

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

**Application of Distance Education and Training Council  
1601 18<sup>th</sup> Street, N.W., Unit 2A (Square 155, Lot 2288)**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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This statement is submitted by Distance Education and Training Council ("DETC" or "Applicant"), owner of condominium Unit 2A (Square 155, Lot 2288) within the building located at 1601 18<sup>th</sup> Street, N.W. (Square 155, Lots 50-56), for special exception relief under 11 DCMR §§ 508 and 3104.1 for office use of Unit 2A in the DC/SP-1 District.

**I. Background**

Square 155 is located in the northwest quadrant of the District and is two blocks in size. Square 155 is bounded by R Street to the north, 17<sup>th</sup> Street to the east, Q Street to the south, and New Hampshire Avenue and 18<sup>th</sup> Street to the west, and is bisected laterally by Corcoran Street. Square 155 is split zoned: the eastern portion along 17<sup>th</sup> Street is zoned D/DC/C-2-B; the middle portion between R Street and Q Street is zoned DC/R-5-B; and the western portion along 18<sup>th</sup> Street and New Hampshire Avenue is zoned DC/SP-1. The square is developed with a mix of uses, primarily with taller commercial and residential buildings along 17<sup>th</sup> and 18<sup>th</sup> Streets and New Hampshire Avenue, and row dwellings along R Street and Q Street in the center of the square.

The subject property is zoned DC/SP-1 and is located in the southwest corner of Square 155 with frontage on New Hampshire Avenue, 18<sup>th</sup> Street, and Q Street. The property is improved with a ten story condominium building known as the Imperial House, which contains 160 residential units, four units on the ground floor that are designated in the condominium documents as "non-residential," and 40 parking spaces. Pursuant to the Imperial House

Condominium – Condominium Declaration (“Condominium Declaration”), dated September 10, 1980, the non-residential units are defined as units “designed for commercial, office, or other non-residential use permitted under the zoning law and regulations of the District of Columbia which are applicable to the Condominium.”

The entrance lobby to Imperial House is on 18<sup>th</sup> Street. The Applicant owns Unit 2A, which is accessed directly from the lobby. As shown on the floor plans included with the application, Unit 2A is long and rectangular, extending for the majority of the subject property’s Q Street frontage, and has approximately 3,178 square feet of gross floor area.

The Applicant has occupied Unit 2A since 1962 when the apartment house was a rental building. The Applicant was a rental tenant in the building from 1962 to 1980. When the building was converted to condominiums in 1980, the Applicant purchased Unit 2A. A Certificate of Occupancy for Private Club use with a 30 person maximum was issued on March 18, 1980. The records of the District of Columbia do not include copies of any prior Certificates of Occupancy for Unit 2A. This application seeks to allow the Applicant to obtain a new Certificate of Occupancy for Unit 2A for office use.

## **II. The Applicant**

The Distance Education and Training Council is a private, non-profit organization founded in 1926<sup>1</sup> to promote education quality and ethical business practices for correspondence education programs. DETC is recognized by the U.S. Secretary of Education and by the Council for Higher Education Accreditation as a national institutional accrediting organization for postsecondary distance education institutions. DETC’s goal is to ensure a high standard of

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<sup>1</sup> DETC was founded under the name National Home Study Council (“NHSC”). In 1994, the organization’s name changed from NHSC to DETC (see <http://www.detc.org/>).

educational quality in the distance education institutions it accredits by requiring compliance with its published standards, policies, and procedures.

Recently, DETC leadership became aware that its Certificate of Occupancy is for a Private Club. The Zoning Regulations define “Private Club” as a:

building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization (emphasis added)

11 DCMR § 199. The Applicant is a non profit educational organization. In order to have been issued a certificate of occupancy in 1980 as a Private Club, the Office of the Zoning Administrator must have been satisfied at that time that the organization met that definition. The Applicant has no correspondence in its files relating to its classification by the District as a private club. The Applicant’s operations more closely fit the zoning classification as a non-profit office.

