

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

Application of SB-Urban, LLC
ANC 2B

BZA Application No. 18744
Hearing: May 6, 2014

PRE-HEARING STATEMENT OF THE APPLICANT

This is the pre-hearing statement for the application of SB-Urban, LLC (“**Applicant**”) on behalf of the Washington Club (“**Club**”) for variance and special exception relief to permit the conversion of and addition to an existing historic building for use as an apartment building. The apartment building will be developed, owned and operated by the Applicant as furnished studio apartments rented to single professionals who seek housing that is proximate to centers of employment, transit and urban life.

The property that is the subject of this application is located at 15 Dupont Circle, NW (Square 136, Lot 34) (“**Property**”). The Property is located in the DC/SP-1 Zone District. As reflected below, the Applicant amended its application.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve the following four areas of relief:

1. Variance from Section 536.3 (court width) for two courts not providing the minimum required width;
2. Variance from Section 2100.10 (parking requirement for existing building) to eliminate existing parking spaces;¹

¹

The Zoning Administrator generally requires the retention of an existing parking area for an existing building that does not otherwise provide any parking. In this case, an area at the Property’s rear arguably provides unstriped parking that will be eliminated with the proposed project, so the Applicant is seeking relief from the Zoning Administrator’s requirement out of an abundance of caution.

3. Special exception under Section 2120.6 (required parking spaces for historic resources) to provide zero parking spaces (instead of the requirement of twenty-three spaces;² and
4. Special exception under Section 411.11 (roof structure) for a roof structure not set back a distance equal to its height and having enclosing walls of unequal height.

In addition, the Applicant requests that the Board approve flexibility to modify the design of the building to address any comments from the D.C. Historic Preservation Review Board (“HPRB”) (or HPRB staff) during final review of the project so long as such modifications do not require any additional areas of relief.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations (11 DCMR §§ 3103.2 and 3104.1).

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located in the northwest quadrant of the District and in Ward 2. The property is trapezoidal-shaped and contains approximately 13,853 square feet of land area. It is a corner lot with frontage on both Dupont Circle to the west and P Street to the south. To the north, it is bordered by a nine-story office building (zoned DC/C-3-C), and to the east, it is bordered by the Consulate of the Republic of Iraq. The surrounding area contains a mix of office, residential, institutional, hotel, and retail uses.

The Property is improved with the Patterson House (“**Mansion**”), a four-story former residence that is owned and occupied by the Washington Club as a private club. The Mansion includes a two-story addition at its rear (east) that was constructed circa 1956. The floor area ratio (“**FAR**”) of the existing improvements is approximately 2.20. The Mansion is a historic

² The Applicant originally requested a variance from Section 2101.1 but now amends its application to request special exception relief for the required parking under Section 2120 (parking for additions to historic structures).

landmark, and it is also located within the Dupont Circle and Massachusetts Avenue Historic Districts.

The Applicant intends to demolish the two-story rear addition to the Mansion and replace it with a new seven-story addition. The proposed design was granted concept approval by the Historic Preservation Review Board at the Board's February 2014 meeting. (Exhibit E: HPRB Staff Report.)

IV. BACKGROUND AND PROJECT DESCRIPTION

The Patterson House, constructed in 1902-03, was designed by architect Stanford White (of the firm McKim, Mead, and White) for Robert Wilson Patterson, the editor of the *Chicago Tribune*, in the Italian neoclassical style. The Patterson family continued to control the property for nearly five decades and maintained it as a social hub. Among other highlights, the Mansion served as a temporary home for President Coolidge and his wife while the White House was under renovation in the 1920s, and the President hosted Charles Lindbergh at the Mansion following his transatlantic flight. The Club bought the property in 1951 and has used it as a private club since then. The addition to the Mansion is not considered to contribute to the character of the landmark.

The Applicant proposes to convert the Property to use as a furnished all-studios apartment building containing 92 dwelling units and amenity spaces ("**Project**"). (Exhibit A: Plans.) The Applicant's intended demographic for this Project are single professionals without cars who want to live in a walkable neighborhood close to the central business district with urban amenities and convenient access to public transportation. Since the apartments will be furnished, they will attract residents who want as much convenience as possible. The Applicant expects

that prospective tenants will not own or bring a car, given the Property's proximity to employment, urban life, and transit.

