CONCLUSIONS OF LAW:

The applicant seeks special exceptions and area variances. Based on the record the Board finds that as to the special exceptions, the proposed building addition in its use, height, bulk and design is in harmony with existing uses and structures on neighboring property; that the use will not create dangerous or other objectionable traffic conditions and that the Board requires no special treatment in this instance by way of design to protect the value of neighboring property since that design of the proposed addition has been reviewed by the Joint Committee on Landmarks and the State Historic Preservation Officer and found not to be contrary to the public interest.

The Board also finds that in view of the mixed use character of the subject neighborhood that the conversion of the second, third and fourth floors of premises 1752 N Street, N.W., will be in harmony with existing uses and structures on neighboring property.

The Board concludes that as to the addition to the building and the conversion of premises 1752 N Street the requirements of Paragraph 4101.44 of the Zoning Regulations have been met.

As to the special exception to erect a roof structure, the Board finds that the constriction of the site involved in this project and the special design factors present in placing and designing the roof structure so as to be compatible with the character of the Historic District necessitate its placement at the western edge of the property near the east frontage of the Longfellow Building. Full compliance with the Zoning Regulations would be unduly restrictive and unreasonable. Under Sub-section 3308.2 the Board approves the location and design of the subject roof structure.

The Board further concludes that the special exceptions requeste can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps.

The applicant also seeks variances from the rear yard and FAR requirements. Both of these are area variances which require a showing of a practical difficulty stemming from the property itself. The Board finds that it is true that the subject site is basically rectangular with a small notch in the northeast corner of the lot providing for the rear of 1750 N Street, N.W., and a slight angle caused by the angle of the alley.

Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.21A2

However, the site is unique in that it has extensive lot depths and it is located on two public alleys. There are only two other properties in the square that share the public alleys, a large office building on Connecticut Avenue and the St. Mathews' Cathedral, and three townhouses on the front portion of the site have less than 1.5 FAR with the remainder of the lot unimproved. The street frontage available is small. The remainder is alley frontage and blank walls.

The Board concludes that the subject site is affected by several extraordinary or exceptional situations or conditions. Due to the presence of townhouse type structures on the site which dictate the design, size and location of the proposed building addition, the applicant has had little choice but to design a building addition which necessitates the requested variance relief. Furthermore, the low level of current utilization of the site also constitutes an exceptional situation or condition.

The applicant's practical difficulty in this case stems from the existence of existing structures on the site and the added cost and complexity of development imposed in attempting to preserve such structures and integrate them into a building addition. This fully supports the variance of relief as to the required rear yard. The Board also recognizes that as a practical difficulty that applicant is being requested to save the existing structure on the site and forego building and apartment house with F.A.R. of 6.0 and ninety feet in height.

As a result of the constrictions placed on the development of the site by the presence of the existing structures, the applicant is required to seek the requested relief as an alternative to demolition of the historic properties.

The State Historic Preservation Officer and the Joint Committee on Landmarks have previously determined that the proposed alteration of the historic structures involved and the building addition propose by the applicant would not be contrary to the public interest. In addition, the applicant's proposal furthers the public interest in that it provides for the preservation of historic structures.

The Board further concludes that the practical difficulty is inherent in the property itself and that the variance requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board in its Findings of Fact 36 and 37 has addressed itself to the issues and concerns of the ANC and has given great weight to such issues and concerns as required by statute.

Accordingly, is is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The exterior facades of the existing buildings shall be maintained.

2. All additions to the building, such as fire escapes, which do not relate to the historic character of the building shall be removed.

VOTE: 3-1 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith to GRANT, William F. McIntosh opposed; Leonard L. McCants not voting, having recused himself).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 JAN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

District of Columbia Register

FEB 16 1979

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12790 of Semih and Betty Ustun, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) rear yard requirements (Sub-section 3304.1) conversion of a building to an apartment house requirements when part of the proposed structure did not exist prior to May 12, 1958 (Paragraph 3104.33) and height requirements to allow a four story building (Sub-section 3201.1) for a proposed addition and conversion in the R-4 District at the premises 1801 Park Road, N.W. (Square 2614, Lot 824).

