

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

**APPLICATION OF  
N STREET VENTURE, LLC**

**1745 N STREET, NW  
ANC 2B**

**STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of N Street Venture, LLC (the “Applicant”), the owner of property located at 1745 N Street NW, Washington DC, 20036 (Sq 158, Lot 84) (the “Property”) in support of its application for special exception relief from the parking requirement for historic structures (§2120.6) to allow the Applicant to provide 13 parking spaces rather than the 15 parking spaces required for an addition to historic structures for multifamily dwelling use at the Property.

**II. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception relief requested pursuant to §3104.1 of the Zoning Regulations.

**III. BACKGROUND**

**A. Background Information Regarding the Property**

The Property contains approximately 20,569 square feet of land area and is located in Northwest Washington, D.C. See Baist Atlas Map at Tab 8. The Property is in the DC/SP-1 Zone District. See Zoning Map at Tab 9. The Property is improved with five, long-vacant, contributing historic structures. The westernmost structures were previously used as a 20-unit apartment building with 5 parking spaces at the rear. The second and third structures were previously used as office buildings.

The Property is located within the Dupont Circle Historic District and all five structures are on the DC Inventory of Historic Sites. All five historic properties will be preserved. The Historic

Preservation Review Board approved the proposed project at their November 21, 2013 meeting. The Historic Preservation Office Staff commended the Applicant in its Staff Report for their carefully developed plans, both interior and exterior, which retain the character-defining features of the historic buildings. *See* HPRB Action and Staff Report at Tab 10.

The Property has a long, storied history. Morton Bender purchased the Property in 1988 and held the Property vacant for a number of years. Bender initially sought to convert the properties into a 75- foot-tall residential and commercial building, which would have required demolishing portions of the original buildings. Bender’s plan, along with four other proposals for high-rise buildings around Dupont Circle, prompted the city leaders in 1991 to create an "overlay district," which restricted the height of buildings in the neighborhood north of M Street. In BZA Case No. 17337, N Street Follies Ltd. sought zoning relief to allow construction of an addition for hotel use. The Board dismissed the case in June 2006 as moot after the Historic Preservation Review Board (“HPRB”) rejected the architectural plans.

**B. Description of the Improvements in the Surrounding Area**

Square 158 is bounded on the north by Massachusetts Avenue, on the east by 17<sup>th</sup> Street, on the south by N Street, and on the west by 18<sup>th</sup> Street. Square 158 is made up of a mix of large office, university, and embassy uses. The Square includes the Uzbekistani, Peruvian and Chilean Embassies, Johns Hopkins University –SAIS, the Middle East Institute, the Tabard Inn, and several other well-known entities.

**C. Description of the Traffic Conditions and Mass Transit Options in the Surrounding Area**

The Property is located in a transit rich area with a variety of mass transit and other transportation options available to residents and visitors. The Property is located approximately 2 blocks (0.2 miles) from the DuPont Circle South Metro entrance. Moreover, Metrobus routes 42, 43,

L2, N2, N4, and N6 stop along Connecticut Avenue at N Street. In addition, the Property is within close proximity to a number of the District's bikesharing and carsharing programs. Capital Bikeshare stations are located at 17<sup>th</sup> Street and Massachusetts Avenue NW (16 docks) and 17<sup>th</sup> and Rhode Island Avenue NW (23 docks). A number of Zipcar spaces are located within walking distance including 3 vehicles at Dupont Circle South & Connecticut Avenue as well as 4 vehicles at 18<sup>th</sup> Street and Massachusetts Avenue NW. Another local car-sharing program, Car2Go, has recently reported that the use of the company's car-sharing service had reached over 30,000 members and that the fleet was expanded from 300 vehicles to more than 450 vehicles accommodate increasing demand. The Property has a walkscore of 99 and is classified as a "walker's paradise" and a bikescore of 84 and is classified as a "biker's paradise."

**D. Description of the Proposed Development**

The Property currently contains five historic properties. As shown on the architectural plans, *See* Architectural Plans and Elevations at Tab 11, the Applicant proposes a new addition at the rear of the Property with 39 residential units. The Property currently has 5 required parking spaces and the Applicant will provide 8 additional spaces for a total of 13 at grade parking spaces at the rear of the Property.

