

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13924, of Ian Woodner and the Trustees of Columbia University, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 5301.1 and Paragraph 7107.22), the loading berth requirements (Sub-section 7302.1) and the closed court width and area requirements (Sub-section 5305.1 and Paragraph 7107.22) for a proposed addition to an existing retail/office building, a non-conforming structure, in a C-5 District at the premises 1101 Pennsylvania Avenue, N.W., (Square 322, Lots 802, 810 and 811).

HEARING DATE: March 9, 1983
DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject site is located at the northwest corner of the intersection of 11th Street and Pennsylvania Avenue, N.W. and is known as premises 1101 Pennsylvania Avenue, N.W. It is in a C-5 (PAD) District.

2. The site is irregularly shaped. It is slightly less than one-half acre in size. The site is improved with the original ten-story Evening Star office building, built in 1898, the ten-story Evening Star Annex, built in 1920, to the north along 11th Street, and a pair of commercial store front buildings to the west facing on Pennsylvania Avenue.

3. The site is within the boundaries of both the Congressionally mandated Pennsylvania Avenue Development Corporation (PADC) area and the Pennsylvania Avenue National Historic Site. The Evening Star building is a Category III Landmark. The annex has been certified as contributing to the historic character of the Historic Site. The two store front buildings have been decertified by the Interior Department to allow their demolition in order to allow the proposed addition to the Evening Star complex.

4. Moving clockwise around Square 322 from the subject site, the eleven-story Presidential Building faces on 12th Street and defines the western boundary of the proposed project. To the north, facing E Street, is the Harrington Hotel rising twelve-stories behind the Presidential Building and seven-stories behind the annex. On 11th Street, adjacent to and north of the subject site, is the two-story

entrance structure, including one-story of offices, to the parking garage under the Presidential Building.

5. Directly across Pennsylvania Avenue, the Old Post Office is being renovated. That project, the Lincoln Square office/retail development to be built across 11th Street from the subject site and the Evening Star project are expected to be instrumental in encouraging tourists up to Pennsylvania Avenue from the Mall and then funneling them up 11th Street into the retail core, a key planning objective of the City.

6. The applicant plans to rehabilitate and restore the original Evening Star building in accordance with the Standards for Rehabilitation of the Secretary of Interior. The applicant also plans to rehabilitate the Evening Star annex and add three floors, eleven through thirteen, for office use, increasing the height to the maximum of 160 feet above Pennsylvania Avenue. The plans also call for a ten-story office/retail addition to the original Evening Star building to be located on the west side of the original building and a temporary structure on the roof of the composite ten-story Evening Star building to house a restaurant.

7. The addition will increase the existing 148,334 gross square feet of office space by 176,726 square feet of gross floor area and will add 35,320 square feet of gross floor area of retail space on the first and second floors of the ten-story addition on Pennsylvania Avenue. The result will be a restored and expanded Evening Star building and annex, bringing the total space up to the envelope called for in the PADC plan and providing retail activity relating to pedestrians along Pennsylvania Avenue and along 11th Street.

8. The project has the conceptual approval of the Fine Arts Commission.

9. Given the age of the existing structures, the landmark status of the original Evening Star building, the National Historic Site, and the PADC jurisdiction and objectives for the subject site, the applicant is unable to meet those requirements of the Zoning Regulations relating to rear yard, closed court width and area, and loading berths for the proposed additions to the Evening Star building and annex. Thus, the applicant seeks relief in the form of three variances.

10. The existing Evening Star complex is non-conforming as to the depth of its rear yard. The complex, built against the rear property line with no rear yard, would, if built today, be required to have a rear yard of approximately twenty-seven feet. The three-story addition above the annex would require an additional six feet of rear yard.

11. Paragraph 7107.22 allows additions to non-conforming structures devoted to conforming use provided adjacent yard requirements are met. The applicant faces severe practical difficulties in meeting this regulation. The site is a confined area with existing streets and buildings on all sides. It is improved with a Category III Landmark and a contributing building to the National Historic Site. It is constrained by its angular shape and the substantial set back requirements of the PADC, fifty feet to a height of 130 feet and 100 feet between heights of 130 and 160 feet. The PADC has been mandated by Congress to redevelop the PADC area as an integrated development, providing the PADC with design review. As such, the PADC guidelines, for Square 322, encourage development that does not and will not have an alley system or rear yard system and does not and will not have rear windows requiring light and air.

12. The absence of a rear yard, in this particular situation, will not have any substantial adverse impacts, and granting the rear yard variance will not substantially impair the integrity of the Zone Plan for the City. A two-story garage exists behind the annex, with no windows or sky lights. In addition, PADC has designated a developer to develop the air space over the garage entrance with an infill project to be built to the same height as the proposed addition to the annex and to create a solid streetscape along 11th Street. No adverse impacts will occur from the granting of a rear yard variance.

