GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: March 5, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR -5 AM 10: 11

SUBJECT: Waiver of Rules for Submittal of an Supplemental Report 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 supplemental report 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.

BZA
Case No. 16827
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16827
EXHIBIT NO.38

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SUBJECT: BZA Application 16827 Supplemental Report

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.

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 2.57 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 determined that a variance to reducing the required on-site parking is not necessary.

ADDITIONAL INFORMATION

During it's public hearing on January 29, 2002, the Board of Zoning Adjustment (BZA) asked the Office of Planning to provide the following additional information:

- Determine the status of the alley spur extending to the southeast corner of the subject property from St. Mathews Court;
- Request Department of Public Works (DPW) Transportation Planning staff to revisit the alley to determine whether the rear yard of the subject property is parking; and
- If the alley is private, contact to Fire Marshall to determine whether they have concerns about providing emergency service to an office development off a private alley.

Planning staff also requested the applicant to document testimony presented at that hearing so it be considered in light of the zoning relief being requested. A Supplemental Statement of the Applicant was submitted to the Office of Zoning on February 19, 2002.

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.

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 (please refer to Exhibit 1).

As requested by the BZA, OP staff determined the following information.

- Based on the records of the District of Columbia Surveyor's Office and DPW Public Space Division, the subject alley spur is still public. Permits were issued to allow construction of a fence on each side of the spur, immediately adjacent to the St. Matthews Court, but not a gate across the alley. Note the D.C. Act 4-8 noted in Exhibit 4 of the applicant's Supplemental Statement closed another alley in the same square (refer to Exhibit 2).
- Staff from the Transportation Planning Administration visited the site and noted that the rear yard is inaccessible except by driving across private property. Unless a permanent easement to cross the private property is secured, parking in the rear yard does not meet the requirements of Section 2117.4 of the Zoning Regulations. Therefore, there are no legal parking spaces in the rear yard.

ANALYSIS

Based on the revised floor area measurement submitted by the applicant, the existing building has a total floor area of 4,677 square feet, equaling a floor area ratio (FAR) of 2.57. The proposed expansion with an open stairway would increase to total floor area to 6,326 square feet, equaling 3.48 FAR. Based on this information:

- a Special Exception is needed for the proposed office use;
- a variance is needed to utilize the entire existing building (2.57 FAR) for office use since the allowable FAR for office uses is 2.5;
- a further variance to increase the allowable FAR to 3.48 for the proposed addition;
- no legal parking spaces exist in the rear yard, and no additional parking spaces are required as per Section 2100.5 of the Zoning Regulations because the building is certified by the State Historic Preservation Officer as contributing to the character of the local (Dupont Circle) Historic District; so

- no variance is needed for the elimination of parking in the rear yard.

This proposal does not raise any issues related to the Dupont Circle Overlay District. However, in a letter dated February 19, 2002, The American Society of Microbiology, owner and occupant of the adjacent property at 1752 N Street, N.W., opposed expansion of the existing building because of the potential impact on the light into a glass atrium located next to the subject property.

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). The impact of the expansion and the open stair on the Society atrium would appear to be limited based on the scale of the rest existing addition. 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.

OP staff continue to think 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.

In the Supplemental Statement, the applicant notes that preservation of the historic building interior, with its high ceilings, stairwell, create "exceptional conditions" on this property.

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 building floor area for office requires increasing the allowable non-residential FAR by 0.07 or approximately 3%. The layout of the lower floor would not suitable for residential use in an office building and locating an apartment on the top floor 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 expand this building to 6,326 square feet for office use, equaling 3.48 FAR. Planning staff does not find the additional justification provided by the applicant to be sufficient. Therefore, staff determined that a variance to allow offices uses in the entire building can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map. However, staff does not support the proposed building expansion.