Pursuant to section 508 of the Zoning Regulations, office use is permitted in the SP-1 District with special exception approval from the Board. Thus, the Applicant requests special exception approval from the Board for office use of Unit 2A.

### **III. Burden of Proof**

A special exception is deemed compatible with other uses permitted in a particular zoning district provided that the specific regulatory requirements are met. If the Applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981).

The Applicant will file its Statement of the Applicant with the Board no less than 14 days prior to the public hearing on this Application. In the Statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception. The following is a summary indicating how the Applicant will meet its burden of proof.

**A. Special Exception per Section 508 to Allow Office Use in the DC/SP-1 District**

Section 508.1 of the Zoning Regulations provides, in relevant part, that “[c]onstruction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use, shall be permitted in an SP District if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the provisions of this section.”

1. *Section 508.3 – The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property.*

Office use of Unit 2A is in harmony with the existing uses on the neighboring properties. This is a mixed-use condominium building. The other three condominium units on the ground floor of the building are also non-residential. There are a number of other office and non-residential uses in the area. The neighboring property to the east along Q Street is a row dwelling converted to commercial use; the neighboring property to the north is a four story building owned and occupied by the Embassy of the Republic of Namibia. Both of these neighboring buildings are separated from the subject property by public alleys. The property is otherwise bounded by public streets. Across 18<sup>th</sup> Street and New Hampshire Avenue to the west are the Embassies of Argentina, Zimbabwe, and Montenegro, and the office of Phi Beta Kappa. Office uses to the south of the building along 18<sup>th</sup> Street and New Hampshire Avenue include the Women’s National Democratic Club, the Embassies or Embassy Annexes of Jamaica, Botswana,

Iraq, Turkey, China, Malaysia, and Mozambique, the Mathematical Association of America, the School for Ethics and Global Leadership, the American Political Science Association, and the Assembly of Turkish American Associations. To the north, at the corner of 18<sup>th</sup> Street and New Hampshire Avenue is the General Grand Chapter of the Order of the Eastern Star.

Office use of Unit 2A is appropriate and in harmony with the commercial uses in the surrounding buildings. The office use is within the existing building, on the ground floor, and will not change the existing height, bulk, or design of the building at all. The ground floor location of Unit 2A has minimal visual impact on the neighboring properties. No exterior lighting is required or proposed, so lighting will not have an adverse impact. The office use does not generate any discernable noise outside of its enclosing walls.

2. *Section 508.4 – The use shall not create dangerous or other objectionable traffic conditions.*

Office use of Unit 2A will not create any dangerous or other objectionable traffic conditions. The site is located in a mixed-use, walkable neighborhood, less than two blocks from the Dupont Circle Metrorail station and in close proximity to multiple Metrobus lines, car-share locations, and Capital Bikeshare docks. The rich options for alternative transportation modes that exist around the site result in very few employees using a car to access the site. The site has a walk score of 99, a transit score of 91, and a bike score of 92, and is dubbed a “paradise” for walking, transit, and cycling (see [www.walkscore.com](http://www.walkscore.com)). More than ten Metrobus routes have stops within 0.2 miles of the site; ten permanent carshare spaces are within 0.3 miles of the site; and Capital Bikeshare docks are located in close proximity in all directions. Taxis, Car2Go vehicles, and other point-to-point transportation options are prevalent and easily accessible around the site.

Furthermore, the office area of 3,178 square feet is below the minimum threshold for a parking requirement for office use in the SP District, as required by section 2101.1 of the Zoning Regulations. Nonetheless, the Applicant owns four on-site parking spaces that are designated specifically for Unit 2A employees. The Applicant's occupancy of Unit 2A since 1962 has not resulted in any dangerous or objectionable traffic conditions.

3. *Section 508.5 – The Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it deems necessary to protect the value of neighboring property.*

Special treatment is not necessary in this case. The Applicant has been using Unit 2A for essentially office functions since 1962 (approximately 52 years) without impacting the value of neighboring properties. The Applicant is not proposing any exterior height, bulk, or design changes to the building.