**IV. NATURE OF SPECIAL EXCEPTION RELIEF AND STANDARD OF REVIEW**

Special exception relief is required from the parking requirement for historic structures (§2120.6). Under D.C. Code §6-641.07(g)(2) and 11 DCMR §3104.1, the Board is authorized to grant a special exception where it finds that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. 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 requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981 (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

#### **V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF**

Pursuant to § 2120.3, a historic resource and any addition to a historic resource are exempt from the requirements of § 2100.4 to provide additional parking as a result of a change of use and §2100.6 to provide additional parking as a result of an increase of intensity of use, except that parking is required for any addition where the gross floor area of the historic resource is being increased by 50% or more, and the parking requirement attributable to the increase in gross floor area is at least four spaces. Because the gross floor area of the historic resource is being increased by 50% or more and the parking requirement attributable to the increase in gross floor area is at least four spaces, a special exception for parking relief is required. In this case, the project includes 39 residential units in the addition. The residential off-street parking requirement is 1 space per 4 dwelling units. Thus, the residential parking requirement for the addition is 10 parking spaces. The existing historic structures provided 5 parking spaces. Thus the parking requirement for the proposed project, once completed, is 15 spaces. The proposed project provides 13 spaces at grade at the rear of the Property and thus special exception relief is required for 2 spaces.

Pursuant to §2120.6, the Board may grant special exception relief from all or part of the parking requirements of §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 would result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic

resource. Additionally, §2120.6 provides four factors to consider in determining whether the requested relief can be granted without adversely affecting the use of the neighboring property owners.

- i. Providing the required parking would result in an architectural and structural difficulty as a result of the nature and location of the historic resource*

Providing the required parking would result in architectural and structural difficulty due to the age, location, and condition of the historic structures on the Property. The Applicant originally planned to satisfy the parking requirement by providing below grade parking beneath the new addition. However, due to information not available previously, including detailed existing conditions surveys, about the structural condition of the historic structures, it has now been determined that providing underground parking near the historic buildings will create a practical difficulty for the Applicant. Underground parking would require substantial amounts of excavation near the foundations of the historic structures and additional stabilization of the deteriorated interior and exterior historic walls. The stress that excavation would put on these long-vacant, historic structures could severely damage the historic structures. Thus, the Applicant has proposed putting at grade parking at the rear of the first floor of the new addition.

- ii. Relief for 2 parking spaces has no impact on the use and enjoyment of neighboring properties and satisfies the criteria under §2120.6*

The Applicant's minor parking relief request for just 2 parking spaces will not have an adverse impact on neighboring residents or uses. The expected amount of traffic congestion associated with the proposed project as a result of the requested relief is minimal.

The Property's proximity to public transportation is exceptional. The Property is located in the multimodal Dupont Circle area. As stated, the Property is ideal for walkers and is well serviced by a number of public transportation facilities and services including Metro, Metrobus routes, Capital Bikeshare, and Zipcars. The Property is 1½ blocks from the Dupont Circle Metro entrance, on several bus routes, and close to bikesharing and carsharing locations. Furthermore, the Property has an

extremely high walkscore and bikescore.

The availability of a variety of transportation options reduces the incentive to own and store a vehicle on the premises and minimizes spillover parking in the neighborhood. The Property and neighborhood will have sufficient parking when the redevelopment is completed. The project provides 13 parking spaces at grade. All residents will be well accommodated by the combination of the proposed bicycle parking spaces, the several bus lines, the proximity to the Dupont Circle Metrorail station, and the walkability of the neighborhood. The amount of traffic congestion existing and generated by the redevelopment of the historic resource will be limited. A large percentage of trips in this transit oriented location are made by Metrorail, Metrobus, bicycle, or on foot. Car ownership and traffic congestion is particularly low in this area of the District as a result of the broad array of transportation alternatives for residents, visitors, and customers.

For the reasons outlined above, the Applicant has met the requirement for granting special exception relief for parking for an historic structure pursuant to § 2120.6.

## VI. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted

GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS, LLP

By:

  
Meridith H. Moldenhauer

Eric M. Daniel

1912 Sunderland Place, N.W.

Washington, D.C. 20036

(202) 429-9000