BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of National City Christian Church

BZA Application No. 16536
Public Hearing: January 19,2000
ANC 2F

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STATEMENT OF THE APPLICANT

I. Nature Of Relief Sought

This is an application pursuant to 11 DCMR Section 3103.2, for a variance from the building height restriction and residential recreation space requirements for the construction of an apartment house on the site that is now a parking lot and to maintain the existing church in an SP-2 District at premises 14th and N Streets, N.W. (Square 212, Lot 123).

II. Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the requested variance relief pursuant to §3103.2 of the Zoning Regulations.

III. Background Of The Case

A. Site and Vicinity Characteristics

The Applicant intends to construct an apartment building on what is currently an asphalt parking lot in the northeast portion of Lot 123 in Square 212. The property is located at 5 Thomas Circle, to the northwest of the circle. The property is roughly L –

#21

Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.21A1

shaped and bounded by Thomas Circle and Massachusetts Avenue to its south, 14th Street to its east, N Street to its north, public alleys to its west and north, and the 90 foot high Heatherington Apartments building (Lot 827, Square 212) to its west. Also to the west of the site, across a public alley, are the 90 foot high Town Terrace West and East condominium buildings. The property measures (in counter-clockwise fashion) approximately 207 feet along Massachusetts Avenue, 70 feet along Thomas Circle, 366 feet along 14th Street, 151 feet along N Street, 160 feet along the north-south alley running through Square 212, 100 feet along the east-west alley and approximately 170 feet along its boundary with Lot 832. This lot has an area of approximately 79,595 square feet, or 1.7 acres.

The surrounding area is developed with several 6.0 FAR, 90 foot high apartment buildings, including the James Apartment Building at 1425 N Street, N.W., the Seville Apartments Building at 1401 N Street, N.W., the Eton Towers Apartment Building at 1239 Vermont Avenue, N.W., and the Latrobe Apartments Building at 1335 15th Street, N.W.. Significantly, the Zoning Commission approved HR/SP-2 zoning for lots 115-117 and 122 in Square 212, which comprise the western and southwestern portions of the square, thereby permitting 8.5 FAR and 130 feet height for a project currently under construction. Please see Exhibit Q.

B. Project Description

The portion of Lot 123 to be occupied by the apartment building consists of approximately 19,630 square feet. The proposed apartment building will occupy approximately 75% of that area, in contrast to the 90 foot high office building project previously approved by the Board, in Order No.15157, that occupied 100% of the

parking lot area. A copy of the Board's decision is attached as Exhibit N. The proposed apartment building, to be constructed to a height of 110 feet, contains approximately 175,000 square feet of area for an FAR of approximately 2.3 for the apartment building, and a total FAR for Lot 123 of approximately 3.3, including the church. This total is just slightly over half the 6.0 FAR that would be permitted as a matter-of-right for an apartment building on the subject property.

The 12-story apartment building will also contain three below-grade floors to provide parking for the occupants of the apartment building and the church.

The project was reviewed at the October 6, 1999 meeting of ANC 2F wherein the ANC voted 4-0 to support the height variance to allow a height of 110 feet and a variance from the residential recreation space requirement for the apartment building. In addition, the project has been reviewed by the Historic Preservation Review Board, which granted conceptual design approval at its November 18, 1999 public meeting. Copies of the ANC and HPRB reports are attached as Exhibits K and L, respectively.

As proposed and explained herein, this project is wholly consistent with the goals of the city and will be a substantial contribution to the District of Columbia, and especially to the Downtown area.

The project complies with all applicable use and density provisions set forth in the Zoning Regulations for the SP-2 District.(11 DCMR Secs. 501, 531)

C. Variances Requested

The variances sought by the Applicant in this proceeding are necessary in order to reasonably proceed with this important project. The height variance helps to recover

lot occupancy lost vis-à-vis the office project which occupied 100% of the site. In addition, the site is significantly underdeveloped and the Board has previously granted variances for additions to historic properties so that significant FAR disparities are minimized. See attached Orders, Exhibit M.

The residential recreation space requirement of 10% of the area of the apartment building, or 17,500 square feet in the present case, cannot physically be met on the site. Were the historic landmark church not a factor, the applicant could easily meet this requirement given the lot area and also would not be seeking a height variance.

In these areas where relief is requested, conformance with the regulations is not physically or practically feasible, owing to the size of the project site and the large land area occupied by the church. These are all issues within the Board's jurisdiction to address.

IV.
Exhibits In Support Of The Application

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	A portion of the Baist Map showing the Subject Property outlined in red ink..
Exhibit B:	A portion of the Sanborn Atlas showing the Subject Property outlined in red ink.
Exhibit C:	A portion of the Zoning Map showing the Subject Square outlined in red ink.
Exhibit D:	Photographs of the Subject Property and surrounding properties.

Exhibit E:	Outline of testimony of Reverend Dr. Alvin Jackson, and Church Administrator Paul Rosstead, representatives of the National City Christian Church, Applicant.
Exhibit F:	Outline of testimony of John Torti and Maurice Walters, Architects.
Exhibit G:	Outline of testimony of Anne H. Adams, Architectural Historian.
Exhibit H:	Outline of testimony of Marty Wells, Traffic Expert.
Exhibit I:	Outline of testimony of Steven E. Sher, Land Planner.
Exhibit J:	Architectural Plans.
Exhibit K:	ANC 2F support letter.
Exhibit L:	Historic Preservation Review Board Staff Report as Adopted by Board, dated November 18, 1999.
Exhibit M:	Prior BZA Orders in which similar relief has been granted.
Exhibit N:	BZA Order No. 15157 approving 90 foot high office building on site.
Exhibit O:	Comparative Shadow Studies of 90 foot high office project and 110 foot high residential project.
Exhibit P:	Aerial photograph of subject square and vicinity.
Exhibit Q:	Zoning Commission Order No. 862

V.
The Applicants are Entitled to Variance Relief Under the Zoning Regulations

As set forth below, the Applicants satisfy their burden of proving conformance with the three-part test for the following requested variances:

A. The Application Meets the Requirements for Variance Relief from Subsection 530.1 of the Zoning Regulations

Section 530.1 of the Zoning Regulations provides that the height limit of buildings or structures in the SP-2 District is 90 feet. There is no limit placed on the number of stories to be contained in buildings within the SP-2 District. The Applicant is proposing a maximum height of 110 feet.

As set forth below, the application meets the three-part test for area variance relief from Section 530.1 of the Regulations.

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

Lot 123 is unique among properties in Square 212 due to its large size, 75,595 square feet, its unusual L-shape with street frontage on three sides and the existence of a building that has been designated as a historic landmark and listed in the D.C. Inventory of Historic Sites by the D.C. Historic Preservation Review Board. The size and shape of the property are classic attributes for establishing the uniqueness of property. In addition, this Board has determined, in BZA Orders No. 13924 and 14513 dealing with the landmark Evening Star Building, that the presence of a pre-1958 landmark-status building on a site, combined with certain other factors such as

rehabilitation of that building or compliance with certain federal legislation, does qualify as a unique situation for purposes of area variance relief.

In the present case, the Applicant seeks to improve its property with an apartment building while insuring the preservation of the historic National City Christian Church. In order to sensitively accommodate this landmark structure, which also pre-dates the 1958 Zoning Regulations, the Applicant is uniquely limited in its development options on this site. In previous decisions, this Board has recognized situations like the Applicant's as unique and deserving of consideration for variance relief.

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

Owing to the very large footprint of the landmark church and its setbacks from Thomas Circle, any addition to the facility is necessarily limited to the northern portion of the lot that is currently occupied as an asphalt parking lot. Were a height variance not granted by this Board, the proposed addition could contribute such a limited amount of additional FAR that the entire building would total less than 3.0 FAR. The SP-2 Zone provides for 6.0 FAR. Such a limitation places an unfair burden on this unique historic property.

The site has remained undeveloped for a significant period of time. In order for the Applicant to proceed with the proposed project, it not only must consider the landmark status of the church and the current Zoning Regulations, but also must be mindful of current market realities as to apartment building size and number of units.

Again, if the historic church building did not occupy such a large portion of Lot 123, the Applicant could easily comply with the Regulations and no variance would be needed.

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

The Applicant is proposing a sensitive addition to a landmark building that will provide much desired additional housing and contribute to the general well-being of the neighborhood. To that end, the Applicant's project has been reviewed and approved by the Historic Preservation Review Board, whose staff deemed the proposed design "extremely elegant, reminiscent of Washington's golden age of apartment building construction." Please see Exhibit L.

Likewise, the Applicant's project has received support from the ANC, especially in preference to an office project which had seemed likely for the site. The ANC has noted that a residential project will have a favorable impact on the community the Applicant serves as well as yielding greater revenues for the District. The ANC also noted the absence of any significant adverse impacts on light, air or shadows on neighboring buildings. Exhibits J. Furthermore, comparative shadow studies undertaken by the Applicant which contrast the shadows cast by a 90 foot high office project and a 110 foot high residential project show very little difference in the height effects of these buildings on surrounding properties. In fact, on certain occasions, the taller residential project actually casts less shadow on neighboring buildings. Please see Exhibit O.

Without doubt, the Applicant's project is a marked improvement over the current conditions of the site. Not only will the project provide substantially more parking, it will be further enhancing the community by providing more, much-needed, residential space and more open space than was proposed in the earlier-approved office project. Nor is the project out of keeping with neighboring residential projects, both in scale and design. The Applicant's project is 20 feet lower than and only 40% of the FAR of the building to be developed on the western portion of the square.

For all the above reasons, height variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent of the zone plan.

B. The Application Meets the Requirements for Variance Relief from Subsection 533.4 of the Zoning Regulations

Section 533.1 of the Zoning Regulations provides that "[w]hen all or a portion of a building in an SP district is devoted to a residential use other than a hotel, recreation space shall be provided." That space shall constitute "not less than ten (10%) percent of the gross floor area devoted to residential use," according to Section 533.4. As set forth below, the application meets the three-part test for area variance relief from Subsection 533.4 of the Regulations.

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

The subject property is uniquely situated in that, despite the comparatively

large size of Lot 123, the landmark church building occupies such a significant portion of that lot that the residential development proposed by the Applicant is limited to less than ¼ of the total area of the property.Open space on the lot is concentrated near the main entrance of the church building and therefore is not available for residential recreation space. The site for the apartment building will only have approximately 75% lot occupancy but this alone does not meet the requirement.

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

Although the Applicant has reserved a substantial amount of open space on Lot 123 for purposes of use of its parishioners, it is not possible for the Applicant to satisfy the Regulations' 10% requirement for residential recreation space. In order for the Applicant to comply with Section 533.4 of the Regulations, the Applicant would have to provide approximately 17,500 square feet in residential recreation space. Owing to the substantial presence of the landmark church building on the lot, the total land area available for Applicant's residential project is only 19,630 square feet. Thus, the 10% residential recreation space requirement effectively would demand almost 1.0 FAR for the residential project. Even were the Applicant's request for variance relief from the SP-2 height restriction approved and the Applicant allowed to build to a height of 110 feet, the residential recreation space requirement would be so onerous as to render the Applicant's project infeasible.

The Applicant is further restricted in its design options for the site by its need to comply with the loading space, court width and rear yard requirements applicable to

the SP Zone. Additionally, while there is no parking requirement applicable to the proposed project, the Applicant has chosen to provide 3 below-grade levels of parking for the convenience of its parishioners and marketability of the residential units. Access to the parking levels further reduces the total lot area available for the project.

For the above-stated reasons, a strict application of Section 533.4 would work a practical difficulty upon the Applicant.

