

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** January 29, 2013  
**SUBJECT:** BZA Case 18502, 655 New York Avenue, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 411.11, Roof Structures (1:1 setback required, less than 1:1 setback proposed); and
- § 2514.2, Zone District Boundary Line Crossing a Lot (35 feet proposed).

Subject to the following condition:

1. That the applicant obtain HPRB approval for the design, as required.

**II. LOCATION AND SITE DESCRIPTION**

Address	655 New York Avenue, N.W.
Legal Description	Square 450, Lots 4, 6, 21, 33, 34, 40 and 803-818
Ward	2
Lot Characteristics	Unusually shaped lot fronting on three streets with access to a 10-foot wide dead-end alley
Zoning	C-2-C: high-density community business center C-3-A: medium bulk major business and employment center DD: Downtown Development Overlay District
Existing Development	One to four-story commercial and industrial buildings, mostly historic, and in various states of repair
Historic District	Mount Vernon Square
Adjacent Properties	North: Across L Street, low-rise apartments South: Across New York Avenue, high-rise office building under construction. East: Commercial and institutional uses West: Across 7 <sup>th</sup> Street, Convention Center



Surrounding Neighborhood Character	Mixture of residential, commercial and office uses, including the convention center
------------------------------------	---

### III. APPLICATION IN BRIEF

The applicant proposes to assemble and restore fifteen historic structures, relocating two of them, and construct a new 130-foot high office tower, connecting them all into one new mixed-use building with commercial and office uses. One of the buildings to be shifted is located on L Street and the other is on New York Avenue, allowing for a continuous wall on New York Avenue of historic structures and a building site for the new structure.

A three-level parking garage would be located beneath the new structure and loading facilities for the entire building would be located on the ground level. Parking and loading would be accessed from L Street, with ingress and egress from the parking garage utilizing existing openings within the historic structures. Total number of existing curb cuts would be reduced from seventeen to three. The loading facility would provide for truck turn around within the building. Neither the loading nor the parking would utilize the existing ten-foot wide alley accessible from New York Avenue due to its narrow width, its use by other properties and the location of historic structures lining it on both sides.

Office lobby access would be provided from New York Avenue and Seventh Street. With the exception of the office building lobby and the parking and loading facilities, most of the ground floor would be devoted to retail or service uses. Some lower level and second floor space within the historic structures would also be utilized as commercial space, with the remainder to be utilized as office space.

The proposed office tower would include two segments. The main portion of the office tower would be constructed to height of 130 feet, with a secondary portion to the west at height of approximately 110 feet. The lower portion would provide a visual connection between the existing low-rise historic buildings on Seventh Street and the 130-foot high tower to be constructed behind, or to the east of them.

The site is located within Housing Priority Area A. As no housing is proposed approval of a Combined Lot Development would be required prior to the issuance of building permits.

**IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

<b>DD/C-2-C; DD/C-3-A</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 770	DD/C-2-C: 130 feet max. DD/C-3-A: 65 feet max.	47 ft.	130 ft.	None required
Lot Area	None prescribed	1.43 acres	1.43 acres	None required
Floor Area Ratio § 771	DD/C-2-C: 8.5 max DD/C-3-A: 2.5 max	1.61	6.95	None required
Lot Occupancy § 772	100% max.	65%	100%	None required
Rear Yard § 774	DD/C-2-C: 15-foot max. DD/C-3-A: 13.26-foot max.	varies	45 ft.	None required

**V. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to § 411.11, Roof Structures (special conditions associated with the specific special exception review)**

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The subject property is irregularly shaped and impacted by the many historic structures on the site. One roof structure atop the office tower at a height of 18 feet, 6 inches is proposed, but does not conform to the one-to-one setback required of roof structures in two locations, both along the New York Avenue frontage, due to the unusual shape of the building.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed roof structure is not set back 18 feet, 6 inches from the façade of the resulting structure in two areas along the New York Avenue side of the building, due to the incorporation of historic structures into the development. As a result of the shape and location of the proposed office tower, combined with the preservation of the historic resources on the site, the roof structure would still be set back farther from New York Avenue than from L Street, minimizing the impact of the reduced roof structure set back. Therefore, the proposal would not appear to affect adversely the use of neighboring property.

**b. Special Exception Relief pursuant to § 2514.2**

- i.** 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 request is to extend the DD/C-2-C thirty-five feet into the DD/C-3-A zone district, the more restrictive zone district.

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

This section is not applicable as no portion of the subject property is zoned residentially.

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

The extension would allow for a step-down in building height between the proposed 130-foot high tower and the low-rise historic structures fronting on Seventh Street, permitting a distinction between the two while maintaining the historic facades and providing for adaptive reuse of the historic buildings.

- (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 proposal received conceptual review by the HPRB, but is required to return for further review regarding the compatibility of the height of the 106-foot high portion of the building as it relates to the historic structures along Seventh Street. The applicant is scheduled to return to the HPRB on February 28, 2013 and will have to conform to its ruling. OP proposes no additional requirements.

**ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal would allow for a 130-foot mixed-use building that would integrate fifteen historic structures and one new structure into one new building. The extension of the zone line would allow for a step-down in building height between the new and the old structures.

**iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposal would permit the applicant to adequately transition from the historic structures to the new office tower, while maintaining the existing historic streetscape along Seventh Street.

## VI. COMMUNITY COMMENTS

The applicant informed the Office of Planning that ANC 2C voted to support the application at its regularly scheduled meeting of April 4, 2013.

## VII. COMMENTS OF OTHER DISTRICT AGENCIES

District Department of Transportation: In an email to the Office of Planning dated January 17, 2013, DDOT indicated that they were supportive of the reuse of the existing building openings on Seventh Street for vehicular access.

No comments were received from other District agencies.

Attachment: Location Map

