GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: April 5, 2001

SUBJECT: Waiver of Rules for Late Submittal of Report on Zoning Commission Case No. 02-03 (Area Variance for a George Washington University Dormitory-Lot 26 in Square 43)

The attached Hearing Report concerning the application for Zoning Commission Case No. 02-03 is being submitted less than 7 days (BZA rules for campus processing case) prior to the Zoning Commission's consideration of the item. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachment

AA/jf

ZONING COMMISSION
District of Columbia
Case 02-03
Exhibit 17

ZONING COMMISSION
District of Columbia
CASE NO.02-03
EXHIBIT NO.17

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: April 4, 2002

SUBJECT: Zoning Commission Case No. 02-03 (Area Variance for a George Washington University Dormitory -Lot 26 in Square 43)

APPLICATION

Application of George Washington University, pursuant to 11 DCMR Section 3104.1 for a special exception for further processing of an existing campus plan (16553) under Section 210 for an area variance from the minimum closed court area and width requirements of Section 406.1 of the Zoning Regulations in the R-5-D District at premises 616 23rd Street, N.W. (Square 43, Lot 26).

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval under Section 3104.1 and Section 210 for an area variance from the minimum closed court area and width requirements of Section 406.1.

BACKGROUND

This application involves a request for an area variance to allow an architectural feature on the dormitory building that George Washington University proposes to build at 616 23rd Street, N.W. on Lot 26 in Square 43. This architectural feature, which the University calls a "hinge," is technically a "closed court" that does not meet the width and area requirements for a closed court. The size of this "closed court" and the reasons for it, are described in more detail below.

Last year, George Washington University filed an application for further processing as a special exception in accordance with an approved George Washington University campus

plan for authorization for construction and use of a new dormitory on lot 26 in Square 42 (Zoning Commission Case No. 01-21CP). The Zoning Commission held a hearing on this case on December 6, 2001. The Office of Planning submitted a report on that case (Exhibit 29) and recommended approval of the special exception to allow construction and use of the dormitory.

On January 14, 2002, the Zoning Commission voted 5-0-0 to approve the special exception application to construct and use this dormitory. Zoning Commission Order 958 dealing with Case No. 01-21 CP/16553 was issued on April 3, 2002.

In the course of the December 6, 2001 hearing, and at the January 14, 2002 decision meeting, a question about a design feature at the southeast corner of the dormitory and how that feature would be addressed was raised and discussed. George Washington University acknowledged at the hearing that this architectural feature, later termed a recess in the building façade, constituted a closed court that did not meet zoning requirements. George Washington University indicated at the hearing that the University would seek a variance for relief from the closed court requirements. On January 18, 2002, George Washington University filed an application for the variance that is the subject of this case. This case therefore deals with a specific feature at the southeast corner of the approved dormitory building, near the northwest corner of 23rd Street and Virginia Avenue, N.W.

SITE AND AREA DESCRIPTION

The site and area are described below, drawing on the description provided by the Office of Planning in Zoning Case 01-21CP but edited to focus on the area pertinent to this variance request. To make the context clearer, four graphics are attached:

- Aerial photograph submitted by OP in the George Washington University further processing cases on December 6 and 13, 2001. This aerial photograph shows the western portion of the George Washington University campus, including Square 43, and surrounding areas.

- A more detailed aerial photograph of Square 43 and adjacent squares, labeled to show where the "hinge" element of the dormitory building is located. This photograph, which also shows the location of the Columbia Plaza buildings and the Pan American Health Organization Building south of Virginia Avenue, emphasizes the "gateway to the campus" role of the dormitory site on Square 43 (the subject of this case) and the dormitory site across 23rd Street on Square 57.

- A copy of the proposed site plan from the University's report shows the property and building relationships on Square 43, including the proposed footprint of the new George Washington University dormitory.

- A copy of the Typical Floor Plan from the University's report shows the "hinge" location and the closed court area that is the subject of this variance request.