HEARING DATE: November 15, 1978
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject site is a single lot approximately 12,400 square feet in size and contains a structure over 4,000 square feet in total gross floor area, and is located at 1801 Park Road, N.W., in the R-4 District.

2. The subject premises has been designated as a Category II Landmark. The applicant desires to save the building to comply with the designation of the building as a landmark.

3. Prior to the designation of the site as an historic landmark the applicant orginally applied for a demolition permit in order to develop the subject property with six townhouses each containing two units as permitted by right in the R-4 District. Those plans have been abandoned in favor of the proposal described herein.

4. The applicant now proposes to divide the 4,000 square feet of floor area in the existing building into two residences each containing 2,000 square feet. The addition to the rear and side of the building will have eleven apartments.

This will increase the number of dwelling units to thirteen, having a density of slightly more than 900 square feet of lot area per dwelling unit. The R-4 zoning district in which the property is located, permits conversion of a building into apartments with a minimum of 900 square feet of lot area per unit, provided that the building existed prior to May 12, 1958.

5. The proposed development including the addition requires variances from the lot occupancy, rear yard and the number of stories requirements of the R-4 district. The proposed development will occupy 45.1% of the lot, where a maximum lot occupancy of forty per cent is permitted. A rear yard of 7.83 feet will be provided, where a twenty foot rear yard is required. In addition, the proposed building addition will have four stories where only three stories are permitted in an R-4 district. The building will not exceed the permitted forty feet height limitation with the additional story.

6. The outside walls of the new addition to the building will be constructed with brick of color that will match the existing landmark structure. The height of the new addition will also correspond to the height of the existing structure.

7. The historic building presently before the Board was originally constructed in 1903 as a single-family residence. Subsequently, in approximately 1940, the structure was converted into a convalescent home. This use continued until 1951 when the property was purchased and used as a home for the elderly until 1968. The building has been vacant since 1968, except for caretakers and is presently in an advanced state of deterioration.

8. The property has not been used as a single family residence in more than thirty years and restoration costs necessary to make the existing structure marketable would total a minimum of $125,000. Furthermore, a structural engineer has examined the premises and by report submitted as an exhibit before the Board, found that it would cost approximately $80,000 just to bring the structure up to Building Code requirements.

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9. Because the property is a landmark structure, the application for demolition permits resulted in a 180 day delay of demolition process being applied to the site, under the terms of D.C. Regulations 73-25.

10. A member of the Joint Committee on Landmarks testified that during the course of negotiations pursuant to D.C. Regulations 73-25, formal and informal sessions were held during which all facets of the proposed development were discussed including exterior design, height, bulk, building location, number of units and number of parking spaces. Summaries of the negotiation sessions and informal meetings were submitted as exhibits to the Board.

11. The applicants submitted a development plan in August of 1978, which provided for thirteen dwelling units, a conforming side yard, and the required number of parking spaces pursuant to the Zoning Regulations, thereby removing several citizen objections and greatly reducing the relief required from this Board over the original proposal.

12. Subsequent to the proceedings before the Joint Committee on Landmarks, the State Historic Preservation Officer, noted in a transmittal letter attached to the applicants alteration permit application that the proposed alteration of the historic landmark would not be contrary to the public interest.

13. A further letter from the State Historic Preservation Officer dated November 14, 1978 recommending approval of the present application was submitted to the Board as part of the record in this case.

14. As testified to by the architect of the property, the location of the historic structure on the site dictates the design, size and location of the proposed building addition, as that addition must be carefully placed and treated so as to complement the existing residential building.

15. The Board finds the cost of acquisition of this site and the high cost of renovation of the landmark dictate the minimum number of residential units needed to make the alternative to demolition acceptable from an economic standpoint when compared to the matter of right development of six townhouses.

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16. The historic landmark structure is of an exceptionally large size, occupies over twenty percent of a 12,400 square foot lot, and can only be divided into two dwelling units under the present Building Regulations.

17. The representative of the Patrons of the Adams House and the representative of Don't Tear It Down, Inc., both testified that the subject site was unique and that no other property was like the subject site in lot size and placement of the structure upon the lot and that it would not be reasonable for any other property owner in the landmark to develop his property in a manner such as the applicant proposes.