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

Variance relief from the residential recreation space requirement can be granted in the present case without substantial detriment to the public good and without impairing the intent of the Zoning Regulations. While the Applicant cannot provide the 17,500 square feet required by a strict application of the Regulations, it is meeting the spirit of the Regulations by providing a significant amount of recreational space/ open areas for residents and parishioners alike. The Applicant has proposed to provide 8,056 square feet of residential recreation space, five percent of the total lot area. The Applicant provides several significant open areas throughout the project, including a large landscaped court area and various common rooms. Residents also have the unique opportunity to recreate in numerous open areas surrounding the landmark church. There are a number of other open areas on the property that likely would satisfy the recreation space requirement were they not closed to the public for church security purposes. Please see Exhibit D. In addition to the overall less dense nature of

the development of this very large lot, residents of the proposed project also have the unique opportunity to enjoy the open space of neighboring Thomas Circle.

No other zoning relief is now required to construct the project, so the intent, purposes and integrity of the Regulations will be maintained.

VI.
Witnesses

A. Reverend Dr. Alvin Jackson and Church Administrator Paul Rosstead, representatives of the Applicant.

B. John Torti and Maurice Walters, Torti Gallas and Partners/CHK, architect.

C. Anne H. Adams, Architectural Historian, Wilkes, Artis, Hedrick & Lane.

D. Marty Wells, Traffic Expert.

E. Steven E. Sher, Director of Zoning Services, Wilkes, Artis, Hedrick & Lane.

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicants therefore request that the Board grant the application.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE,
CHARTERED

By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

1666 K Street, N.W., Suite 1100
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January, 2000
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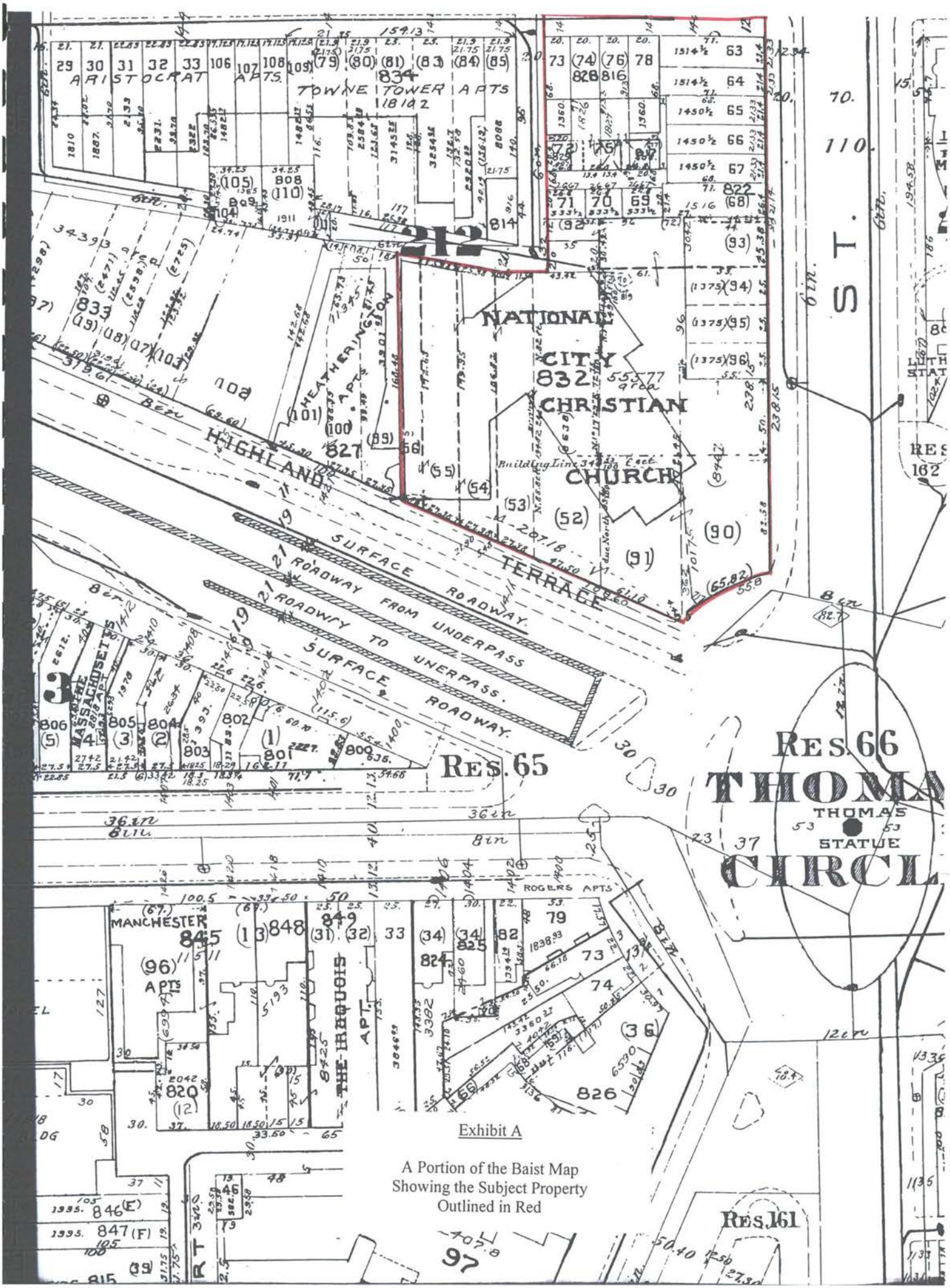


Exhibit A

A Portion of the Baist Map
Showing the Subject Property
Outlined in Red



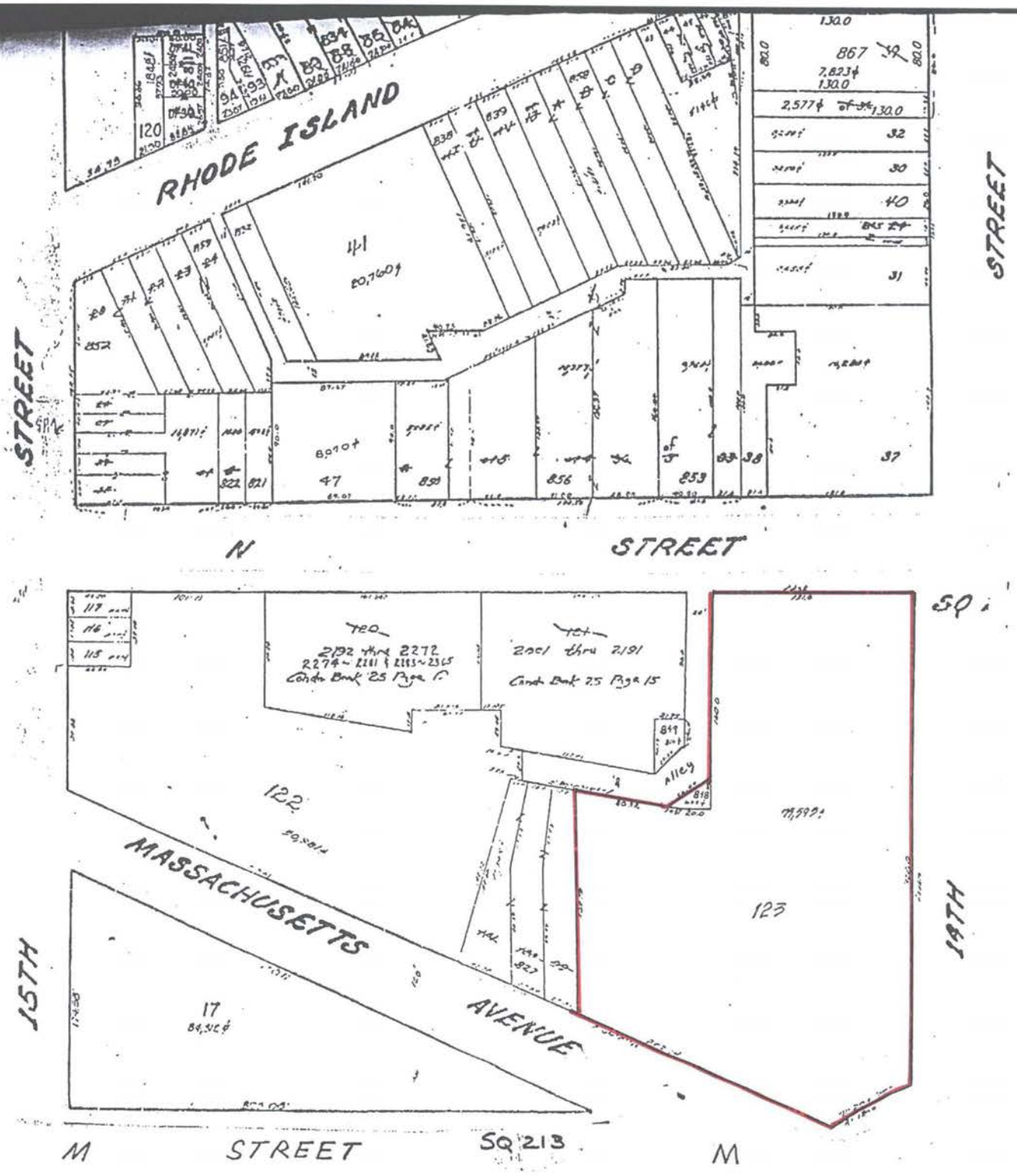


Exhibit B

A Portion of the Sanborne Atlas
Showing the Subject Property
Outlined in Red

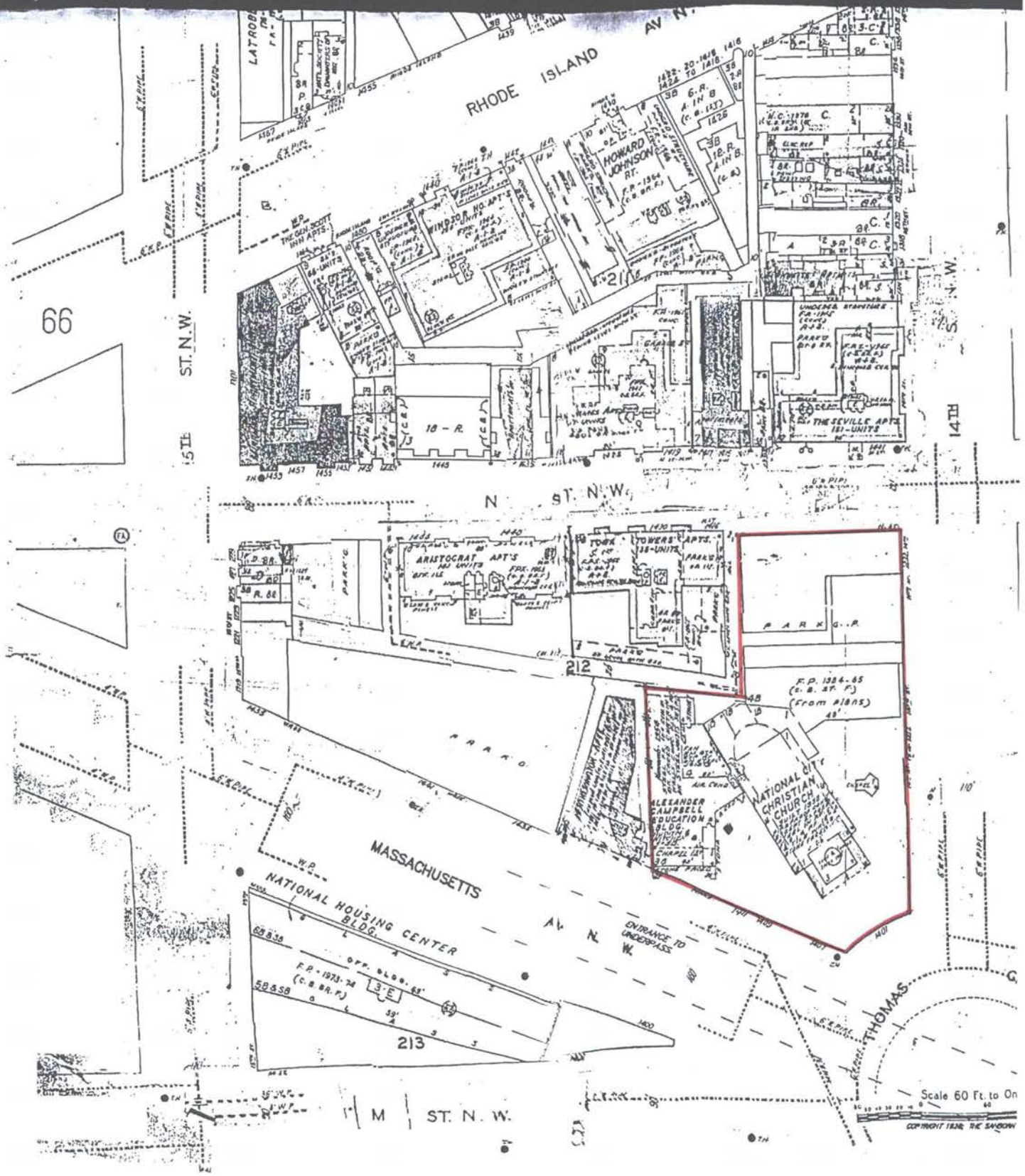


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Showing the Subject Property
Outlined in Red



