

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: April 15, 2021
SUBJECT: BZA Case 20443 (1051-1055 29th Street NW), conversion of the former West Heating Plant into a residential building and one-acre public park

I. OFFICE OF PLANNING RECOMMENDATION

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

- Loading requirement, Subtitle C § 901.1, pursuant to Subtitle C § 909.2 and Subtitle X § 901.2 (1 berth & 1 service/delivery space required; 0 proposed);
- Penthouse enclosure and setback for a loading service elevator, a park access elevator, and a trellis located on the roof of the parking structure, Subtitle C §§ 1500.6 and 1502.1, pursuant to Subtitle C § 1504.1 and Subtitle X § 901.2 (1 enclosure required; 2 proposed; Service elevator: 9’3” setback required, 5’8” proposed; Park access elevator: 18’6” setback required, 5’8” proposed; Pergola: 13’8.5” setback required, 0’ proposed); and

The Office of Planning will make a recommendation prior to or at the public hearing regarding the following Special Exception request based on additional information to be provided to the record by the Applicant and DDOT:

- Excess parking mitigation, Subtitle C § 707.3 (a), pursuant to Subtitle C § 707.3(e) and Subtitle X § 901.2.

II. LOCATION AND SITE DESCRIPTION

Address	1051-1055 29 th Street, N.W.
Applicant	Georgetown 29K Acquisition, LLC
Legal Description	Square 1193, Lots 800-804, 45 and 46
Ward, ANC	Ward 2/ANC 2E
Zone	MU-13; the formerly unzoned property was zoned to the MU-13 in 2020
Historic District	Historic Landmark: West Heating Plant and Chesapeake and Ohio Canal Historic Districts: Georgetown Historic District, C & O Canal National Historical Park, Rock Creek & Potomac Parkway
Lot Characteristics	The two-acre (87,120 square feet) triangular site is located at the southeast corner of Georgetown. The site is bounded by 29 th Street to the west, the C & O Canal to the north, Rock Creek to the east, and the Whitehurst Freeway and K Street to the south.

Existing Development	<p>The property was previously owned by the federal government and was developed with the West Heating Plant. The 111 foot tall building operated as a coal-powered steam heat plant for federal buildings and was decommissioned in 2000. The property has been unused and vacant since. The Applicant, Georgetown 29K Acquisition LLC, purchased the site from the federal government in 2013.</p> <p>The West Heating Plant is located on the north side of the property and there is an open area on the south side, which was formerly used as the coal yard. There is a historic stone wall that is approximately 10 feet tall that surrounds the former coal yard.</p>
Adjacent Properties	<p>The surrounding area is a mix of residential, commercial, and open space uses. To the west are row dwellings and a multifamily condominium building. To the southwest are commercial buildings. Across the C&O Canal to the north is the Four Seasons Hotel. To the east and the south are Rock Creek and Rock Creek Park.</p>
Surrounding Neighborhood Character	<p>The site is located at the southeast corner of historic Georgetown and surrounding the site are a mix of residential and commercial uses.</p>



III. BACKGROUND AND PROJECT DESCRIPTION IN BRIEF

The Applicant proposes partial demolition and new construction to convert the former heating plant and adjacent coal yard into a residential condominium building and one-acre public park with a pedestrian bridge connecting Rock Creek Park and the C&O Canal Park with the Georgetown waterfront. With the Mayor's Agent for Historic Preservation approval in January 2019 and the DC Court of Appeals 2020 decision affirming the Mayor's Agent order, the Applicant has received required approval related to historic preservation regulations to reconstruct the new residential building to the same height and massing as the existing heating plant building. The proposed development has gone through the review of the Historic Preservation Review Board, Commission of Fine Arts, and the Old Georgetown Board. Additionally, the Zoning Commission approved a map amendment for the formerly unzoned property to the MU-13 zone in 2020.

The proposed building would have 70-72 condominium units in 10 stories. A 10 foot tall penthouse would be located above the 10th story for mechanical equipment and tenant roof space. The building would have approximately 210,000 square feet of GFA and an FAR of 2.3. The residential building would have the same height and massing as the former heating plant building. The overall lot occupancy would be 61%.

There would be 95-105 parking spaces in a parking garage with an entrance off 29th Street, separate from the residential building with a below grade connection. The garage structure would be located in the former coal yard area with one level above grade and one level below grade and a public park, including the trellis feature, would be located above the garage structure.

There would be an on-street truck loading zone for the building on 29th Street. Building services, such as trash, recycling, deliveries, etc. would go through the loading entrance in the historic wall on 29th Street into the garage's ground-level loading area and adjacent service elevator to the lower garage level with access to the residential building. The required 30-foot loading berth and 20-foot service/delivery space are not proposed, and the Applicant has requested relief from those requirements. Additionally, the service elevator overrun would be 9'3" but would be set back 5'8" from the building wall below, so the Applicant has requested relief from the penthouse setback requirements.