18. The Board finds that the bulk of the building addition has been carefully considered and it would not be in architectural harmony with the historic landmark structure to increase building height of the proposed addition in order to reduce lot occupancy.

19. The Board finds that the subject property imposes constraints on the location for the proposed building addition because of the siting of the historic landmark structure and the desire to locate the building addition at the rear of the site through a desire to remove it from the Park Road street frontage.

20. The Board finds a fourth story is necessitated to provide enough floor area in the building addition to provide adequate bedroom area for the units located nearest the 18th Street frontage.

21. The applicant testified and the Board finds the building addition to be essential to the viability of the proposed development project and notes that pursuant to Section 3104.33, a pre-1958 building could be converted as a matter of right to apartment use on the basis of one unit for each 900 square feet of lot area. According to that calculation for unit density, the applicant herein would be permitted to provide thirteen units which is the same number as that proposed in the application presently before the Board.

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22. The Municipal Planning Office by report dated November 13, 1978, recommended a granting of the requested variance relief on the basis that this would enable the preservation of an historic landmark structure and would provide needed housing for the District of Columbia. The Board so finds.

23. Advisory Neighborhood Commission 1E was a signatory of the letter agreement outlining the parameters of the development plan submitted to the Board and testified in support of that plan at the public hearing on the basis that the project presented an appropriate solution for the preservation of the historic structure involved.

24. A local citizen testified that the developer should re-evaluate the economic viability of restoring the subject structure as a single family residence but testified neither in support nor in opposition to the development pending before the Board.

25. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are lot occupancy, rear yard, conversion of an existing structure to an apartment of which part was erected subsequent to 1958 and number of stories, all of which are area variances. The proposed use of apartments is permitted as a matter of right in the R-4 District and, therefore, requires no use variance.

The Board concludes that the subject site is affected by several extraordinary or exceptional situations or conditions. Due to the presence of an historic landmark structure on the site which dictates the design, size and location of the proposed building addition, the applicants have had little choice but to design a building addition which necessitates the requested variance relief. Furthermore, the cost of acquisition of the site and the high cost of renovation dictates the minimum number of residential units needed to make the alternative to demolition economically acceptable. Lastly, the large size of the historic landmark and the large lot area it occupies, including the covered porch areas, and the fact that it can only be divided into two dwelling units under the Building Regulations also constitutes an exceptional situation or condition.

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The applicants' practical difficulty in this case stems from the existence of an historic landmark structure on the site and the added cost and complexity of development imposed in attempting to preserve a structure and integrate into it a building addition. The findings of fact set forth the manner in which the Zoning Regulations impose a practical difficulty as to each of the variances requested by the applicants. It is also noted that the failure to permit the erection of the building addition proposed in this case would result in a harship to the property owner.

As a result of the constraints placed on development of the site by the presence of the historic structure, the applicant is required to seek the requested variance relief as an alternative to demolition of the historic structure.

A survey of surrounding land uses as testified to at the public hearing reveals the area to be of mixed residential character and shows that the proposed dwelling addition would not adversely affect such uses. Furthermore, the Joint Committee on Landmarks has previously determined that the proposed alteration of the historic structure and building addition proposed by the applicants would not be contrary to public interest. In addition, the applicants' proposal furthers the public interest in that it provides for the preservation of an historic structure and provides housing units for the District of Columbia.

In consideration of the findings of fact and conclusions of law herein, it is therefore ORDERED that the application be GRANTED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant; Chloethiel Woodard Smith, not voting)

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: FEB 16 1979



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15157 of the National City Christian Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to establish offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer, or similar professional persons for the construction of an office building with accessory parking as an addition to an existing church building in an SP-2 District at premises 1250 - 14th Street, N.W., (Square 212, Lot 123).

HEARING DATE: November 8, 1989 and July 18, 1990
DECISION DATE: July 18, 1990 (Bench Decision)

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of November 8, 1989. At that public hearing, counsel for the applicant requested that the public hearing on the application be postponed indefinitely to afford the applicant an opportunity to meet with the Office of Planning, the ANC and the community in order to attempt to resolve the issues and concerns expressed by those entities. The Board granted the request for postponement. The application was rescheduled for the public hearing of July 18, 1990.