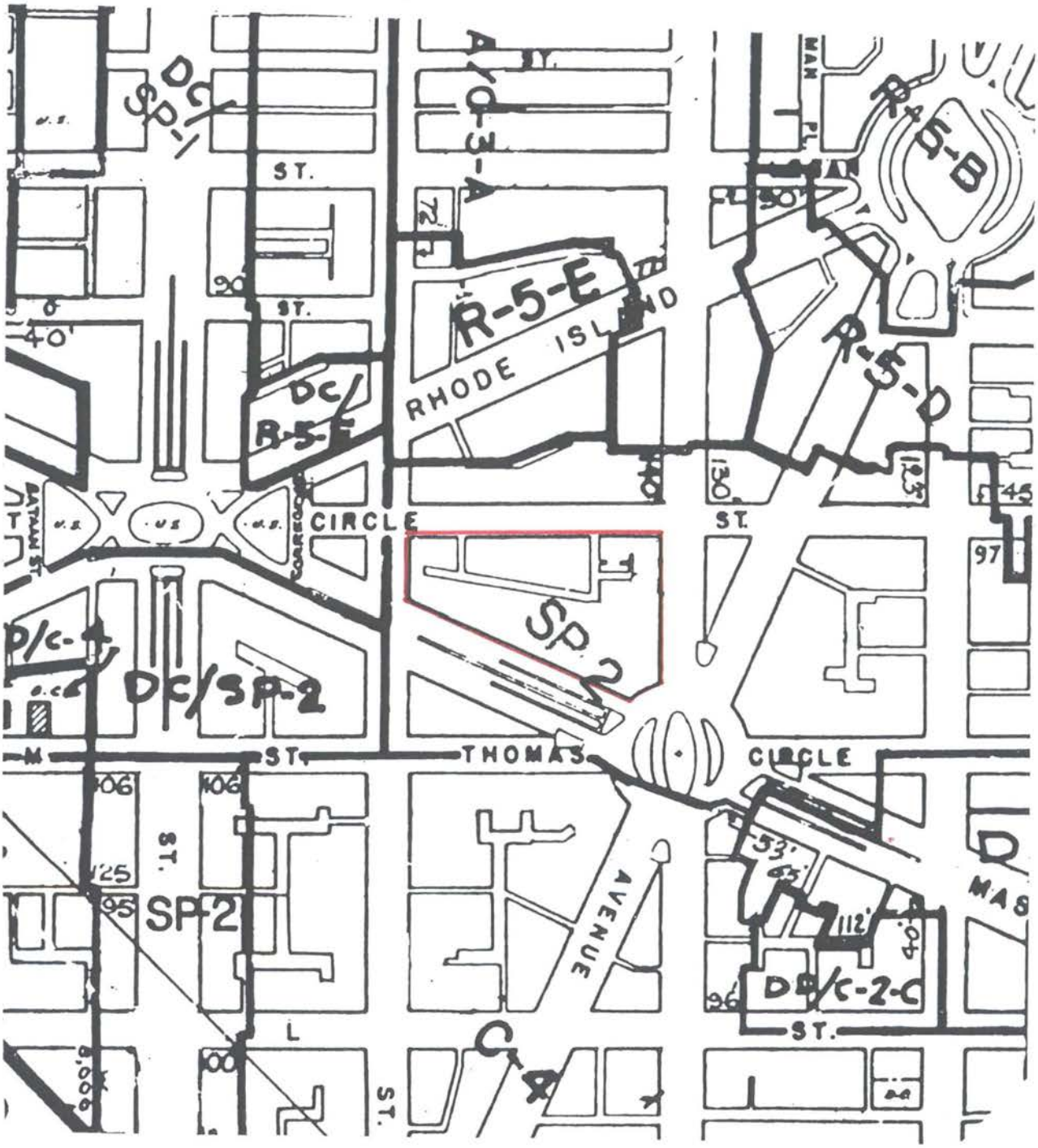
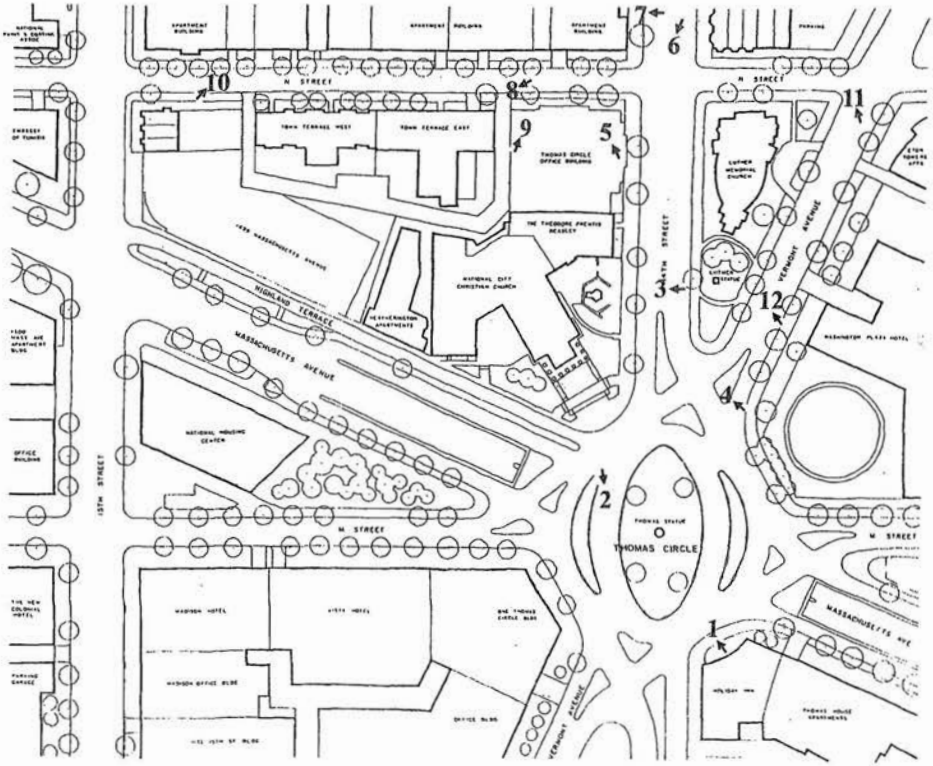


Exhibit C

A Portion of the Zoning Map
Showing the Subject Square
Outlined in Red





Site Photo Key Plan

Exhibit D

Photographs of the Subject Property
And Surrounding Properties

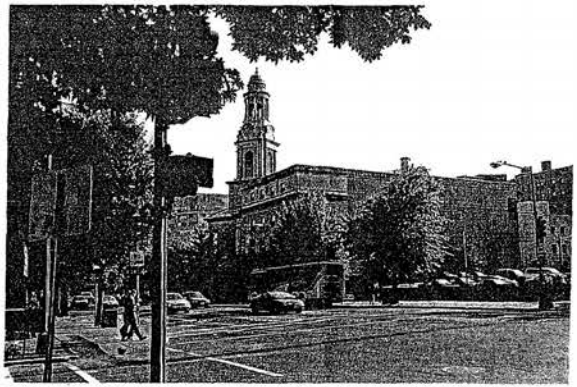
THOMAS CIRCLE ~ 14TH & N

WASHINGTON, D.C.

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1300 Spring Street, 4th Floor
Silver Spring, Maryland 20910
301/588.4800 fax 301/650.2255



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Site Photos

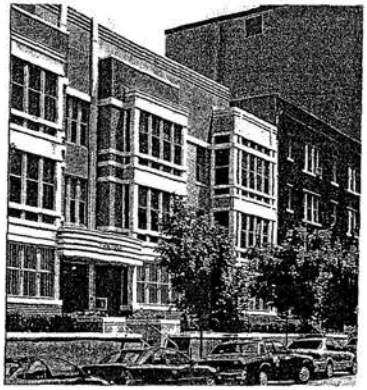
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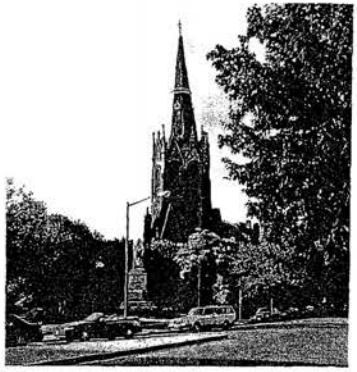
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Site Photos

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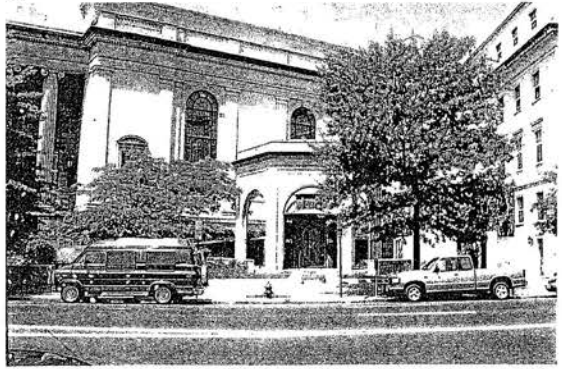
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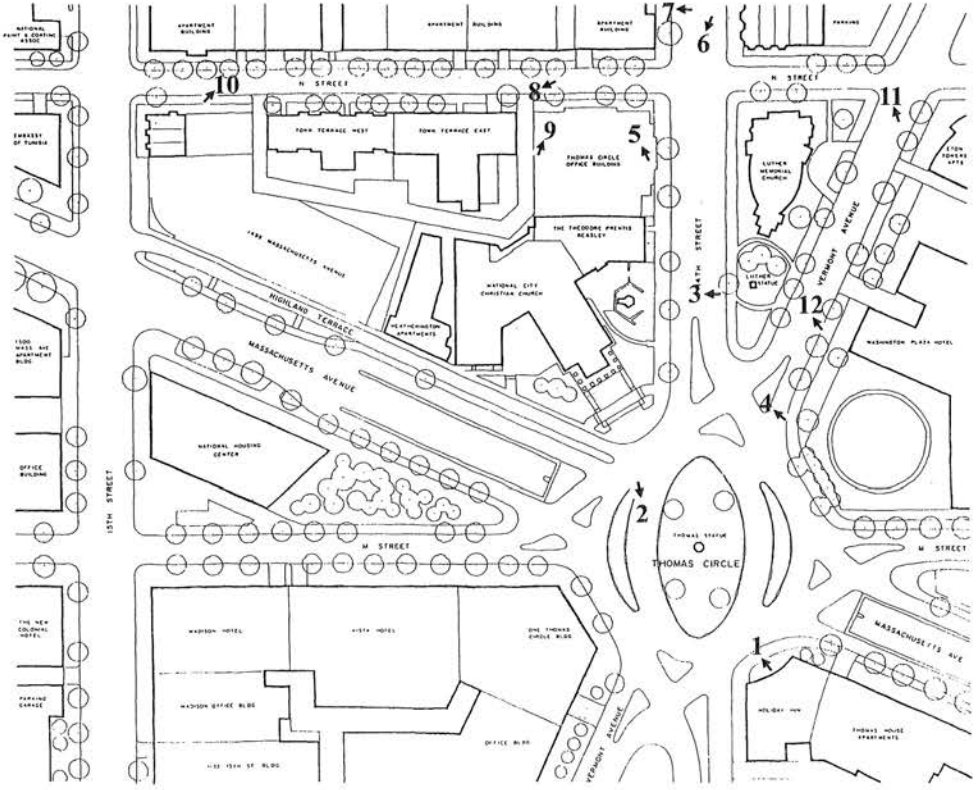


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Site Photo Key Plan

Exhibit D

Photographs of the Subject Property
And Surrounding Properties

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Site Photos

Thomas Circle ~ 14th & N

Washington, D.C.

