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September 25, 2001

NORMAN M. GLASGOW, JR.
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D.C. OFFICE OF ZONING
2001 SEP 25 PM 3:38

By Hand

BZA
Case No. 16536
Exhibit No. 32

DC Board of Zoning Adjustment
441 4th Street, NW, Room 220
Washington, DC 20001

Re: **BZA Order No. 16536, Application of National City Christian Church**
Request for Modification of Approved Plans

Dear Members of the Board:

The Applicant hereby submits this request for consent calendar action by the Board to modify the previously approved plans consistent with BZA Order No. 16536.

Procedural History

BZA Application No. 16536 was heard by the Board on January 19, 2000, and was approved by unanimous Bench Decision on the same day. The written Summary Order approving the Application was issued on March 27, 2000. A copy of the BZA Order is attached as Exhibit A. There, the Board granted variance relief under §530.1 of the Zoning Regulations from the building height restriction requirement of the SP-2 District in order to permit construction of a 12-story, 110 foot tall apartment house on the site, which is now a parking lot, and to maintain the adjacent National City Christian Church, a local historic landmark included on the District of Columbia Inventory of Historic Sites.

Modification of Plans

Pursuant to §3129 of the Zoning Regulations, the Applicant in the above-referenced matter hereby requests the Board of Zoning Adjustment's consent action to modify the plans that were approved as part of the original Application. The plan modifications requested are detailed in the drawings at Exhibit B. Importantly, the requested modifications do not have any impact upon the variance relief requested in BZA Application No. 16536. The height, FAR, number of parking spaces and number of units of the apartment house will remain unchanged.

Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.32

As shown in the drawings at Exhibit B, the interior configuration for the building will remain largely unchanged. The ground floor arrangement stands as the notable exception, where the three residential units originally planned for the 14th Street, NW, frontage of the building are proposed to be relocated to the N Street, NW, frontage and replaced by the public areas of the building including the leasing office and party room which were approved to be located along N Street, N.W.. This proposed relocation is being made primarily for purposes of the enhanced desirability of residential uses located along the quieter N Street, NW, frontage as well as for overall building efficiency. All other floor plans will remain as originally approved.

The other modifications to plans here requested by the Applicant involve changes to the fenestration pattern on all four elevations of the building and the extension of the semi-hexagonal bay extension pattern down to the third level of the building where it had originally been approved for the fourth level and above. As for the former modification, the fenestration changes are documented on pages A7 through A18 of Exhibit B. Again, these proposed modifications will have no impact upon the area of variance relief that was originally approved by the Board. Nor will any additional area of relief from the Zoning Regulations result from the proposed modifications. These modifications are the product of refinements taking place as a result of consultations between the architects of the project and the developer of the project.

The Applicant, as part of this filing, requests a waiver from the six-month limitation for filing modification of plans with the Board, set forth at §3129.3 of the Zoning Regulations, in order to allow this modification request to be heard. As set forth above, this modification is the result of continuing consultation between the project developer and the project architects and refinement of the proposal in an effort to ensure the marketability and to enhance the desirability of this important residential development project. Without waiver from §3129.3, the Applicant will not be able to proceed with the project as revised.

Finally, the Board's approval of the request for waiver from the time limitation of §3129.3 will have no negative impact neighboring properties or the Zone Plan.

Conclusion

For the reasons set forth above, it is respectfully requested that the Request for Modification of Plans be granted for National City Christian Church and that the time limitation of §3129.3 be waived in the instant case.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: _____
Norman M. Glasgow, Jr.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

CORRECTED ORDER

Application No. 16536 of National City Christian Church pursuant to 11 DCMR 3103.2, for a variance under Subsections 530.1 and 533.4 from the building height restriction and recreation space requirements for the construction of an apartment house containing 175-180 units on the site that is now the parking lot and maintain the existing church in an SP-2 District at premises 14th and Thomas Circle Streets (Square 212, Lot 123).

HEARING DATE: January 19, 2000
DECISION DATE: January 19, 2000 (Bench Decision)

ORDER

PRELIMINARY MATTERS:

1. On the date of hearing, the applicant, after explaining how the residential recreation space would be provided on site, with the consent of the Board, withdrew its application for a variance from subsection 533.4 as being no longer necessary. Pursuant to discussions held by the applicant with the Office of Planning and upon further study of the available spaces present in the subject property, it was determined that the applicant is able to satisfy the ten percent residential recreation space requirement.

2. The Board, pursuant to its rules, provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site.

3. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application, and which submitted a letter and testified in support of the application.

4. As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance pursuant to Section 3103.2. The only parties to the proceeding were the applicant and ANC 2F. No other person or entity requested to participate as a party or was granted party status in this proceeding.

