



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: November 17, 2009

SUBJECT: BZA Case No. 18003, 1000 Massachusetts Avenue, NW (Cato Institute)
Square 342, Lots 57 & 58

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **An area variance to § 774.1 of Title 11 DCMR**, to reduce the rear yard from 13.58 feet and 19.58 feet to six feet and zero, respectively; and
- **A special exception pursuant to § 2202.2 of Title 11 DCMR**, from the loading requirements, to reduce the number of 30-foot loading berths from two to one, and the number of 100 square foot loading platforms from two to one.

II. AREA AND SITE DESCRIPTION

Address	1000 Massachusetts Avenue, NW
Legal Description	Square 342, Lots 57 and 58
Ward	2
Lot Characteristics	Trapezoid shaped lot, with alley access from two sides and street frontage on two sides.
Existing Development	Vacant two-story structure
Zoning	DD/C-2-C – high density community business center & downtown development overlay
Adjacent Properties	North: Across Massachusetts Avenue, public park South: Across public alley, offices East: Across 10 th Street, a hotel West: Across public alley, apartment building
Surrounding Neighborhood Character	Mixture of office, residential and hotel uses.

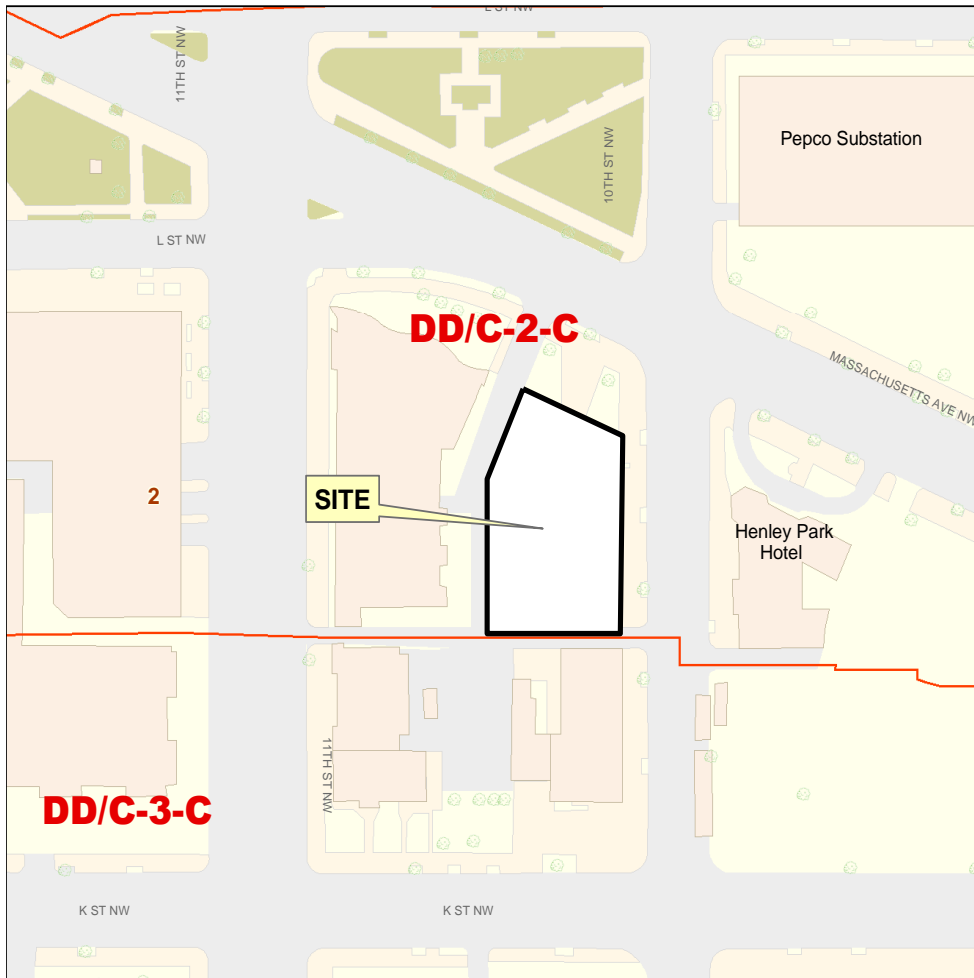
III. APPLICATION IN BRIEF:

The applicant proposes to expand the six-story office building housing the Cato Institute into the adjoining lot to the south, Lot 57. Lot 57 is currently improved with a four-story office building housing the National Medical Association (NMA), which the applicant proposes to demolish. Expansion of the Cato Institute building would allow the applicant to increase its office space and construct a 200-seat auditorium on the first floor. In order to accommodate this auditorium the applicant would have to construct the building addition to the rear lot line, adjacent with the east-west public alley through the square.

The addition would be seven-stories in height. The new seventh floor would also extend across the roof of a portion of the existing building, and include a roof garden at the front of the building, facing the Massachusetts Avenue frontage. The parapet on the existing building would be removed to accommodate the new seventh floor.

The front of the building would remain on Massachusetts Avenue, including the retention of the “glass cube” that faces Massachusetts Avenue. Access to loading and below-grade parking would continue to be from the north-south alley on the west side of the property, with the number of off-street parking spaces increasing from 36 to 42. The number of loading berths, loading platforms and delivery spaces would remain unchanged.

The subject property is located within the Downtown Development Overlay District, and Housing Priority Area B. However, no housing is proposed on the site. The applicant proposes to satisfy its residential requirement through Combined Lot Development pursuant to § 1708 of the Zoning Regulations.