The site in this case, Lot 26, occupies most of the eastern portion of Square 43. Square 43 is almost triangular in shape, and is bounded by 23rd Street on the east, Virginia Avenue on the southwest, 24th Street on the west and G Street, N.W. on the north. The entire Square is zoned R-5-D.

The George Washington University property has an irregular shape and totals approximately 32,723 square feet in area. The University property has frontages on 23rd Street, Virginia Avenue and G Street, N.W. Square 43 has two other properties. West of the George Washington University property is property occupied by the Remington, a nine-story, 52-unit residential condominium building. The Remington property includes the actual building site plus an open area east of the building that is used for service access and a surface parking lot for the apartment residents. This surface service area and parking lot is accessed from G Street.

On the southeastern corner of the square is a group of three two-story townhouses. These three properties, owned by Dr. Donald Kreuzer, total approximately 3,277 square feet and have frontages on 23rd Street and Virginia Avenue. The George Washington University property borders Dr. Kreuzer's property on the north and west. The topography of Square 43 slopes downward from 23rd Street to 24th Street and from G Street to Virginia Avenue. A portion of Square 43 (the land in the square owned by George Washington University) was added to the George Washington University campus area by the March 29, 2001 BZA order (BZA Application No. 16553). The George Washington University property in Square 43 therefore comprises the southwest corner of the George Washington University campus.

Square 57, east of Square 43 across 23rd Street, is completely University property. It is occupied by the Smith Center (the University's athletic center) and a narrow parking lot along 23rd Street. The University is proposing a new four-story, 204-bed dormitory (affinity housing) on the parking lot site (Zoning Commission Case 01-20CP). That dormitory was also the subject of Zoning Commission hearing on December 6 (Zoning Commission Case No. 01-20CP) and the Zoning Commission also approved this dormitory on January 14, 2002.

Twenty-third Street, N.W. borders Square 43 on the east and is a major north-south street in this part of the city. It connects Washington Circle on the north to the Lincoln Memorial on the south. From Washington Circle to Virginia Avenue, 23rd Street extends through the campus of George Washington University. The intersection of 23rd Street and Virginia Avenue marks the "gateway" into the George Washington University campus from the south. Twenty-third Street is designated as a "special street" in the Historic Preservation Chapter of both the District and Federal Elements of the Comprehensive Plan for the National Capital.

Virginia Avenue is a major diagonal avenue in the city, extending northwest from Constitution Avenue near 18th Street to Rock Creek and Potomac Parkway. At 23rd Street, the main traffic lanes of Virginia Avenue in both directions pass under 23rd Street, with service lanes leading to 23rd street to the east and west from both sides of the street.

Square 58, east of 23rd Street and south of F Street, includes the four-story Allen Lee hotel building at 2224 F Street and, further east, Riverside Towers (2201 Virginia Avenue) owned by George Washington University. The March 29 BZA campus plan order extended the GWU campus boundary south into this square to include the Riverside Towers property.

South of Virginia Avenue is the Columbia Plaza complex, a predominately residential complex (801 units) that also includes an office building and ground floor retail facing on the plaza which opens off 23rd Street. Square 59, east of 23rd Street and south of Virginia Avenue, is occupied by the Pan American Health Organization office building

In summary, most the area around Square 43 is developed and not likely to greatly change in the future. The major exceptions are the two nearby projects proposed by George Washington University, the expansion of Funger Hall on Square 56 and the new Townhouse Row dormitory on Square 57, across from the Square 43 dormitory site. As noted below, Dr. Kreuzer may seek to construct a building on his properties at the southeast corner of Square 43.