The apartments are relatively small (each contain approximately 350 square feet); however, the Applicant will provide significant amenities spaces within the Project that will be shared among all residents. These shared living spaces will be provided on the first and second floor of the Mansion, and will allow the Applicant to generally retain the existing layout and character of these floors. To accommodate the design of the proposed apartment building, the Applicant will demolish the existing non-contributing addition and construct a new seven-story addition in its place. The Mansion will contain both apartments and the community/amenity spaces, and the addition will contain only apartments.

The Mansion measures approximately 57.7 feet in height, and the addition will be 69.5 feet in height, both within the 70 foot height limit in the SP-1 Zone District. The Project will have a maximum FAR of approximately 3.9, which is within the 4.8 FAR limit in the SP-1 Zone District. Further, the addition will bring the lot occupancy of the building to 76%, which is within the 80% limit for residential uses in the SP-1 zone. Except for the relief requested herein, the Project will comply with the Zoning Regulations. The Project will comply with the requirements of inclusionary zoning and the green area ratio.

The proposed Project will contain two nonconforming courts. The first court will be to the east of the addition at the southeast corner of the Property and will be six feet wide to provide a set back from the Iraqi Consulate. The required width of this court is 20'-10". The second court will be on the south side of the building between the Mansion and the proposed addition, opening on to P Street. The Applicant provided this court because of comments by the HPRB to

provide separation between the landmark and the addition. The required width of this court is 15 feet, and the provided width will be 14 feet.

The proposed addition will increase the gross floor area of the historic resource by greater than 50%, so parking is required for the addition. As such, 23 parking spaces are required for the addition. However, with the construction of the addition, the Project will eliminate an area that is arguably currently used for parking.³ Further, the Project will not provide any new parking spaces.

The Project is consistent with the purposes of the Dupont Circle Overlay. The DC Overlay is intended to require a scale of development consistent with the nature and character of Dupont Circle in height and bulk; protect historic resources and prevent demolition activity that would lead to an inappropriate increase in height or FAR; enhance residential character by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development; ensure the compatibility of development with the Comprehensive Plan; preserve areas planned as open gardens and backyards; and enhance the streetscape by maintaining public space as landscaped green space.

Here, the Project will be within the height and bulk that is permitted in the SP-1 Zone District and is otherwise consistent with the nature and character of Dupont Circle, which contains a mixture of historic structures and taller new construction around the circle. The Project will protect and enhance the Mansion through an adaptive reuse that takes advantage of the Mansion's unique history and is compatible with its height and mass. The Project will not displace any existing residential units or disturb any planned open gardens or backyards. It will add to the residential character of the neighborhood by returning the Mansion to a residential use.

³ The area is not striped for parking but is occasionally used to stack valet-parked cars during events.

By not providing parking and by adding residential units close to multiple transit options, the Applicant will encourage greater use of public transportation. By removing existing curb cuts on P Street and Dupont Circle, the Applicant will improve the free circulation of vehicles through the streets.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR AREA VARIANCES

The burden of proof for an area variance is well established. The applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition; (ii) that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant; and (iii) that the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zone plan. *See, e.g., Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). As set forth below, the Applicant meets the three-part test for the requested variance from the court width requirements and the requirement to maintain existing parking spaces.

A. The Property is Affected by an Exceptional Situation or Condition

The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C Board of Zoning Adjustment*, 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that "property generally includes the permanent structures existing on the land." *Id.* at 293-294. Indeed, the Court repeatedly has rejected the idea that the exceptional situation and practical difficulty justifying a variance must arise from the physical aspects of the land. *See Monaco v. D.C. Board of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979).

Here, the Property is unique because it is improved with an existing building that is a historic landmark as well as located within two existing historic districts, which reduces the

buildable area of the lot. Furthermore, the lot is an irregularly-shaped corner lot and the existing building “fronts” on the intersection at the southwest corner of that lot at Dupont Circle and P Street, rather than on a particular street face or lot line. The Property is also located adjacent to the Iraqi Consulate, which is a unique condition. Finally, the Property is improved with a 10-foot wide driveway along its eastern side that does not meet the minimum requirements of the Zoning Regulations (14 feet for a two-way driveway).