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 & AGENCY COMMENTS

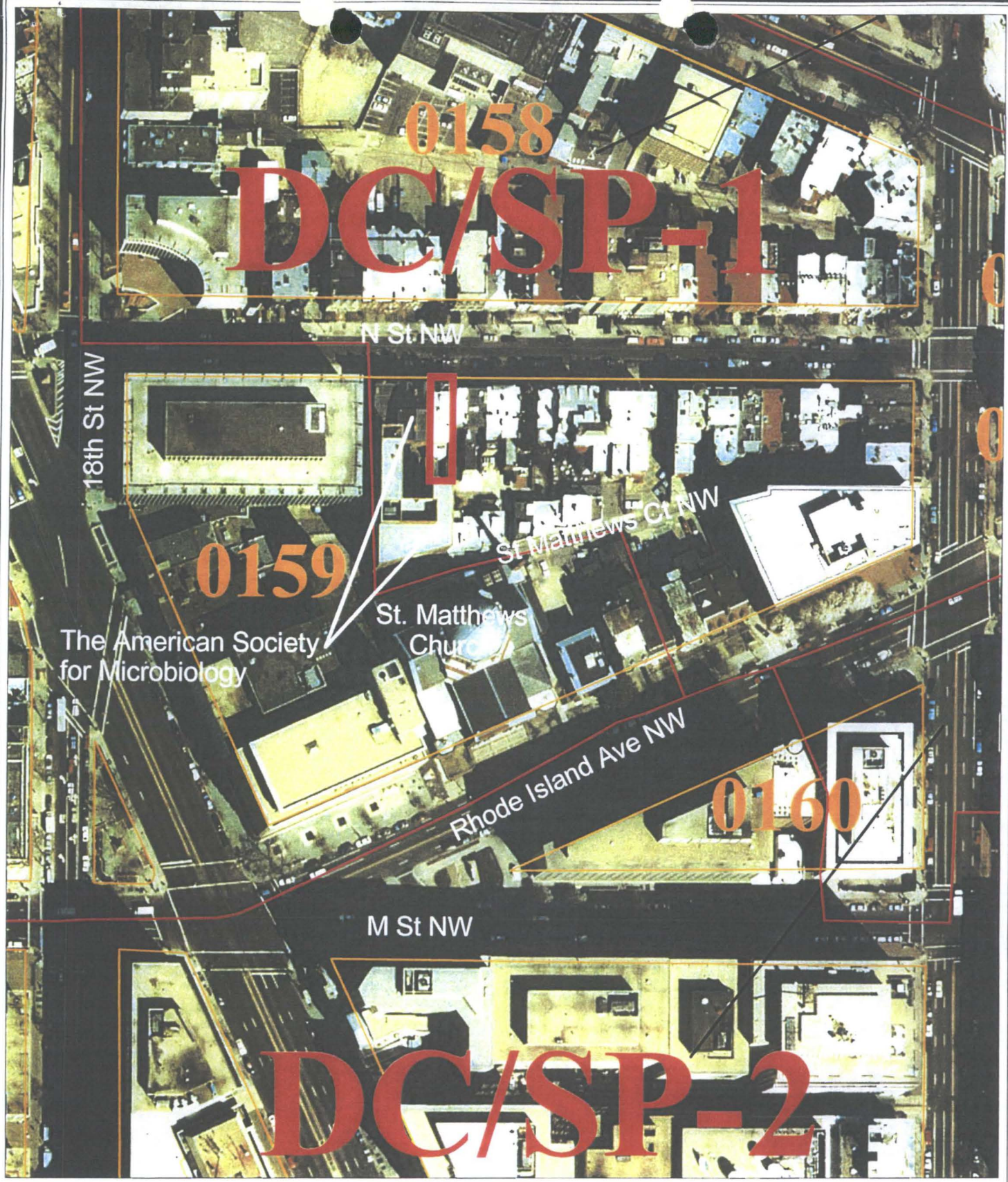
Advisory Neighborhood Commission (ANC) 2B discussed this request during a meeting on January 16, 2002 and recommended approval. Comments from The American Society of Microbiology and DPW are noted above.

RECOMMENDATION

The Office of Planning to supports the requested Special Exception and variance to allow office uses to occupy the entire building, and a variance to increase the allowable FAR for office use to 2.57 (equal to the existing building floor area). OP recommends denial of a variance to further increase the allowable nonresidential FAR for any addition.

Attachments: Exhibit 1 Aerial with Zoning
Exhibit 2 Square 159 Plat with Alley Closings near 18th Street, N.W.