APPLICANT'S PROPOSAL

The design of the dormitory at its southeast corner is determined by the shape of the Lot 26, owned by George Washington University, which does not extend to the corner of Virginia Avenue and 23rd Street, N.W. The property at the corner consists of three lots (lots 7, 8 and 9) occupied by three townhouses, all owned by Donald W. Kreuzer, DMD. Dr. Kreuzer lives in and conducts a dental practice in these buildings (Watergate Dental Associates). The townhouses are two stories high. There is also a narrow three-foot alley off Virginia Avenue between the townhouse lots and the University property. The dormitory therefore has to fit around the property (the three lots) and the alley at the southeast corner of the square. The dormitory above grade essentially consists of three connected wings: The G Street wing, the 23rd Street wing and the Virginia Avenue wing. The elevator core for the building is located where the 23rd Street wing and the Virginia Avenue wing join together, just north of the northernmost townhouse on Lot 7.

At this point, the design of the dormitory includes a building feature that was described in the University's November 21, 2001 submission on Zoning Commission Case 01-21CP (pages 13-14) and is described as follows in the University's submission in this case (pages 12-13): "Another significant element which has been given special consideration is the "hinge" which rises above the townhouses at the intersection of 23rd and Virginia Avenue. The hinge is an architectural expression of the shift in geometry between the orthogonal and the diagonal. A sweeping curve of pre-cast concrete and glass sets back

slightly from the property line to allow the masonry blocks which front the streets to be expressed. The windows in the curve provide light and views for the elevator lobby. The closed court for which this variance relief is requested is at the base of this hinge." It is this "hinge" element of the building, which is set back from the property line that raises the closed court issue and the need for George Washington University to seek a variance.

The Zoning Regulations include the following definition of a closed court in Section 199:

Court, closed-a court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten (10 ft.) in width.

Section 406.1 of the Zoning Regulations includes the requirements for courts in a residential district. The closed court requirement for this dormitory in a R-5-D District is:

- **Width**: 4 in. per foot of height of court, but not less than 15 ft.

- **Area**: Twice the square of the required width of court dimension based on the height of the court, but not less than 350 ft. ^{2}

The dormitory building is built out to the lot line at this southeast corner for the first three floors. Above that point, the recess of the hinge begins. The closed court created by the recess is 60 feet high. The University submission indicates the court width as four feet with a court area of 77 square feet. Since the required width is 20 feet (60 feet high x 4 inches per height of court = 20 feet) the court width is 16 feet less than required by the regulations. The required area of the closed court is 400 square feet (20 feet squared or 400 square feet) so the area of 77 square feet is 323 square feet less than what is required. It should be noted that this "closed court" results from applying the definition to an unusual situation so the resulting calculations in some ways overstate the problem. However, this is the variance that must be addressed.

ANALYSIS

Background Considerations

In reviewing this variance, several factors should be kept in mind.

1) The design feature for which the variance is being requested is a small part of a large dormitory building that has already been approved by the Zoning Commission. This dormitory, once completed, will likely remain well into the second half of the 21st century. It is prudent to be concerned at this time about the appearance of the building, especially this highly visible southeast corner,

2) The request for a variance is needed because the design feature does not meet the "closed court" requirements of the regulations, though in this case the regulations do not relate too well to the actual situation.

3) The design feature for which the variance is being sought has been proposed in order to improve the aesthetic appearance of the building, especially with respect to its "gateway to the campus" role at Virginia Avenue and 23rd Street, N.W. The importance of this site as a gateway at the intersection of two "special streets" (23rd Street and Virginia Avenue) has been recognized by the Office of Planning, the Commission of Fine Arts and George Washington University.

4) Discussion of the variance should include an understanding of what may happen with respect to the potential development of the three non-GWU properties at the northwest corner of Virginia Avenue and 23rd Street, N.W.

Tests for a Variance

Section 3103.2 of the Zoning Regulations provides three tests for a variance.

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

- 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.

- 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.

Analysis of the Requested Variance

The Office of Planning believes that the property is unique because of its shape and its location. This shape results in the way the wings of the approved dormitory building come together at the southeast corner of the site and make that the a logical location for the elevator core and lobby. The shape of the University property at this point relates to the three small non-University properties at the southeast corner of the Square.

