230 units and comprise about 110,000 square feet. The building's lobby would be oriented toward 17th Street. There would be three levels of underground parking with 93 parking spaces (36 replacement spaces for the church, 57 for the apartments) which would be accessed from a public alley. A single 12' x 35' loading berth would also be provided. A partly covered vehicular passage would extend from an existing O Street curb cut to the public alley. The Applicant has indicated that the apartment building would have a "meaningful connection" to the church annex. Additionally, OP notes that Pepco vaults shown in public space ultimately would need approval by public space reviewers. While no change in the existing zoning is requested, the Applicant requests two areas of relief. The first is a variance request for height relief to accommodate a uniform 90' tall building on the split-zoned lot. While the proposed height would conform to the SP-2 portion of the site, it would exceed the permitted height in the SP-1 portion. This would result in a need for relief for an approximately 120' by 86' section of the new building. The second area of relief is for a special exception to allow roof structures of varying height.

III. IMAGES AND MAPS



Aerial view of the site (highlighted and identified with arrow)



View of the Property (identified with arrow) looking east across 17th Street

IV. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project.

<i>SP-1 & SP-2 Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot occupancy (building area/lot area) §§ 532 & 2604	SP-1 80% max. SP-2 80% or 90% (IZ) max.	50.4%	79.8%	Conforms ²
Floor area ratio (floor area/lot area) §§ 531 & 2604	SP-1 4.0 or 4.8 (IZ) max. SP-2 6.0 or 7.2 (IZ) max.	1.16	3.76	Conforms
Rear yard (ft.) § 534	158.5'	2.5"/ft. of height but not less than 12'	55'	Conforms
Height (ft.) § 530	SP-1 65' or 70' (IZ) max. SP-2 90'	60'	90' for both SP-1 and SP-2	Needs 20' of height relief for the SP-1 portion
Parking (#)§ 2101	36 min. (church) 57 min. (apartments)	36	93	Complies
Loading (# & size in ft.) §§ 2200.5 & 2201.1	None ³	None	1@12'x35'	Complies

V. RELIEF REQUESTED:

The proposal aims to construct an apartment building addition to an existing church facility, which is a permitted use in the applicable zones. The Applicant has requested two areas of relief: area variance relief from § 530.1 to permit additional height in an SP-1 zone and special exception relief pursuant to § 411.5 to allow roof structures of varying heights. The Applicant has indicated that the project would deliver inclusionary zoning (IZ) units and has not requested relief from IZ requirements. As such, the project must demonstrate that it complies with IZ at the time of permitting. The Applicant also has indicated that, based on discussions with the Zoning Administrator, that relief would not be needed from lot occupancy or FAR for the SP-2 portion of the site.

Area Variance (§ 530)

The area variance requirements pursuant to § 3103 to be met are as follows:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The Property exhibits several exceptional features. The Property is irregular in shape, uncommonly large and deep for the area, and fronts on three streets. The majority of the site is occupied by a church and its annex. The site is split-zoned, with about 40' depth on its west side zoned DC/SP-2 and the remainder zoned DC/SP-1. The Applicant has indicated that the church has pressing financial needs, driven by deferred facility maintenance, which the new development would support. At the same time, the Applicant also operates considerable church related programming in its existing annex adjacent to the proposed development site.

² The Applicant has informed OP that the Zoning Administrator has advised that the entire site must meet the 80% lot occupancy limitation and the FAR limitations, rather than each independently zoned portion.

³ See § 2200.5 governing loading with historic structures.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional features do impose a practical difficulty which is unnecessarily burdensome to the Applicant. The existing low density historic church and annex, which occupy the majority of the site, constrain locations for new development. As a result, the Applicant proposes to concentrate the development on the Property's west side. This location would take advantage of an underused portion of the Property (a surface parking lot), sensitively set-back the new building from the existing church sanctuary, and avoid overly disrupting existing church operations and services in its facilities. Even with the requested height relief, the project would still under-develop the overall site at 3.76 FAR where SP-1 permits 4.0 FAR (4.8 FAR pursuant to IZ) or 6.0 FAR (7.2 FAR pursuant to IZ) under SP-2.

Strictly complying with the SP-1 height limit would have several challenging consequences. Constructing the building at unequal heights would hamper the building's design by creating awkward floor plates (especially for the SP-2 portion of the site which has an area of approximately 40' by 86') and inefficient mechanical cores. The Applicant likely would need to demolish and reconstruct the church's annex to produce a longer apartment building at the lower height. According to the application, such a pursuit would disrupt church operations, increase costs, and draw the new development closer to the historic church sanctuary for little project benefit. The application also indicates that building design as proposed would provide the necessary income to sustain the church.

3. 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 a variance should not cause substantial detriment to the public good. The proposed building height would not be inconsistent with the area's development patterns. Nearby buildings on 17th Street and Massachusetts Avenue, which include a mixture of intensive residential and commercial use, are typically constructed to approximately 90' in height. Across O Street to the north is a 90' tall residential building, the Richmond Condominium, which was approved pursuant to a PUD as a component of a larger development proposal.⁴ In response to concerns expressed by neighbors in the Richmond Condominium, the Applicant has developed a shadow study to demonstrate how the proposed development would not unduly impact light and air and has modified the proposed roof structure layout to address concerns regarding noise.

The integrity of the zone plan would not be impaired should the variance be granted. SP zoning incentivizes residential development. The proposed project scale would be generally consistent with nearby residential development, and the Property would remain under-developed in density under the applicable zoning. HPRB also has approved the project in concept as consistent with the preservation act.

Special Exception: (§ 411)

Section 411.5 requires that "enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof" The application proposes that the enclosing walls of the roof structure generally would have a height of 13'. However, the Applicant proposes that an 18' penthouse wall would enclose the elevator override, stairway, and condensers. The roof structure would comply with setback requirements. In order to have an enclosure of a uniform height, portions of the enclosing walls would need to be raised 5'. As a result, complying with § 411.5 would likely produce a more conspicuous roof structure for no benefit to the owner or to the public.

⁴ Resources Conversation Center PUD, ZC Order No. 431, 1984. It appears that a rear portion of the Richmond building, which is located on a split-zoned lot, exceeds the permitted height limitation in the SP-1 zone.

OP notes that the proposed penthouse appears considerable in size and intensity, and that the Applicant has not requested any additional penthouse related relief. As such, OP has not analyzed whether any further relief is needed. Whether the penthouse is fully compliant with the zoning regulations would be scrutinized by DCRA at the time of permitting.

VI. ANC/COMMUNITY COMMENTS

ANC 2B, in a letter dated September 14, 2011, unanimously voted to support the proposed relief requests. According to the Applicant and the ANC letter, the Dupont Circle Conservancy also reviewed the concept design and provided support for the design. A party status application in opposition to the application was filed by approximately 60 owners and tenants of the Richmond Condominium.