

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13507, of the National Press Club Corp., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 3308.12 permitting construction of a roof structure not placed in one enclosure and under Sub-section 5307.5 to obtain a bonus floor area ratio, for a variance from the prohibition against permitting an addition to a non-conforming structure which now exceeds the height limitations (Paragraph 7107.21), for a variance from the height limitation requirements (Sub-section 5201.1), and from the court width requirements (Sub-section 5305.1 and Paragraph 7107.22) and the rear yard requirements (Sub-section 5303.1 and Paragraph 7107.22) to permit the renovation of the existing National Press Club Building, which is a non-conforming structure, and proposed additions to the building including expansion of the building to the east in the area of a public alley proposed to be closed in a C-5 (PAD) District at the premises 529 - 14th Street, N.W., (Square 254, Lot 826 and public alley proposed to be closed).

HEARING DATES: June 24 and August 5, 1981
DECISION DATE: September 4, 1981

FINDINGS OF FACT:

1. The application was originally advertised and scheduled for the public hearing of June 24, 1981. The application requested approval of certain relief related to Lot 826. At the public hearing, the applicant advised the Board that its ultimate development plans included building over a north-south public alley which abuts the subject site on the east. Application has been made to close that alley, but final action has not yet been taken. The Board determined to consider the application on the basis of the revised plans for the entire parcel including the portion of the public alley proposed to be closed.

2. The application was rescheduled and readvertised for the public hearing of August 5, 1981. In addition to the areas of relief cited in the original notice, the second notice included "such other relief as the Zoning Administrator shall deem necessary to permit... expansion of the building to the east in the area of a public alley proposed to be closed."

3. By memorandum dated July 27, 1981, the Chief of the Review Branch advised the Board that "such other relief" included variances from the width of court and rear yard requirements.

4. The subject property is located in a C-5 (PAD) District located on the southwest corner of the intersection of 14th and E Streets, N.W.

5. The property is essentially rectangular in shape, with approximately 150 feet of frontage on 14th Street and 284 feet of frontage on F Street, including the alley.

6. The property is improved with a fourteen story building housing offices, stores and the National Press Club. The existing building occupies the entire site except for the area of the public alley proposed to be closed.

7. The applicant proposes to substantially renovate the existing building. The building would also be expanded to cover the area of the alley.

8. The existing building has a closed court in the center starting at the level of the seventh floor. Part of the renovation plans includes the covering of that court with a skylight and the extension of part of that space down to the main floor of the building.

9. The square within which the subject site is located is within the area that is subject to the Pennsylvania Avenue Plan. The Pennsylvania Avenue Development Corporation is coordinating development of the entire square. The renovation of and addition to the subject building are proposed such that this building will be interconnected to the hotel-office-retail building being constructed to the south and east.

10. The existing building has three separate penthouses extending above the top story, one for the existing bank of elevators at the southwest corner of the building, one for a fan room and one for a cooling tower. The latter two penthouses are located on the eastern end of the building. The applicant proposes to construct two additional penthouses. One new penthouse would enclose machinery for three glass elevators to be installed on the north wall of the covered court. The second new penthouse would enclose machinery for a new freight elevator located at the southeast side of the building.

11. The location of the freight elevator is fixed by its need to be adjacent to the service entrance to the building. The service facilities for the building are to be coordinated and shared with the adjoining development to the south and east.

12. Given the location of the five penthouses at all sides of the subject building, and the size of the building itself, it is neither practical nor reasonable to consolidate all the penthouses into one structure or to construct a wall linking all the penthouses in one enclosure. The construction of such a wall on the roof would increase the bulk of the structure on the roof, contrary to the intent of the Zoning Regulations.

13. The new penthouses would not be visible from street level from any of the surrounding streets.

14. The existing building has a gross floor area of 471,039.94 square feet. The applicant proposes to add 31,283.06 square feet, for a total gross floor area of 502,323 square feet. The additions would constitute a thirteen story structure over the portion of the alley being closed, the new penthouses described above, corridors on the periphery of the closed court from the tenth to the thirteenth floors and a new library area at the fourteenth floor.

15. The normal maximum floor area ratio for a building in a C-5 (PAD) District is 10.0. For the subject lot, 441,393 square feet of gross floor area would be permitted. The applicant seeks a special exception under Sub-section 5307.5 to obtain additional floor area beyond 441,393 square feet under the bonus provision of the C-5 (PAD) District.

16. The applicant proposes to include two specific design amenities in the renovation of the building to qualify for the floor area ratio bonuses. Under Sub-section 5307.3, the applicant is providing an enclosed pedestrian space and a through square connection.

17. For each square foot of through square connection provided in accordance with Paragraph 5307.43, four square feet of gross floor area may be added to the permitted gross floor area. The building includes 5,484 square feet devoted to such connection at the first floor level, as shown on Sheet 6 of Exhibit No. 39. The applicant thus receives a bonus credit of 21,936 square feet of gross floor area.