5. Seven witnesses testified in support of the application, including the applicant and experts in architectural history, architecture, real estate development, urban planning, and traffic analysis. Five persons testified in opposition to the application.

6. The Office of Planning submitted a report and testified in support of the application.

FINDINGS OF FACT:

1. The property that is the subject of this application is known as premises 14th and N Streets, N.W. and consists of Lot 123 in Square 212. The property is roughly L-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 to its west.

2. The subject property has a total lot area of approximately 75,595 square feet.

3. Lot 123 is improved with the sanctuary and congregational and office space of the National City Christian Church. The subject building, erected in 1930 to the design of John Russell Pope, with additions, has been formally designated a historic landmark and is listed in the D.C. Inventory of Historic Sites.

4. The portion of Lot 123 proposed in the application to be occupied by an apartment building consists of approximately 19,630 square feet and is a rectangular space located to the north of the church building. This smaller portion of the subject property is currently utilized as an asphalt parking lot.

5. The applicant has proposed to construct a twelve-story apartment building measuring 110 feet in height and containing 175-180 units and approximately 175,000 square feet of gross floor area. Included in the proposal are three below-grade floors to provide parking for the occupants of the apartment building and the church.

6. The subject property is zoned SP-2. The SP-2 District is designed to stabilize the areas adjacent to the C-4 District and to act as a buffer between adjoining commercial and residential areas. SP zoning is designed to preserve and protect areas adjacent to commercial districts, which contain a mix of medium to high-density row houses, apartments, offices and institutions. The SP-2 District provides for a maximum floor area ratio (FAR) of 6.0 for residential uses. Non-residential FAR is limited to 3.5 FAR. There is a height limit of 90 feet. The project complies with all applicable use and density provisions set forth in the Zoning Regulations for the SP-2 District.

7. By Zoning Commission Order No. 862 in Case No. 97-7, regarding SP text and map amendments, the District of Columbia Zoning Commission approved HP/SP-2 zoning for lots 115-117 and 122 in Square 212, which comprise the western and southwestern portions of the square. This approval by the Zoning Commission thereby permitted 8.5 FAR and 130 feet in building height.

8. At its regularly scheduled October 6, 1999 meeting, ANC 2F voted 4-0 to support the applicant's proposed height variance.

9. The applicant's development proposal was reviewed and granted conceptual design approval by the District of Columbia Historic Preservation Review Board (HPRB) at its November 18, 1999 public meeting. The HPRB approval noted the exemplary design of the building and found its massing to establish a pleasant rhythm.

10. The applicant testified that funding is desperately needed for the church's service and outreach efforts. National City Christian Church is an active urban congregation that is involved in many forms of community outreach and service. The church is also always exploring ways of expanding its ministry as well as its partnerships with other churches and with community groups.

10. The applicant testified that the maintenance and upkeep of the historic landmark church building places an acute strain on the financial resources of the church. The largest single item on the church's current $1 Million annual budget is property, with more than $300,000 spent on day-to-day operations and maintenance and upkeep of the landmark building and grounds. This amount covers only the most pressing of repairs needed to the structure. It does not include needed replacement of the roof or repairs caused by moisture intrusion into the limestone façade. The church has been given estimates that the needed repairs for the building could total $1 Million.

11. The applicant testified that the open-air parking spaces lost to the church as a result of the development project will be replaced with a level of covered, below-grade parking, reserved for church use. The cost of constructing this level of parking will total more than $1 Million, exclusive of maintenance, repair and security.

12. The applicant testified that the project's approval by the Historic Preservation Review Board is predicated upon the incorporation of added design elements and the use of designated building materials. These aspects of the project could increase its cost by as much as $500,000.

13. The applicant testified that, owing to the subject property's location, the rents it could reasonably expect to achieve for the project would be discounted 15 to 20 percent from those rents of similar newly constructed residential projects in the downtown area.

14. The applicant testified that the proposed apartment building will contain approximately 175,000 square feet of area on twelve above-grade floors, thereby creating an FAR of approximately 2.3 for the apartment building and a total FAR for lot 123, when including the church building, of approximately 3.3.

15. The applicant testified and submitted evidence as to the visual and shadow impact of the proposed building as compared to a 90-foot matter of right building.

17. The applicant testified that the addition of 175-180 residential units would not have a significant negative impact upon traffic in the vicinity of the subject property, along N Street,

14th Street, Massachusetts Avenue and Thomas Circle. Residential traffic as well as service and loading functions will be channeled through the public alley located to the west of the property, accessible from N Street. Residential traffic is comparatively less intense and more dispersed over time than would be traffic to and from an office building on the same site.

