

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 10, 2013
SUBJECT: BZA Case 18605, 1785 Massachusetts Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 411.2, Roof Structure Setback (18.5 feet required, 9.33 feet proposed)
- § 411.5, Roof Enclosures of Equal Height
- § 508.1, Expansion of Office Uses; and
- § 2001.3, Addition to a Nonconforming Structure

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

- § 530.1, Height (90 feet maximum, 98.3 feet proposed); and
- § 531.1, Floor Area Ratio (3.5 maximum, 4.77 proposed)

II. LOCATION AND SITE DESCRIPTION

Address	1785 Massachusetts Avenue, N.W.
Legal Description	Square 157, Lot 112
Ward	2, 2B
Lot Characteristics	The pentagon-shaped lot is located near Dupont Circle and has three street frontages: Massachusetts Avenue, 18 th Street and P Street. The lot is 13,031 square feet in area, with a private ten foot wide alley located along a portion of the east property line.
Zoning	SP-2 – medium-high density district permitting residential and office development that is compatible with surrounding properties.
Existing Development	Office building, permitted in this zone.
Historic District	Dupont Circle Historic District
Adjacent Properties	Adjacent properties along Massachusetts Avenue are generally institutional building interspersed with high-rise residential buildings. Properties located along P Street are mostly high-rise residential buildings.



Surrounding Neighborhood Character	The surrounding neighborhood character is generally mid-rise buildings of residential, institutional and office uses.
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III. APPLICATION IN BRIEF

The applicant is requesting relief that would allow the modification of and addition to an existing historic landmark building located at the intersection of Massachusetts Avenue, 18th Street and P Street. The building was constructed in 1915 and consisted of five floors, each one a separate luxury apartment. The most well-known tenant to reside in the building is Andrew Mellon, who served as Secretary of Treasury under three presidential administrations. His former apartment is protected with an interior landmark designation. The building was converted to office use in 1941 and was most recently occupied by the National Trust for Historic Preservation. The American Enterprise Institute (AEI) is under contract to purchase the building and is proposing renovations and an addition that will modify the building to meet its needs and allow the building to comply with Building Code. The applicant recently enacted a Deed of Preservation and Conservation Easement, which ensures that preservation of specific interior features of the building, limiting the degree of modification.

The applicant is proposing several modifications to the existing building. The first floor will be modified to include more communal space, such as an auditorium and conference rooms. The remaining floors will be remodeled to include larger office spaces.

The applicant is also proposing to add area to the building that would make the structure compliant with Building Code requirements. A court located along the east property line would be filled in, creating a new core that would include an egress stair and service elevator that provide access from the penthouse and each floor to the private alley located along the east property line. These elements are required by Building Code. A one story addition is proposed in the private alley, which would serve as an interior service corridor, connecting the “back of house” space with the private alley that would be used as an informal loading area. These proposed additions would increase the FAR for the building, which is already above 3.5, the maximum permitted for this zoning district. In the Special Purpose District, an addition to a building for office use requires relief from § 508.1.

An expansion of the existing penthouse is proposed and would consist of an upper and lower penthouse addition. The lower penthouse would largely accommodate new mechanical equipment. The lower penthouse would be expanded using the existing column structure of the historic building and would provide a space larger than necessary to accommodate the mechanical equipment. As a result, the applicant proposes to use the remaining space for special events. Because the lower penthouse includes habitable space, it would increase the overall height of the building to 98.3 feet, which is higher than the 90 feet permitted in this district, and would be calculated as FAR. In addition, an upper penthouse would be constructed above the lower penthouse with a height of 9.5 feet. This space would not include habitable space, and has not been calculated as part of the overall height of the building or FAR. Relief has been requested to allow the upper and lower penthouses to be of unequal height. In addition, a required setback of 18.5 feet has not been provided adjacent to the private alley, requiring relief for the roof structure setback.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