The strict application of the Zoning Regulations in this case would mean that the "hinge" design feature could not be built. George Washington University has proposed this building feature in order to create a more attractive design at the southeast corner of the dormitory building. Not allowing this feature would result in a peculiar practical difficulty and hardship in that the University would have to proceed with a different

design that did not articulate as well this point where two main wings of the building come together.

The variance can be granted without causing substantial detriment to the public good and will not impair the intent, purpose and integrity of the Zoning Regulations and Map. Indeed, OP believes that granting this variance will serve the public good by allowing the construction of a more attractive building at this gateway location. The Office of Planning and the Commission of Fine Arts have recognized the importance of this gateway location and the Commission of Fine Arts approved this design feature (the hinge).

Relationship to Adjacent Properties

The Office of Planning recommends that the Zoning Commission consider the relationship of the dormitory building to the possible development of the adjacent properties owned by Dr. Kreuzer. If Dr. Kreuzer moves forward with a building proposal to replace the three townhouses, resulting in a higher building (higher than the townhouses) at the southeast corner of the Square, some adjustments may be needed to the design of the southeast corner of the George Washington University dormitory (blocking in windows, etc.). Dr. Kreuzer does not have a building proposal before the Commission so there is nothing specific to evaluate at this time. The design of any new building on the site of the three townhouses would be subject to design review by the Commission of Fine Arts. If zoning relief were requested for a new building in the future, that relief would have to be considered at that time.

ANC AND COMMUNITY GROUPS

The Office of Planning understands that ANC-2A is holding a special meeting on Zoning Commission Case No. 02-03 on Sunday, April 7 to receive a presentation from George Washington University on this variance request.