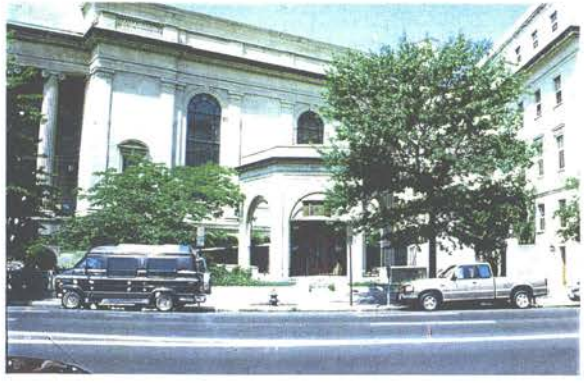
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Site Photos

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Outline of Testimony of
Reverend Dr. Alvin Jackson and
Church Administrator Paul Rosstead
National City Christian Church, Applicant

I. INTRODUCTION

II. BRIEF OVERVIEW OF THE PROJECT

III. CONCLUSION

Exhibit E

F

Outline of Testimony of
John Torti and Maurice Walters, Project Architects
Torti Gallas and Partners/CHK, Inc.

I. INTRODUCTION

II. OVERVIEW OF SITE, SURROUNDING AREA AND LAND USE

III. DESCRIPTION OF PROJECT
- A. Review of Plans
- B. Design Considerations
  1. Building Height
  2. Residential Recreation Space

IV. JUSTIFICATION FOR RELIEF
- A. Building Height
- B. Residential Recreation Space

V. CONCLUSION

Exhibit F



Outline of Testimony of
Anne H. Adams, Architectural Historian
Wilkes, Artis, Hedrick & Lane, Chartered

I. INTRODUCTION

II. DESCRIPTION OF HISTORIC LANDMARK CHURCH BUILDING

III. SENSITIVITY OF NEW CONSTRUCTION TO HISTORIC LANDMARK

IV. CONCLUSION

Exhibit G



Outline of Testimony of
Marty Wells, Traffic Expert
Wells and Associates

I. INTRODUCTION

II. OVERVIEW OF SITE, SURROUNDING AREA AND LAND USE

III. IMPACT OF PROJECT ON TRAFFIC AND PARKING

IV. CONCLUSION

Exhibit H



Outline of Testimony of
Steven E. Sher, Director of Zoning Services
Wilkes, Artis, Hedrick & Lane, Chartered

I. INTRODUCTION

II. DESCRIPTION OF PROJECT

III. DESCRIPTION OF SURROUNDING AREA

IV. COMPLIANCE WITH REQUIREMENTS OF ZONING REGULATIONS FOR A VARIANCE

A. Exceptional Condition or Situation
B. Strict Application of Regulations Would Result in Practical Difficulty
C. Relief Without Substantial Detriment to Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN

VI. CONCLUSION

Exhibit I





View from Thomas Circle

Exhibit J

Architectural Plans

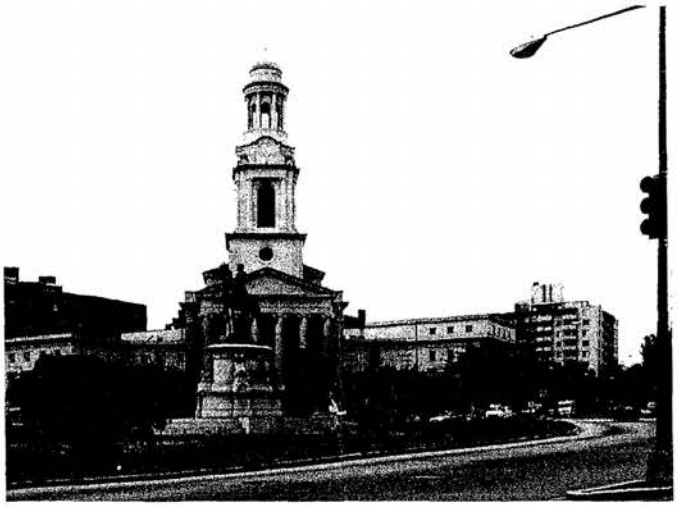
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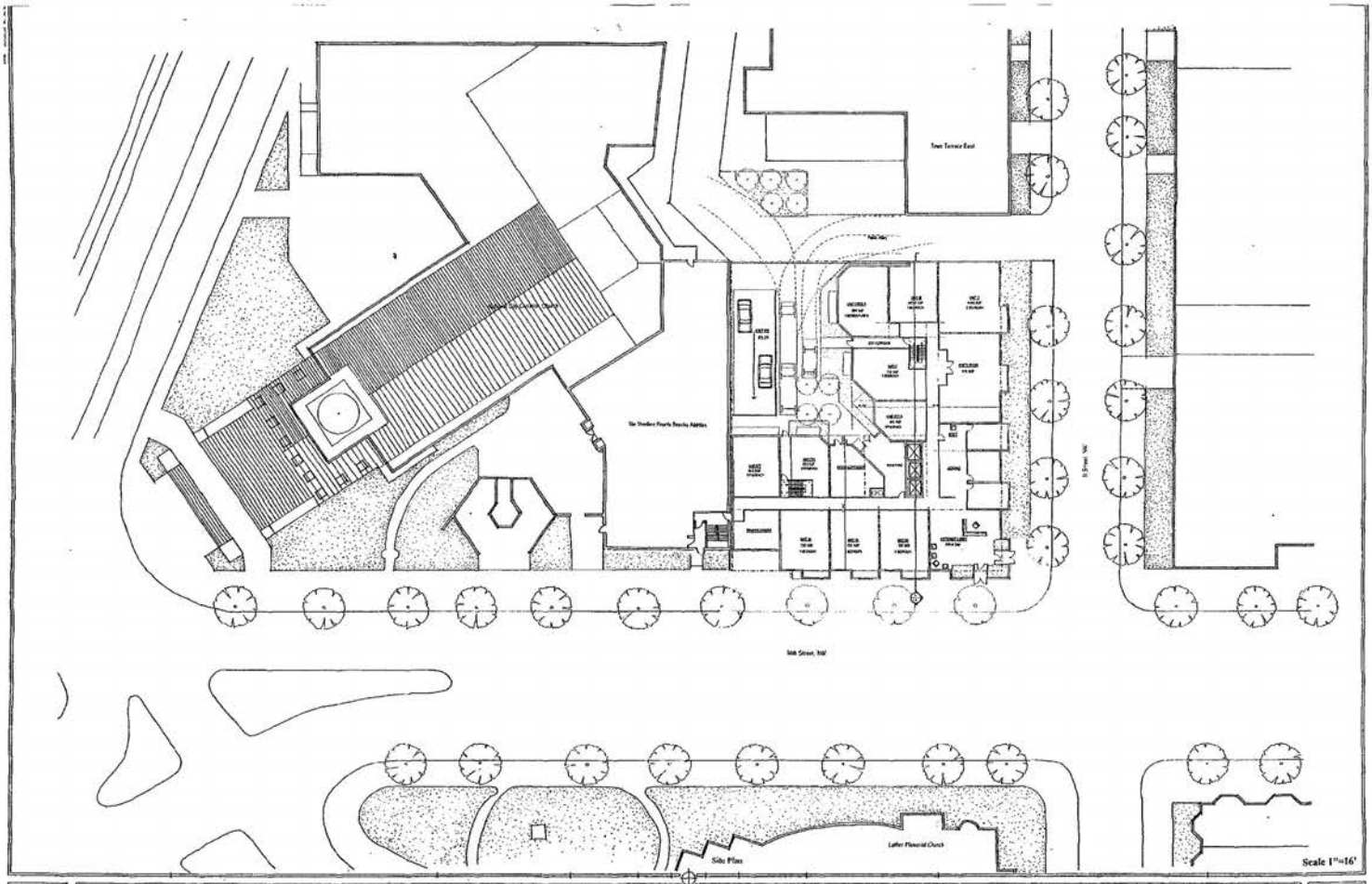


View from Thomas Circle

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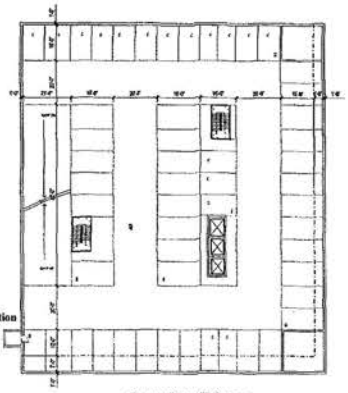


Thomas Circle - 14th & N

Washington, DC

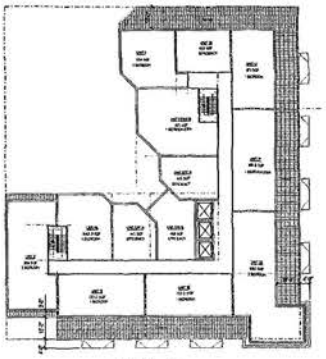
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A3



Connection to Beasley Addition at G1

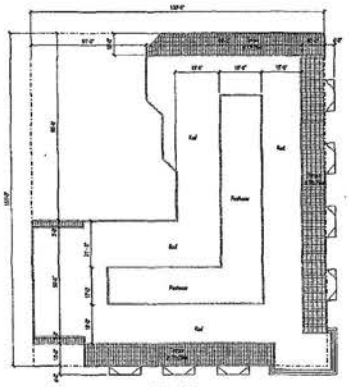
Garage Plan 52 Spaces
(G1, G2, G3 similar)



11th Floor Plan
(12th Floor Similar without Terrace)



Typical Floor Plan
(2nd - 10th Floor)



Roof Plan

Scale 1" = 16'

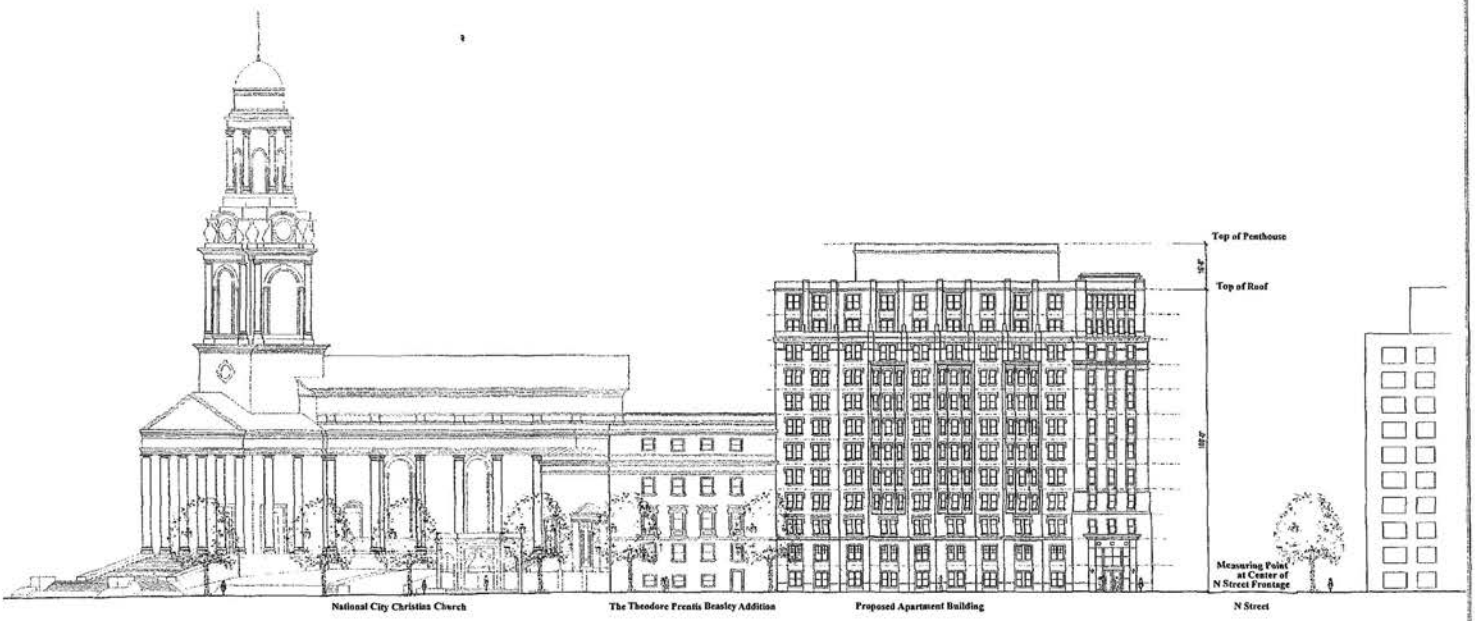
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N

