

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JS Joel Lawson, Associate Director Development Review

DATE: March 22, 2016

SUBJECT: BZA Case 19229 (1503-1507 Pennsylvania Avenue, NW)

Request for special exceptions, pursuant to §§ 3104 and 774.2, from the rear yard requirements of § 774.1; and pursuant to §§ 3104 and 411.11, from penthouse setback requirements of §§ 777.1 and 411.18 to enable a building addition within a non-conforming rear yard and a penthouse not providing a 1:1 setback from a rear wall

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the following requested relief:

- § 774.1 (15 ft. 10 in. rear yard required; no rear yard existing; no rear yard proposed)
- §§ 771.1 and 411.18 (1:1 penthouse setback required; no setback from rear wall proposed)

The applicant appears to require the following additional relief, to which OP would not object:

- § 776.1 (19.75 ft. width as calculated from height of rear wall, 7 feet existing; 7 feet proposed):
- § 2001.3. (increasing the non-conformity of an open court's width).

II. LOCATION AND SITE DESCRIPTION

Address	1503-1507 Pennsylvania Avenue, NW
Applicant:	FOTP, LLC (for the project "Museum of the American Educator")
Legal Description	Square 221, Lot 810
Ward / ANC	Ward 2; ANC 2B
Zone	C-4
Historic Resource	Landmark within 15 th Street Financial Historic District and Lafayette Square Historic District
Lot Characteristics	Level irregularly shaped interior lot with 80.16 feet of frontage on Pennsylvania Ave., NW, and a depth ranging from 111 feet to 130.22 feet. The shallower depth on the western side of the lot is created by a 24.18 foot wide alley extending 38.5 feet along the western half of the 80.16 foot northern property boundary. The alley provides access to H Street, to the north, but not to Pennsylvania Avenue. What appears to be an alley along the western side of the property is actually the rear yard of the adjacent U.S. Treasury Annex.

Existing Development	The lot is 100% occupied by a historic neoclassical bank building that has a large glass-roofed central atrium intended to bring daylight to the former banking hall, but now covered-over. The building is four full stories high, with a partial fifth story that is partially hidden by a tall parapet and pediment. Mechanical equipment is concentrated atop the fifth floor and the northeast corner of the building. Elevators overruns are atop the northwest corner.
Adjacent Properties	To the east, at the northwest corner of 15 th Street and Pennsylvania Avenue, is a historic neoclassical bank building of identical height and similar design to the subject property. To the north is 10 story office building that is a contributing structure to the historic districts. The applicant owns both of these buildings. To the west is the historic U.S. Treasury Annex and a 12 foot rear yard between it and the applicant's property. The main U.S. Treasury building is to the south, across Pennsylvania Avenue.
Surrounding Neighborhood	The site is within a generally non-residential part of the central business district, one block east of the White House and directly across from the secured area of the larger executive residence and office grounds. There is a high concentration of historic landmarks and historically contributing structures.
Proposed Development	The applicant intends to convert the bank building into a museum, with associated conference facilities and offices. The design would include an extension of the 5 th floor and a new sixth floor. The additions' floorplans are designed to enable the restoration of the central atrium skylight. Enclosed mechanical equipment would be located at the rear of the new 6 th floor. Other mechanical equipment would be located atop the rear of the 6 th floor and, while open to the sky, would be screened on all sides.