OTHER AGENCY COMMENTS

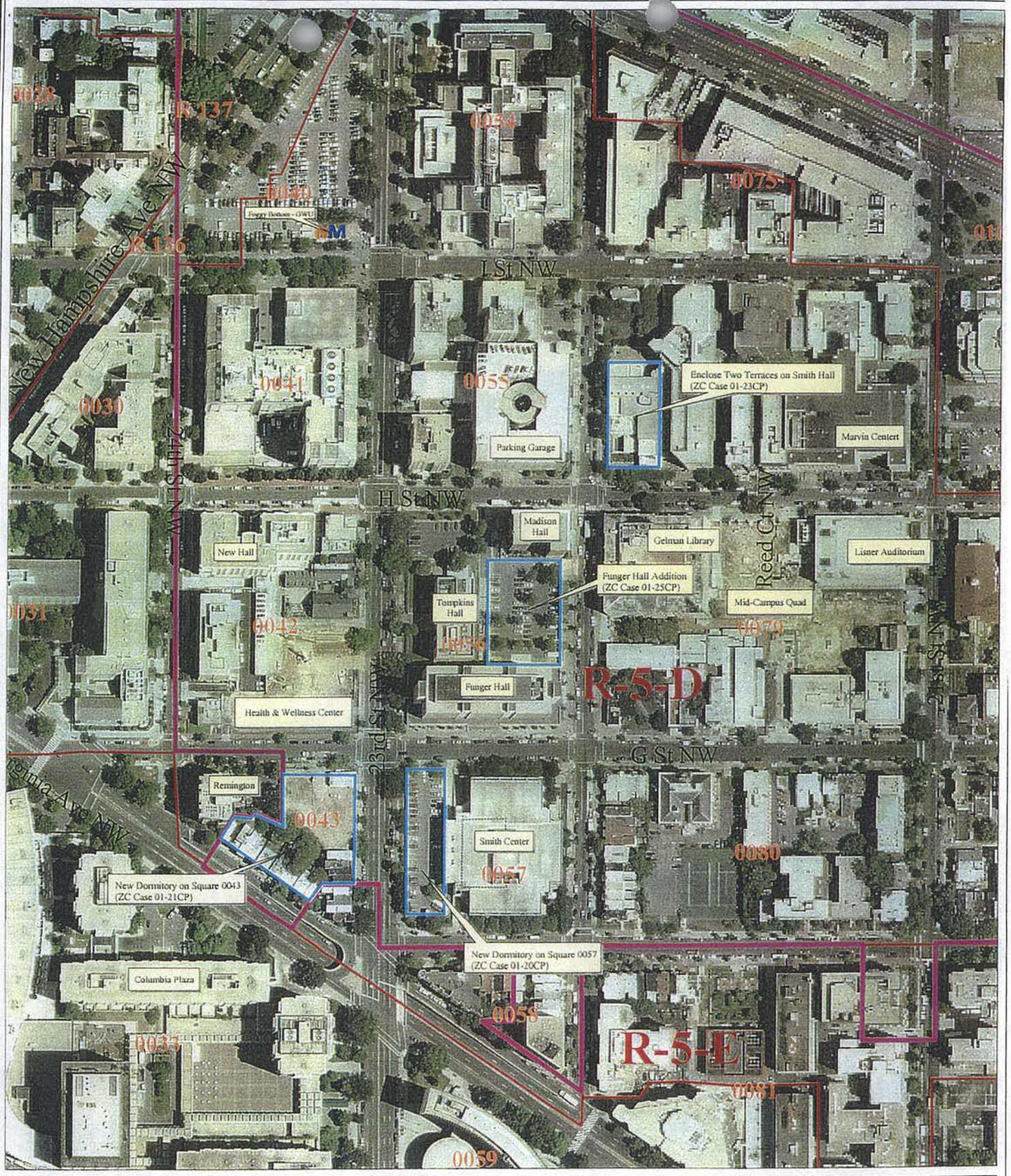
This building is subject to design review by the U.S. Commission of Fine Arts because the dormitory fronts on Virginia Avenue, one of the areas where the Commission of Fine Arts has design review authority under the Shipstead-Luce Act. The Commission of Fine Arts reviewed the overall dormitory design concepts on December 20, 2001, including the design for the "hinge." The Commission discussed the role of the building as part of a gateway to the campus at this meeting. The design for a second George Washington University dormitory across 23rd Street on Square 57 was also discussed at the same meeting. The Commission made the following recommendation to DCRA, dated December 26, 2001: "No objection to the concept design for a new 10-story, 700 bed student residence building as shown in supplemental drawings received and dated 14 Dec. 2001. File new submission of working drawings, including details and material samples, with permit application for review by the Commission when ready."

RECOMMENDATION

The Office of Planning recommends that the Zoning Commission approve the variance requested in this application to allow a small portion of the approved dormitory building to be set back from the building line in a way that technically constitutes a "closed court." The Office of Planning also recommends that the Zoning Commission note the need for design relationships between the dormitory building and the adjacent townhouse property, in terms of relating to a possible new building on that site if such a building is proposed and approved in the future.