SP-2 Zone	Regulation	Existing	Proposed	Relief
Height § 530	90 ft. max.	85.25 ft.	98.25 ft.	Required
Floor Area Ratio § 531	3.5 (office only)	4.46	4.77	Required
Lot Occupancy § 532	100% max.	90.8%	96.2%	Not Required
Rear Yard § 534	18 ft. min.	45 ft.	4 ft.	Not Required
Side Yard § 535	Not Required	0 ft.	0 ft.	Not Required
Court § 536	Not Required	--	--	Not Required
Roof Structure Setback § 411	18.5 ft.	--	0 ft.	Required

V. OFFICE OF PLANNING ANALYSIS

a. **Variance Relief from § 530, Height; and § 531, Floor Area Ratio**

i. **Exceptional Situation Resulting in a Practical Difficulty**

§ 530, Height and § 531, Floor Area Ratio

The proposed project would expand the area of the lower penthouse to accommodate mechanical equipment and provide an indoor/outdoor entertainment area. Given that this would be habitable space, the lower penthouse increases the overall height of the building from 85.25 feet to 98.25 feet, where 90 feet is allowed. The proposal to expand the area of the lower penthouse increases the floor area ratio of the building from 4.46 to 4.77, where 3.5 is permitted by the zoning regulations.

The building was constructed in 1915 as a luxury apartment building and was converted to an office use beginning in 1941. The applicant proposes to update the mechanical equipment that is currently inadequate for the size of the building to include a larger emergency generator and dedicated outside air system. As the current emergency generator is too small for a modern building, the proposed generator would be able to handle back up emergency power as well as IT capacity. The dedicated outdoor air system is currently located in a mechanical closet on each floor of the building and will be consolidated to one location on the roof, allowing the floor area to be maximized for office space.

The existing building is one of few in the District that has an interior landmark designation. As a result, the structural columns of the building, as well as other contributing interior features, cannot be altered. The interior landmark designation also limits where a new core, compliant with Building Code, may be provided. The core, including the egress staircase and elevator would be located in the existing court located along the east property line so that it would not structurally impact the existing landmarked building. The core could not be relocated to the interior of the building, as it would impact the grand staircase and structural columns. The recently enacted Deed of Preservation and Conservation Easement also severely restricts the amount of interior modification permitted, in an effort to preserve the building's historic attributes.

ii. No Substantial Detriment to the Public Good

The requested variances would pose no substantial detriment to the public good. The applicant is proposing a modest addition of 4,147 square feet, which would make the building more functional. The area would not increase the amount of work area in the building; rather, it would improve circulation and allow space for an indoor/outdoor entertainment area at the lower penthouse level. The proposed additions have been approved by the Historic Preservation Review Board, and deemed consistent with the historic fabric of the building and context of the neighborhood. The penthouse has been set back from the edge of the building and is not visible from most vantage points, resulting in little impact on the surrounding community.

The additional floor area would be attributed to the new core and terrace amenity at the lower penthouse level. Given that the terrace would only be used for special events, it would not have an adverse impact on traffic.

iii. No Substantial Harm to the Zoning Regulations

The requested variances would not impair the intent, purpose and integrity of the Zoning Regulations. The building was constructed in 1915 and predates the adoption of the Zoning Regulations. While additional square footage would be added to the building, a large part of the area is necessary for updates required to make the building compliant with Building Code. The area that would be added to the lower penthouse would provide an amenity that would be used for special events, having a negligible impact on traffic, and is of a size that is largely necessitated by existing structural constraints.