Fig. 1. Location and Zoning



Fig. 2. Existing Perspective from Southeast

SITE

III. ZONING REQUIREMENTS and RELIEF REQUESTED

9,692 SF	Required / Permitted	Exist.	Proposed	Relief Needed
FAR (711; 709.21)	10	3.39	3.99	none
Lot Occ.	100%	98%	98%	none
Height (770.1)	80' (per federal limitation on building height in Square 221.)	65'	79'	None
Parking (2101.1)	not required for pre-1958 historic property or addition with < 50% gfa increase	none	none	None
Loading	Not required for pre-1958 historic property or addition	none	none	None
Rear Yard (774.1)	> 12 ft. or 2.5"/ft. bldg. ht.; i.e., 15' 10" for 79 ft. high addition	None*	None*	Spec. Excep. Requested (-15' 10")
Side Yard (775)	IF provided, > 8 ft. or 2 in./ft. bldg. ht.; i.e., 13 ft. for 79 ft.	none	none	None
Open Ct	Width > 12 ft. or 3"/ft. bldg. ht.; i.e., 19.75 ft. for 79 ft. height.	Width: approx. 7 feet	Same	None requested; seemingly required
Penthouse (777.1, 411.18)	20 ft. height 1:1 setback	n/a	10 feet high; 1:1 setback from front and both sides. No setback from rear wall.	Special Exception Requested for no setback from rear wall.

IV. OFFICE OF PLANNING ANALYSIS

Special Exception, § 747.1 Rear Yard

774.2 *The Board of Zoning Adjustment may waive the rear yard requirements ...pertaining to ...C-4 ...provided, that...:*

774.3 *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants/*

774.4 ...the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.



In Figure 3 the existing height of the building is shown with a dashed red line and the proposed height is in gray, above. All buildings with facing windows are office buildings. New windows on the fifth and sixth floors will be separated 23 ft. 4 in. from the building to the west and no less than 20 ft. 9 in. from the building to the north, which is also owned by the applicant. Given that these fifth and sixth floor windows replicate the existing distances between windows in the applicant's building and adjacent buildings, and no residential properties are involved, there would not likely be a significant diminution in the light, air or privacy available to adjacent buildings.

With respect to the applicant's building, occupants will have greater available light than now, as the design of the additions will reintroduce natural light into the building's central atrium.

Fig. 3. Proposed expansion, from rear.

774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

As an historic property with an addition comprising less than 50% of the existing gross floor area, neither additional parking nor loading are required.

774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to ... (OP, DDOT, DHCD, SHPO et al)

The application has been circulated to the relevant District and federal agencies.

The concept reviews by both the national Commission on Fine Arts (CFA) and the State Historic Preservation Office (SHPO) emphasized the importance of retaining as much historic fabric as possible – including the portion of the building that occupies what would otherwise be the rear yard. Retention of that portion of the building would also enable the applicant to respond to the historic review bodies' comments by locating the mechanical equipment atop the rearmost existing part of the building so that it can be located as far back from the Pennsylvania Avenue and 15th Street frontages as possible.

Special Exception, §§ 771.1 and 411.18, Penthouse Setback

411.18 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

- (b) A distance equal to its height from the rear building wall of the roof upon which it is located;*

The penthouse would have no setback from the rear building wall. A special exception has been requested under § 411.11.

411.11 The Board of Zoning Adjustment may grant special exceptions under § 3104 from §§ 411.6 through 411.10 and § 411.18, upon a showing that:

(a) Operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

As noted on Sheet A.2 of the applicant's "pre-hearing" statement, the CFA and SHPO concept approvals are predicated, in part, on the setting back the proposed penthouse as far from Pennsylvania Avenue and 15th Street as possible. Granting the setback relief would help to minimize intrusions on the historic appearance of the applicant's building and the larger assemblage of neoclassical buildings, as viewed from the south on 15th Street.

Additionally, the existing elevator core is located adjacent to the building's rear wall and could not be moved without altering historic fabric or complicating the provision of egress from the upper stories.

(b) The intent and purpose of this chapter and this title will not be materially impaired by the structure;

The penthouse setback regulations are intended, in part, to minimize the visibility of these structures from street level. The requested relief will enable the minimization of the roof structure's presence from the Treasury and from the vista northward on 15th Street.

(c) The light and air of adjacent buildings will not be affected adversely.

This has been demonstrated by the applicant, as noted above in the discussion of § 774.4 and as illustrated in Figure 3 of this report.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has stated that the project will have no adverse conditions on traffic and that it has no objection to the requested relief.

OP's Historic Preservation Office has given concept approval to the proposed design.

VI. COMMUNITY COMMENTS

ANC 2B voted 9-0-0 to support the project on February 10, 2016.

The 1510 H Street Condo Association has expressed concern about alley conditions during construction and has requested party status.

There were no other community comments on file at the time OP completed this report.