2. The property is located at the southwest corner of the intersection of 14th and N Streets and is known as premises 1250 14th Street, N.W. It is zoned SP-2.

3. The property is irregular in shape with a frontage of 366 feet along 14th Street, 151 feet along N Street and 207.14 feet along Highland Terrace, which is parallel to Massachusetts Avenue, and has a total lot area of 137,771.00 square feet.

4. The property is currently improved with a surface parking lot with a capacity of approximately 65 vehicles and the landmark National City Christian Church which fronts on Thomas Circle and its accessory office building. The parking lot has previously been approved by the Board for commuter parking purposes but is now used exclusively as accessory parking for the Church. The Church was designed in the neo-classical style by John Russell Pope, was constructed in 1929, and is listed on the District of Columbia Inventory of Historic Sites and the National Register of Historic Places.

5. To the west of the subject site, across a 20 foot wide public alley are the ninety-foot high Towne Terrace East and West Condominium apartment building, both of which contain some office use on the lower levels. Southwest of the site is a 90 foot apartment building known as the Heatherington apartments. Further west, at the intersection of 15th and Massachusetts Avenue is a proposed SP office building recently approved by the Board in its Order No. 15156. On the north side of N Street are row structures and three to nine story apartment houses in the SP-2 and R-5-D Districts. South of Massachusetts Avenue is an office building containing the National Housing Center in the SP-2 District followed by the twelve-story Vista Hotel and a twelve-story office building on the south side of M Street in the C-4 District.

6. The subject site is in the broad swath of SP zoning which follows Massachusetts Avenue from Mt. Vernon Square to Dupont Circle, and lies between commercial zoning to the south and residential zoning farther to the north. Near Square 212, the SP-2 District extends 140 feet north of N Street, east to 12th Street, and south to M Street. The northwest corner of 15th and M Streets has recently been rezoned from SP-2 to C-4. West of Square 212, the area of 16th Street around Scott Circle and to the north is zoned SP-1, and 16th Street to the south is zoned SP-2. South of Square 212, across M Street, is the C-4 District, the high density commercial zone which extends into the Downtown area.

7. The area surrounding Square 212 is characterized by a wide variety of uses. Hotels within one block include the Washington Plaza, two Holiday Inns, the Vista International, the Madison and the Ramada Inn. Also located on Thomas Circle are several commercial office buildings. The National Housing Center is an SP office use, and is located directly to the south of Square 212 at 15th and M Streets. On the north side of N Street are several large apartment buildings, such as the Seville and James, both of which are 90 feet in height, and a few smaller residential buildings. Farther north of Square 212 are residential areas and the 14th Street commercial corridor. South of Square 212 are large commercial buildings representative of the high density business core, which is zoned C-4.

8. The applicant proposes to construct an SP office building on the northern portion of the lot as an addition to the existing landmark church building and its administrative office.

9. The proposed office building addition will measure ninety feet in height with approximately 139,000 square feet of gross floor area, and will provide approximately 175

parking spaces in an underground garage. The addition is connected to the church at ground level by an elevator core which will permit parishioners and church visitors to proceed directly from the proposed garage into the church.

10. The design of the proposed structure is intended to complement the surrounding structures, particularly the National City Christian Church and was reviewed by and received conceptual approval from the Historic Preservation Review Board. The applicant has agreed to modifications to the proposed design in an effort to accommodate the request of some of the neighbors of the site provided that the modified design can secure approval through the Historic Preservation Review Board process. The proposed modifications relate to the architectural design and materials of the N Street and west alley facades.

11. The development of the proposed office addition is based on a ground lease agreement between the applicant and the developer which provides that the land will continue to be owned by the applicant and that, upon termination of the lease, the improvements on the land would revert to the applicant. The applicant testified that the proposed ground lease agreement will provide much needed revenue as well as parking for parishioners and visitors to the church. The revenue realized from the agreement will permit the applicant to maintain the existing landmark church building and continue its ministries for the benefit of the community. One level of parking in the proposed addition will be reserved for the exclusive use of the church.