18. The applicant testified that the church parking lost as a result of the project would be replaced by a level of underground parking devoted exclusively for church use within the apartment building.

19. The Office of Planning, by memorandum dated January 12, 2000, recommended that the application be approved. The Office of Planning was of the opinion that the applicant satisfied its burden of proof for a variance from the height restrictions of the SP District set forth in the Zoning Regulations.

19. Advisory Neighborhood Commission 2F, the only other party to this application, offered its support for the application, by letter dated November 15, 1999 and by testimony of the ANC 2F Secretary. ANC 2F concluded that the requested variance is appropriate because of the uniqueness and practical difficulties of the site, in that a historic landmark takes up most of the subject site and an apartment building on the remaining lot would be economically marginal if limited to a 90 foot height. The Commission further concluded that the limitation of the building to a floor area ratio of approximately 2.2 insures that the density contemplated by the Comprehensive Plan for the SP Zone will not be exceeded. Factors that weighed heavily in the ANC's unanimous decision were its preference for residential, over office or other development and the absence of significant adverse impacts on light, air or shadows on neighboring buildings. According to Section 3115.2 of the Zoning Regulations, the Board is to give "great weight" to the written report of the ANC.

20. Five witnesses testified in opposition to the application with concerns about the potential shadows cast by the proposed 110-foot high building upon neighboring buildings, the adequacy of parking for tenants and guests, and the overall impact on the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing findings of fact, the Board concludes that the applicant is seeking an area variance under subsection 530.1 of the Zoning Regulations from the building height restriction in the SP-2 District. The granting of such variance relief requires proof of a practical difficulty upon the applicant arising out of some unique or exceptional condition of the property. 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 and agrees with the Office of Planning and the ANC that the applicant has met the requisite burden of proof. The Board further concludes that the site is subject to extraordinary or exceptional conditions by virtue of the irregular lot shape and the presence of the historic National City Christian Church building on the subject site, which create a practical difficulty upon the applicant in complying with the height restriction of the SP Zone. Finally, the Board concludes that the relief requested will not cause substantial detriment to the

public good. The project will increase the housing stock in this neighborhood, will allow the applicant to expand its community outreach and service programs, and will provide this neighborhood with an architecturally exceptional product. Furthermore, this residential project will stimulate support service and retail operations, which will contribute to the vitality of the neighborhood.

It is therefore **ORDERED** that this application be **GRANTED.**

VOTE: 3-0 (Sheila Cross Reid, Kwasi Holman and Robert Sockwell to grant.)

PURSUANT TO 11 DCMR 3121.5, THE RECORD WAS LEFT OPEN FOR SUBMISSION OF ARCHITECTURAL STUDY DEMONSTRATING IN ELEVATION THE POTENTIAL SHADOW EFFECTS OF THE APPLICATION.

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

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

MAR 27 2000

FINAL DATE OF ORDER: _____

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

BZA APPLICATION NO. 16536

As Director of the Office of Zoning, I certify and attest that on MAR 27 2000 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Norman N. Glasgow, Jr., Esq.
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

The Chairperson
Advisory Neighborhood Commission 2F
Washington Plaza Hotel
P. O. Box 9348
Washington, D.C. 20005

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Dept. Consumer & Regulatory Affairs
941 North Capitol Street, N.E., 2nd Floor
Washington, D.C. 20002

Attested By _____
JERRILY R. KRESS, FAIA
Director

Att16536/JKN/03220000



View from Thomas Circle

Submitted: 01/14/2001
Revised: 09/14/2001

Thomas Circle - 14th & N

Washington, D.C.

Torti Gallas and Partners • CHK, Inc.
1300 Spring Street, 4th Floor
Silver Spring, Maryland 20910
301/588.4800 fax 301/650.22[illegible]

A01

Exhibit B





View from Thomas Circle

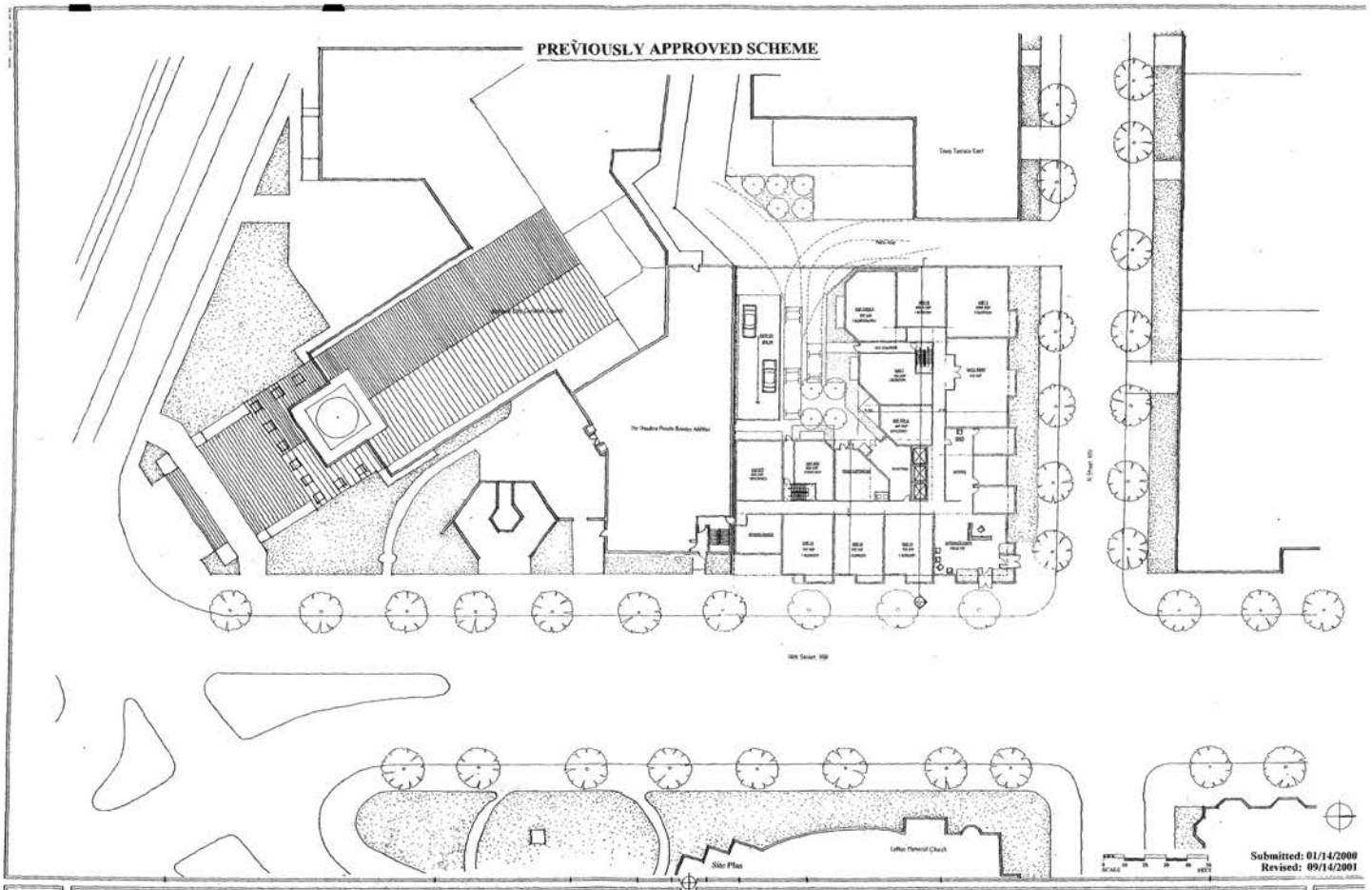
Submitted: 01/14/2001
Revised: 09/14/01

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A02



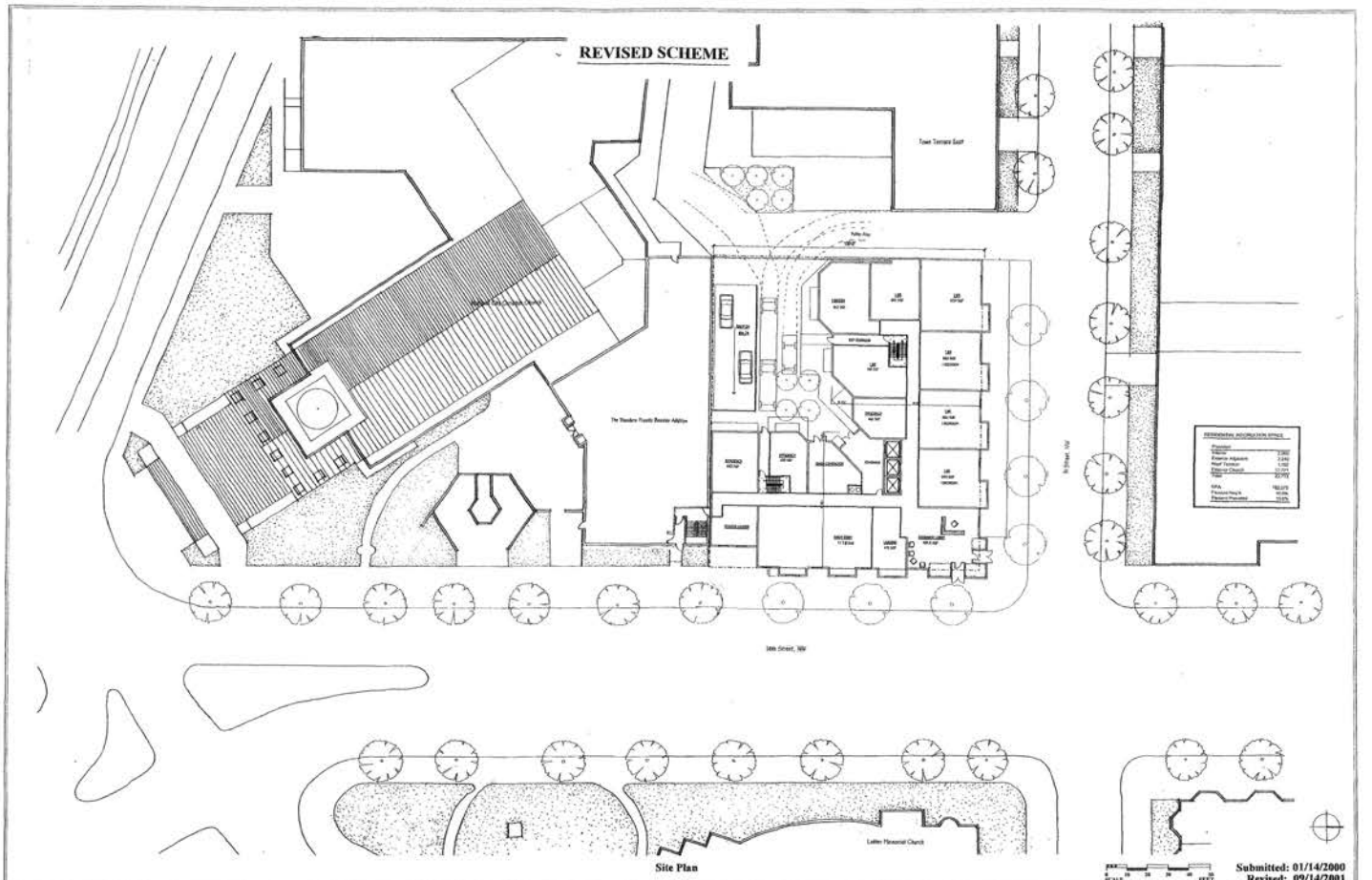
Submitted: 01/14/2000
Revised: 09/14/2001

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A03



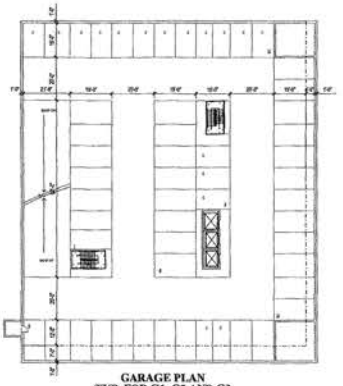
Submitted: 01/14/2000
Revised: 09/14/2001

Thomas Circle - 14th & N

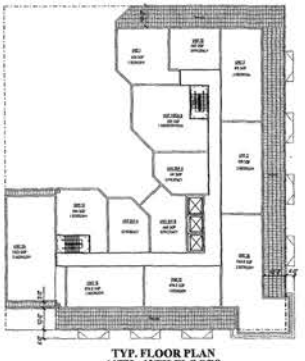
Washington, DC

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A04



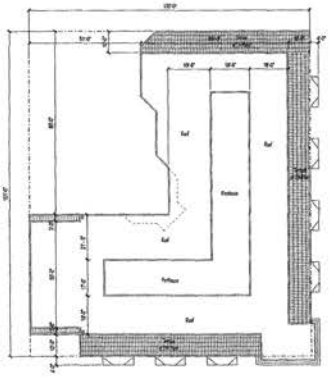
GARAGE PLAN
TYP. FOR G1, G2 AND G3
52 SPACES PER LEVEL



TYP. FLOOR PLAN
11TH - 12TH FLOORS



TYP. FLOOR PLAN
2ND - 10TH FLOORS



ROOF PLAN

PREVIOUSLY APPROVED
SCHEME UNCHANGED

Submitted: 01/14/2000
Revised: 09/14/2001

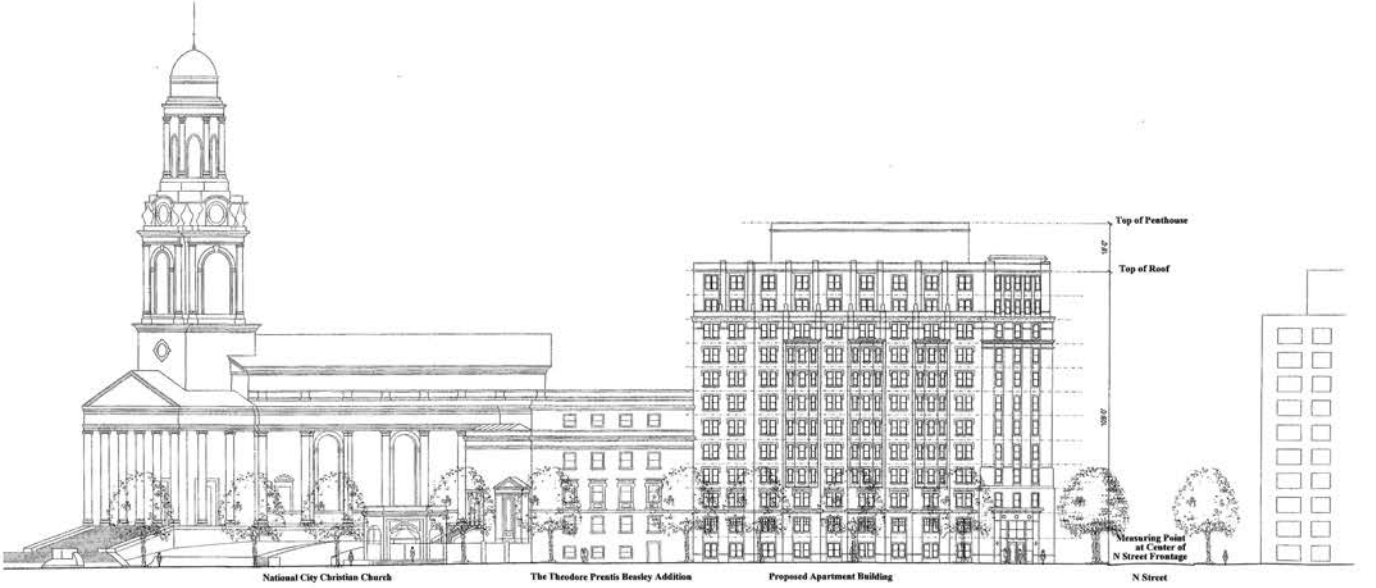
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A05

PREVIOUSLY APPROVED SCHEME



Elevation Along 14th Street

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

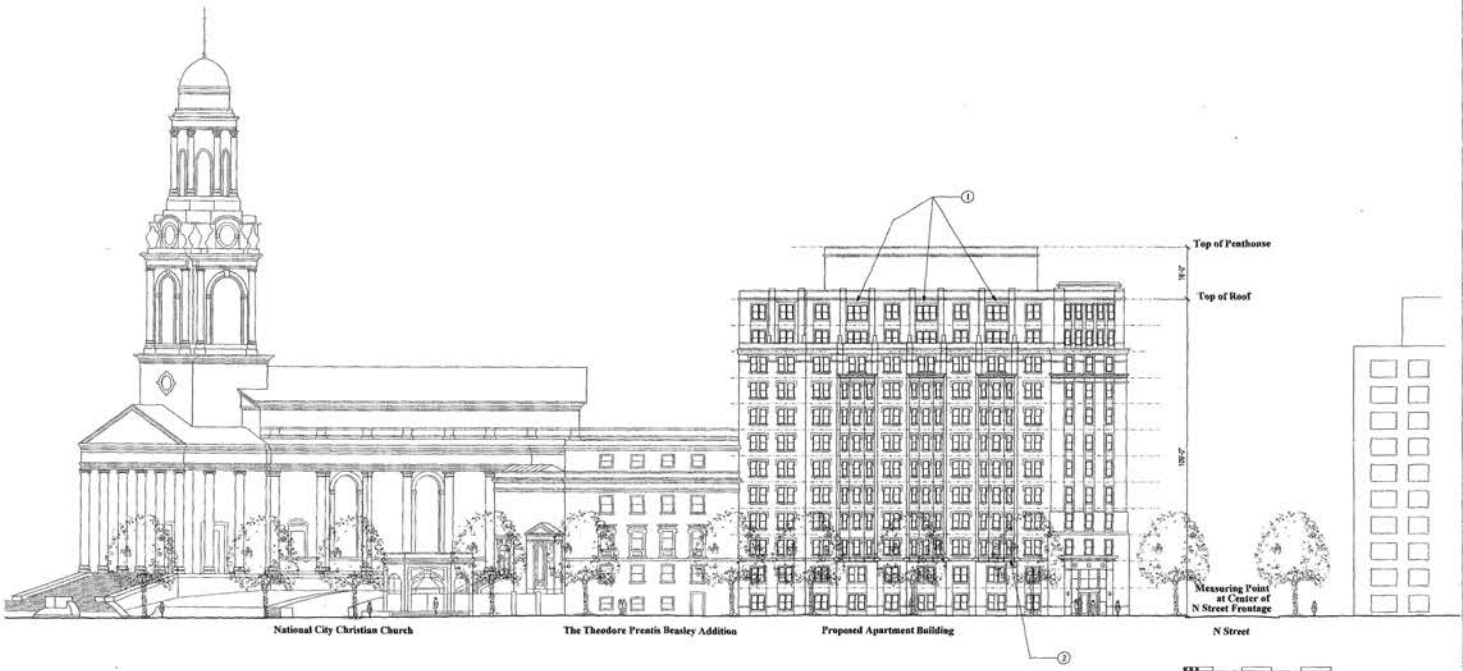
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A06

REVISED SCHEME

Revised Elements	
Key	Element Description
1	Double-Ganged Expanded to Triple-Ganged Penetration
2	Canted Window Bays Extended Down to Third Floor



Elevation Along 14th Street

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

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Washington, DC

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A07

PREVIOUSLY APPROVED SCHEME



Elevation Along N Street

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

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Washington, DC

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A08

REVISED SCHEME

Revised Elements	
Key	Element Description
1	Double-Ganged Expanded to Triple-Ganged Fenestration
2	Canted Window Bays Extended Down to Third Floor, Typ.



Elevation Along N Street

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

Thomas Circle - 14th & N

Washington, DC

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A09

PREVIOUSLY APPROVED SCHEME



Elevation Along Public Alley (West)

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

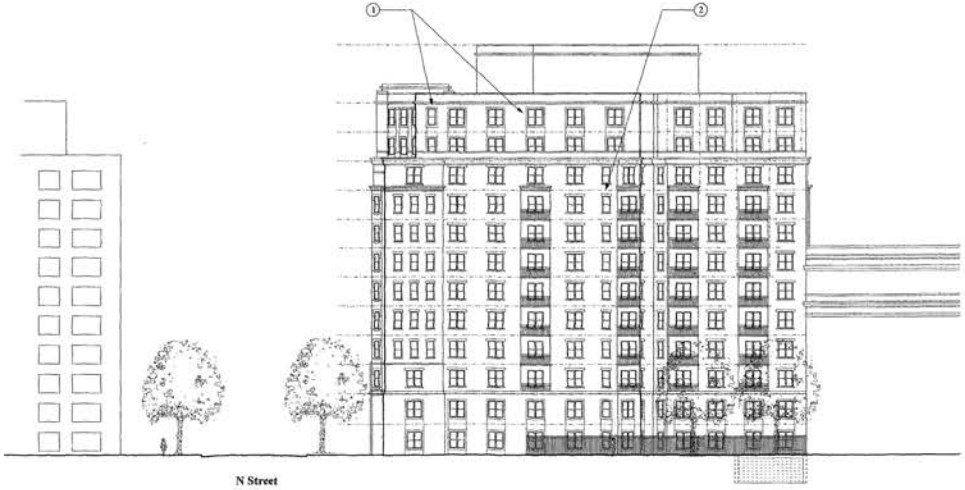
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A10

REVISED SCHEME

Revised Elements	
Key	Element Description
1	Fenestration Added and Remodulated
2	Additional Fenestration Only



Elevation Along Public Alley (West)

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

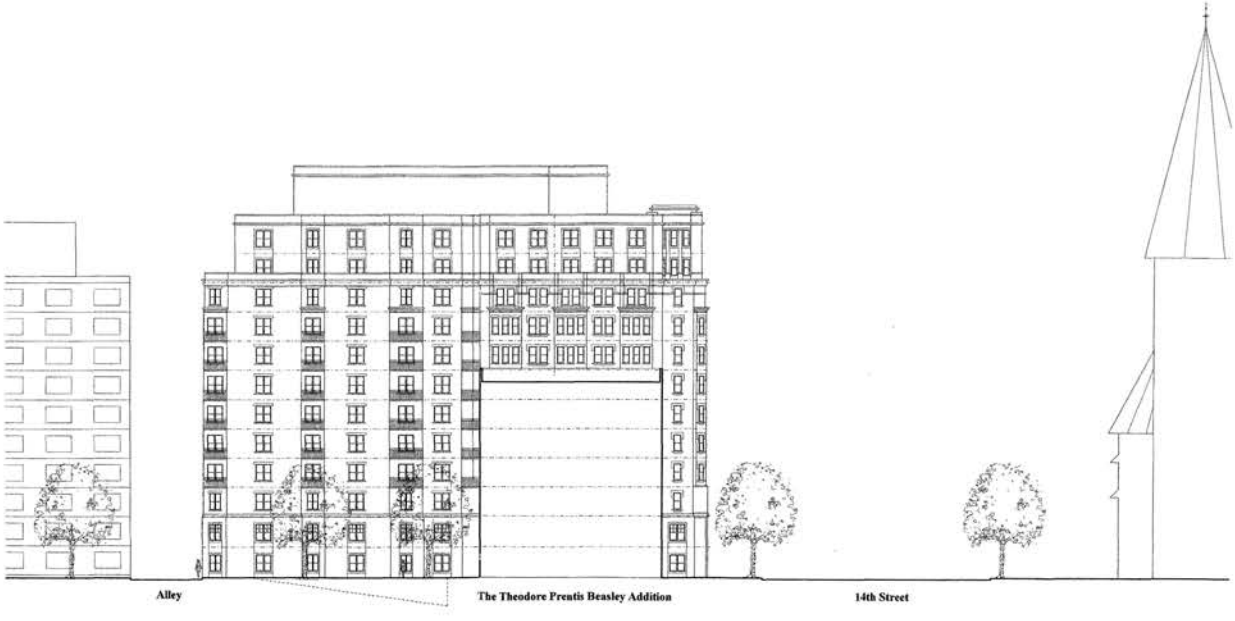
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A11

PREVIOUSLY APPROVED SCHEME



South Elevation

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

Thomas Circle - 14th & N

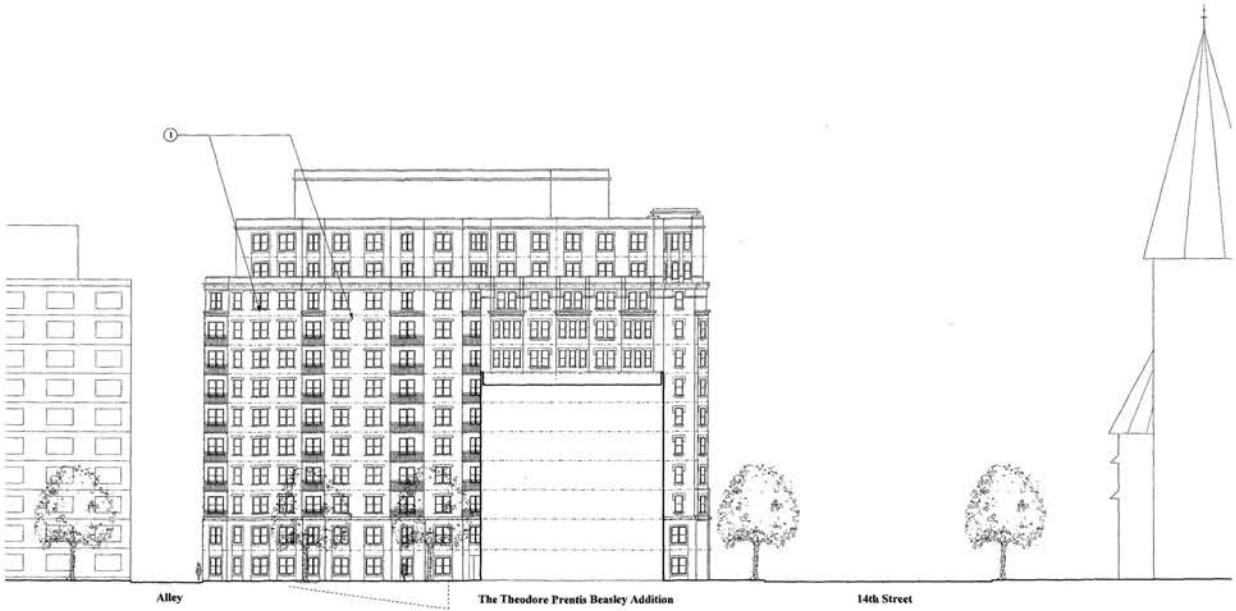
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A12

REVISED SCHEME

Revised Elements	
Key	Element Description
1	Additional Fenestration Only



South Elevation

SCALE 0 10 20 30 40 50 FEET

Submitted: 01/14/2000
Revised: 09/14/2001

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A13