GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director (as for)

DATE: April 20, 2004

SUBJECT: BZA Case #17152, Special Exception Request

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

II. APPLICATION-IN-BRIEF

Location 1825 Jefferson Place NW, Washington DC
Square 0139, Lot 30, Ward 2; ANC 2B

Applicant: Arnold & Porter LLP for International Campaign for Tibet, owner

Zoning: DC/C-3-C

Proposal: Rear addition to an existing structure.

Relief Sought: Special exception pursuant to §774.2 to waive a rear yard requirement.

III. EXECUTIVE SUMMARY

Arnold & Porter LLC, on behalf of the International Campaign for Tibet, owners of the property in question, have submitted a special exception application to permit the construction of an addition to the rear of the existing rowhouse-type structure at 1825 Jefferson Avenue NW. Although OP has concerns regarding the potential impact of the proximity of the conforming ground floor portion of the addition to the alley, OP feels that the proposed addition and use of the site conform to the Comprehensive Generalized Land Use Map, the Comprehensive Plan goals and objectives for Ward 6, and the special exception tests denoted in the Zoning Regulations. The ANC has issued a letter in support, and no District agency or department has indicated concerns with the proposal. As such, OP recommends approval of the special exception request.

IV. AREA AND SITE DESCRIPTION – Refer to Plan & Photo Attachments I - III

The property is within Square 0139, which is bound by Connecticut Avenue NW to the east; M Street NW to the south; 19th Street NW to the west; and N Street NW to the north. Dupont Circle and the Metro entrance are a few blocks to the north. An alley system connects N Street, 19th Street, and Jefferson Place. The alley behind the subject property is 10' in width. The square and the area around it are largely developed with relatively recent office buildings. However, rowhouse development, converted to offices, remains on Jefferson Place, mainly on the south side of the street. The site is within the Dupont Circle Historic District and the Dupont Circle Overlay District.

Lot 30 is located mid block, facing Jefferson Place NW, which runs east-west through the square. Both adjacent lots are developed with rowhouses with offices and restaurant

BZA Case No. 17152 Exhibit No. 25

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uses; there is a high-rise office building to the north, across the alley. The subject property is developed with a 3 story plus basement townhouse of about 3,264 sq.ft. There are two open parking spaces accessed from the rear lane, as well as two additional tandem parking spaces.

V. PROJECT DESCRIPTION

The owners purchased the property in 2003, and wish to construct an addition to the rear of the existing building to house their headquarters and a Tibetan Cultural Center. The addition would be 4 stories along the alley while the existing 3 story building in front would remain. The top level would include a roof terrace over a portion of the existing structure. Enclosed parking for one to two cars, accessed from the alley, would be provided.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated **"high density commercial"**, which includes a mix of employment, retail, office, cultural and entertainment centers, on the Comprehensive Plan Generalized Land Use Map. The proposed use of the site is not contrary to this designation.

The proposal and proposed use would further the following major themes of the Comprehensive Plan:

§101.1 (b) Increasing the quantity and quality of employment opportunities in the District;

(d) Preserving and promoting cultural and natural amenities;

(e) Respecting and improving the physical character of the District;

(g) Preserving the historic character of the District;

(j) Providing for diversity and overall social responsibilities.

The proposal would also further various Comprehensive Plan Chapter 13, Ward 2 urban design, historic preservation, and arts and cultural goals and objectives:

§1316 Ward 2 Objective For Urban Design

§1316.1 The objective for urban design is to develop a quality urban design environment, combining old and new developments, taking maximum advantage of special design Opportunity Areas.

§1319 Ward 2 Objectives For Preservation And Historic Features

§1319.1 (b) To preserve and reuse historic landmarks and buildings in historic areas in Ward 2;

(c) To preserve the design quality of historic and special streets and places in Ward 2;

§1335 Ward 2 Objective For Arts, Cultural And Educational Use

§1335.1 To develop an overall combination of existing and new arts, cultural and educational facilities in Ward 2 in order to make the ward a special cultural and educational center.