Attachments

AA/jf



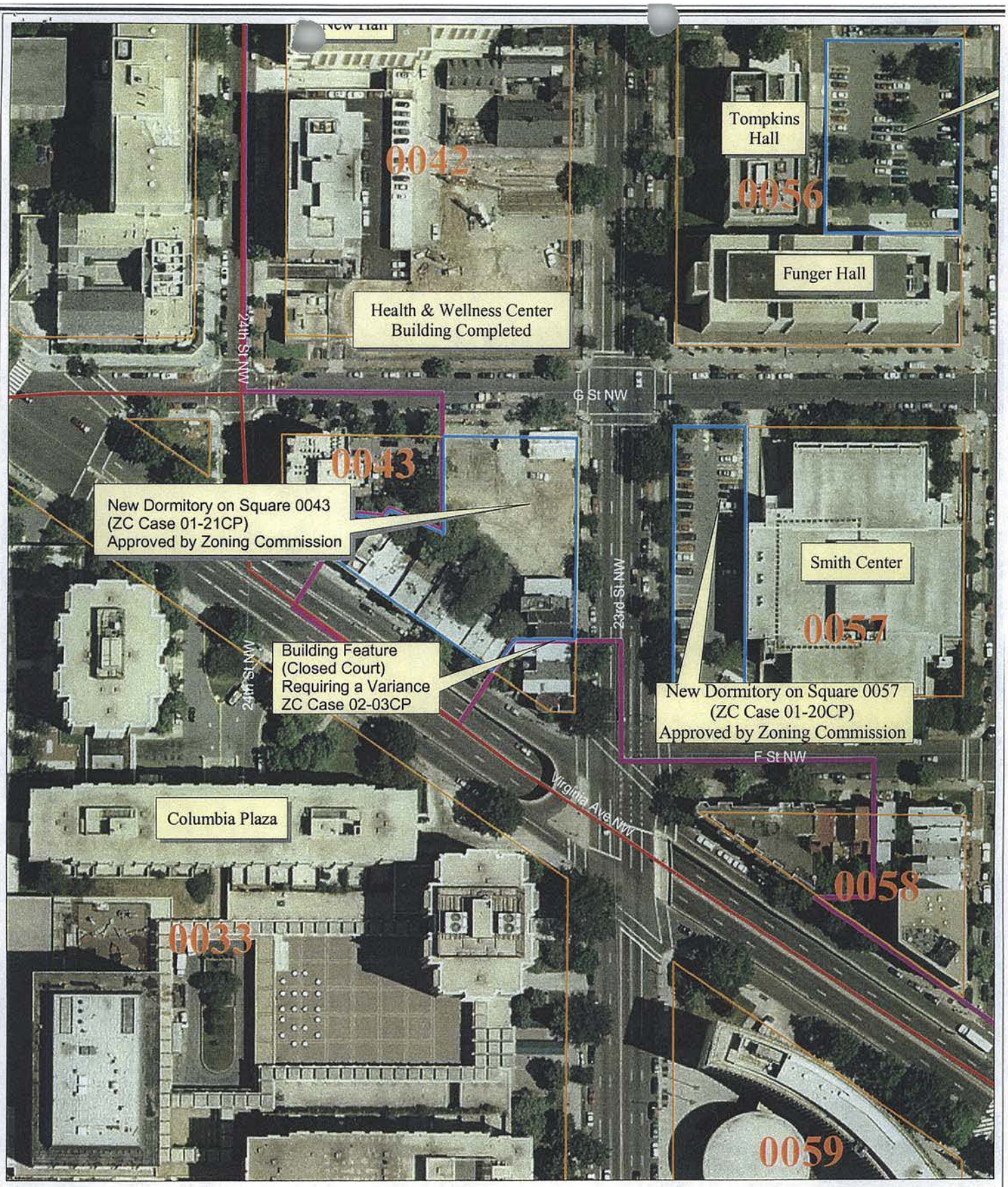
GWU Further Processing Cases
ZC Cases 01-20CP, 01-21CP, 01-23CP, 01-25CP