A4



Elevation along 14th Street

Scale 3/32"=1'

Thomas Circle - 14th & N

Washington, DC

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A5



Elevation along N Street

Scale 3/32"=1'

Thomas Circle - 14th & N

Washington, DC

1/4/2010

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A6



N Street

Elevation along Public Alley (West)

Scale 3/32" = 1'

Thomas Circle - 14th & N

Washington, DC

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A7



ANC 2F ADVISORY NEIGHBORHOOD COMMISSION 2F
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#16536

Commissioners:
2F01 David Stephens, *Vice Chair*
2F02 Jim Brandon, *Treasurer*
2F03 vacant
2F04 Helen M. Kramer, *Secretary*
2F05 Leslie Miles, *Chair*
2F06 Rodney Foxworth

November 15, 1999

'99 NOV 22 P4:05

Re: National City Christian Church, Square 247

Sheila Cross Reid, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Dear Ms. Reid:

At its regular duly noticed public meeting on October 6, 1999, a quorum being present, ANC 2F voted 4 - 0 to support a height variance to allow a height of 110 feet for the proposed apartment building to be developed by National City Christian Church on the current parking lot at 14th and N Streets, NW, and a variance from the recreation open space requirement for an apartment building in a SP zone.

The Commissioners took into consideration the favorable recommendation of its Community Development Committee and the concerns of several residents of the Town Terrace condominium regarding the location of the garage entrance and the impact of traffic. The Commission concluded that the requested variances are appropriate because of the uniqueness and practical difficulties of the site, in that a historic landmark, National City Christian Church, takes up most of the site and an apartment building on the remaining lot would be economically marginal if limited to a 90-foot height, taking into account setbacks, light and air requirements of the zoning regulations. The Commission further concluded that the limitation of the proposed building to an FAR of 2.2 ensures that the density contemplated by the Comprehensive Plan will not be exceeded, but on the contrary, is far less than what is allowed in a SP zone.

Factors that weighed heavily in the Commission's decision were its preference for residential, rather than the previously approved office, development and the absence of significant adverse impacts on light, air or shadows on neighboring buildings. ANC 2F is convinced that residential development of the site would have a favorable impact on the community it serves, and would yield greater revenues to the District of Columbia Government than an office building. We therefore urge the BZA to grant the requested variances in the public interest.

Sincerely,

Helen M. Kramer
Secretary (on behalf of ANC 2F)

BZA
CASE No. 16536
EXHIBIT No. 19

Exhibit K

ANC 2F Support Letter

L

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**SW corner, 14th & N Streets, NW**	X	Agenda
Landmark/District:	**National City Christian Church**		Consent Calendar
		X	Concept Review
Meeting Date:	**November 18, 1999**		Alteration/Addition
H.P.A. Number:	**2000-034**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, Raymond C. Brophy, Inc., seeks conceptual design approval for construction of a 12-story apartment building adjacent to the National City Christian Church, an individual landmark designed by John Russell Pope in 1930 fronting on Thomas Circle. The land on which the subject project would be built, currently used as parking by the congregation, occupies the same lot as the church. The lot has approximately equal frontage on 14th and N Streets.

The proposal calls for a 12-story classically-styled apartment building with a corner entrance. The first two stories would be clad in limestone or precast to form the building's base; the eight-story midsection would be clad in tan brick with punched windows capped by a strong stone cornice. Above the cornice would be two additional floors, also finished in tan brick and recessed slightly from the outer walls below. The proposals calls for a series of square projecting bays that extend up through the ninth floor on both of the street-fronting elevations. The portion of the building fronting south, overlooking the church and Thomas Circle, would also be finished as a fully-designed elevation. Three slightly different site plans have been submitted which differ only in the location of the parking garage entrance. The options include a garage entrance on 14th Street immediately adjacent to the church; on N Street adjacent to the alley entrance; and in the rear of the building on the inner-block alley.

The architect's concept design is extremely elegant, reminiscent of Washington's golden age of apartment building construction between 1900-1920. In its massing, the building achieves a pleasing rhythm along 14th and N Streets. Despite its large size, the building would defer to and enhance the landmark church. The materials suggested by the sketches (which remain to be actually selected) have the ability to give the building a scale, texture, and visual interest often not found in modern construction. The architects are to be congratulated on their restraint in the subtle design of the corner tower and in treating the southern elevation, overlooking the church and visible from Thomas Circle, as a primary facade.

The site plans which call for curb cuts and garage door entrances on 14th and N Streets are not consistent with the high quality character of this design. A garage door directly next to the landmark church on 14th Street would be particularly inconsistent with the purposes of the historic preservation law. Each of these options are easily avoidable by providing the garage entrance on the inner-block alley.

<u>The staff recommends that the Review Board approve the project in concept, with the garage entrance to the building serviced only from the alley, as consistent with the purposes of the historic preservation law, and delegate final approval to staff.</u>



D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

TO: Board of Zoning Adjustment

Department, Agency, Office: Office of Planning

FROM: John H. McKoy, Director
Office of Planning

Date: March 2, 1982

SUBJECT: BZA Application No. 13924

Application

This is an application of Ian Woodner and the Trustees of Columbia University, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 5303.1 and Paragraph 7107.22), the loading berth requirements (Sub-section 7302.1) and the closed court width and area requirements (Sub-section 5305.1 and Paragraph 7107.22) for a proposed addition to an existing retail/office building, a non-conforming structure, in a C-5 District at the premises 1101 Pennsylvania Avenue, N.W., (Square 322, Lots 802, 810 and 811).

Summary Recommendation

The Office of Planning recommends that this application be approved.

Site and Area Description

The subject site is located at the northwest corner of 11th Street and Pennsylvania Avenue, N.W. Just under one-half acre in size, the site is developed with the original 1898 ten-story Evening Star office building, the ten-story Evening Star Annex (1920) just to the north, and a pair of commercial store front buildings to the west. The site is within both the Congressionally mandated Pennsylvania Avenue Development Corporation (PADC) area and the boundaries of the Pennsylvania Avenue National Historic Site. The Evening Star building is a Category III Landmark. The annex has been certified as contributing to the historic character of the historic site. The two store front buildings have been decertified by the Interior Department to allow their demolition in order to effectuate the proposed addition to the Evening Star complex.

Moving clockwise around Square 322 from the subject site, the eleven-story Presidential Building faces on 12th Street and defines the western boundary of the proposed project. To the north, facing E Street, is the Harrington Hotel (twelve-stories behind the Presidential Building and seven-stories behind the annex) and on 11th Street, adjacent to and north of the subject site, is the two-story entrance structure (including one-story of office) to the parking garage under the Presidential Building. Directly across Pennsylvania Avenue, the Old Post Office is being renovated. That project, coupled with the Lincoln

Exhibit M

Prior BZA Orders in Which
Similar Relief has been Granted

Square office/retail development to be built across 11th Street from the subject site, is expected to be instrumental (along with the Evening Star project) in pulling tourists up to Pennsylvania Avenue from the Mall and then funneling them up 11th Street into the retail core (long a key planning objective of the City).

Applicant's Proposal

The applicant plans to rehabilitate and restore the original Evening Star building in accord with the Standards for Rehabilitation of the Secretary of Interior. He also plans the rehabilitation of the Evening Star Annex as well as the addition of three floors (11-13) for office use, increasing the height to the allowed maximum of 160 feet above Pennsylvania Avenue. Finally, plans call for a ten-story office/retail addition to the original Evening Star building (on the west side of the original building) and a "temporary" structure on the roof of the composite ten-story Evening Star building to house a restaurant. The project has conceptual approval of the Fine Arts Commission.

The overall effect of the above additions will be to increase the existing 148,334 gross square feet of office space by 176,726 gross sqaure feet (above grade) and to add 35,320 gross square feet or retail space on the first and second floors of the ten-story addition on Pennsylvania Avenue. The result will be a restored and expanded Evening Star building (and annex), bringing the total built space up to the envelope called for in the PADC plan and providing retail activity relating to pedestrians along Pennsylvania Avenue and along 11th Street.

Analysis

Given the pre-1958 age of the existing structures, the landmark status of the original Evening Star building, the encompassing National Historic Site, and the PADC jurisdiction and objectives for the subject site, the applicant is unable to meet those requirements of the Zoning Regulations relating to rear yard, closed court width and area, and loading berths for the proposed additions to the Evening Star building and annex. Thus, the applicant seeks relief in the form of three area variances.

Where justifiable, based on specific standards and criteria, the Board may allow deviation from the area provisions of the Zoning Regulations. The granting of an area variance is predicated on the following findings explained in District of Columbia Court of Appeals Case No. 5884, Gardner E. Palmer et. at. versus Board of Zoning Adjustment:

- Practical difficulty on the property owner caused by uniqueness of the specific property and inherent in the property itself (Example: topography, size, shape, improvements predating the 1958 Zoning Regulations) would result were this application approved;

- The variance could be granted without substantial adverse impacts; and,

- The variance could be granted without impairing the intent, purpose, and integrity of the Zone Plan for the City.

Variance (Area) from Rear Yard Requirements - The existing Evening Star complex is non-conforming as to depth of rear yard. The complex, built against the rear property line with no rear yard, would, if built today, be required to have an approximately 27 foot rear yard. The three-story addition above the annex would require an additional six foot (plus) of rear yard.

Paragraph 7107.22 allows additions to non-conforming structures devoted to conforming use provided adjacent yard requirements are met. However, the applicant faces severe practical difficulties in meeting this regulation. The site is a confined area with existing streets and buildings on all sides. It is encumbered with a Category III Landmark and a contributing building to the surrounding National Historic Site. And it is constrained by its angular shape and the substantial set back requirements of PADC (50 feet to a height of 130 feet and 100 feet between heights of 130 and 160 feet). In fact, PADC has been mandated by Congress to redevelop the PADC area as an integrated development, providing PADC with design review. As such, the PADC guidelines, at least for Square 322, encourage development that does not and will not have an alley system or rear yard system and does not (and will not) have rear windows requiring light and air.

The absence of a rear yard, in this particular situation, will not have any substantial adverse impacts, and granting the rear yard variance would not substantially impair the integrity of the Zone Plan for the City. A two-story garage exists behind the annex, with no windows or sky lights. In addition, PADC has designated a developer to develop the air space over the garage entrance with an infill project to be built to the same height as the proposed addition to the annex and to create a solid streetscape along 11th Street. Thus, no adverse impacts will occur from the granting of a rear yard variance.