12. The ninety foot height of the proposed office building is consistent with other development in the square including the Heatherington to the southwest and the Towne Terrace East and Towne Terrace West buildings to the west. Development in the surrounding area includes a wide variety of buildings with a height of ninety feet includes the Seville, James and Miramar apartment buildings north of N Street, and several buildings fronting on Thomas Circle. Development in the commercial district south of Massachusetts Avenue reaches a height of 130 feet. To the north, the buildings generally drop off in height in the residential districts.

13. The use of the proposed structure for SP offices is not out of character with the existing mix of residential, hotel and office use in the area as set forth in Findings of Fact Nos. 5, 6 and 7.

14. The SP-2 District permits a maximum floor area ratio of 6.0, no more than 3.5 or 482,198.5 square feet of which may be for other than residential purposes. The floor area ratio of the proposed SP office addition is 1.0067 or

138,690 square feet. The total floor area ratio of the site including the existing church is approximately 2.88 or 396,780.48 square feet. The bulk of the nearby Towne Terrace East and Towne Terrace West buildings is 6.0 FAR. The adjacent Heatherington apartment building is developed to 5.0 FAR.

15. The applicant proposes to provide two 30 foot loading berths, two 100 square foot loading platforms, and one 20 foot service space in compliance with the requirements of the Zoning Regulations. Access to the loading berths is via the 20 foot wide public alley to the west of the site.

16. The Zoning Regulations require the applicant to provide 76 on-site parking spaces, up to 40 percent of which may be compact spaces measuring 8 x 16 feet in size. The applicant is providing 77 full size parking spaces, 15 compact parking spaces and five spaces for handicapped parking, for a total of ninety-seven on-site parking spaces for the proposed office use. One level of parking, or approximately 78 parking spaces will be devoted to the church's use.

17. The applicant's traffic engineer testified that the proposed use will not create dangerous or otherwise objectionable traffic conditions. The current site contains a parking lot with an approximate capacity of 65 vehicles. These parking spaces are used for church purposes and do not generate much traffic during peak hours. The traffic engineer estimated that the proposed development would attract approximately 94 vehicles to the site per day. Approximately 50 percent of the vehicles attracted to the site would arrive during the morning peak hour and leave during the evening peak hours, adding approximately 47 vehicles to the existing peak hour traffic along N Street.

18. N Street is one-way, eastbound and is classified as a minor collector street with a traffic flow measuring approximately 1,600 vehicles per day and approximately 55 vehicles during the morning and evening peak hours. The entrance to the proposed parking garage is from N Street approximately 150 feet west of 14th Street. The levels of service at the intersections of both 14th and N Streets and 15th and N Streets operate at an "A" level of service at all times under normal circumstances.

19. The traffic engineer testified that access to the parking garage would be inappropriate if located on 14th Street due to the proximity of Thomas Circle and potential conflicts with traffic in the Circle, the unsafe condition of left turns into the site from northbound traffic, and the fact that signalizing the entrance would be impossible because of the proximity of the existing signal at the intersection of 14th and N Streets.

20. The Board waived its Rules to accept the report of the Office of Planning less than seven days prior to the public hearing. The Office of Planning, by memorandum dated July 12, 1990, recommended that the application be approved. The OP was of the opinion that the proposed development complies with the FAR, height and use requirements for an SP-2 District. The OP was further of the opinion that the design of the office building is compatible with the existing character of the area and would not create objectionable conditions.

21. The Board waived its Rules to accept the written report of Advisory Neighborhood Commission (ANC) 2C less than seven days prior to the public hearing. By letter dated July 12, 1990, the ANC supported the granting of the application subject to the following CONDITIONS:

a. The applicant would restudy the feasibility of facade modifications. The ANC supports the facade modification to the N Street and alley facades presented by the applicant to the ANC on July 11, 1990. The ANC has no objection to the 14th Street facade.

b. The Church parking spaces located in the north-south alley adjacent to the Towne Terrace East property affected by the prior alley closing would be blocked by the Church at its expense.

c. The entrance to the parking garage would be secured from unauthorized entry by either (i) a manual booth at the entrance, or (ii) a security door with key or magnetic card entry for tenants and their guests.

d. The church, upon commencement of receipt of ground rent, should have significent staff such that as a part of their job description a representative of the National City Christian Church will be responsible for responding to complaints or requests of the neighbors of the Church.

e. The entrance to the loading area would be secured during non-business hours by either roll-down or sliding doors.

f. Construction should not begin before 7:00 A.M. to ensure a minimal noise impact on nearby residents.

g. Trash pick-up for the building should not be before 7:30 A.M.

h. The structural report of the Towne Terrace East Building would be reviewed by the engineers of the

proposed building and all efforts would be made to ensure the protection of the structural integrity of the building.