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

To satisfy the second element for an area variance standard, the Applicant must demonstrate "practical difficulty." The D.C. Court of Appeals has established a two part test for determining whether an applicant has met its burden of proof. The applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property." *Gilmartin*, 579 A.2d at 1170. The Court of Appeals has held that the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Id.* at 1171. "Increased expense and inconvenience to applicants for a variance are among the proper factors for [the] BZA's consideration." *Id.* Some other factors that the BZA may consider are "the weight of the burden of strict compliance," "the severity of the variance(s) requested," and "the effect the proposed variance(s) would have on the overall zone plan." *Id.*

1. The practical difficulty in complying with the court width requirements results from the exceptional conditions affecting the Property.

The location of the addition, and resulting court widths, is driven by historic preservation considerations. Since the Mansion is a historic landmark, the Applicant cannot redevelop the portion of the Property occupied by the original building through construction either in front of

or on top of the Mansion. Therefore, any new development must be located on the area of the Property between the Mansion and the eastern property line. Preservation officials have required that the proposed addition be set off from the Mansion to allow the Mansion to read as a standalone building. (Exhibit E: HPRB Staff Report.) This pushes the addition to the east but limits the allowable width of the addition. At the same time, in deference to the Iraqi Consulate (which is also a historic structure), the Applicant must provide a setback from the eastern lot line to provide visual separation between the addition and the historic Iraqi Consulate structure.

As a result, the addition must be located in the center of the narrow available development area on the Property. This results in noncompliant open courts on both the west and east portions of the addition. If the Applicant were able to shift the addition either all the way to the east or all the way to the west, it would eliminate the need for such court relief. However, such a design would not be acceptable to historic preservation officials. And if the courts were constructed to the required width under the Zoning Regulations, this would squeeze the width of the addition and make it too narrow to accommodate all of the essential space in the street-facing apartments that makes them desirable and livable.

The only other way to achieve compliance with the court requirements would be to eliminate the street-facing units on the front of the building. Such a design would be similarly unacceptable from a programmatic, preservation, and planning standpoint. The loss of such units would render the Project programmatically impracticable. The concept for the Project relies on smaller furnished studio apartments supported by an outsized amount of shared amenities spaces. The larger amenities spaces require a critical mass of residents to facilitate the activity and interaction that will make such spaces successful. From a preservation perspective, these shared amenities spaces will be located within the first and second floors of the Mansion

and will allow the Project to generally maintain the Mansion's existing living spaces. An alternative residential development with more traditionally-sized apartment units and amenities spaces would likely lead to carving up these existing spaces into additional residential units. Finally, the loss of the units to create a compliant court would result in a significant setback from the street, which runs counter to planning principles that promote bringing the building out to the streetwall to activate the public realm, particularly in such an urban location.

2. The practical difficulty in complying with the requirement to maintain existing parking results from the exceptional conditions affecting the Property.

The locational constraints on the addition mandated by historic preservation also preclude the Applicant from maintaining the existing paved area and parking on the Property. As discussed above, HPRB required that the addition be pushed significantly east, away from the Mansion. If the Applicant were also required to maintain the existing pavement and parking on the eastern portion of the Property, the remaining available development area would be too narrow to accommodate an addition that meets program and operational needs. The building program must be able to accommodate a minimum number of apartments to support the shared amenities spaces concept, as described above. If the Applicant were to preserve the existing pavement, then it would lose 16,800 square feet in the addition. This floor area is essential to providing a viable and functional project. In addition, it would create design challenges for providing a conforming driveway on a site that is already very constrained. The addition must have a certain width to simply accommodate the minimum required apartment sizes as well as the building core and corridor components necessary for the addition.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

Finally, the Applicant must demonstrate that "granting the variance will do no harm to the public good or to the zone plan." *Gilmartin*, 579 A.2d at 1167. Here, the requested variances can be granted without causing any adverse impact on the neighboring properties. First, no adjacent property is impacted by the court width variance. The eastern court will provide for more light and air to the Iraqi Consulate than if the Applicant were to construct to the property line, so the proposed court will not create a condition that will restrict light and air more than a conforming condition. A conforming eastern court would push the addition to close to the Mansion. The southern court is contained entirely within the Property and does not open onto another property; thus, it will not adversely impact any adjacent properties. A conforming southern court would push the addition closer to the Iraqi Consulate.