18. For each square foot of enclosed pedestrian space provided in accordance with Paragraph 5307.42, four square feet of gross floor area may be added to the permitted gross floor area. The building includes 20,405 square feet devoted to such space at the terrace, first, and second floors, as shown on sheets 5, 6 and 7 of Exhibit No. 39. The applicant thus receives a bonus credit of 81,620 square feet of gross floor area.

19. The maximum permitted floor area is 529,671 square feet. The total bonus is 103,556 square feet. The actual amount of bonus floor area requested is 60,930 square feet.

20. The plans for the enclosed pedestrian space comply with the criteria of Paragraph 5307.42, as follows:

- A. The terrace floor is directly accessible to the public by a 14th Street sidewalk entrance without steps, by escalator and elevators from above, and from the adjoining office building and hotel on the east. The F Street floor level is directly accessible by the three sidewalk entrances, one from 14th Street and two on F Street, by escalators and elevators from above and below, and from the east by the adjoining office building and hotel. The second floor is directly accessible to the public by escalators and elevators from above and below, and by the adjoining floor of the office building and hotel on the east side.
- B. The ceiling height of the enclosed pedestrian space exceeds the required twenty feet. At the center of the enclosed pedestrian space, the ceiling is 146.96 feet in height. A large part of the enclosed pedestrian space has a height of thirty-two feet. Those portions of the space less than twenty feet in height are covered by overhead obstructions, which do not cover more than thirty percent of the floor area of the enclosed pedestrian space.
- C. The average horizontal dimensions between walls forming the enclosed pedestrian space at the main level (F Street) is sixty-one feet which exceeds the required forty feet.
- D. Overhead obstructions include pedestrian bridges, balconies, mobiles and other decorative elements such as a flashing light line news strip, overhead TV news monitors and sculptural mobiles, which do not exceed thirty percent of the enclosed pedestrian space.
- E. The lighting will be appropriate for public/retail spaces. The lighting will be recessed and surface accent lights and also recessed down lights. The fountain, planting and other focal points will be highlighted to create a mixture of softness and excitement.

The main light in the atrium will be natural light from the large skylight at the roof. The skylight will be softened by reflecting panels to control excessive direct sunlight.

- F. The bonus incentive area will be used to provide restaurant space, lounges, high quality retail shops and services and the National Press Foundation Museum and public spaces serving the downtown population well past the traditional 5:00 p.m. closing time, creating a "shopping as entertainment" experience. In addition to the amenities listed above, the National Press Building Corporation plans to install worldwide audio-visual communications by TV micro wave. Suitable displays will be in the enclosed pedestrian space to bring to the pedestrian's enjoyment and enlightenment the happenings of the world.

21. The plans for the through square connection comply with the requirements of Paragraph 5307.43, as follows:

- A. The exterior entrances to the National Press Building are at sidewalk level without steps.
- B. The through square connection has an average width in excess of twenty feet and a minimum height of twenty feet.
- C. The through square connection is achieved by linking the enclosed pedestrian space to the exterior sidewalks of 14th Street and F Street and by linking to the adjoining office building and hotel in the square at three levels.
- D. The National Press Building occupies a corner lot and adjoins the office building on the east by three levels which connects to the hotel lobby and Pennsylvania Avenue sidewalk.
- E. The through square connection connects F Street with Pennsylvania Avenue and also 14th Street with 13th Street.
- F. The through square connection is lighted appropriately with accent and down lighting and natural light in the atrium from skylights.

G. Sculptures, fountains and displays do not hamper movement through the space. The space is barrier free.

H. Only retail and service uses other than public displays are provided along the through square connection.

22. The additions to the building create the need for two variances from the height requirements. The existing building exceeds 130 feet in height. Any addition to such building would require a variance from the provisions of Paragraph 7107.21. The fourteenth floor addition will also be above 130 feet in height, requiring a variance from Sub-section 5201.1.

23. The additions do not increase the total height of the building. The fourteenth floor addition will be located in a U-shaped area on the roof of the building, will be enclosed by the existing building on three sides and will not be visible from the street or adjoining buildings.

24. The addition to the building on the alley area is setback from the street line a distance of six feet. This setback, for a width of fifteen feet, was mandated by the Pennsylvania Avenue Development Corporation to accommodate windows being provided in the wall of the adjoining office building being constructed to the east. This fifteen foot wide area is a court. Based on the height of the building, a court if provided must have a minimum width of 55.57 feet. A variance of 40.57 feet is thus requested.

25. The existing building occupies 100 per cent of the lot, not including the alley. The rear yard was formerly measured to the centerline of the alley, and was considered to be fifteen feet. The normal required rear yard is 37.08 feet. With the elimination of the alley and the construction of the addition, there will be no rear yard. Variances from the requirements of Sub-section 5303.1 and Paragraph 7107.22 are required.

26. The Pennsylvania Avenue Development Corporation, by resolution dated May 13, 1981, granted preliminary approval to the plans for renovation of and additions to the National Press Building. The development as proposed is consistent with the Pennsylvania Avenue Plan.