22. The Department of Public Works (DPW), by memorandum dated October 30, 1989, offered no objection to the proposed development. The DPW offered no objection to the vehicular access points from N Street to serve the parking garage and loading facilities, and the pedestrian access off of 14th Street. However, the DPW discouraged the location of a second potential pedestrian entrance off of N Street. The DPW agreed with the applicant's capacity analysis and level of service calculations in the vicinity of the site.

23. Two residents of 1420 N Street, N.W. (Towne Terrace East Condominium) testified in support of the application. They noted the position of some of the neighbors that the entrance to the parking garage should be located on 14th Street as opposed to N Street. Further, they stated that the major concern of the neighbors is the additional traffic to be added to N Street. No evidence was submitted, nor studies conducted, to support the relocation of the parking entrance.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the application is a special exception. In order to receive such special exception relief, the applicant must demonstrate substantial compliance with the provisions of 11 DCMR 508 and 3108.1 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations.

The Board concludes that the applicant has met the requisite burden of proof. The use, height, bulk and design of the project are in harmony with the existing uses and structures on neighboring property. There are a wide variety of uses in the area including hotel, office, residential and institutional uses. Many of the nearby structures, including Towne Terrace East and Towne Terrace West are 90' feet in height with a floor area ratio of 6.0. The Board is persuaded by the traffic studies presented by the applicant that the use will not create dangerous or other objectionable traffic conditions. The Board also concludes that the proposed development is in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property. The development of a professional office building is consistent with the SP-2 District in which the site is located. The project will effectively buffer the residential areas to the north from the more dense commercial districts to the south.

The Board further concludes that it has afforded the ANC the "great weight" to which it is entitled as evidenced by the conditions hereinafter imposed by this order. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the revised plans marked as Exhibit No. 39 of the record with flexibility in the treatment of the facade design to conform to any approval of the Historic Preservation Review Board.

2. The Church parking spaces located in the north-south alley adjacent to the Towne Terrace East property affected by the prior alley closing will be blocked by the Church at its expense.

3. The entrance to the parking garage shall be secured from unauthorized entry by either (i) a manual booth at the entrance, or (ii) a security door with key or magnetic card entry for tenants and their guests.

4. The Church, upon commencement of receipt of ground rent, shall have sufficient staff such that as a part of their job description a representative of the National City Christian Church will be responsible for responding to complaints or requests of the neighbors of the Church.

5. The entrance to the loading area shall be secured during non-business hours by either roll-down or sliding doors.

6. Construction shall not begin before 7:00 A.M. to ensure a minimal noise impact on nearby residents.

7. Trash pick-up for the building shall not be before 7:30 A.M.

8. The structural report of the Towne Terrace East Building shall be reviewed by the engineers of the proposed building and all efforts shall be made to ensure the protection of the structural integrity of the building.

VOTE: 5-0 (Charles R. Norris, Maybelle Taylor Bennett, 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
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 24 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15157order/LJP64

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION/APPEAL No. 15157

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated AUG 24 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher H. Collins, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K St., N.W., Suite 1100
Wash, D.C. 20006

Rev. William Howland, Pastor
Nat'l City Christian Church
#5 Thomas Circle, N.W.
Wash, D.C. 20005

Clifford Waddy, Chairperson
Advisory Neighborhood Commission 2-C
Garrison Elementary School
1200 S Street, N.W., Suite 202
Washington, D. C. 20009