VII. AREA ZONING – DC/C-3-C

The property is zoned C-3-C (high bulk major business and employment), and is within the Dupont Circle Overlay District, as is the remainder of the square. The proposed use is permitted within the

C-3-C District. There are no specific provisions of the Dupont Circle Overlay District which apply to this application, although the following purpose statements are relevant:

1501.4 (a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone;

(b) Protect the integrity of "contributing buildings" ... in the various historic districts within the overlay district; to require compatibility of development with the purposes of D.C. Law 2-144; and to preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;

The proposed addition would retain the existing building with little demolition work. It would preserve the important historic streetscape character, and would be in scale and character with the area in terms of height, bulk and setback. The development would be well within permitted height and floor area ratio maximums for the underlying zoning.

VIII. REQUESTED SPECIAL EXCEPTION RELIEF (refer to Project Profile, Attachment IV)

The applicant has requested one special exception relief, from rear yard setback for the upper floors. OP has identified two other issues of potential concern – parking, and building accessibility.

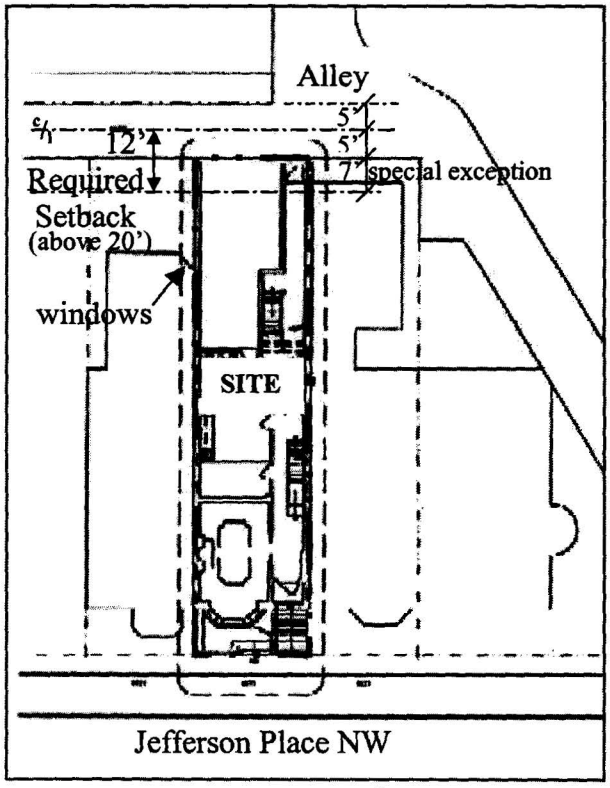
1. **Rear Yard:** The applicant has requested the following special exception relief pursuant to §774.2:

Zoning Regulation:	Proposed:
Rear Yard: (§§774.1 & 774.9) – above 20', 12' min., measured from center of alley.	0', special exception for 7' required for portion of building above a height of 20'.

§774.2 states that *"The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-3-A, C-3-B, C-3-C, and C-4 Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met."*

§774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

The majority of the high-rise office building to the north is set well back from the alley, so impacts on light or privacy should be minimal. A conforming building – constructed to the permitted height of 90' – would have a greater impact, particularly with



regards to light access to the alley and to the windows on facing buildings. However, the adjacent building to the west has windows (see site plan above) on an angled portion of its rear wall – light and air access to those windows will be affected by the addition, but the impact would be identical to that of a conforming addition providing the required 7' setback.

§774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

The office building across the alley from the subject property provides the required rear setback above 20' in height. This provides greater distance between the facing windows. It is unlikely that a conforming addition (providing a 7' setback for the upper portion) would have a significant impact on light or air availability to the opposite building.

§774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

The requested upper story setback special exception relief has no impact on off-street service functions, parking, or loading areas to this or any other building.

The applicant is proposing that deliveries be from the street, which is relatively narrow and lined with parking. However, Zoning Regulations do not require loading bays for a building this small, and, given the nature of the use, it is likely that impacts will be minimal, and impacts would not be augmented by the proposed upper story setback relief request.

OP is concerned that the conforming ground floor portion of the addition which extends right out to the alley lot line will negatively impact the ability to service lots from the alley. Currently, the alley "functions" as wider than the 10', as buildings on the south side are not built right up to the alley lot line. The proposed addition would reduce the "effective" width of the alley to 10' at this point. OP has requested comments from DPW, but has not, as of the time of submitting this report, had a response.