Indeed, the court relief results in a Project that will promote multiple city and community objectives. The Project, with relief, results in additional housing and affordable housing units, a substantial green roof, and an extensive TDM package described by one ANC commissioner as a "model" for other developers. A hypothetical compliant building as described above would likely reduce the size of the addition such that it increases the gross floor area of the existing improvements by less than 50%. This would mean that no inclusionary zoning is required, eliminating all affordable units within the Project. This would also mean that the Green Area Ratio ("GAR") requirements are not triggered, which would allow the Applicant to reduce the economically burdensome aspects associated with compliance with GAR. Finally, this would mean parking relief is not required, which would eliminate the opportunity for the District to mandate that TDM measures and RPP protections be provided.

The variance to eliminate the existing parking spaces (and the related special exception from the requirement for new parking spaces, which is discussed in detail below) will not adversely impact traffic or on-street parking availability in the neighborhood. The Project is intended to provide a housing alternative for those who are moving to DC for an indeterminate amount of time for professional reasons and seek housing that is close to transit, work, and urban amenities. These individuals will generally arrive with a backpack, a laptop, and a credit card. The Project will provide them with a furnished apartment, on-site social amenities, and a location that is proximate to transportation alternatives, centers of employment, and urban amenities both for day-to-day errand and social nightlife. (Exhibit B: Urban Life Map.)

Accordingly, the Project's residents are very unlikely to own cars or bring them to the Project. To further facilitate the lack of need for a car, the Project will provide a robust transportation demand management program that includes ample bicycle parking and an on-site bicycle repair facility, Capital Bikeshare memberships for all new residents who do not own a bike for the first five years of the Project (and on-site bicycle helmets for use by these residents), and carsharing memberships for all new residents for the first five years of the Project. (Exhibit C: TDM Summary.) The TDM program will also ensure that residents do not bring a car and park it on neighborhood streets.

The site address is currently not listed under the Residential Parking Permit ("RPP") system, nor is it eligible for RPP because neither street frontage is zoned residential. The Applicant will refrain from applying for RPP status for the property, and will also preclude residents from applying for RPP through a lease provision. (Exhibit C: TDM Summary.) While important as a backstop, the RPP provisions will likely not be necessary because residents who choose to live at the Project will do so precisely because they do not want or need a car. Those

who want a car will choose another apartment complex that provides parking. This is akin to a prospective tenant who wants to own a pet; such tenant would only seek out apartment buildings that allow pets.

The absence of adverse impacts from the parking variance is further proven in the Applicant's Traffic Study. (Exhibit D: Applicant's Traffic Study.⁴) The traffic study conservatively estimates that 90% of the Project's trips will be made by means other than automobile, given the wealth of transportation alternatives available near the site. As a result, the site will generate an estimated 5 AM peak hour and 6 PM peak hour trips by vehicle. These trips will not have an adverse impact on traffic through surrounding intersections, and sufficient off-street parking facilities are available for those who choose to drive. Similarly, guests and visitors will likely be similar in character to the Project's tenants, and will use public transportation to arrive at the site. Finally, the Project will eliminate curb cuts on P Street and Dupont Circle, thereby reducing pedestrian-automobile conflicts.

VI. THIS APPLICATION SATISFIES THE CRITERIA FOR A SPECIAL EXCEPTION FOR PARKING FOR A HISTORIC RESOURCE

Section 2120.6 provides that the Board "may grant relief from all or part of the parking requirements of [Section 2120] if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource." As described below, providing the required parking would compromise the architectural integrity and appearance of the historic Mansion.

⁴ The Traffic Study was submitted to DDOT on March 10, 2014.

First, underground parking is not possible because the Applicant cannot excavate under the historic Mansion without a high risk of damaging it. The historic Mansion is more than 100 years old and excavating under it would involve extensive underpinning and structural support that has no guarantee of preventing damage. The risk of damage is too high to consider providing parking under a building that was engineered to sit on a solid foundation. Attempting to provide parking under the historic Mansion contravenes the intent of Section 2120.6, which is to prevent damage to historic buildings from having to provide required parking. Further, it is not possible to provide parking under only the addition because of the space constraints of providing necessary drive aisle widths and turning radii that would consume more area than is available. The area of the addition is narrow and cannot accommodate parking spaces, ramps, and drive aisles without digging deeply for many parking levels at great expense. Given the very low likelihood of residents having cars, the cost per parking space for parking under only the addition would be prohibitively expensive and add an unnecessary expense to the Project.