Curtis Huberman
1420 N Street, N.W. #814
Wash, D.C. 20005

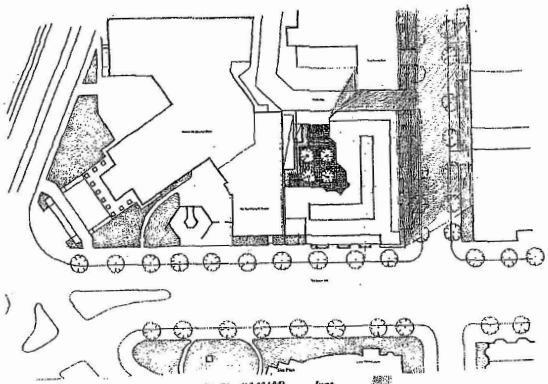
Margaret M. Dracheler
1420 N Street, N.W.
Wash, D.C. 20005

Raymond Brophy
450 5th Street, N.W.
Wash, D.C. 20001

Edward L. Curry by
EDWARD L. CURRY
Executive Director

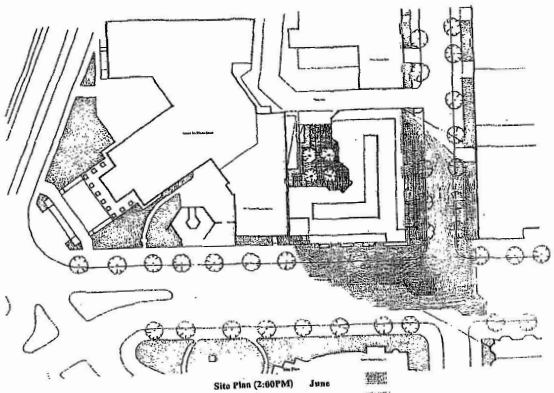
DATE: AUG 24 1990





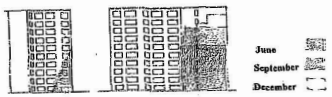
Site Plan (10:00AM)

June
September
December



Site Plan (2:00PM)

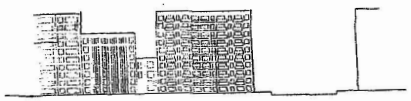
June
September
December



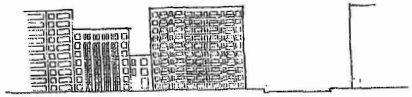
South Elevation of Town Terrace East (10:00AM)

West Elevation of Town Terrace East (10:00AM)

June
September
December



North Elevation Along N Street (10:00AM, December)



North Elevation Along N Street (2:00 PM, December)

Exhibit O

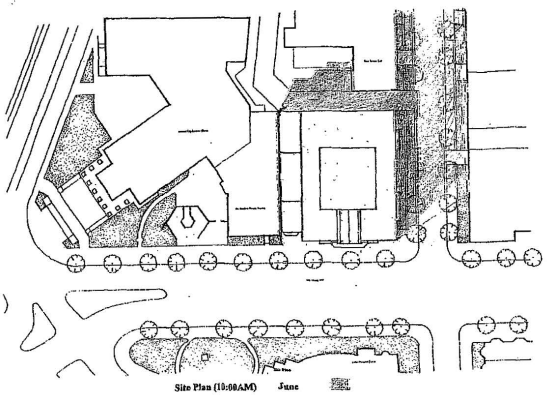
Comparative Shadow Studies of
90 Foot High Office Project and
110 Foot High Residential Project

Shadow Studies - Apartment Building

Thomas Circle - 14th & N

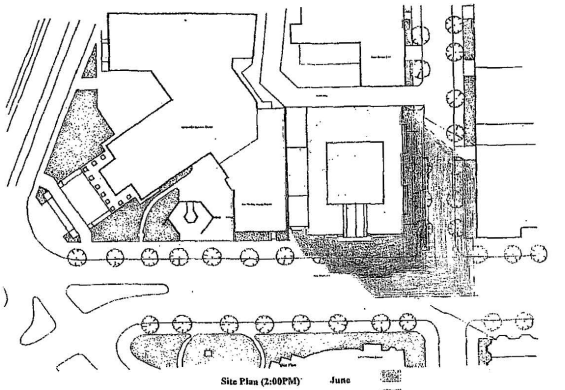
Washington, DC

Torti Gallas and Partners - CHK
1300 Spring Street, 4th Floor
Silver Spring, MD 20910
301/588-4800 fax 301/650-2255