The proposed additions have been approved by the Historic Preservation Review Board and would not be visible from most vantage points in the community.

b. Special Exception Relief pursuant to § 411, Roof Structure Setback; § 411, Roof Enclosures of Equal Height; § 508, Expansion of Office Uses; and § 2001.3, Addition to a Nonconforming Structure

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

§411, Roof Structure Setbacks and Roof Enclosures of Equal Height

The proposal is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The applicant is requesting relief from the required roof setback and the requirement to provide roof structures of an equal height. As proposed, the lower and upper penthouse would be located immediately adjacent to the 9'-4" wide private alley along the eastern property line, providing a setback of 0 feet from the exterior building wall, where a setback of 18'-6" is required. The proposed core, required by Building Code as a second means of egress, would be located in what is currently a court located along the east property. Given the interior landmark designation associated with this building, the new core must be located so as to not interfere with the historical attributes of the building. The penthouse, housing mechanical equipment, egress stairs, elevator control room, electrical equipment and three elevator overruns, would be flush with the exterior

wall of the existing building and in alignment with the new core. However, the penthouse would be separated from the adjacent eastern building by the existing 9'-4" wide private alley, which minimizes its impact to neighboring properties. The penthouse would be compatible with the design of the building, as approved by the Historic Preservation Review Board.

The penthouse is divided into an upper and lower section, intended to minimize the bulk and impact of the addition to surrounding properties. The lower penthouse would be 13 feet in height and the upper penthouse would be nine feet in height, with an aggregate height of 18'-6". This meets the intent of § 400.7, which permits penthouses to exceed the height of the building by a maximum of 18'-6"; however, as the lower penthouse will have habitable space for entertaining, it has been calculated into the overall height of the building. If the upper and lower sections of the penthouse were of the same massing, the upper penthouse would be more visible than the current design, and potentially out of character with other buildings in the neighborhood. Overall, the height would be comparable with that of adjacent structures.

§ 508, Expansion of Office Uses

The applicant is proposing to add 4,147 square feet of floor area to the building. The area includes a one story service area addition in the private alley located along the eastern property line, a new core located in an existing court along the eastern property line, an expansion of the lower penthouse to include an entertainment area, and the addition of an upper penthouse that would contain the elevator overruns. The proposed additions would increase the functionality of the building, bringing it up to standards required by the Building Code and making useable space of an oversized penthouse.

The use, height, bulk and design would be in harmony with existing uses and structures on neighboring property. The proposed additions would respect the existing historic attributes of the building, including the grand staircase and the interior landmark designation. The improvements have been approved by the Historic Preservation Review Board, and ensure that the design, bulk and height are compatible with surrounding structures. The proposed elevations provided by the applicant demonstrate that the additions would be minimally visible from certain vantage points, but would otherwise be unnoticeable.

The proposed use would not create any dangerous or other objectionable traffic conditions. The floor area that would be added to the building would generally improve the functionality of the structure and not increase the amount of office space. The habitable space included in the lower penthouse would be used periodically for special events and would not impact traffic conditions.

§2001, Addition to a Nonconforming Structure

The existing building is nonconforming in regards to FAR. While an FAR of 3.5 is permitted, the current FAR is 4.46 and the proposed FAR is 4.77. The proposed FAR is associated with the areas that would make the building more functional, including the new core, loading area and penthouse terrace, and would allow the building to comply with Building Code requirements. As a result, the request is in harmony with the general purpose and intent of the Zoning Regulations.

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

The proposal would not appear to tend to affect adversely, the use of neighboring property. The proposed additions, intended to improve circulation of the building, would generally not be noticeable from adjacent properties. The service addition along the eastern property line would only be one story and would not impact the adjoining building, which has a height similar to that of the subject building. In addition, there would be a separation of nearly ten feet between the subject building and adjacent building by way of the private alley.

The proposed terrace on the lower penthouse level, in addition to being enclosed, would be removed from the edge of the building, limiting its impact on neighbors when special events are held. In addition, it is generally oriented away from adjacent buildings.