The site currently provides two regulation parking spaces accessed from the rear. These are large, open, unenclosed spaces set well back from the alley. The applicant is proposing one conforming enclosed space, which may be able to accommodate two small cars. The parking would be accessed directly from the 10' wide alley, and maneuverability into and from this area would appear to be difficult which could lead to congestion and possible safety and property damage concerns in the narrow alley system. DDOT has verbally advised OP that the proposal would function well only if one car is parking in the space – two cars parking in this space would create maneuverability problems. OP has suggested to the applicant that it may be in their best interest to provide some setback from the alley for the entire building (including the ground level). For example, if the proposed addition was shortened to have a rear wall in line with the building to the east, the rear wall would be set back from the alley approximately 3 to 4 feet. However, such a setback is not required, and the requested upper levels setback relief has no impact on parking accessibility to this or any other building.

§774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community

and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer (refer to Staff Comments Attachment V for complete comments)

The District Department of Transportation states that the project should not have significant impact on traffic in the area, and will not require an additional curb cut for parking. As noted at the end of Section VIII of this report, DDOT verbally confirmed that they feel that the parking area could only accommodate one car to function safely.

The District Department of Housing and Community Development does not note objections to the proposal.

The subject property is within the Dupont Circle Historic District, but the structure is not individually landmarked. The Historic Preservation Office (HPO) has reviewed the conceptual plans with the applicant. While the project will involve a rear addition that is somewhat taller than the historic building, it would be sufficiently set back from the front elevation so as to not be visible from any public street, would not impact the appearance or perception of the historic building or district, and would not impact on residential properties. Accordingly, the HPO has approved the plans for construction of the addition as consistent with the purposes of the DC historic preservation law.

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Yes. The proposal is consistent with zoning regulation permitted uses, and with the Comprehensive Plan Generalized Land Use Map. The building with the addition would be well within permitted height and density.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

Yes. The proposal would not appear to result in a significantly greater impact on light or air to other properties than would a conforming solution. In fact, if a conforming solution meant the construction of additional stories, which would be possible and permitted, the impact could be greater than that proposed. Although there may be an impact on accessibility to this and other buildings along the alley, the impact is the result of the ground level being permitted to be located without a rear yard setback, not the result of the requested special exception relief.

2. **Parking:** The applicant has indicated that the building with the addition is not required to provide parking, or at most is required to provide one parking space for the addition. The building currently provides two conforming parking spaces, although only one space is required as per §2101.1. The proposed addition would provide one conforming parking space, which may be able to accommodate two small cars. Under this interpretation, the proposal fully conforms to parking requirements.

   However, §§2100.4 – 2100.6, read together, could be interpreted to require 3 conforming parking spaces for the building with the addition:

   - §2100.4 – when the use within a building changes to one which requires more parking, the additional parking spaces would be required (this does not directly apply to this application);

- §2100.5 – flows from §2100.4 to state that when the above noted change of use is within a historic landmark building or one located within a historic district, the additional parking spaces resulting from the change in use are not required to be provided; and

- §2100.6 – parking must be provided if the "*intensity of use of a building or structure*" increases, including for the addition of square footage.

If this interpretation is correct, a variance to parking regulations would be required, since only one conforming parking space is provided whereas 3 would be required.

OP also has concerns, as noted above, with the functionality and the ability to access the parking as proposed, given the narrow width of the alley.

3. **Elevator:** In reviewing the submitted drawings, OP notes that the 5 story building does not provide an elevator. Although this is not a zoning issue per se, OP notes that the addition of an elevator to the plan (to meet accessibility requirements which may be applicable) could result in a need for additional redesign and possible special exception relief for a penthouse.

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 2C reviewed this request at its meeting of March 10, 2004 and adopted a unanimous motion of support.

X. OTHER AGENCY COMMENTS – refer to Attachment V for complete comments.

OP also referred the proposal to other District agencies and departments. As of the date of this report, OP has not received comments from any other District department.

XI. OP SUMMARY RECOMMENDATION

OP has concerns regarding the potential safety and functionality impacts of locating the parking area directly adjacent to the narrow alley. However, this portion of the building conforms to zoning requirements. Specifically with regards to the requested special exception, OP feels that the proposal conforms to the Comprehensive Generalized Land Use Map, the Comprehensive Plan goals and objectives for Ward 6, and the special exception tests denoted in the Zoning Regulations. The ANC has issued a letter in support, and no District agency or department has indicated concerns with the proposal. As such, OP recommends approval of the special exception request.