Feature Key

- George Washington University Campus
- Zoning Case Boundaries

DC Office of Planning
December 2001

Scale 1:2800
25 0 25 50 75 100 Feet
10 0 10 20 30 Meters



GWU Dormitory Variance
ZC Case 02-03CP

Feature Key

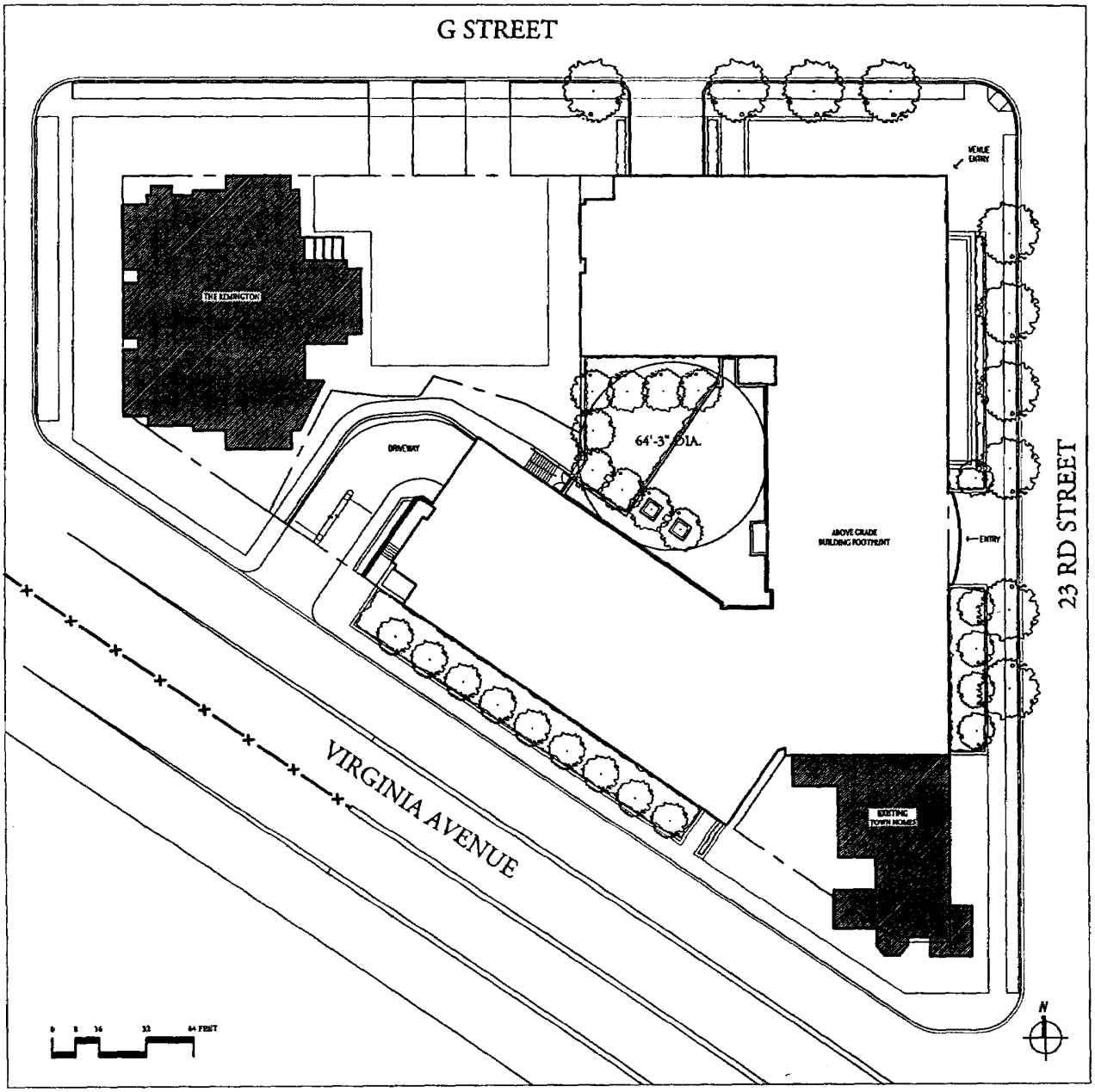
- George Washington University Campus
- Zoning Case Boundaries

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April 2002

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The George Washington University
WASHINGTON DC

