

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: June 29, 2016

SUBJECT: BZA #19312 – 1714 N Street, NW – Special Exception and Variance relief to permit the renovation and penthouse expansion of an office building

I. RECOMMENDATION

With regard to this proposal to renovate an office building and add a penthouse, the Office of Planning (OP) recommends **approval** of the following requested relief:

- § 531 FAR (2.5 Non-residential FAR permitted; 2.59 existing; 2.79 proposed);
- § 2001.3(b)(2) Additions to Non-conforming structures (Addition may not extend an existing non-conformity; Increase proposed to non-conforming FAR).

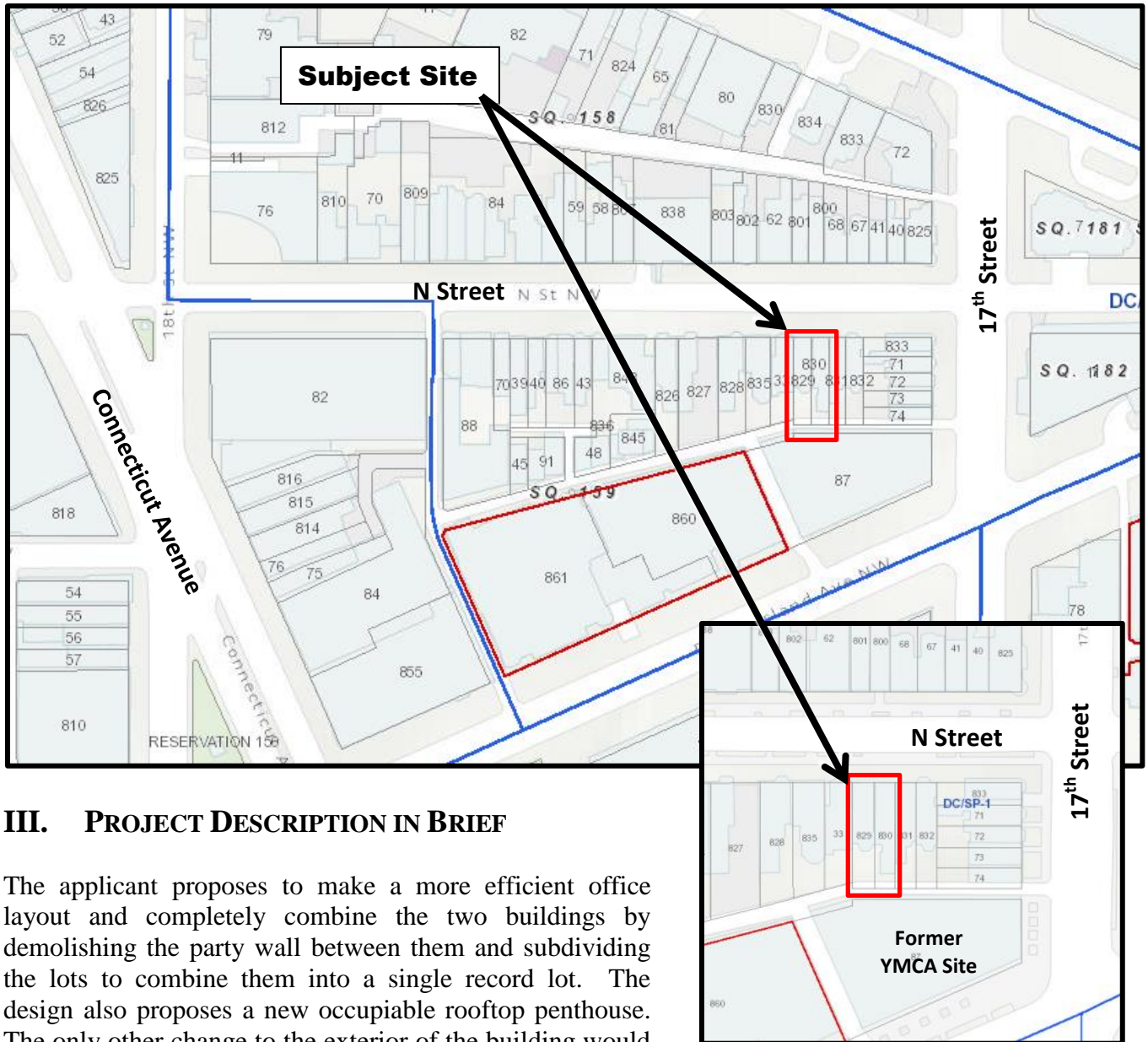
OP can recommend approval of relief to penthouse setback requirements from the rear wall (§ 411.18(b); 1-to-1 or 12’ setback required; zero setback proposed), but only up to a minimum setback of three feet from the main rear wall of the existing structure, to reflect Historic Preservation Office concerns about the compatibility of the new addition with the historic structure.

OP notes that the currently submitted plans show a front staircase in public space that might not meet public space regulations for projections. OP’s recommendation of approval for the zoning relief should not be taken as approval of the public space design, which will require further review by DDOT and the Public Space Committee.

II. LOCATION AND SITE DESCRIPTION

Address	1714 and 1716 N Street, NW
Legal Description	Square 159, Lots 829 and 830
Zoning	SP-1 / DC
Ward and ANC	2, 2B
Historic District	Dupont Circle Historic District
Lot Characteristics and Existing Development	Two buildings on two separate lots, currently connected by internal doorways; Buildings are townhouse-type office buildings with existing office uses; Total width of both lots ~39’; Depth ~96’; Height ~45’.