Second, because of the shape of the Property and the area that the addition will occupy, there is no space for surface parking without significantly reducing the footprint of the addition or by shifting the addition to be closer to the historic Mansion. As discussed above, reducing the footprint of the addition will render the project infeasible because of the necessary building program and core requirements. Therefore, the only other option is shifting the addition to be closer to the Mansion, but this is not a viable alternative.

Shifting the addition closer to the Mansion would result in significant architectural difficulty in maintaining the historic integrity and appearance of this historic resource. An addition too close to the historic Mansion would overwhelm it and detract from the Mansion's unique importance as a prominent landmark building on Dupont Circle. A closer addition would

not be architecturally compatible with the historic Mansion because it would need to be taller to accommodate the entire necessary building program. As proof of this claim, the Historic Preservation Review Board (“**HPRB**”) already rejected a recent prior proposal for such an addition to the historic Mansion that was much closer and taller than what is proposed in this application.⁵ As the Historic Preservation Office (“**HPO**”) Staff for the prior, taller addition described:

The addition is incompatibly tall in relationship to the Patterson House, whose cornice, roof line and chimneys are distinctive features that would be greatly diminished when no longer seen against the sky. The proposed five-foot hyphen offset is too narrow and too tall to allow the house to continue to be understood as a free-standing building... [T]he proposed addition dominates the house and the surrounding streetscape. The addition compromises the cadence of building massing and open spaces that characterize this ensemble of free-standing buildings; it introduces a solid mass in a space that was designed to be an open void.

Any addition that could accommodate surface parking would have to be similarly tall and close to the Mansion, thereby resulting in an architectural difficulty in maintaining the historic integrity of the Mansion. By being shorter and further separated from the Mansion, the currently proposed addition is architecturally compatible and preserves the historic integrity of the Mansion. Indeed, the HPRB confirmed this compatibility when it approved the concept for the currently proposed addition on February 27, 2014. (Exhibit E: Staff Report.) The result, however, is that no space on the Property will be able to accommodate surface parking.

In addition, as required under Section 2120.6, this application satisfies the four stated criteria below.

A. Section 2120.6(a) – Maximum Number of guests who can reasonably be expected to use the proposed building or structure at one time

The site will have approximately 92 units, which will likely be only occupied by one person. In addition, the site will have a handful of on-site staff to manage the property.

⁵ HPA No. 13-577, concept denied by the HPRB on October 24, 2013.

Residents may also have visitors from time to time, but given the small size of the units, it is expected that most residents will choose to socialize on-site with other residents in the on-site amenities spaces or off-site with other friends and colleagues at any of the many restaurants, parks, recreational facilities, bars, clubs, and other social venues located within a short walk, bike ride, cab ride, or Metro ride of the Project. (Exhibit B: Urban Life Map.)

B. Section 2120.6(b) – Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood

As summarized above, the Project will have minimal impact on traffic congestion. (Exhibit D: Traffic Study.) Because of the high level of use of Metro, bus, biking and walking modes of transportation, only 10% of site traffic will be by automobile, resulting in only 5 AM peak hour and 6 PM peak hour trips, which will have no discernible impact on the surrounding street network.

C. Section 2120.6(c) – Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete

There are 15 parking garages available to the public within a ¼ mile of the Project. (Exhibit D: Traffic Study.) These garages currently have at least 70 monthly parking spaces available—including the garage at 11 Dupont Circle, which is immediately adjacent to the Project. However, for all of the reasons set forth above, it is very unlikely that residents of the Project will bring a car and need parking. Similarly, their visitors will also likely be transit- and bike-oriented individuals who come to the Project by means other than driving.

D. Section 2120.6(d) – Proximity to public transportation... and availability of either public transportation service in the area, or a ride sharing program...

The Property is in very close proximity to many modes of public transportation. (Exhibit D: Traffic Study.) The entrance to the Dupont Circle Metro station is less than 500 feet away. A Metrobus stop servicing four routes is adjacent to the Property on P Street, and many more routes have stops within four blocks of the Property. In addition, multiple Capital Bikeshare stations are within four blocks of the Property. Finally, multiple carsharing options are available within a couple of blocks of the Project. The proposed TDM measures will enhance and encourage the use of these transit alternatives. (Exhibit C: TDM Summary.)