SQUARE 43 STUDENT RESIDENCE HALL



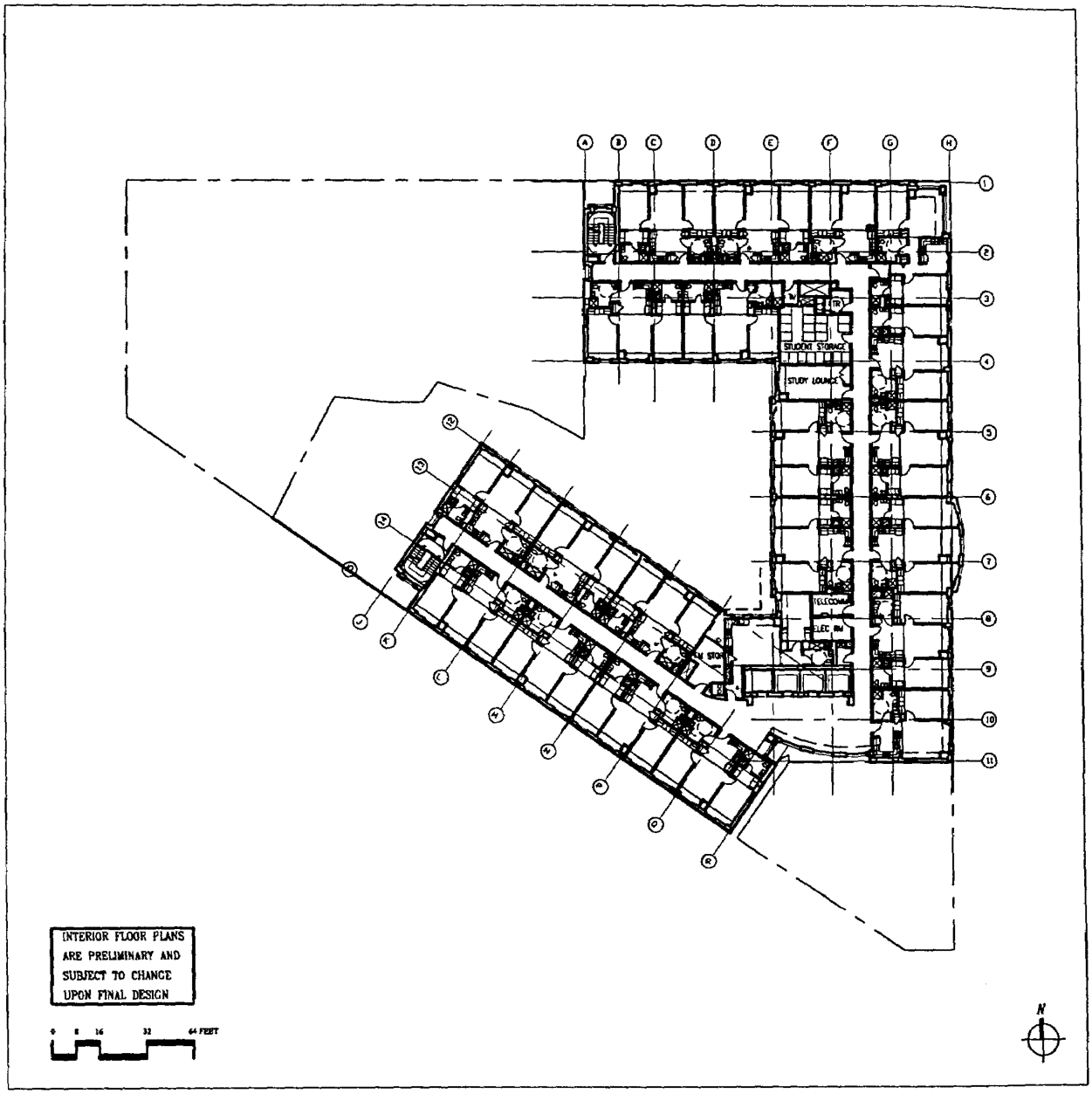
ZS-2 • SITE PLAN

AYERS SAINT GROSS

NOVEMBER 16, 2001

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SQUARE 43 STUDENT RESIDENCE HALL



ZS-8 • TYPICAL FLOOR PLAN

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NOVEMBER 16, 2001