GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: AS for
Andrew Altman, Director
Office of Planning

DATE: January 29, 2002

SUBJECT: Waiver of Rules for Submittal of an Addendum concerning BZA Application 16827 requesting a Special Exception and a variance for an office use on property located at 1750 N Street, N.W.

The attached additional information concerning an application from The Stuart Building, LLC, requesting 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, is submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

Case No. 16827
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16827
EXHIBIT NO.33

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: January 29, 2002

SUBJECT: BZA Application 16827 - **Addendum**

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). They subsequently requested a variance to allow reduction of the existing parking spaces on-site.

ADDENDUM

The analysis included in the Office of Planning report dated January 22, 2002 was based on the incorrect lot area. This amended report recalculates the relief required by this request based on the correct area.

SUMMARY RECOMMENDATION

The Office of Planning continues to recommend approval of the requested Special Exception for office uses. OP also supports a variance to increase the allowable non-residential floor area ratio (FAR) from 2.5 to 2.9 so the entire building can be used for office. However, staff recommends denial of a further variance to allow a building expansion to create additional leaseable office space because the justification provided to date is insufficient.

Staff 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 insufficient space will be left to park three vehicles.

SITE AND AREA DESCRIPTION

The subject property is actually 1,817 square feet instead of the 1,181 square feet listed in the earlier report. The documented floor area of the existing building continues to be 4,351 square feet according

to the D.C. Office of Tax and Revenue, and 5,221 square feet according to the applicant' property assessment. The larger floor area will be used for balance of this report.

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

Briefly, The Stuart Building, LLC, proposes to renovate the existing building for office uses. Plans include extending the floor plates of the upper floors and attic to match the lower floors, adding approximately 1,500 square feet of floor area to the existing building. This would increase the total floor area to 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 the 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.

No additional written justification has been provided since the previous OP report was submitted.

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	---	1,817 s.f.	Same	N/A
Lot Width	---	17.7 feet	Same	N/A
Floor Area	---	5,221 s.f.[1]	6,721[1]	N/A
Floor Area Ratio	4.0 (residential/total) 2.5 (other permitted use)	2.87	3.70 (other permitted use)	Variance
Lot Occupancy (max.)	-- (nonresidential uses)	55%[2]	61%[2]	N/A

[1] Based on information provided by the applicant
[2] Based on information on the Self-certification Form

Standard	SP-1 Requirement	Existing	Proposed	Required Relief
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)

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.

Based on this information:

- a Special Exception is needed for the proposed office use;
- a variance is needed to increase the allowable FAR for office uses beyond 2.5 to 2.87;
- a further variance to increase the allowable FAR to 3.70 for the proposed addition;
- no additional parking spaces would be required as per Section 2100.5 of the Zoning Regulations for structures because the building is certified by the State Historic Preservation Officer as contributing to the character of the local (Dupont Circle) Historic District; however
- the applicant is requesting to reduce the number of existing parking spaces on-site.

Reducing the existing parking spaces also requires a variance.

This proposal does not raise any issues related to the Dupont Circle Overlay District.

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 3.70, and to 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 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, 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 an "area" variance 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. They planned to provide office space for their firm and other professional organizations and individuals. The only approved use for this site was for a rooming house, although the surrounding properties on the same side of the street are all occupied by office uses.

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 office requires increasing the allowable non-residential FAR approximately 15% from 2.5 to 2.87. Locating one or two apartments on the upper floors of this building seems impractical given the additional Building Code requirements. Under these circumstances, staff determined that this is a "unique circumstance" and not being able to utilize the entire building for office creates an "undue hardship".

The applicant would also like to add 1,500 square feet to the building, raising the non-residential FAR to 3.70, nearly a 50% increase. No evidence has been provided to explain why a request *to expand* the existing building for office and further exceed the allowable non-residential FAR is "unique" or presents a "exceptional and undue hardship". Additional justification is required for staff to adequately review the merits of this request, therefore it cannot 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 is 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. However, on street parking in this area of the Downtown is very limited, so it is important to retain on-site parking whenever possible. The amount of space available in the rear yard for parking also depends on final BZA action on the above-referenced variance 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 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 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 to supports the requested Special Exception and variance to allow office uses to occupy the entire building. OP recommends denial of a variance to further increase the allowable nonresidential FAR for any addition because insufficient justification has been provided.

Action on the variance to reduce the required on-site parking 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.

AA/afj