The proposed one-acre public park on the southern part of the site would be accessible from several points. Coming off 29th Street, there would be a stairway located between the parking and loading entrances and an elevator next to the stairway for disabled visitors. The park elevator overrun would be 18'6" feet tall and set back from the 29th Street garage roof edge 5'8", so the Applicant has also requested relief from the 1:1 setback requirement for this elevator. Because the two - loading and park - elevator overruns would be separated, the Applicant has requested relief from the single enclosure requirement. Additionally, the pergola/trellis in the park would be 13'8.5" tall but not set back from the 29th Street parking garage roof edge, and the Applicant has requested relief from the setback requirement for that rooftop installation.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone-	Regulation	Existing	Proposed	Relief
Height	60 ft. max.	111' 8 ¾"	111' 8 ¾"	Existing non-conforming
Penthouse setback	1:1 setback		Service elevator: 9'3" required; 5'8" proposed Park elevator: 18'6" required; 5'8" proposed Pergola: 13'8.5" required; 0' proposed	Relief requested
Floor Area Ratio	4.0 max.		2.3	None required
Lot Occupancy	75% max.		61%	None required
Rear Yard	12 ft. min.	54'9"	No change	None required
Side Yard	8 ft. min.	38'-8" north 298'-4" south	No change	None required
Vehicle parking	24 min.; 69 max. without mitigation		95-105; mitigation required	Relief requested
Bicycle parking	4 short term 24 long term		4 short term 48 long term	None required
Loading	1 berth & 1 service/ delivery space		None	Relief requested
Green Area Ratio	.3 min.		.438	None required

V. OFFICE OF PLANNING ANALYSIS

A. Special Exception Relief from Subtitle C § 901.1 - loading berths and service/delivery spaces

Subtitle C § 909.2 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:

(b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

The stone wall is a contributing feature of the designated historic resource and, as such, its integrity must be maintained per historic preservation regulatory requirements. As part of the project that was discussed and reviewed by CFA and the Mayor's Agent, the plans show a small 8' by 8'

opening in the historic wall to allow cars to enter the garage. If the opening was largen enough to accommodate loading as well, it would need to be made taller and wider, which would lessen the historic integrity and alter the appearance of the stone wall. As such, providing the required loading facilities would result in significant difficulty in maintaining the integrity and appearance of the historic resource.

General provisions of Subtitle X § 901.2:

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*
- ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The proposed solution to the loading requirements would be in keeping with the zoning regulations and maps. The proposal includes an internal area for loading and a service elevator within the garage, and there would be designated parking on the street for trucks. The use of neighboring properties should not be adversely affected by the proposed alternative approach to loading as there would be a designated parking area and the loading management would be located inside the garage and the building does not expect to generate excessive loading demand.

B. Special Exception Relief from Subtitle C §§ 1500.6 and 1502.1 – penthouse enclosure and setbacks for the elevator penthouses and trellis located in the park above the parking structure.

Subtitle C § 1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

Requiring the setbacks for the two elevators and trellis/ pergola feature and the elevators in one enclosure would be unduly restrictive and unreasonable since their locations are part of an overall site and park that have been carefully designed with consideration of effective operations, recreational enjoyment, aesthetics, and historic preservation. These are not the typical penthouse features located on the roof of a more substantial building; rather they are on the roof of the one story parking area, within a designed public park.

The service elevator would be located as close as possible to the internal loading area, off 29th Street. Moving the elevator further away from the street would cause operational challenges, interference with parking layout and circulation, and impacts to pedestrian movement in the park. The park access elevator for disabled visitors is located as close to the 29th Street sidewalk as possible to limit the distance that disabled visitors would need to travel from the sidewalk to the elevator. Requiring the two elevators to be in one enclosure would result in a structure that would span nearly 50 feet, which would be unreasonable as it would be much more visible and disruptive to the park. The proposed park trellis/ pergola would be located close to the 29th Street wall because it intended to be a significant feature in the park and designed to draw attention to the park from the street below – setting it back from the wall further would limit its effectiveness and negatively impact the overall park design. Additionally, the design of the park underwent review by multiple

agencies and requiring relocation of features in the site plan likely would necessitate additional design review by applicable agencies, which would be unreasonable.

(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;

The relief requested to allow two elevator enclosures and the location of the elevators and trellis with non-conforming setbacks would result in a better design of the roof structure, which is a landscape-designed park that has gone through significant design review. The features that require relief would not appear to be an extension of the building wall. The park design shows the elevators and trellis on the west edge of the park, to allow for the park to be largely open and unobstructed. The elevator penthouses and the pergola would be constructed of different materials that do not appear to extend the height of the historic stone wall. If the elevator overruns were enclosed in one structure, it would be significantly larger and would result in a worse design of the park.

(c) The relief requested would result in a roof structure that is visually less intrusive;

The relief that is requested – for setbacks and one enclosure – would result in a park that has been carefully designed for maximum user enjoyment and minimal visual intrusion. The proposed park would consist mostly of open space with landscaping, and locating the overruns and pergola at the far west side is intentional so that they will not visually intrude on that openness. If the penthouses were enclosed in one structure, then that structure would be very large and visually more intrusive than proposed.