27. The Pennsylvania Avenue Development Corporation is requiring the applicant to provide the six foot court which requires the variance.

28. The Office of Planning Development, by memorandum dated June 19, 1981, recommended that the application be approved. The OPD reported that the requested variances and

special exceptions are needed to renovate and preserve the National Press Building and also to harmonize it with the development in the remaining portion of Square 254. The renovation of this building will provide up-to-date communications and other facilities to the occupants of the building. The National Press Club has been located in the building continuously for the last fifty-five years and has provided a stage for many significant historic functions in the District of Columbia. The renovation and preservation of this building will provide continuity in the existing location of the National Press Club. It was the understanding of the OPD that the proposed building plans are in general conformity with the plan objectives of the PADC. The Board concurs with the findings and recommendations of OPD.

29. The D. C. Department of Transportation, by memorandum dated June 24, 1981, addressed the transportation elements of the proposal. The DOT reported that the renovation program calls for the expansion of the retail space from the existing 41,100 square feet to 82,000 square feet. The existing building has no off street parking spaces. The renovated one will provide 150 underground parking spaces with entrance and exit from 14th Street. This project was reviewed by DOT in conjunction with the proposed closing of the north-south alley. The applicant then submitted a traffic study plan dated May 1, 1981, showing four ten-foot lanes northbound and three ten-foot lanes southbound with a painted divider on 14th Street. The additional curb lane provided storage capacity for turning vehicles. The DOT concurred in that plan, provided that the flared entrance and exit be designed to preclude left turns in and out of the Press Club Building. The applicant has met the Department's requirements. The DOT advised that it did not expect the renovation to create measurable traffic problems on the street system adjacent to the site. The site is located less than 200 feet from the Metro Center Metrorail Station access located on the southwest corner of 13th and F Streets, N.W. Bus service is available on both 14th and F Streets. The Board concurs with the findings of the DOT.

30. There was no report from Advisory Neighborhood Commission - 2C.

31. There was no opposition to the application present at the hearing. One of the tenants in the building, who is also a minority stockholder in the National Press Building Corporation, submitted a letter to the record opposing the application. No basis for the opposition was stated.

CONCLUSIONS OF LAW AND OPINION:

The subject application requests two special exceptions and four variances. In order to be granted the requested exceptions, the applicant must demonstrate that it has complied with the requirements of Paragraph 3308.12 and Sub-sections 5307.5 and 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.

As to the roof structure exception, the Board concludes that the large size of the site, the location of the existing penthouses, and the constraints on locating the new penthouses combine to create conditions which make it impractical to enclose all roof structures in one enclosure. The Board notes that some of the penthouses are at different levels, and notes further, that, to enclose some of the penthouses within a single wall would create a greater mass on the top of the building. The new penthouse will not be visible from the street.

As to the bonus floor area exception, the Board concludes that the applicant has complied with all of the specific criteria enumerated in Paragraphs 5307.42 and 5307.43 regarding a through square connection and an enclosed pedestrian space. The total bonus credit requested is less than the 2.0 FAR maximum permitted, and is less than the maximum bonus allowed under Sub-section 5307.5.

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are all area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the variances related to the height provisions all derive from the fact that the existing building exceeds the normal height limit of 130 feet. That is an extremely unusual condition. The construction of the addition does not increase the height of the building. Any additions visible from the ground or from adjoining buildings will not exceed 130 feet in height. No addition to the building could be constructed without such variances.

The Board notes that a building which exceeds 130 feet in height would normally violate the Act of 1910. The Height Act was amended to allow a building on the subject lot to be erected to a height of 140 feet as measured from the F Street curb. The building with additions does not exceed 140 feet, and the Board has jurisdiction to grant variances for height above 130 feet

The court variance is related to the setback of the building on the F Street frontage on the site of the public alley to be closed. This setback was required by the Pennsylvania Avenue Development Corporation to be compatible

with the location of windows in the wall of the adjoining office building now under construction to the east. The requirement for the setback imposed by PADC creates an unusual condition for the lot. The width of the court cannot be increased because its width is limited to the width of the public alley.

The rear yard variance is also related to the closing of the alley. The existing building is non-conforming as to rear yard. The site is a corner lot. The building will abut new construction on both sides which do not face streets. Light and ventilation to the building will be provided through the covered atrium. The size of the lot and the location and configuration of the existing building combine to create unusual conditions.

The Board concludes that strict application of the regulations would prevent renovation and modernization of the National Press Building in accordance with the Pennsylvania Avenue Plan. Approval of the application would allow for coordinated development of the entire square 254 at substantial benefit to the public interest. The Board concludes that the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps.

The Board further concludes that the special exceptions can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall conform to the revised plans marked as Exhibit No. 26 of the record.

VOTE: 5-0 (Lindsley Williams, William F. McIntosh, Connie Fortune, Charles R. Norris and Douglas J. Patton to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Secretary

FINAL DATE OF ORDER: 30 NOV 1981.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.