

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

**Application of Newletterman Associates, LLC (the "Applicant")
1727 Massachusetts Avenue, N.W., Unit C-10; Square 157, Lots 95 & 96 (the "Property")**

Applicant's Statement

I. Introduction

The Property known as "Unit C-10" is located at 1727 Massachusetts Avenue, N.W. (Square 157, Lots 95 and 96). The structure located at 1727 Massachusetts Avenue, N.W. is an eight-story Apartment House with one cellar level. Unit C-10 is an area of 817 (eight hundred seventeen) square feet located on the cellar level of this Apartment House. The overall Apartment House at 1727 Massachusetts Avenue, N.W., also known as "Winthrop House", is sited on four separate lots of record: Lots 93, 94, 95, and 96. The Property C-10 on the cellar level straddles two of these lots, Lot 95 and Lot 96; the Plat for Building Permit enclosed with this Application depicts these two lots of record.

The Property is located in a DC/SP-2 Zoning District. It is also within the Massachusetts Avenue Historic District.

The Winthrop House has a main pedestrian entrance fronting on Massachusetts Avenue, N.W. with a vehicular drop-off driveway entering from and exiting onto Massachusetts Avenue, N.W. The existing eight-story structure at 1727 Massachusetts Avenue, N.W. abuts the neighboring structures on the east and west sides. An existing public alley of varying width serves the rear of the property. There are paved areas at grade level on either side of the structure accessed from the alley, which serve as areas for service bays and limited parking area.

The cellar level of this Apartment House consists of spaces supporting and related to the dwelling units in the levels above: mechanical rooms, bicycle room, storage areas, a laundry room, and maintenance rooms. The subject space, Unit C-10, is a former janitorial space which is now vacant and is no longer needed for janitorial purposes. This space is accessed from an existing common corridor at the cellar level. This corridor has an egress stair at either end and is served by two elevators.

This Application for Special Exception seeks to use this space Unit C-10 as office use. It is proposed that the route to the office space would be from the main first floor entrance lobby fronting on Massachusetts Avenue, N.W., to the elevators, and then across the corridor at the cellar level to the office entry door.

II. Burden of Proof

Section 3104.1 of the Zoning Regulations authorizes the Board of Zoning Adjustment ("BZA") to grant special exception relief where, in the judgment of the BZA, those special exceptions will be in harmony with the general purpose and intent of the Zoning regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning regulations and Maps, subject in each case to the special conditions specified in Title 11 DCMR.

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A. How the Proposed Special Exception Will Be Consistent with the General Intent and Purpose of the Zoning regulations and Map

The subject space is located within a DC/SP-2 Zoning District. The Zoning regulations state in Section 500.2 that the major purpose of the SP (Special Purpose) district shall be to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district.

The subject space (Unit C-10) is proposed office use within an existing structure used as an Apartment House. Having a mix of residential and office uses within the same structure is in itself a transitional characteristic. The two uses within this structure (the proposed office space and existing residential area) are the very same uses the SP district serves to buffer: commercial and residential.

B. How Allowing the Use Will Not Adversely Affect the Use of the Neighboring Property

The neighboring property on the west side of Winthrop House is 1755 Massachusetts Avenue, N.W., an office building occupied by The Brookings Institution. The neighboring property to the east of Winthrop House is 1717 Massachusetts Avenue, N.W. is an office building, occupied by The Johns Hopkins University. These two neighboring structures are generally of similar height, scale and density to 1727 Massachusetts Avenue, N.W.

The proposed office use for Unit C-10 is the same use as the two neighboring structures, although of much smaller area. The proposed below-grade location of Unit C-10, below grade, presents extremely minimal visual impact on the adjoining properties. No exterior lighting is required or proposed, so lighting will not have an adverse impact. The proposed office use on the cellar level will generate no discernable noise outside its enclosing walls. The proposed office area of 817 square is well below the minimum 2,000 square foot threshold for parking requirements for office use as required by Section 2101.1 of the Zoning regulations. 1727 Massachusetts Avenue, N.W. is located very near the Dupont Circle Metro station. This proximity to mass transit will provide a favorable modal split of Metro riders versus auto traffic for visitors or employees to the proposed office space. Finally, it is expected that most employees or visitors to this space would be walking or bicycling to this location from their origin.

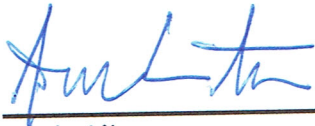
C. How the Proposed Use Satisfies the Provisions of Rule 508 (Sections 508.1 through 508.5)

Conversion of an existing building, in this case a very small area of an existing building, is permitted in an SP District if approved by the BZA as a special exception under § 3104, subject to the provisions of Section 508.

§508.3 requires that the use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property. The proposed office use is the same use as the two contiguous neighboring properties. The proposed action is inside an existing structure and will not change the existing height, bulk, or design at all. In fact it should be noted that adaptive re-use of an existing underutilized area of an existing building contributes toward economic vitality and convenience for the neighborhood in a very sustainable manner.

§508.4 requires that the use shall not create dangerous or other objectionable traffic conditions. The proposed office use is 817 square feet, a very small area, and as discussed above, is smaller than the area of 2,000 square feet which triggers a parking requirement from Section 2101.1 of the Zoning regulations. The proposed limited office area and location inside an existing structure on the cellar level do not create dangerous or objectionable traffic conditions.

§508.5 state that special visual treatment or screening may be required by the BZA in order to protect the value of neighboring property. The proposed location inside an existing structure on the cellar level will make it extremely unlikely that any such special treatment would be required to afford such protection.



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