

January 7, 2016.

Sara B. Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW—Room 210
Washington, D.C. 20001

Re: Application No. 19133 of J. River 1772 Church Street, LLC
and St. Thomas' Episcopal Parish

Dear Ms. Bardin:

Church Street Neighbors, a party in the above-entitled matter, urges the Board of Zoning Adjustment to find that the Applicant has not demonstrated that its situation warrants waiving any provision of the zoning regulations as they apply to 1772 Church Street, NW (Square 156, Lot 369). BZA should instead direct the Applicant not to exceed the lot occupancy limit in section 532.1 for buildings devoted to residential uses and to comply with all other applicable policies and regulatory requirements, including the special purpose district rules for church programs and rear yards (chapters 517 and 534, respectively). (Please note that although the applicant states that “[t]he proposed residential lot occupancy is 86.7%” (Exhibit 6A, page 1), according to Exhibit 6G, 37% of the project’s footprint actually is taken up by a new church building.)

Church Street Neighbors agrees with positions taken by the Dupont Circle Advisory Neighborhood Commission (ANC 2B) in its December 10, 2015 report to BZA, and we ask that in giving ANC 2B’s report **great weight**, Board Members pay particular attention to the following findings:

1772 Church Street, NW is located in the Dupont Circle Historic District and included in the Dupont Circle Overlay District. The historic district and historic overlay designations may result in a development being unable to maximize the height and density otherwise allowed by the underlying zoning regulations. Among other things—

- alterations of existing structures and new construction and subdivision of lots must be compatible with the character of the historic district;
- the scale of development must be consistent with the nature and character of the Dupont Circle area in height and bulk: to ensure a general compatibility in the scale of new buildings with older, low scale buildings, maximum permitted height and floor area ratio of new buildings is to be restricted to that of the underlying zone; the integrity of “contributing buildings” is to be protected; and the residential character of the area is to be enhanced by controlling the scale, location, and density of commercial and residential development.

Nothing in the application has persuaded ANC 2B to change its position that both the residential and church structures should comply with the requirements of DC law and policy, and with the letter and the spirit of historic preservation, zoning, and zoning overlay provisions.

The review conducted by HPRB did not consider the Dupont Circle Overlay District and other zoning restrictions; hence, its concept approval is not relevant to the issue of increased lot occupancy.

The Applicant's practicality argument is not convincing. Maintaining historic conditions in an historic district is not a practical difficulty that would necessitate a lot occupancy variance, nor do the decisions of HPRB necessitate a zoning variance in this matter.

Church Street Neighbors also asks BZA to reject the Applicant's argument that it is simply requesting that BZA permit it to reestablish the historic footprint of its Gothic church and parish hall, both because that footprint antedates current regulatory restrictions and, more importantly, because it ignores the effects of the Applicant's decision to demolish the rear (south end) of the parish hall and use the square footage that it now occupies elsewhere on the lot.

Finally, Church Street Neighbors asks BZA to reject the Applicant's argument that it is making only a "modest request" and, hence, its burden of proof is lower than if requesting a "big variance" (Applicant's attorney; hour 5:15 of the video of the December 15 hearing). In actuality, the Applicant's request is far from modest. With a lot occupancy limit of 80%, any variance request only addresses the 20% of the property that otherwise would remain uncovered. The 8.4% lot occupancy increase that the Applicant is requesting (from 80% to 86.7%) would cover about 1/3 of that remaining space, a change that we believe is, in fact, quite "big."

Thank you,

Philomena Ojeda and Judith Neibrief
on behalf of Church Street Neighbors