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**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of the International Monetary Fund
1250 New Hampshire Avenue, N.W.**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The subject property is located at 1250 New Hampshire Avenue, NW, and is currently a portion of Record Lot 186 in Square 70¹ (the "Site"). Square 70 is bounded by N Street on the north, 21st Street and New Hampshire Avenue on the east, M Street on the south and 22nd Street on the west. It is bisected by Ward Place. The Site is located along New Hampshire Avenue in the north half of the square. The Site is zoned R-5-E and is located within the Dupont Circle Overlay District. The owner of the Site is the International Monetary Fund ("IMF").

The Site is improved with a ten-story apartment building with one below-grade level of parking and is known as the Concordia ("Concordia"). The Concordia was constructed in the mid-1960's. In the early 1970's, the IMF purchased the Concordia and the adjacent Bond Building. In 1972, the buildings were joined by a one-story connector containing 190 square feet and became a single building for zoning purposes. Since that time, the single building has been used for visitors to the IMF, the World Bank and International Finance Corporation as well as for attendees of the IMF Institute.

Both the Concordia and adjacent Bond Building are in need of major renovations to ensure basic operations. As a result, the IMF intends to renovate and reclad the Concordia for continued use as housing for guests to the IMF, World Bank and IFC as well as attendees of the IMF Institute. Because the renovated Concordia Building will be sufficient to satisfy the IMF's needs, the IMF intends to sell the Bond Building for renovation and future use by a third-party purchaser. Thus, the single building connector will be demolished, and the buildings will be separated. New record lots will be created in order to allow this renovation and sale to move forward.

The renovation of the Concordia involves recladding the building, enhancing and updating the interior space and bringing elements of the building in compliance with current standards. The renovation relies on the existing footprint and structural system of the building. As a result of the renovations, the newly enhanced building will not comply with the parking requirements or roof structure requirements. Thus, the Applicant seeks a variance to reduce the number of parking spaces required under Section 2101.1 of the Zoning Regulations and special exception relief for the roof structure pursuant to Section 411.11 of the Zoning Regulations.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than fourteen days prior to the public hearing for the present application. In this statement, and at the public hearing, the Applicant

¹ A subdivision application was filed with the Office of the Surveyor to create a new record lot for the site on July 26, 2011.

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will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance and special exception relief. Following herein, as required by the Board's application process, is a preliminary statement indicating how the Applicant meets the burden of proof.

II. Burden of Proof - Variance for Parking Reduction

Since constructed, the Concordia has contained no more than 105 residential units, which resulted in a parking requirement of 26 spaces both under the regulations in effect at the time it was constructed as well as under the current Zoning Regulations (i.e., 1 space for each 4 dwelling units). As part of the renovation, the IMF intends to increase the number of units to 121 residential units within the same amount of gross floor area. The existing building contains one level of below-grade parking and a small surface lot at the rear of the building. Within this space, the Concordia can only accommodate the existing 26 parking spaces.

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(A) Exceptional Condition or Situation:

The Site is an irregularly-shaped lot and improved with an irregularly shaped building that was constructed in the mid 1960's. The existing building will be renovated within the confines of the existing structure.

(B) Resulting Practical Difficulty:

Strict adherence to the Zoning Regulations would require that the building provide 30 total parking spaces. The existing parking facility can only accommodate 26 parking spaces in the configuration shown on the plans submitted herewith. The locations of these parking spaces are dictated by the location of existing columns and facilities. The requested variance results from the size of the existing parking garage and small surface parking lot. No additional parking can be accommodated on-site. No additional below-grade levels can be excavated given the location and configuration of the existing structure and foundations.

(C) No Harm to Public Good or Zone Plan:

The requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. The parking provided for the Concordia will be sufficient to serve the demands of the renovated Concordia. Based on the IMF's past use of the Concordia, the IMF has found that most visitors to the building are from international locations and do not need or use cars. Thus, the variance reduction of 4 parking spaces will not have an adverse impact.

III. Burden of Proof - Special Exception for Roof Structure

Due to the configuration of the existing building and the need to comply with standards and requirements not in effect at the time of construction, the project does not fully comply with the roof structure requirements set forth in Section 411 of the Zoning Regulations. Specifically, Section 411.5 of the Zoning Regulations provides that enclosing walls from roof level shall be of equal height. Because the proposed project does not comply with this provision, the Applicant requests special exception relief to deviate from the strict compliance of the Zoning Regulations as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure requirement where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." 11 DCMR § 411.11.

The Applicant requests relief from Section 411.5 in order to incorporate a roof structure that has walls of unequal height. Specifically, the Concordia currently includes a penthouse structure that has a maximum height of 11 feet above the roof on which it sits. The roof also includes an existing swimming pool. The Americans with Disabilities Act requires that access be provided to this existing swimming pool, which was not required at the time of original construction, and thus, an elevator must be brought to the roof. The elevator and elevator override equipment must be enclosed within a portion of the penthouse that has a maximum height of 17 feet, 5 inches above the roof on which it sits. If all walls of the penthouse are raised to this level, the penthouse would no longer meet the required 1:1 setback requirements for the exterior wall facing the alley.

The proposed roof structure preserves the light and air of other buildings and has no adverse impacts. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.11.

STATEMENT OF EXISTING AND INTENDED USE

The Site is currently improved with a 10-story apartment house used to house guests to the IMF, World Bank and IFC as well as for attendees of the IMF Institute. This application proposes a renovation of the existing building for the same use.