Variance (Area) from Court Requirements - The existing Evening Star complex is non-conforming as to closed court width and area requirements. The annex, is built up to within 5.9 feet of the adjacent Presidential Building on the west and 8.4 feet of the adjacent Presidential Building parking entrance structure along 36 feet of its northern boundary. The area of the closed court, which would not change with construction of the proposed three additional floors above the annex, is 989 square feet. If the present annex were built today with a similar closed court, the court would be required to be 32.5 feet wide and have an area of 3,088 square feet. Thus, the proposed three-story addition to the annex causes a deficiency in court dimensions of 7.5 feet and a deficiency of 113 square feet of area out of a total deficiency of 2,211 square feet.

Paragraph 7107.22 allows additions to non-conforming structures devoted to conforming use provided closed court requirements are met. However, the applicant faces practical difficulties in meeting this regulation. The existing buildings that form the court make it impossible to change the court's dimensions. And while the additional court width deficiency caused by the three-story addition is only 7.5 feet, that was largely mandated by the PADC plan which required the addition to be set back toward the rear of the site, away from Pennsylvania Avenue.

The non-conforming closed court width and area will not have any substantial adverse impacts, and granting the court variances would not substantially impair the integrity of the Zone Plan for the City. Again, PADC has designated a developer to develop the air space over the adjacent garage entrance structure to the north with an infill project to be built to the same height as the proposed three-story addition. Thus, that infill project will not be affected by a court variance. And the 5.9 foot wide court on the west which abuts the east wall of the Presidential Building provides light and air for very few windows.

Variance (Area) from Loading Berth Requirements - The Evening Star complex currently has one loading berth which will be expanded to accommodate a 30 foot long truck. However, because the applicant plans to construct 35,920 gross square feet of retail space, he is required by Sub-section 7302.1 to provide two loading berths (20,000 - 100,000 gross square feet). Under normal conditions, the applicant would likely have provided retail uses on the ground floor only (19,251 gross square feet) and been in conformance with the regulations regarding loading berths. However, in the interest of creating a magnet for predestrians on the north side of Pennsylvania Avenue, across from the Old Post Office shops and restaurants, PADC has encouraged the applicant to program more retail space than normal, providing active retail uses along the Pennsylvania Avenue and 11th Street frontages.

The applicant faces substantial practical difficulties in meeting the requirement for two loading berths. The additional berth would be allowed only on 11th Street. The Evening Star building and annex have been certified as contributing to the National Historic Site, and Interior Department staff will review their restoration and renovation. A second loading berth carved out of the 11th Street facade would not meet historic standards. Nor it is recommended by PADC because of its likely impact on the pedestrian-oriented retail uses programmed along 11th Street.

According to the applicant's traffic consultant, the existing single 30 foot deep loading berth will be adequate for peak hour demand by large trucks serving the complex. In order to provide space for smaller delivery trucks, it is proposed that 40 feet of the 11th Street curb lane, adjacent to the annex, be used for loading. This will likely have little impact on traffic flow on 11th Street, given the six lane width of the street and relatively low traffic volume. The applicant plans

to work with D.C. DOT to ensure a workable solution.

Community Comment

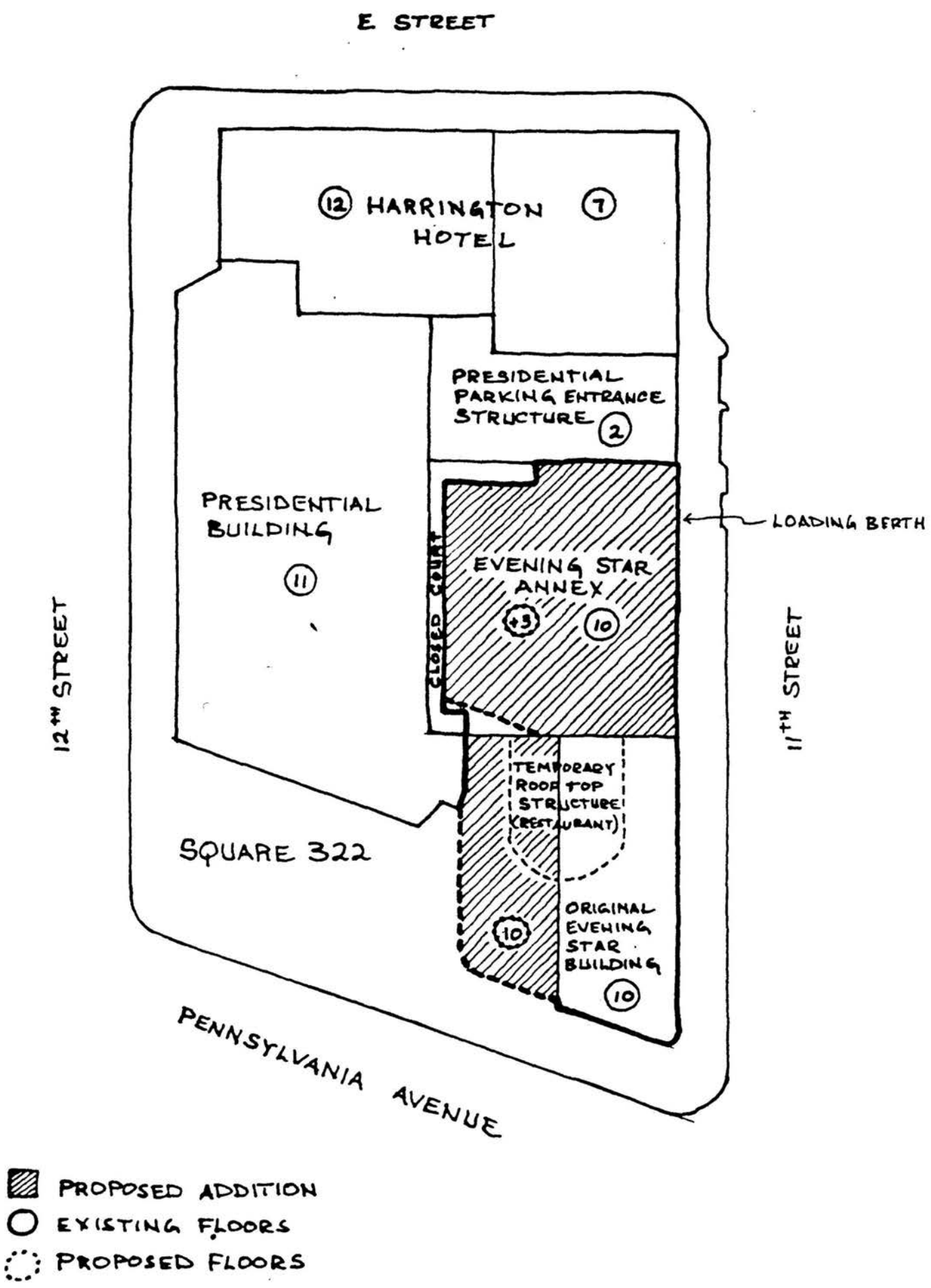
ANC 2C was unable to provide their position on the application at the time this report was prepared.

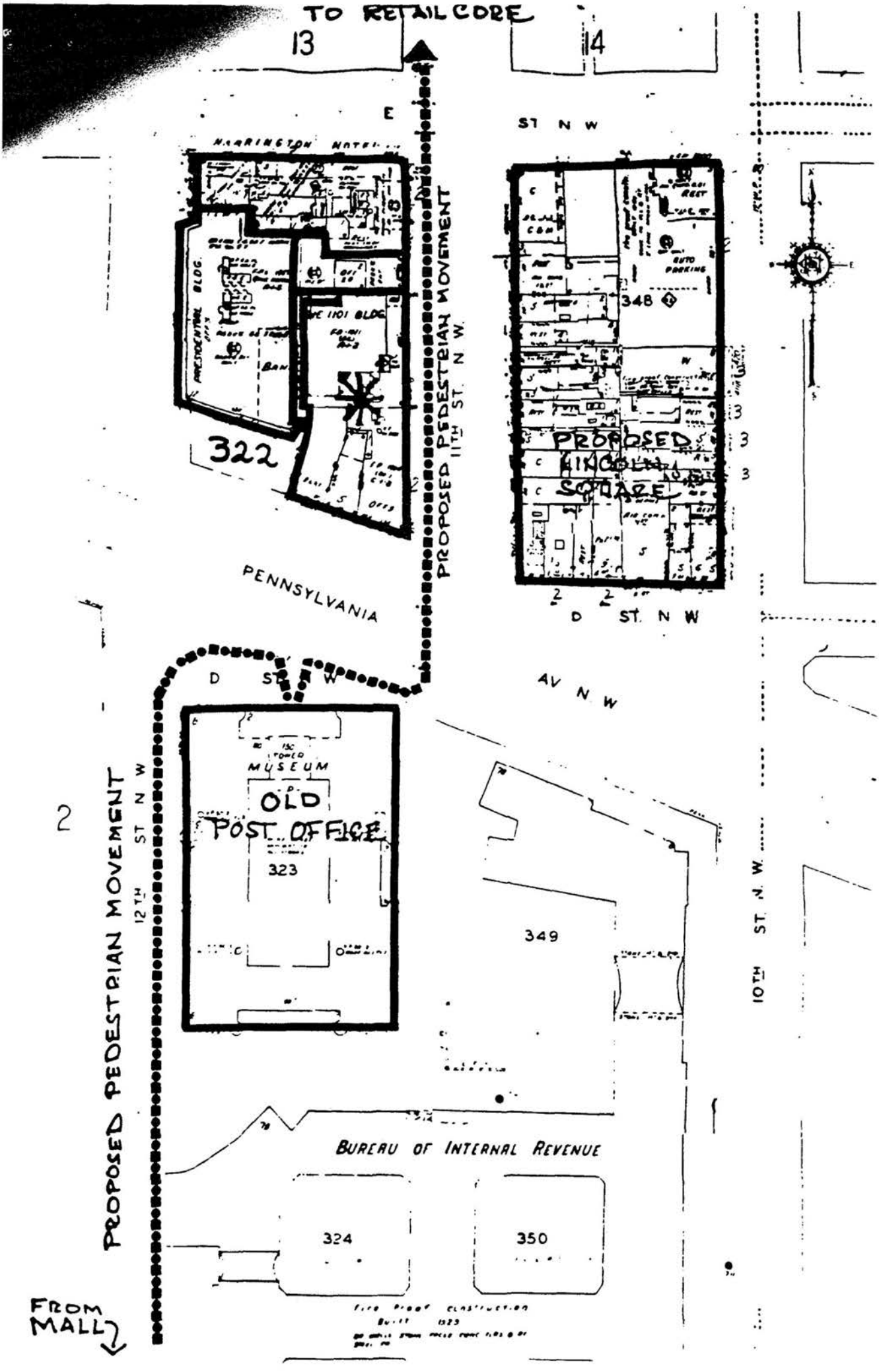
PADC is in support of this application.

Recommendation

The Office of Planning is of the opinion that this application meets the intent of Paragraph 7107.22 and Sub-sections 5303.1, 5305.1 and 7302.1. It also meets the intent of Paragraph 8207.11 of the Zoning Regulations, the principal purpose of which is to provide relief for a property owner from the unnecessarily burdensome compliance with specific area restriction. The nonconformities for rear yard, closed court and loading berths were brought about by the pre-1958 age of the existing structures, the landmark status of the original Evening Star building, the encompassing National Historic Site and the PADC jurisdiction and very specific objectives for the subject site. These nonconformities would not be appreciably exacerbated by the proposed office/retail addition, and there would be no significant adverse impact on the surrounding area or the community at large.