Adjacent Properties and Neighborhood Character	N Street is developed primarily with townhouse structures, most used for non-residential uses; N Street also includes two hotels; Larger office buildings front Rhode Island Avenue across the alley from this site.
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III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to make a more efficient office layout and completely combine the two buildings by demolishing the party wall between them and subdividing the lots to combine them into a single record lot. The design also proposes a new occupiable rooftop penthouse. The only other change to the exterior of the building would be a new code-compliant stair at the rear of the structure.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned SP-1/DC. The application would require relief as noted in the table below.

Item	Requirement	Existing	Proposed	Relief
Lot Area	n/a	1714 N – 1,831 sf 1716 N – 1,916 sf	3,747 sf (combined)	Conforming
Lot Width	n/a	1714 – 19’ 1716 – 19.88’	38.88’ (combined)	Conforming
§ 530 Height	65’	45’4” – both blds.	No change	Conforming
§ 531 FAR	2.5 max for office	1714 – 2.71 1716 – 2.47 Both combined – 2.59	2.79 (combined)	Requested
§ 532 Lot Occupancy	No limit for non-residential	1714 – 78% 1716 – 62%	76% (combined)	Conforming
§ 534 Rear Yard	12’	1714 – 13.5’ 1716 – 35.3’	13.5’ (combined)	Conforming
§ 535 Side Yard	None required	None	None	Conforming
§ 411.18(b) Penthouse Setback	1-to-1 setback from rear wall (12’)	No penthouse	Zero setback from rear wall	Requested
§ 2001.3(b)(2)	Cannot extend an existing non- conformity	2.59 non-res. FAR	Extending non-res. FAR to 2.79	Requested

V. ANALYSIS

Penthouse Setback Special Exception

Pursuant to § 411.11, the Board may grant special relief from certain provisions governing penthouses. The required relief is analyzed below.

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;**

The proposed design would require special exception relief from § 411.18(b), to permit a zero setback from the rear wall where a 1-to-1 setback is required. The applicant argues that the size of the building is a condition that makes full compliance unduly restrictive and unreasonable. The lower floors do not have enough floor area to accommodate a break room and conference

room, given the number of staff of the purchaser of the property and their basic space needs. The applicant argues further that providing a compliant setback would unreasonably restrict the size of the break room. With no setback, the usable area of the room would be 580 square feet, but with the required 12' setback the usable area would be 250 square feet. OP concludes that requiring the setback could be unreasonable, and would unduly restrict the size of the break room, given that the design would generally meet criteria (b) and (c) below.

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

Granting relief for penthouse setback would not impair the intent of the penthouse regulations. The regulations intend to minimize the visibility of penthouses, and that goal is largely achieved through a very large setback from the front of the building. The penthouse would be visible from the alley side, and the Historic Preservation Office recommends that some setback be provided from the main rear wall. Providing a setback, even if small, would help to visually distinguish the new construction from the historic building. OP, therefore, can support some amount of setback relief, but with no less than three feet of setback from the main rear wall of the existing structure.

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

The proposed location of the penthouse would have no or negligible impact on light and air available to adjacent buildings. The shadow study submitted by the applicant, Exhibit 31G, indicates that the shadows cast by the penthouse would fall almost exclusively on the subject property, and that the light impacts on this block are mostly created by the office buildings to the south.

Variance to FAR and Additions to Non-conforming Structures

In the SP-1 zone, non-residential FAR is limited to 2.5. The existing combined structures on the subject site already have an FAR of 2.59. The proposed design would not add any usable floor area to the buildings, but would add a new exit stair at the rear of the building in order to comply with building code. Because the stair is required to be covered, it would count toward as floor area and increase the FAR to 2.79. The applicant has therefore applied for variances, which can be granted subject to the three-part test of § 3103.

1. Exceptional Situation Resulting in a Practical Difficulty

The subject property is impacted by exceptional conditions that result in a practical difficulty in meeting the FAR and non-conforming structures regulations. In order to comply with building code, a new exit stair is required to be added to the building, replacing old fire escapes. A stair could be added within the existing building envelope, but as shown on Exhibit 31F, a second internal stair could disrupt the open floorplan anticipated by the interior renovations. In regard to § 2001.3, the existing building is already over the allowable non-residential FAR, so any

increase in the floor area would require relief from § 2001.3. It would not be practical to demolish a portion of the building in order to make it compliant with the 2.5 FAR limit, especially given that the structures are considered contributing to the Dupont Circle Historic District.

2. No Substantial Detriment to the Public Good

The requested relief could be granted without detriment to the public good. The exterior staircase would likely have little impact on adjacent properties or the character of the alley. The new stair, while a more substantial structure, would be built in roughly the same location as one of the existing fire escapes. It would be on the interior of the subject property and not on a side property line, and it would not be as deep as the existing two-story addition to 1714 N Street, which would remain. The shadow study, Exhibit 31G, is not clear regarding the impacts of the stair structure, but it is likely that most of the shadow generated by the stair would fall on the subject property.

3. No Substantial Harm to the Zoning Regulations

Granting the requested relief would not impair the intent of the Regulations. While the Regulations generally intend to regulate the bulk of buildings on any given site, they do not intend to limit the ability to comply with building code. Also, the stairs technically add to the building's floor area, but they would actually be highly open and would not visually read as an enclosed volume.

VI. HISTORIC PRESERVATION

The subject site is within the Dupont Circle Historic District, and the buildings are contributing structures in the district. Because of the nature of the proposed improvements, they can be reviewed at the staff level. HP staff will formally review the application when it is submitted.

VII. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community. The applicant has submitted a petition to the record (Exhibit 26A) that indicates that some nearby neighbors support the project.