(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-120 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

Compliance with the setback requirements would result in operating and accessibility difficulties for the park and for the building's loading. The park plans provide access from the street, including for disabled visitors, and minimal visual intrusion from the elevators that serve the building functions below. Moving the park elevator to comply with the setback requirement would be unnecessarily restrictive on the ability to provide easy access for disabled visitors from the street. The service elevator is located for ease of movement of goods from the loading area to the rest of the building and compliance with the setback requirement would impair the operation of the building, and the design and utility of the park. The pergola located along the west side of the park is a key feature in the overall design for an open park. Relocating any of these features to comply with the setback requirement would be unduly restrictive and unreasonable because of the impacts on the operation of the building and park necessary change and the additional design review. Compliance with the single enclosure requirement would also be unreasonable and unduly restrictive on the operation and design of the park as the large amount of open park space between the two elevator overruns would be replaced with a single large enclosure.

(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

Every effort to comply with the required setbacks was made in the park and site design process. The design of the overall site factored in the operational needs of the building and the park as well as the regulations, and the elevators and pergola are shown with setbacks that can best accommodate those needs. The plans incorporate setbacks and materials for the elevator penthouses to lessen their visual impact and the pergola is intended to be seen from the street and a larger setback would have negatively impacted the design of the park. The design was reviewed and approved by multiple agencies and the reduced setbacks were not problematic.

(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

There should not be adverse impacts as a result of the two elevator enclosures or the elevators and trellis with reduced setbacks. The penthouses and pergola would be located within an open park one level above grade and would not have an adverse impact on light and air available to the new residential units on the site or the buildings across 29th Street to the west.

General provisions of Subtitle X § 901.2:

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*
- ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The proposal meets all the criteria listed above for the Special Exception and would be in harmony with the general purpose and intent of the zoning regulations and maps. The relief would allow for a better design and efficient operations of the building and park, which would be in keeping with the intent of the regulations. The proposed residential building and public park would be consistent with the purposes of the MU-13 zone. The project was reviewed and approved for design compatibility as part of the historic review process, and the proposed relief would not have an adverse impact of the historic landmark and the surrounding historic neighborhood. The proposed garage roof/park structures should not unduly impact the light and air or use of neighboring buildings.

C. Special Exception Relief from Subtitle C § 707.3 (a) – Excess parking mitigation

707.3 The provision of excess parking spaces shall require the following transportation demand management features:

(a) For any site for which the parking requirement of Subtitle C § 701.5 is twenty (20) parking spaces or greater, any excess parking spaces greater than two times (2 X) the minimum parking required for that use shall require the following transportation demand management measures:

(1) Bicycle parking spaces provided in accordance with the provisions of Subtitle C § 801 at a rate of one (1) bicycle parking space for each three (3) excess parking spaces, to a maximum of one hundred (100) additional bicycle parking spaces, with such bicycle parking spaces being provided at the same ratio of long and short term spaces as required in Subtitle C § 802.1;

(2) One (1) tree for every ten (10) excess parking spaces, with such trees to be planted within public space in the Ward in which the site is located, at a location to be determined by the Urban Forestry Division of the District Department of Transportation, and of a species and size consistent with industry standards for street trees;

(3) One (1) on-site or publicly accessible electric car charge station for every twenty (20) excess parking spaces;

(4) One (1) car share space to be provided in accordance with the provisions of Subtitle C §§ 708.3 through 708.4 for every twenty (20) excess parking spaces, to a maximum of ten (10) car share spaces; and

(5) The GAR required for the site pursuant to Subtitle C, Chapter 6 shall be increased by a rate of .001 for each two (2) excess parking spaces, to a maximum of an additional 0.1;

Subtitle C 707.3 (e) The Board of Zoning Adjustment may grant, as a special exception, relief from Subtitle C §§ 707.3(a) and (b) if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that:

(1) Mitigation requirements for the excess parking spaces are not required due to other transportation demand management, bike way, or pedestrian way improvement commitments of the applicant, to be provided prior to the issuance of a certificate of occupancy for the building or site containing the parking;

The Applicant states in Exhibit 27 that they will meet the requirements of 707.3 (a) (1), (2), and (5) listed above - they plan to provide the additional bicycle parking spaces, plant new trees in public space, and provide additional GAR. However, they would not meet (3) and (4) so they have requested relief. As mitigation for this relief, they intend to offer additional transportation demand management, bike way, or pedestrian way improvement commitments as required by the regulations. The Applicant provided a detailed TDM plan in Exhibit 26, but the Applicant has stated that they continuing to work with DDOT and will provide the detailed mitigation and TDM proposal prior to the public hearing. As such, OP will make a recommendation regarding this relief as evaluated against the criteria in Subtitle C Section 707.3 (e) (1) based on the Applicant's final proposal and DDOT's review either in a supplemental report or at the public hearing.

VI. OTHER DISTRICT AGENCIES

There were no comments from other agencies in the record at the time of this report. DDOT indicated they would file a report. The development plan has been reviewed by the Historic Preservation Review Board and approved by the Mayor's Agent for Historic Preservation.

VII. ADVISORY NEIGHBORHOOD COMMISSION

The ANC filed a statement of support in Exhibit 31.

VIII. COMMUNITY COMMENTS TO DATE

There were no comments from the community in the record at the time of this report.