Prepared by:
OP/PS
DC/hjs


E STREET
(12) HARRINGTON HOTEL
(7)
PRESIDENTIAL PARKING ENTRANCE STRUCTURE
(2)
PRESIDENTIAL BUILDING
(11)
CLOSED COURT
EVENING STAR ANNEX
(+3)
(10)
LOADING BERTH
12TH STREET
11TH STREET
TEMPORARY ROOF TOP STRUCTURE (RESTAURANT)
SQUARE 322
ORIGINAL EVENING STAR BUILDING
(10)
(10)
PENNSYLVANIA AVENUE
PROPOSED ADDITION
EXISTING FLOORS
PROPOSED FLOORS


TO RETAIL CORE
13
14
E
ST N W
HARRINGTON HOTEL
PRESIDENTIAL BLDG
1101 BLDG
322
PROPOSED PEDESTRIAN MOVEMENT
11TH ST. N W.
348
AUTO PARKING
PROPOSED
LINCOLN
SQUARE
3
3
3
2
2
D ST. N W
PENNSYLVANIA
AV N W
D ST N W
MUSEUM
OLD
POST OFFICE
323
2
PROPOSED PEDESTRIAN MOVEMENT
12TH ST N W
349
10TH ST. N. W.
BUREAU OF INTERNAL REVENUE
324
350
FIRE PROOF CONSTRUCTION
BUILT 1923
FROM MALL

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14513, of the Jonathan Woodner Company, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Paragraph 5301.11) and the rear yard requirements (Sub-section 5301.1) to construct an addition to an existing structure in a C-5 District at premises 1109 Pennsylvania Avenue, N.W., (Square 322, Lots 802, 810 and 811).

HEARING DATE: December 10, 1986
DECISION DATE: December 10, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the northwest corner of 11th Street and Pennsylvania Avenue, N.W. at premises known as 1101 Pennsylvania Avenue, N.W. It is in the C-5 Pennsylvania Avenue Development (PAD) District.

2. The site is presently improved with the original ten-story Evening Star Building and Annex. The Evening Star Building is a District of Columbia Category III Landmark. The original Evening Star Building was built in 1898. Adjoining the building to the north is an annex built in 1920. The Annex was designed to serve the office and printing plant needs of the Evening Star newspaper and is slated for demolition as a part of this project. On the remainder of the site, at premises 1107 and 1109 Pennsylvania Avenue, N.W., are located a pair of two-story commercial store front buildings. These buildings have been acquired through the condemnation procedures of the Pennsylvania Avenue Development Corporation (PADC) and are slated for demolition to effectuate the proposed addition to the Evening Star complex.

3.The subject property was before the Board in 1983 under Order No. 13924. In that application, the applicant requested variance relief from the rear yard, closed court, and loading berth requirements of the Zoning Regulations. The applicant sought to renovate both the Evening Star Building and the Annex and construct an addition. That project was not able to proceed forward and the BZA approval lapsed. Due to renovation difficulties, including the need to supplement the foundations of the Evening Star Building, the deteriorated conditions of the Annex footings, economic feasibility, and the applicant's desire to do a quality job on such a significant building at such a significant

location, that particular proposal was finally rejected. In order to ensure the renovation of the Evening Star Building to the highest possible standards, the project was reevaluated and the present proposal was developed.

4. The site is within the boundaries of the Congressionally-mandated Pennsylvania Avenue Development Corporation. Accordingly, the site comes under the design review of the PADC.

5. The site also falls within the boundaries of the Pennsylvania Avenue National Historic Site and is listed in the National Register of Historic Places. The State Historic Preservation Officer of the District of Columbia has determined that the Evening Star Building contributes to the character of the Historic District.

6. The site is of an irregular, angular shape.

7. The subject square also contains the Presidential Building, at 415 12th Street, N.W., to the west of the property and the garage entrance to Presidential Building off 11th Street, N.W. to the north. Immediately north of the garage entrance, and facing E Street, is the Harrington Hotel.

8. Directly across 11th Street from the Evening Star Building, at 1001 Pennsylvania Avenue, N.W., is the Cadillac Fairview project. To the south of the Evening Star Building, across Pennsylvania Avenue, is the recently renovated Old Post Office Building.

9. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking area variances to renovate and construct an addition to the structure. The applicant is not able to meet the requirements of the Zoning Regulations related to rear yard (Sub-section 5303.1) and floor area ratio (Paragraph 5301.11) for the proposed renovation of and addition to the Evening Star Building. The applicant seeks variances from these two requirements.

10. The addition will consist of 192,141.55 square feet, for a project total of 240,536.55 square feet.

11. The applicant is the designated developer approved by the Board of the PADC to undertake a redevelopment scheme on the subject site in accordance with the PADC Plan for Square 322.

12. The proposed addition will be compatible with the building envelope called for in the PADC plan.

13. The project has the approval of the PADC Board of Directors.

14. The applicant is undertaking the rehabilitation and restoration of the original Evening Star Building in accordance with the "Standards for Rehabilitating Historic Buildings" of the Secretary of the Interior.

15. The project has the conceptional approval of the Commission of Fine Arts.

16. The applicant's real estate appraiser testified that significant additional costs due to the steps necessary to renovate the original Evening Star Building consistent with the PADC plan and the Secretary of the Interior Standards, constitute an exceptional situation or condition affecting the property. The Board concurs.

17. The existing Evening Star Annex is presently nonconforming as to rear yard.

18. The mandated setback requirements of the Pennsylvania Avenue Development Corporation plan make provision of a rear yard infeasible. The site is confined in area, and already encumbered by the existence of the original Evening Star Building, and further constrained by the raking angle of the property line.

19. The Evening Star Annex which is built face-on the property line at the rear, northern boundary of the site, abuts the entrance to the parking garage of the Presidential Building. The garage structure is 40 feet in width. To the north of the garage entrance is the Hotel Harrington. The garage is a two-story structure with no windows or skylights. The new construction will be in the area previously occupied by the annex.

20. The architect and the real estate appraiser testified that the additional costs necessary to preserve the Evening Star Building, and associated design changes, were substantial compared to the construction of a new building on vacant land. These additional costs represent a practical difficulty to the applicant which can only be mitigated through an increase in FAR. The Board so finds.

21. The addition will contribute to the revitalization of Pennsylvania Avenue.

22. By report dated December 3, 1986, and by testimony presented at the public hearing, the Office of Planning recommended approval of the application. The Office of Planning noted that the Board, in Order No. 13924, had previously considered and granted the rear yard variance. In terms of the FAR variance, the Office of Planning determined that due to the extraordinary or exceptional conditions by virtue of the irregular lot shape, the existence of a historic structure, and the existence of

...onstraints imposed by the design guidelines of the PADC and further restrictions adhering to rehabilitation of the historic structure imposed by the Secretary of the Interior by virtue of the site lying within the Pennsylvania Avenue Historic Site, the variance was necessary.

23. By report dated December 3, 1986, Advisory Neighborhood Commission (ANC) 2C reported its support for the application. The ANC recognized that the subject property is unique in shape and within the Pennsylvania Avenue National Historic Site. The PADC Guidelines do not provide for a rear yard for this site. The ANC recognizes that to ensure the effective renovation of the Evening Star, additional FAR is necessary to ensure the project's economic viability. The ANC believes that the project will not adversely affect the neighborhood, but should actually enhance the area's viability and complement the continued revitalization of Pennsylvania Avenue.

24. By letter dated December 3, 1986, Dr. Laszlo N. Tauber, the owner of the adjacent Presidential Building at 415 12th Street, N.W., noted his support for the granting of this application.

25. By letter dated December 3, 1986, the Pennsylvania Avenue Development Corporation noted its support for the applicant.

26. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan. The Board concludes that the applicant has met the burden of proof. Paragraph 5301.11 of the Zoning Regulations allows a floor area ratio of 10 or 213,260 square feet for the site. The addition will result in a structure of 240,536.55 square feet exceeding the allowed FAR by 27,276.55 square feet. or 12.79 percent. Sub-section 5303.1 requires a rear yard of 27.5 feet. The addition will provide no rear yard. The Board concludes that the site is subject to extraordinary or exceptional conditions by virtue of the irregular lot shape which is deeply angular, the existence of the historic Evening Star Building on the subject site, the existence of

constraints imposed by the design guidelines of the PADC and further restrictions adhering to rehabilitation of the certified historic structures imposed by the Secretary of the Interior by virtue of the subject site lying within the Pennsylvania Avenue National Historic Site District. The design constraints flowing from setback restrictions imposed by PADC and the historic preservation requirements create practical difficulties for the applicant in strictly complying with the applicable Zoning Regulations, in terms of the rear yard and floor area ratio requirements.

There will be no adverse impact on the neighborhood due to the requested variances. The proposed building is consistent with the plans of PADC for Square 322. The proposed building will result in no adverse impact due to loss of light or air. Additionally, the proposed building will have substantial benefits for the neighborhood and the city through continued revitalization of Pennsylvania Avenue.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the zoning plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

Accordingly it is ORDERED that the application is hereby GRANTED SUBJECT to the CONDITION that construction shall be in accordance with plan marked as Exhibit No. 22 of the record.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, and Carrie L. thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JAN 30 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

WILKES & ARTIS
RECEIVED
JAN 30 1979
WASHINGTON, D. C.

Application No. 12783, of 1754 N Street Associates Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 4101.44 to permit an addition to an office building and conversion of existing residential buildings into offices and under Sub-section 3308.2 to erect a roof structure and for variances from the rear yard requirements (Sub-section 4303.1) and the regulation regarding the vesting of rights in cases where the Zoning Regulations have been amended (Sub-section 8103.6) in the SP-2 District, at the premises 1752, 1754, 1756 N Street, N.W. (Square 159, Lots 59, 67, 68, 69, 823 and 824).

HEARING DATES: October 25, November 15 and November 29, 1978
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject property is located on the south side of N Street, N.W., between 17th and 18th Streets and is known as premises 1752, 1754 and 1756 N Street, N.W. It is in an SP-2 District.

2. The subject site is improved with three rowhouses that face N Street and constitute lots 59, 68 and 69. To the rear of the rowhouses in the interior of the subject square 159 is a parking lot on lots 67, 823 and 824. The site abuts public alleys on the south and the west sides.

3. A request for incorporating the entire subject property as well as the adjoining property at 1750 N Street in an SP office building was made under BZA Application No. 12569. By BZA Order dated February 3, 1978, the application was withdrawn before the public hearing, when it was discovered that the applicant did not have proper authorization and consent from the owners of all the lots involved.

4. By BZA Order No. 12633, dated October 24, 1978, the Board denied the use of the subject lots 67, 823 and 824 as a parking lot.

5. The subject row houses are located in the Dupont Circle Historic District, a Category II Historic District listed in the District of Columbia Inventory of Historic Sites.

6. The applicant originally intended as one alternative for the development of the site, to demolish the existing buildings and thereafter erect a ninety foot apartment building as a matter-of-right with no approvals required from this Board.

7. The applicant, however, stated a desire to preserve the historic structures involved, if practicable, and in a letter of counsel consented to the imposition by the State Historic Preservation Officer of a 180 day delay in demolition pursuant to D.C. Regulation 73-25 in order to negotiate for the preservation of the historic structures involved.

8. As a result of the negotiation sessions with interested parties including the State Historic Preservation Officer, plans were submitted to the Joint Committee on Landmarks which preserved the entire exterior facade of the historic structures located on the site and provided for the erection of a ninety foot office building addition at the rear of the premises.

9. In a recommendation to the State Historic Preservation Officer dated September 21, 1978, the Joint Committee stated that the alternative to demolition embodied in the aforementioned plans would not be contrary to the public interest. This document was submitted as an exhibit and made a part of the record in this case.

10. The State Historic Preservation Officer in a transmittal letter dated September 25, 1978, stated that the proposed alteration embodied in applicant's plans would not be contrary to the public interest.

11. The applicant's plan presently before the Board is identical to the plan reached as a result of negotiations with the State Historic Preservation Officer, pursuant to D.C. Regulation 73-25.

12. The testimony and evidence of record including the summary of the negotiation sessions held pursuant to D.C. Regulation 73-25 discloses that representatives of "Don't Tear It Down," Dupont Circle Citizens Association and Advisory Neighborhood Commission 2B were participants in the negotiation process before the Joint Committee.