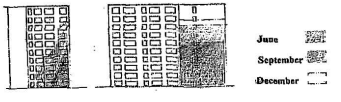
Site Plan (10:00AM)

June
September
December



Site Plan (2:00PM)

June
September
December



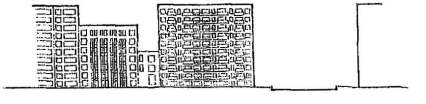
South Elevation of Town Terrace East (10:00AM)

West Elevation of Town Terrace East (10:00AM)

June
September
December



North Elevation Along N Street (10:00AM, December)



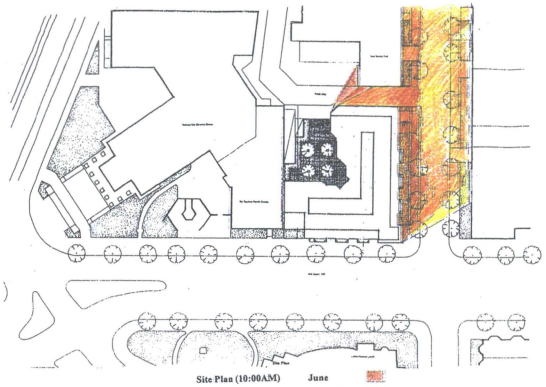
North Elevation Along N Street (2:00 PM, December)

Shadow Studies - Office Building

Thomas Circle - 14th & N

Washington, DC

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Silver Spring, MD 20910
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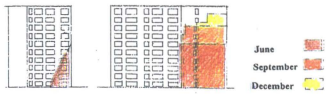
Site Plan (10:00AM)

June
September
December



Site Plan (2:00PM)

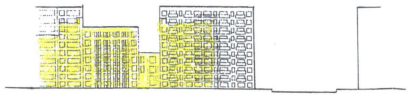
June
September
December



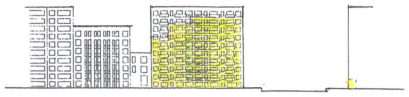
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June
September
December



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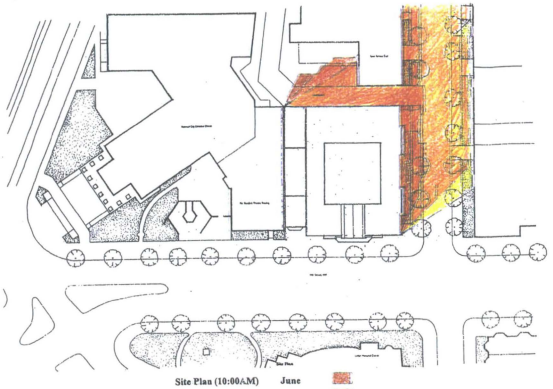
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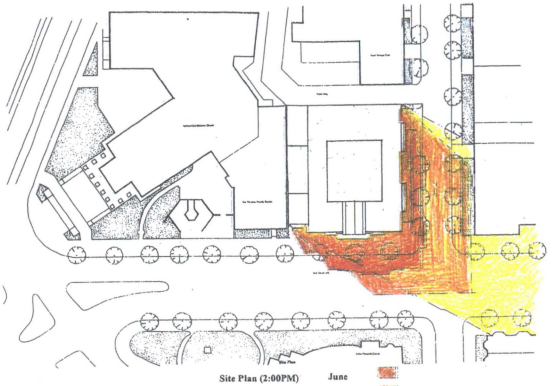
Washington, DC

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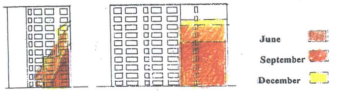
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June
September
December



Site Plan (2:00PM)

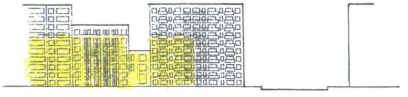
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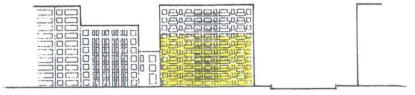
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