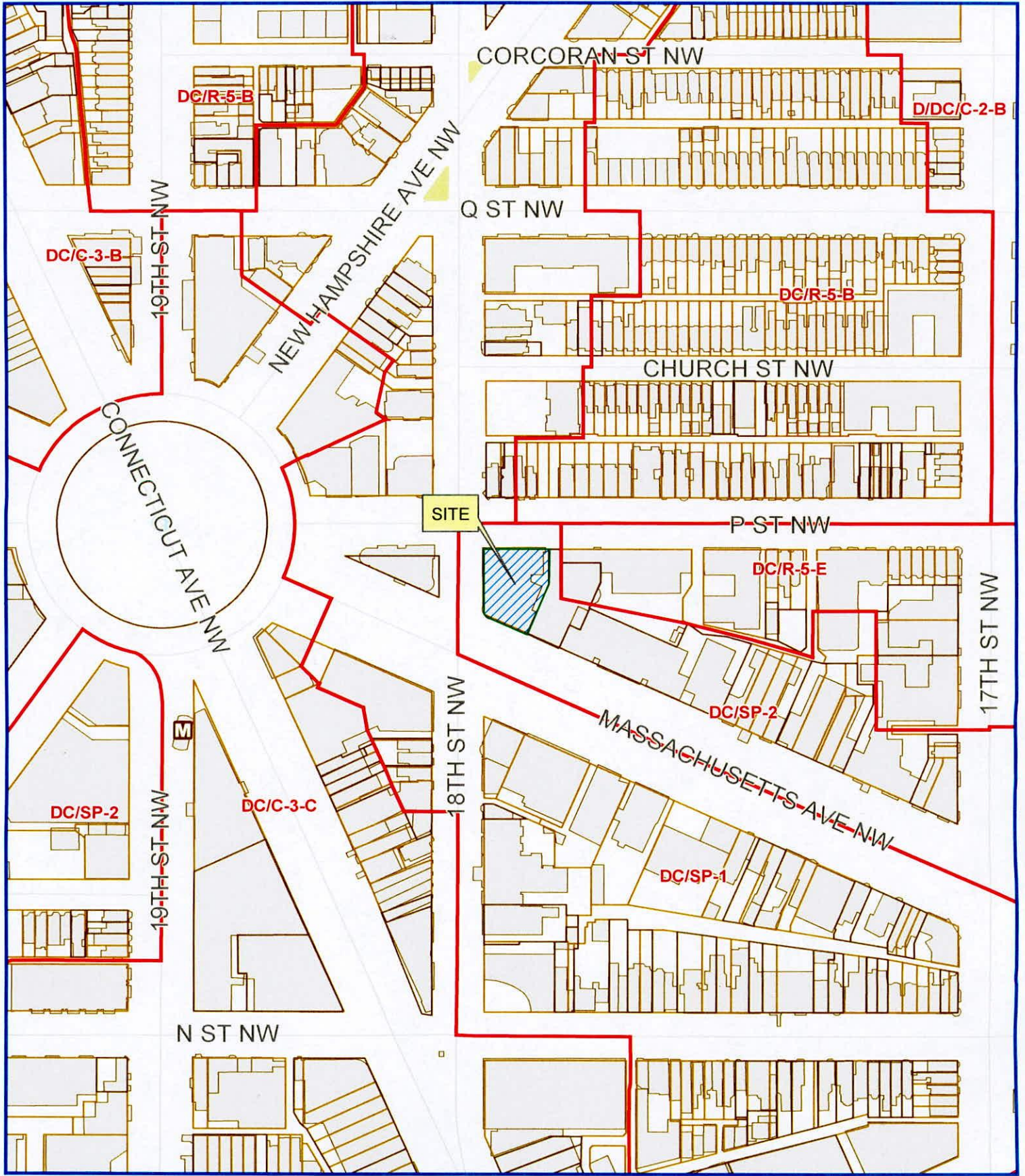
VI. COMMENTS OF OTHER DISTRICT AGENCIES

At the time of this writing, comments from other District Agencies had not been received. However, DDOT will likely file a report under separate cover.

VII. COMMUNITY COMMENTS

At the time of this writing, comments from the community had not been received. In addition, the ANC meeting is scheduled to occur September 10, 2013, following the filing of this report.

Attachment: Location Map



BZA 18605 - 1785 Massachusetts Avenue, NW

DC Office of Planning

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