Because this application satisfies the criteria set forth in Section 2120.6, the proposal to provide no off-street parking in the Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property.

VII. THIS APPLICATION SATISFIES THE CRITERIA FOR A SPECIAL EXCEPTION FOR A ROOF STRUCTURE NOT MEETING ALL REQUIREMENTS

Section 411.11 provides that “where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the [Board] shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements...” Accordingly, under this Section, the Board may approve a roof structure that does not satisfy the setback requirement under Section 400.7 and the requirement that enclosed walls be of equal height under Section 411.5 when compliance would be restrictive, prohibitively costly, or unreasonable because of conditions relating to the

building. The proposed roof structure will not have walls of equal height and will not be sufficiently set back from portions of the eastern and western exterior walls.

Complying with the requirement for equal heights of enclosing walls would be unnecessarily restrictive for the Applicant. Only portions of the structure require the full 11'6" height to enclose the equipment beyond; the remainder of the structure requires only a 7'6" height to adequately enclose the equipment. Therefore, the Applicant proposes to lower the height of the majority of the roof structure where possible to minimize its appearance. Without the requested relief, the roof structure would be unnecessarily large when many of its functions could be accomplished within a shorter enclosure. Thus, the intent of this regulation to prevent unsightly roof structures will be better served with the proposed roof structure.

By reducing roof structure wall heights, the Applicant will reduce the possibility of adversely affecting neighboring property more than would one larger structure of uniform wall height. The visual impact of the roof structure from the vantage points where it is visible will be significantly lessened, as proposed, particularly from 18th Street. Therefore, it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Complying with the required setback would be overly restrictive to the Applicant. The roof structure must be of a certain size (both height and width) in order to accommodate the mechanical equipment and elevator penthouse. Furthermore, the location of certain roof structure components is fixed due to the location of corresponding building core elements. For example, the proposed elevator location allows for the most efficient layout of units and corridors below, and a shift would result in a loss of functional space.

Therefore, due to the narrowness of the addition and the location of building core components, the roof structure can only be located in a handful of possible configurations: either

as proposed, with the bulk of the structure aligned to the west, or in the alternative, with the bulk of the structure, with the bulk of the structure aligned to the east. Either way, the structure cannot comply with the setback requirements.

Given the two choices, the Applicant has elected to generally shift the penthouse further to the west, so that the impact of the reduced setback (if any) is directed to within the Project, rather than on surrounding properties. The mass of the Mansion will obscure any view of the penthouse from Dupont Circle and from most of P Street. With the alternative alignment, the penthouse theoretically could be more visible when viewed from 18th Street.

Therefore, the selected west-aligned configuration and resulting nonconforming setback will not adversely affect neighboring properties. Because the roof structure will be adequately set back from all walls confronting streets, it will not adversely impact public spaces. Furthermore, the nonconforming setback will not result in the elevator overrun looming over the Iraqi Consulate or obstructing light and air to the Iraqi Embassy since the roof structure will be marginally visible – if at all – from that building due to the height differences. Accordingly, the requested roof structure relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

VIII. COMMUNITY OUTREACH

The Applicant presented the Project to ANC 2B's Zoning, Preservation and Development Committee as well as to the full ANC 2B at public meetings in February 2014 and again in March 2014. At the March 2014 meetings, the Committee and the full ANC voted unanimously to support the Project, including the requested zoning relief.

IX. HEARING PREPARATION AND EXHIBITS

At the public hearing, the Applicant is prepared to present a representative of the applicant as well as the project architect and traffic consultant. (Exhibit G: Outlines of Witness Testimony.) The architect and traffic consultant will each be proffered as experts in their respective fields. (Exhibit F: Expert Witness Resumes.)

Exhibit A	Updated Plans and Elevations
Exhibit B	Urban Life Plan
Exhibit C	TDM Program Summary
Exhibit D	Traffic Study
Exhibit E	HPRB Staff Report
Exhibit F	Resumes of Expert Witnesses
Exhibit G	Outlines of Witness Testimony
Exhibit H	Proposed Conditions of Approval

X. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested variance and special exception relief in this case. Proposed conditions of approval are included as Exhibit H.

Respectfully submitted,
GOULSTON & STORRS, PC



John Epting



David Avitable



Cary Kadlecek

Date: April 22, 2014