Zoning and Vicinity Map

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Proposed	Relief
Building Height (max.)	130 feet	94 feet	None required
Side Yard (min.)	None	None	None required
Rear Yard (min.)	19.58 feet	6 feet (below 20-ft horizontal plane and measured from alley centerline 0 feet (above 20-t horizontal plane and measured from the lot line)	13.58 feet (below 20-ft horizontal plane) 19.58 feet (above 20-ft horizontal plane)
Lot Occupancy (max.)	100 percent	84 percent	None required
Floor Area Ratio (max.)	8.5 ¹	5.15	None required
Parking (min.)	24 spaces	42 spaces	None required
Loading (min.)	two 30-foot berths two 100 SF platforms one 20-foot delivery space	one 30-foot berth one 100 SF platform one 20-ft delivery space	one 30-foot berth one 100 SF platform

V. OFFICE OF PLANNING ANALYSIS

Variance to § 774.1 –Rear Yard

Section 774.1 sets the minimum rear yard for the proposed building at 19.58 feet, measured from the centerline of the 12-foot wide alley for the first twenty feet of building height, and from the lot line for any portion of the building above twenty feet in height. The centerline of the alley is located six feet from the rear lot line. Therefore, a variance of 13.58 feet would be required for the first twenty feet of building height, and a variance of 19.58 feet would be required for any portion of the building above 20 feet in height.

Uniqueness

The subject property is unique as a result of its shape, the existing building on the site and the applicant’s desire to retain and enhance the unique architectural design of its building. The location of the exiting stairwells and elevator shafts and the need to retain the architecture of the existing structure minimizes the options available to the applicant in the design of the building addition. The angle of the intersection of 10th Street and Massachusetts Avenue resulted in an unusually shaped lot, which then resulted in a nonrectangular building. As a result, the subject lot and building are non-equilateral pentagons. The building was also designed with some unusual architectural features, such as the “glass cube” at the front that the applicant desires to retain.

¹ Assuming the purchase of 0.5 FAR of transferable development rights.

Practical Difficulty

Without the ability to construct the building addition as proposed onto the existing structure, the applicant is unable to provide a 200-seat auditorium. The need to design the auditorium as a rectangle, without intervening angles interfering with sight lines to the front of the room, and without designing it around other physical features of the building, such as restrooms, stairwells and elevator cores, which would preclude visibility to the stage, cannot be accommodated either within the existing building, or as a conforming building addition. The south side of the existing building is improved with stairwells that would have to be relocated to accommodate a portion of the auditorium within the existing structure. As a result the property cannot accommodate the existing building, a new 200-seat auditorium and a 19.58-foot rear yard. It would be a practical difficulty to require the applicant to design an auditorium around intervening structures or around angles, both of which would result in portions of the auditorium from which it would be impossible to view the stage. It would also be a practical difficulty to require the applicant to move core building features, such as stairwells.

Intent of the Zone Plan

The granting of a variance to rear yard should not have an adverse effect on the Zone Plan. The requested reduction of the rear yard to 6 feet for the first 20 feet of building, and to zero for that portion of the building above a plane of 20 feet, would allow for a continuous street wall along this portion of 10th Street without impacting access to the interior of the square. It would also mimic the existing situation, as this southern lot line is a side lot line for the NMA building, with no yard required or provided.

Special exception pursuant to § 2202.2 – Exceptions to the Schedule of Loading Requirements

Within the Downtown Urban Renewal Area, the Board of Zoning Adjustment is authorized to reduce or eliminate the required amount of loading berths and service/delivery loading spaces, provided:

- (a) Other adopted public law, policy, or municipal regulation require or recommend that the street not be broken with a curb cut and there is no other alternative access to the lot through a street or alley;

All access to loading would be from the public alley. No curb cuts are proposed.

- (b) The reduction, elimination, location, or consolidation would not adversely affect traffic conditions or use of other public space;

The application proposes to retain the same amount of loading facilities as currently exists. The loading facilities required for the proposed building is the same for any office building in the C-2-C district that is between 50,000 and 200,000 square feet in gross floor area (GFA). The subject building would contain approximately 68,000 square feet of GFA, only slightly more than 50,000 square feet. The Zoning Regulations require twice the number of loading berths and loading platforms for a building of 68,000 square feet as it does for one of 50,000 square feet. In addition, the application states that the Cato Institute would not require the additional loading facilities for its operation. As a result of the reduced need for additional loading by the applicant and the minimal amount of gross floor area proposed in excess of 50,000, there should be no adverse affect to traffic conditions.

- (c) There would be no adverse effects on adjacent properties or topography;

All loading facilities would be located on the subject property, directly accessible from the public alley system. Therefore, there should be no adverse effect on adjacent properties.

- (d) The Board may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety and welfare; and

The Office of Planning does not recommend any conditions. The loading platform, as well as a portion of the loading berth would remain within the building. In combination with the location of the loading facilities and the shape of the building and lot, the loading facilities would be minimally visible from the street and public sidewalk. No loading facilities would extend across a public sidewalk or public way.

- (e) Before taking final action on an application, the Board shall refer the application to the D.C. Department of Transportation for review and report.

The subject application was submitted to DDOT for review and report, but no comments were received.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Fire and Emergency Medical Services Department (FEMS) had no objection to the application. No other comments were received from District agencies.

VII. COMMUNITY COMMENTS

The ANC 2F Community Development Committee voted to approve the application on October 28, 2009. ANC 2F did not respond to a request for comments from the Office of Planning.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a variance and a special exception pursuant to § 2202.2. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP