GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 22, 2002

SUBJECT: BZA Application 16827

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BZA
Case No. 16827
Exhibit No. 27

APPLICATION

In this application, Stuart Building LLC originally requested approval of a variance from the floor area ratio limit under Section 531 and a Special Exception for a office use under Section 508, pursuant to Sections 3103 and 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, respectively, to allow office conversion of a vacant building located at 1750 N Street, N.W. (Square 159 Lot 70).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the requested Special Exception to allow office uses up to a 2.5 FAR. OP recommends denial of both variances required to increase the allowable nonresidential FAR because insufficient justification has been provided.

Staff also does not support a variance reducing the required on-site parking from three to two vehicle spaces at this time. Action should be deferred until it is confirmed that an exterior stair is required in the rear yard and that there will not be sufficient space left to park three vehicles.

SITE AND AREA DESCRIPTION

The subject 0.03-acre property (1,181 square feet) is an interior lot located on the south side of N Street, N.W. (please refer to Exhibit 1). The property is developed with a four-story Victorian-era row house of masonry and stone construction completed around 1888. In the Statement of Existing and Intended Uses dated November 20, 2001, the applicant describes the building as having a floor area of 5,221 square feet. D.C. Office of Tax and Revenue records, however, list the total floor area as 4,351 square feet. The paved rear yard appears large enough to maneuver and park three vehicles. Access to the rear of this property is across the adjacent private property and a portion of a ten-foot wide public alley in the southeast corner of the lot. Immediately west of the site, on a separate lot and in a separate building located at 1732 N Street, N.W., are the offices of The American Society for Microbiology. The continuity of these two building facades is such that they appear to be on a single structure. The rear

Board of Zoning Adjustment
District of Columbia
CASE NO.16827
EXHIBIT NO.27

portion of the subject property and the adjacent portion of St. Matthews Court to the south were conveyed to the Society for a low-to-high rise office expansion (per Special Exception No. 16470 approved in 1999). As a result, addition walls border the rear and western property lines of the subject property. Further west, across an existing alley, is a multi-story parking garage.

Three-to-five story row buildings on the opposite side of the N Street N.W. are largely vacant, although several are occupied by office uses. Properties to the east of the site (1734-1748 N Street, N.W.) are developed with similar four-story row houses either converted for office use or vacant. Further south of the property (beyond the Society addition) is the St. Matthews Church site.

The subject lot and properties to the north and east are zoned Medium-density Special Purpose (SP-1)/ Dupont Circle Overlay District (DCOD). Properties to the west are zoned Major Business and Commercial Center (C-3-C)/DCOD. These properties also fall within the Dupont Circle Historic District.

APPLICANT'S PROPOSAL

The Stuart Building, LLC, proposes to renovate the existing building for office uses. The existing building is characterized as being used for offices in recent years, but the only Certificate of Occupancy on file with the Department of Consumer & Regulatory Affairs (DCRA) was issued in 1950 for a rooming house (refer to Exhibit 2).

The proposed renovation would upgrade the existing floor plans and attic space for contemporary office use. The original façade and exterior windows will be restored "with no substantial change to the front of the building." In addition, the first two floors extend further from N Street N.W. than the upper two floors and attic space. Plans include extending the floor plates of the upper floors and attic to match the lower floors. The applicant estimates that the new construction would increase the building floor area by approximately 1,500 square feet. The resulting total floor area would then be between 5,851 and 6,721 square feet.

After purchasing the property and preparing plans, the applicant applied to DCRA for a new Certificate of Occupancy. The Acting Zoning Administrator denied their request in a letter dated November 19, 2001, because of the need for approval of a Special Exception for the proposed office use by the Board of Zoning Adjustment (BZA). The applicant subsequently submitted the required application.

After meeting with staff on-site, the applicant provided the following justification for the requested zoning relief in a supplemental statement dated January 8, 2002:

- **A Special Exception is required for the proposed office use** (although a future residential use "is not inconceivable").
- **The variance from the floor area ratio is needed to make (building renovation) economically feasible.** Reconfiguring the ground floor and adding 1,500 square feet to the upper two floors and attic would increase the potential tenant offices from five to ten and allow an elevator, without actually increasing the existing building footprint.

- **In addition, a variance is being requested from the parking requirement in case a proposed exterior fire stair in the rear yard would eliminate a parking space.**

They also stated "that the building might be used for residential purposes at some future date".

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned DCOD/SP-1, and would be renovated and expanded for office uses. Expansions and conversions of existing office uses are allowed in the SP-1 district as a matter of right, but not new office uses. Although the existing property may have been used for office uses recently, the only use authorized by a Certificate of Occupancy is a rooming house. As a result, the applicant requested approval of the proposed use as a Special Exception under Section 508 of the Zoning Regulations (refer to Exhibit 3). The subject property and development are subject to the following requirements in the SP-1 district.

Standard	SP-1 Requirement	Existing	Proposed	Required Relief
Lot Area	---	1,181 s.f.	Same	N/A
Lot Width	---	17.7 feet	Same	N/A
Floor Area	---	4,351 s.f. [1]	6,721 [2]	N/A
Floor Area Ratio	4.0 (residential & total) 2.5 (other permitted use)	3.68	5.69	Variance
Lot Occupancy (max.)	-- (nonresidential uses)	55% [3]	61% [3]	N/A
Front Yard	0 feet	0 feet	Same	N/A
Rear Yard	2 inches/foot of height (12 feet min.)	12 feet [3]	12 feet [3]	N/A
Side Yard	-- (nonresidential use)	0 feet	Same	N/A
Height	65 feet	52 feet [3]	58 feet [3]	N/A
Courts, open	3 inches/foot of height (12 feet min.)	N/A	N/A	N/A
Loading berths	None	None	None	N/A
Parking	1 space/1,800 s.f. over 2,000 s.f.	3 parking spaces	3 or 2 parking spaces	Variance (for 2 spaces)

[1] According to D.C. Office of Tax and Revenue records
[2] Based on information provided by the applicant
[3] Based on information on the Self-certification Form

Based on this information, the proposed development would meet most requirements of the Zoning Regulations. Section 2100.5 of the Zoning Regulations also provides that no additional parking spaces would be required for structures certified by the State Historic Preservation Officer as contributing to the character of the local (Dupont Circle) Historic District. Although this property has been so certified, the applicant's request would reduce the number of existing parking spaces on-site. As a result, a variance would be required for the (possible) reduction in the number of existing parking spaces.

The property is also subject to the requirements of the Dupont Circle Overlay District under Section 1501. Staff determined that this proposal does not raise any issues relative to these regulations.

The applicant provided architectural floor plans, photographs and an appraisal along with their application.

ANALYSIS

The applicant needs a Special Exception for the office use, and variances to increase the allowable non-residential floor area ratio from a 2.5 FAR to approximately 5.69, and reduce the number of required parking spaces from three to two.

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested Special Exception is also subject to the requirements under Sections 508.3 through 508.5.

Compliance with Section 508:

Staff review of this proposal determined the following:

- Surrounding uses are predominantly office and this proposal would not substantially change the front building façade. Changes to the rear of the building would not be visible from any adjacent street or alley (due to the Society addition and garages along St. Matthews Court). Therefore, the use, height, bulk, and design shall be continue to be in harmony with existing uses and structures on neighboring property.

- The applicant indicated that the proposed office uses would only require regular deliveries by panel trucks that could park along N Street N.W. The applicant indicates that no special accommodations would be required for trash collection. Therefore, the use shall not create dangerous or other objectionable traffic conditions.

- The site would remain essentially as it has appeared for years, therefore staff does not thinks that any special treatment is needed to protect the value of neighboring property.

Based on these findings, it was determined that this proposal meets the requirements of Section 508.

Compliance with Section 3104.1:

Based on the results under Section 508, it appears that this proposal will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and will not tend to affect adversely the use of the neighboring properties.

Compliance with Section 3103.2

This section grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act:

> "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The zoning relief requested consists of a "use variance" from the FAR limitation on non-residential floor area and two "area" variance; one to exceed the existing FAR limitation and another to reduce the existing parking spaces on-site. The circumstances surrounding each request must be "unique" and the usual application of the referenced zoning regulations would have to result in "exceptional and undue hardship" for the use variance and "peculiar and extraordinary practical difficulties" for the area variances.

The applicant acquired the property under the assumption that office uses located on the property were allowed as matter of right, when in fact no Certificate of Occupancy is on file for these uses. The only approved use for this site was for a rooming house. The surrounding properties on the same side of the street are all occupied by office uses. However, no evidence has been provided to explain why this request is "unique" and why not being able to exceed the 2.5 FAR limitation on non-residential uses presents a "exceptional and undue hardship".

The applicant purchased the property to provide office space for their firm and other professional organizations and individuals. Staff asked whether the applicant had considered developing the property as a mixture of office and residential uses. The response was that the property was not purchased with that purpose in mind, and that over time all the remaining residential uses along the south side of the street have been replaced by office and restaurant uses.

With regard to the building floor area, the Zoning Regulations limit the allowable non-residential FAR

in SP-1 zoning districts to 2.5. Utilizing the entire 5,221 square feet of building floor area (according to the applicant's appraisal) for any change in use would require increasing the allowable FAR from 2.5 to 4.42, nearly a 100% increase. Therefore, some form of "area" or "area" and "use" variance will be required to utilize the entire building. Additional justification will be required for staff to adequately review the merits of any such request. Therefore, neither variance request can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

With regard to the available parking on-site, the existing 17.5' x 38' rear yard is a narrow space that is appears adequate to park two vehicles perpendicular to the building and one vehicle along the rear property line. A required stairway could reduce the available space for parking and maneuvering, and there is no additional space to provide on-site parking. As a result, retaining space for parking three vehicles may present a "practical difficult". On street parking in this area of the Downtown is very limited, so it is important to retain on-site parking whenever possible. In this case, the number of parking spaces that will be available in the rear yard depends on final BZA action on the above-referenced variances and Special Exception, a final determination by the Fire Department on the emergency egress requirements and refinement of the architectural plans. Therefore, staff recommends deferring action on this last variance until the need is firmly established.

COMPREHENSIVE PLAN

The Generalized Land Use Map designates the subject property and other property south of N Street N.W. as "High Density" commercial, characterized as "The business and retail heart of the District and metropolitan area includ(ing) a mix of employment, retail, office, cultural and entertainment centers." Note that residential is not listed as a predominant use.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 2B was notified about this proposal. The ANC discussed this request during a meeting on January 16, 2002 and recommended approval.

AGENCY COMMENTS

This proposal was forwarded to the District of Columbia Metropolitan Police Department, Fire Department, the Historic Preservation Office, and the Department of Public Works for comment.

The applicant discussed this proposal with staff in the Historic Preservation Office. In general staff did not express any concerns, but proposed changes to the building will be subject to approval by the Historic Preservation Review Board. The building is also considered to contribute to the Dupont Circle Historic District.

To date, no other agency comments have been received.

RECOMMENDATION

The Office of Planning recommends approval of the requested Special Exception to allow office uses up to a 2.5 FAR. OP recommends denial of both variances required to increase the allowable nonresidential FAR because insufficient justification has been provided.

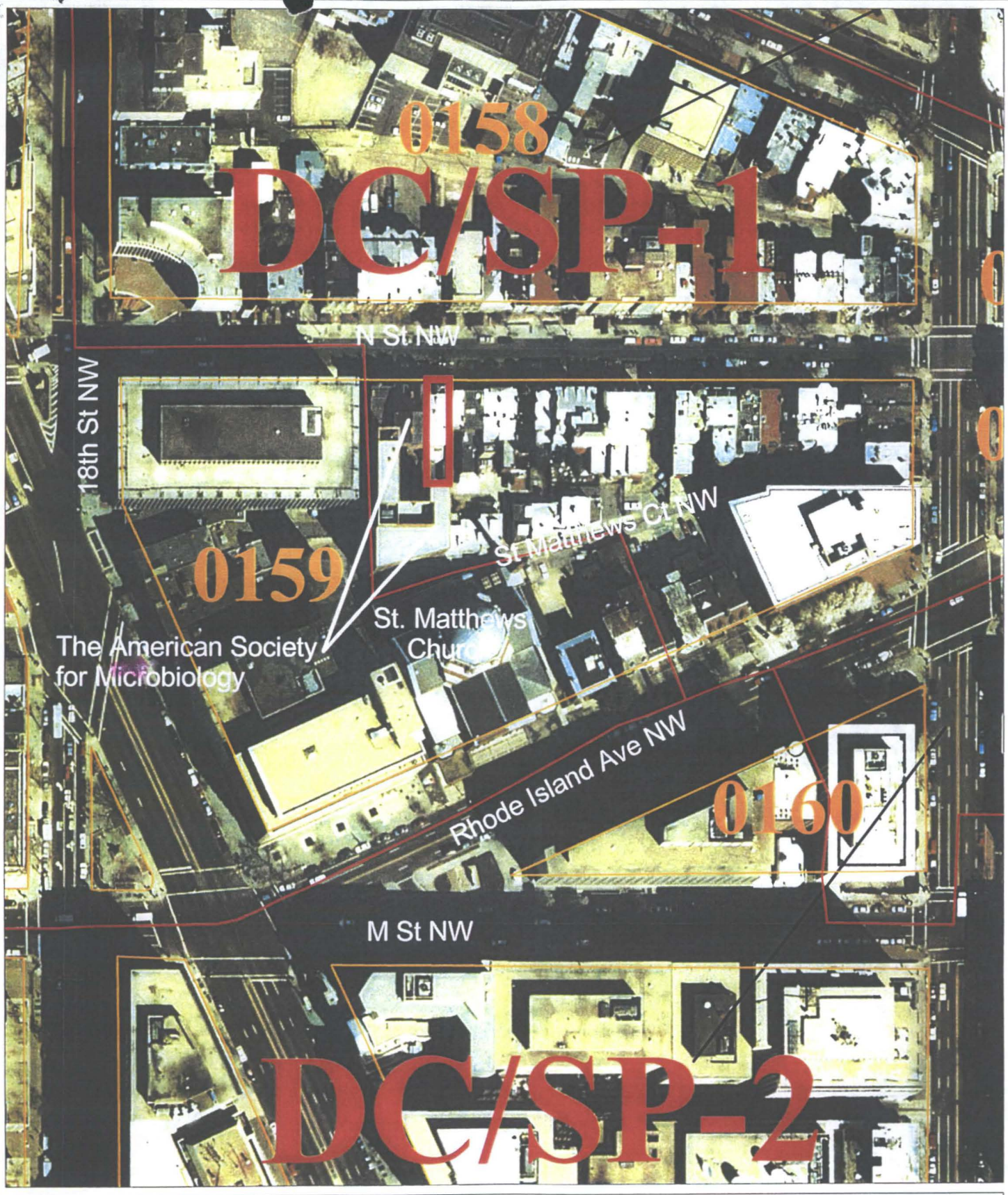
Staff also does not support a variance reducing the required on-site parking from three to two vehicle spaces at this time. Action should be deferred until it is confirmed that an exterior stair is required in the rear yard and that there will not be sufficient space left to park three vehicles.

OP may provide a supplemental report if additional information is received.

Attachments:

Exhibit 1 Property Aerial Showing Zoning
Exhibit 2 Certificate of Occupancy No. A-7511 dated December 12, 1950 (1750 N Street, N.W.)
Exhibit 3 Excerpts from the Zoning Regulations

AA/afj



Feature Key

- Zoning Boundaries
- Zoning Leader Lines
- Street Centerlines

Board of Zoning Adjustment

Application No. #16827

DC Office of Planning

January 22, 2002

Scale 1:1600

25 0 25 50 75 100 125 Feet

Attachment #

Exhibit 2

Form 201 – C&D

CERTIFICATE OF OCCUPANCY

No. A 7511

Washington, D.C. 12-12- 1960

Permission is hereby granted to [redacted]

to use the 2 floor(s) of the building located on Lot 70 Square 159

known as premises 1750 U Street, N. W. for the following

purpose(s): Rooming house – [redacted]

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES.

"This Certificate of Occupancy need not be renewed unless there is a change in (1) the type of business, (2) address of business, (3) ownership of business, or (4) part of the building used for the business. But, should there be any change in one or more of the foregoing items a NEW Certificate of Occupancy must be obtained."

ZONE Res. 12D FEE $ 4.00

Superintendent of Permits, D.C.

By: [redacted]

CENTRAL PERMIT BUREAU, GOVT. OF DIST. OF COL.

OFFICE COPY

Excerpts from the Zoning Regulations

508 OFFICE USES (SP)

508.1 Construction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use, shall be permitted in an SP District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

508.2 Each application shall be referred to the Office of Planning in accordance with the provisions of §500.6.

508.2 The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property.

508.3 The use shall not create dangerous or other objectionable traffic conditions.

508.5 The Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it shall deem necessary to protect the value of neighboring property. ...

2100 Authority to Require Parking Spaces ...

2100.5 No additional parking spaces shall be required for a historic landmark or a building or structure located in a historic district which is certified by the State Historic Preservation Officer as contributing to the character of that historic district.