13. The existing Evening Star complex is non-conforming as to closed court width and area requirements. The annex is built to within 5.9 feet of the adjacent Presidential Building on the west and 8.4 feet of the adjacent Presidential Building parking entrance structure along thirty-six feet of its northern boundary. The area of the closed court, which would not change with construction of the proposed three additional floors above the annex, is 989 square feet. If the annex were built today with a similar closed court, the court would be required to be 32.5 feet wide and have an area of 3,088 square feet. The proposed three-story addition to the annex causes a deficiency in court dimensions of 7.5 feet in width and 113 square feet of area, out of a total deficiency of 2,211 square feet.

14. Paragraph 7107.22 allows additions to non-conforming structures devoted to conforming use provided the closed court requirements are met. The applicant faces practical difficulties in meeting this regulation. The existing buildings that form the court make it impossible to change the court's dimensions. While the additional court width deficiency caused by the three-story addition is only 7.5 feet, that was largely mandated by the PADC plan which required the addition to be set back toward the rear of the site, away from Pennsylvania Avenue.

15. The non-conforming closed court width and area will not have any substantial adverse impacts, and granting the court variances will not substantially impair the integrity of the Zone Plan for the City. The PADC has designated a developer to develop the air space over the adjacent garage entrance structure to the north with an infill project to be built to the same height as the proposed three-story addition. That infill project will not be affected by a court variance. The 5.9 foot wide court on the west which abuts the east wall of the Presidential Building provides light and air for very few windows.

16. The Evening Star complex currently has one loading berth which will be expanded to accommodate a thirty foot long truck. However, because the applicant plans to construct 35,920 gross square feet of retail space, the applicant is required by Sub-section 7302.1 to provide two loading berths. Under normal conditions, the applicant could likely have provided retail uses on the ground floor of only 19,251 gross square feet and thus be in conformance with the regulations regarding loading berths. However, in the interest of creating a magnet for pedestrians on the north side of Pennsylvania Avenue, across from the Old Post Office shops and restaurants, the PADC has encouraged the applicant to program more retail space than normal, providing active retail uses along the Pennsylvania Avenue and 11th Street frontages.

17. The applicant faces substantial practical difficulties in meeting the requirement for two loading berths. The additional berth would be allowed only on 11th Street. The Evening Star building and annex have been certified as contributing to the National Historic Site, and Interior Department staff will review their restoration and renovation. A second loading berth carved out of the 11th Street facade would not meet historic standards. It would not be recommended by PADC because of its likely impact on the pedestrian-oriented retail uses programmed along 11th Street.

18. The existing single thirty foot deep loading berth will be adequate for peak hour demand by large trucks serving the complex. In order to provide space for smaller delivery trucks, it is proposed that forty feet of the 11th Street curb lane, adjacent to the annex, be used for loading. This will have little impact on traffic flow on 11th Street, given the six lane width of the street and relatively low traffic volume. The applicant plans to work with the D.C. Department of Transportation to ensure a workable solution.

19. The Office of Planning, by report dated March 2, 1983, was of the opinion that this application meets the intent of Paragraph 7107.22 and Sub-sections 5303.1, 5304.1 and 7302.1. It also meets the intent of Paragraph 8207.11

of the Zoning Regulations, the purpose of which is to provide relief for a property owner from compliance with specific area restrictions. The nonconformities for rear yard, closed court and loading berths were brought about by the pre-1958 age of the existing structures, the landmark status of the original Evening Star building, the National Historic Site and the PADC jurisdiction and very specific objectives for the subject site. These nonconformities would not be appreciably exacerbated by the proposed office/retail addition, and there would be no significant adverse impact on the surrounding area or the community at large. The Board concurs in the reasoning and recommendations of the OP.

20. Letters from abutting and nearby property owners were filed in the record voicing support of or no objection to the granting of the application.

21. There was no opposition to the application.

22. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property. The Board concludes that the subject site is subject to extraordinary or exceptional conditions by virtue of the irregular lot shape, the existence of historic structures on the subject site, the existence of constraints imposed by the design guidelines of the PADC and further restrictions adhering to rehabilitation of the certified historic structures imposed by the Secretary of the Interior by virtue of the subject site lying within the Pennsylvania Avenue National Historic Site. The design constraints flowing from setback restrictions imposed by PADC and the historic preservation requirements create practical difficulties for the applicant in strictly complying with the applicable Zoning Regulations. The Board is of the opinion that the proposed addition to the site will not result in any objectionable new traffic or loading impacts or any other objectionable conditions and will not adversely affect the light and ventilation of surrounding uses. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the zoning plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Maybelle Taylor Bennett, Douglas J. Patton,

William F. McIntosh and Charles R. Norris to grant; Carrie Thornhill not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

JUN 22 1983

FINAL DATE OF ORDER: _____

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.

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