13. When the notice for the public hearing of October 25, 1978 was published as of September 22, 1978, the subject application was advertised under the Zoning Regulations in effect on September 5, 1978, the date this application was filed with the BZA. It appeared as follows:

> Application of 1754 N Street Associates Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 4101.42 to permit an addition to an office building and conversion of existing residential buildings into offices and under Paragraph 4201.22 and Sub-section 3308.2 to erect a roof structure and pursuant to Paragraph 8207.11 for a variance from the rear yard requirements (Sub-section 4303.1) in the SP District at the premises 1752 and 1754 and 1756 N Street, N.W., (Square 159, Lots 59, 67, 68, 69, 823 and 824).

14. At the public hearing of October 25, 1978, the applicant requested permission to amend the application to include a variance from the 3.5 FAR requirement (Sub-section 4301.1) of the aforementioned amended SP Regulations to permit the construction of the proposed SP building addition pursuant to the plans filed with its application on September 5, 1978. At the time of the filing of the application no variance was required from the 5.5 floor area ratio provisions of the SP District.

15. The requested amendment to the application was necessitated by amendments to the Zoning Regulations adopted by the Zoning Commission in Order No. 235, dated September 14, 1978. This Order became effective on October 5, 1978, and among other changes, designated this property SP-2 in lieu of SP and reduced the floor area ratio for office use of the property from 5.5 to 3.5. The amendment adopted by the Commission also changed the paragraph under which the Board could approve a special exception for office use from 4101.42 to 4101.44

16. The opposition requested a continuation of the hearing on this application, on the grounds that the notice as published did not state that a variance from the FAR provisions of the new SP-2 District was being requested and, acccrdingly, was inadequate notice. The Chairman denied the opposition's request. He found that all parties in opposition to this application had sufficient notice of the applicant's building plans. The opposition had attend the aforementioned negotiations sessions and in the instant hearing it would have an opportunity to testify and cross-examine the applicant on the requested variance and all relevant issues.

17. The applicant in this action, at the public hearing conducted on October 25, 1978, was granted permission by this Board to amend its application for relief so as to request the relief necessary under the amended SP regulations to permit the erection of the proposed building addition, pursuant to the plans filed with the Zoning Regulations Division on September 8, 1978.

18. The applicant proposes to construct an addition to an office building and to permit the conversion of the second, third and fourth floors at premises 1752 N Street, which were formerly used for residential purposes, but which are presently vacant, into SP offices.

19. The 1700 block of N Street contains a mix of office and residential uses, including hotels and private residences. The Board finds the proposed use of the subject premises for office purposes to be in harmony with the existing uses on neighboring property.

20. The Board finds the height of the proposed building addition to be in harmony with the existing uses and structures on neighboring property, as the subject site is bordered by the Longfellow Building on the southwest, which is over ninety feet in height and on the west by an office building fronting on Connecticut Avenue which is ninety feet in height. St. Mathews' Church, located to the south, is over 100 feet in height, and to the north, the National Association of Broadcasters' Building is ninety feet in height. Furthermore, a height of ninety feet is permitted as a matter of right in the SP-2 District.

21. The Board finds the bulk of the proposed building addition to be in harmony with the existing uses and structures on neighborir property since a 6.0 F.A.R. for apartment structures is permitted as a matter of right in the zone. In addition, the Longfellow Building and St. Mathews' Church both have a greater building bulk than the proposed building addition. In addition, the proposed building addition has been carefully located at the rear of the subject site so as to minimize its impact on surrounding properties.

22. The Board finds the design of the proposed building addition to be in harmony with existing uses and structures on neighboring property since applicant's proposal preserves three historic structures located on the building site and integrates them into a total project for the site which includes a ninety foot building addition erected at the rear. The addition is to be constructed of red brick and with fenestration designed to blend with the existing buildings fronting on N Street. Furthermore, the design of the proposed building addition has been reviewed by the Joint Committee on Landmarks and found to be not contrary to the public interest.

23. N Street from curb to curb is thirty-two feet in width with a public right-of-way of fifty-six feet. The subject property is located just east of Connecticut Avenue and is served both by a public alley to its west and to its rear. N Street is one-way in an easterly direction. The loading berth and garage have access from the north-south public alley abutting the west property line. This public alley is eighteen feet in width. The proposed building will have approximately 200 occupants and during the peak hours between 8:00 A.M. and 9:00 A.M. and 5:00 P.M. to 6:00 P.M. will generate approximately fourteen vehicular trips for each peak period. Traffic volumes in peak hours at the intersection of 17th and N Streets, N.W., are 1,237 vehicular trips in the A.M. peak hour and 1,051 in the P.M. peak hour.

24. The Department of Transportation at the public hearing of November 15, 1978, and by memorandum dated November 15, 1978, testified in substance, as follows:

> The applicant indicates that 220 persons will be employed in the proposed building. Assuming a twenty-five percent automibile usage and a 1.5 automobile occupancy rate, the Department anticipates that approximately thirty-three parking spaces will be required for the employees of the building. Zoning Regulations require a minimum of thirty-five spaces. Approximately twenty automobiles belonging to employees in the three existing buildings are now parked on the site.
>
> The thirty-five spaces should be adequate for the necessary long term and short term parking requirements of the development. The building management should assign the spaces to long term and short term users according to priority needs. The excess needs for either user can be adequately served in the commercial parking facilities adjacent to the development.
>
> The site is served well by both Metrorail and Metrobus. The Dupont Circle station portal on 19th Street, N.W. is approximately 1,300 feet from the site. Both local and express bus service is available on Connecticut Avenue and 19th Street, N.W. with connections to downtown routes and crosstown routes on upper Connecticut Avenue. This excellent transit service will reduce the dependency on the automobile by workers and visitors to the site.

N Street on which the development fronts, is a local street with a thirty-two foot roadway. The block between 17th Street and 18th Street is one-way eastbound at all times. No parking is allowed between 6:00 A.M. and 9:30 A.M. Two hour metered parking is allowed on both sides between 9:30 A.M. and 6:30 P.M. All parking spaces are occupied throughout the day.

Site observations between 4:30 P.M. and 5:30 P.M. on November 6, 1978, and between 7:45 A.M. and 8:30 P.M. on November 8, 1978 revealed no traffic problems on any of the adjacent streets or the internal alley system.

The portion of the alley system from Rhode Island Avenue to the alley on the southern boundary of the site is now posted one-way northbound. The Department intends to monitor the system to determine if this portion should be returned to two way operation to reduce the impact from all traffic being required to go northbound to N Street.

The Department reported that it did not expect this office development with thirty-five parking spaces to cause a measurable difference in the traffic operation on the adjacent street and alley system.

25. The Board finds that on the basis of the applicant's expert traffic witness and the testimony of the Department of Transportation representative the vehicular traffic anticipated to be generated by the applicant's proposed development will not create dangerous or other objectionable traffic conditions.

26. The roof structure complies with the maximum permitted height of eighteen feet, six inches with an F.A.R. of .1688 or substantially less than the .375 F.A.R. permitted. The structure is located to the southwest corner of the site well removed from the structure fronting on the 1700 block of N Street, N.W.

27. The Zoning Regulations normally require that roof structure be set back from all lot lines of the lot a distance equal to their height above the roof.

28. The size and shape of the subject site and the constrictions of the site involved in this project and special design factor present in carefully placing and designing the roof structures of the proposed building addition so as to be compatible with the character of the Historic District necessitate their sitting at the western edge of the property near the east frontage of the Longfell Building. This requires approval of the Board.

29. As testified to by the architect of the project, the location of the historic structures on the site and the size and shape and constructions of the site dictate the design, size and location of the proposed building addition, as that addition must be placed and treated so as to compliment the existing residential building.

30. The subject site as existing is developed with only 12,803 square feet of gross floor area, only a small percentage of its permitted F.A.R. under either residential or office use. Under residential development, such as an apartment use, for which the applicant has already filed plans, the permitted F.A.R. is over 76,000 square feet. Furthermore, the subject site is improved with historic structures which the applicant wishes to preserve through the erection of a building addition.

31. The Board finds the existing conditions and costs to applicant imposed upon the property owner in order to save the existing townhouse type structures require the relief necessary to make the alternative to demolition acceptable when compared to matter of right development of a ninety foot, 6.0 F.A.R. apartment building with demolition of the existing townhouse.

32. The Board finds that in order for the applicant to provide a court area between the existing structures and the proposed building addition that it is not feasible to provide the required rear yard in this project.

33.The architect for the project testified and the Board so finds that premises 1754 and 1756 N Street are currently used for office purposes and that 1752 N Street is precently vacant and that the proposed use of the second, third and fourth floors of premises 1752 N Street, N.W. for office purposes would be in harmony with the existing mixed use character of neighboring properties.

34. The Municipal Planning Office, by report dated October 20, 1978, hoped that the Board's action on the subject application would foster the retention of the three townhouses while allowing for the appropriate development of the site.

35. The Association for the Preservation of the 1700 Block of N Street, N.W., and the Dupont Circle Citizens Association were present at all hearings conducted in this case and objected to the application on the basis that the notice of applicant's request for relief was defective, that the proposed addition was out of character with the area, that the application was illegal under the new SP-2 Regulations, and that negotiations to preserve the structures which are located on a part of the subject site were in process before the State Historic Preservation Officer. The Board finds that it has responded to these objections in the foregoing findings of fact. At the November 15 public hearing the "Don't Tear It Down" organization favored the granting of the application except for the FAR variance and provided that three subject buildings were retained.

36. Advisory Neighborhood Commission 2B opposed the application on the following grounds:

a. The request for the FAR variance was never advertised to the public. The notice was accordingly defective. It should be readvertised and the application set for a new hearing date so that the public would be aware of the specific relief that was being requested and have sufficient time to prepare their evidence.

b. The Zoning Regulations for the SP-2 District were effective October 5, 1978. To grant the present application would militate against all the work and planning that went into the formation of the new Regulations and have the effect of reversing the Z.C. Order as it applies to this property.

c. The proposed use does not meet the requirements of Sub-paragraphs 4101.441 and 4101.442 of the Zoning Regulations.

d. The subject site was not unique in the neighborhood.

e. The best economic return on the property cannot be the basis to sustain the relief sought.

f. The granting of the application would destabilize the SP-2 District.

g. Negotiations were still underway for the preservation of the historic structures on the subject site.

37. The Board, by statute, is required to give great weight to the issues and concerns of the ANC. In addressing itself to these issues and concerns the Board finds as follows:

a. In Findings of Fact 14, 15 and 16, the Board addressed this issue when it granted the applicant permission to amend its application and proceed with the hearing. The Board emphasizes that the subject matter of this application is not new but well known to the concerned parties and public.

b. The applicant in this case stands in the position of any other applicant. Notwithstanding the recent amendments to the Zoning Regulations of SP Districts, the Zoning Regulations pursuant to Paragraph 8207.11 still provide that variance relief can be requested. The Board has authority to grant such relief, provided that the applicant can meet the requirement of Paragraph 8207.11.

c. The Findings of Fact ant the Conclusions of Law, hereinafter stated, find that the applicant has met its burden of proof and met the requirements of Sub-paragraphs 4101.441 and 4101.442 of the Zoning Regulations.

d. The Board finds the site unique not in the sense as the opposition stated, but as stated hereafter in the conclusions of law. In addition, upon cross-examination the ANC was unable to indicate a similarly situated property in the neighborhood.

e. The Board has never determined, nor does it in the subject application, that the best economic return on a property, is a basis to grant relief.

f. Sub-section 4101.1 of the Zoning Regulations does not preclude office buildings. The major purpose of the SP District is 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. In the subject application, as hereinafter concluded, the proposed building is compatible with the neighborhood uses and structures. In addition, buildings of architectural merits are being preserved and protected.

g. The Board finds that the proposed development plan does not entail demolition of the subject structures on N Street and therefore, in no manner adversely affects any proceedings before the State Historic Preservation Officer but will in fact implement these negotiations.