AA/afj



Feature Key

- Zoning Boundaries
- Zoning Leader Lines
- Street Centerlines

Board of Zoning Adjustment

Application No. #16827

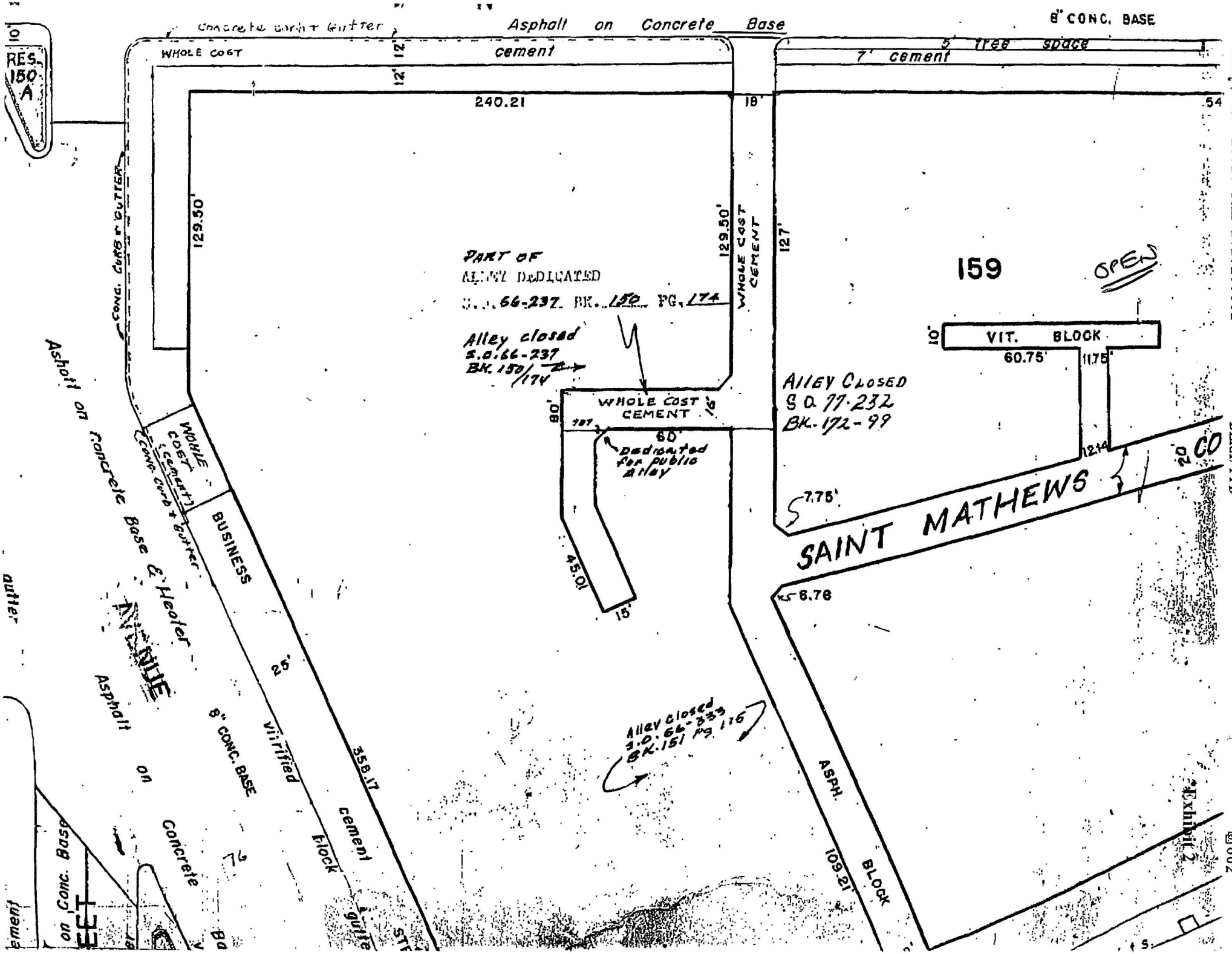
DC Office of Planning

January 22, 2002

Scale 1:1600

25 0 25 50 75 100 125 Fe

Attachment # i


Concrete curb + Gutter
Asphalt on Concrete Base
8" CONC. BASE
WHOLE COST
cement
12'
240.21
5' tree space
7' cement
18'
54
RES. 150 A
129.50'
PART OF
ALLEY DEDICATED
S.O. 66-237 BK. 150 PG. 174
Alley closed
S.O. 66-237
BK. 150/174
WHOLE COST CEMENT
129.50'
127'
159
OPEN
VIT. BLOCK
60.75'
117.5'
ALLEY CLOSED
S.O. 77-232
BK. 172-99
WHOLE COST CEMENT
60'
Dedicated for public Alley
121.4'
7.75'
SAINT MATHEWS
6.78'
45.01'
15'
Asphalt on concrete Base & Heater
WHOLE COST cement
Conc. Curb + Gutter
BUSINESS
25'
8" CONC. BASE
Virtified
358.17
cement
Block
gutter
Alley closed
S.O. 66-233
BK. 151 PG. 116
ASPH.
109.21'
BLOCK
Exhibit 2
002
02/07/02 15:23 FAX 2027277561
BLRA/PPD