AA/jl

ATTACHMENTS:

I. Context Plan
II. Site Plan
III. Context Photos
IV. Project Profile
V. Agency comments



OPID0002433

Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ March 15, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Board of Zoning Adjustment
Case # 17152 1825 Jefferson Pl. NW

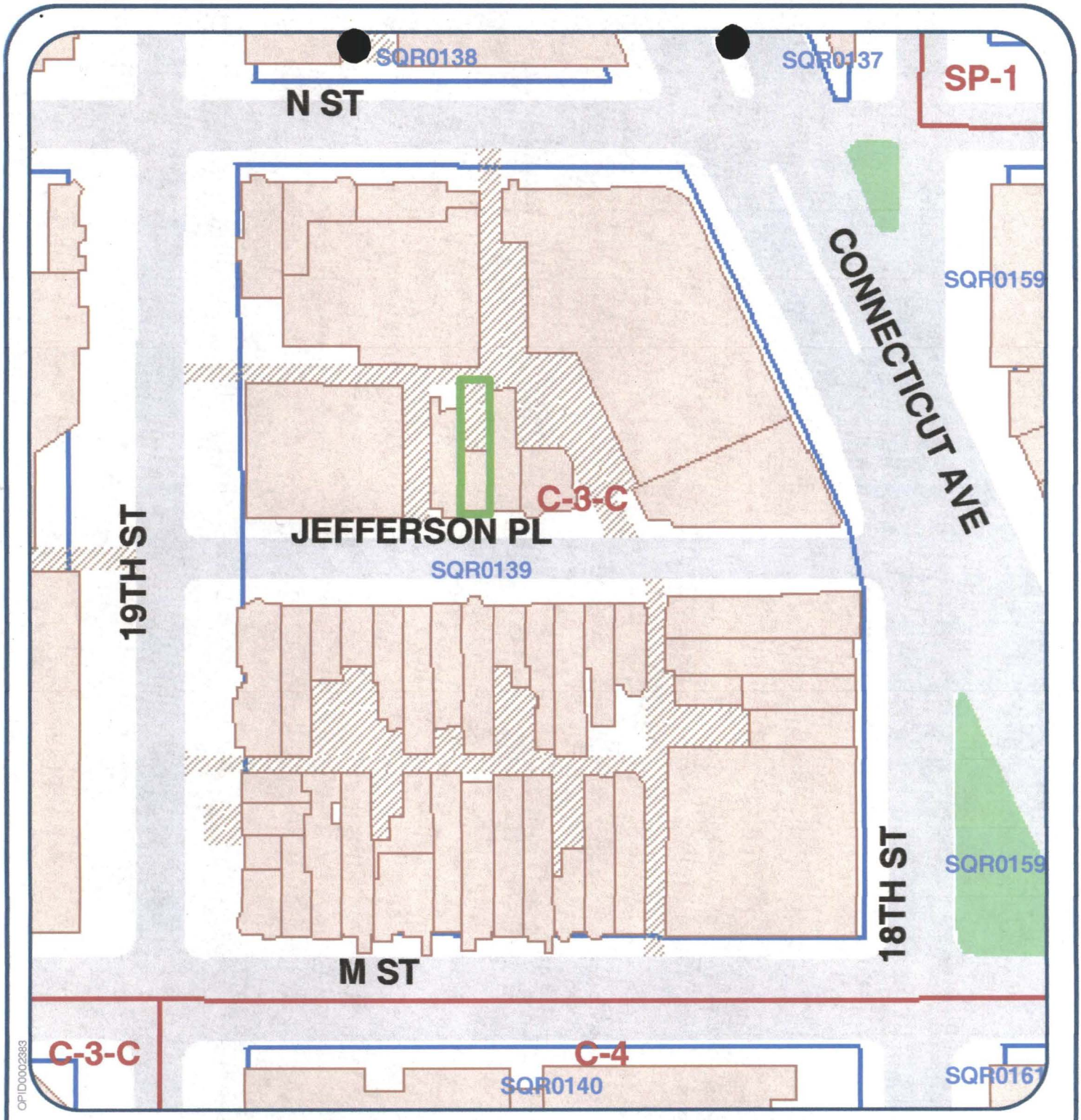
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- SITE
- Zoning Districts
- Property Squares

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LOCATION PLAN
ATTACHMENT I



OPID0002383

Board of Zoning Adjustment
Case # 17152 - 1825 Jefferson Place NW

★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ April 10, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

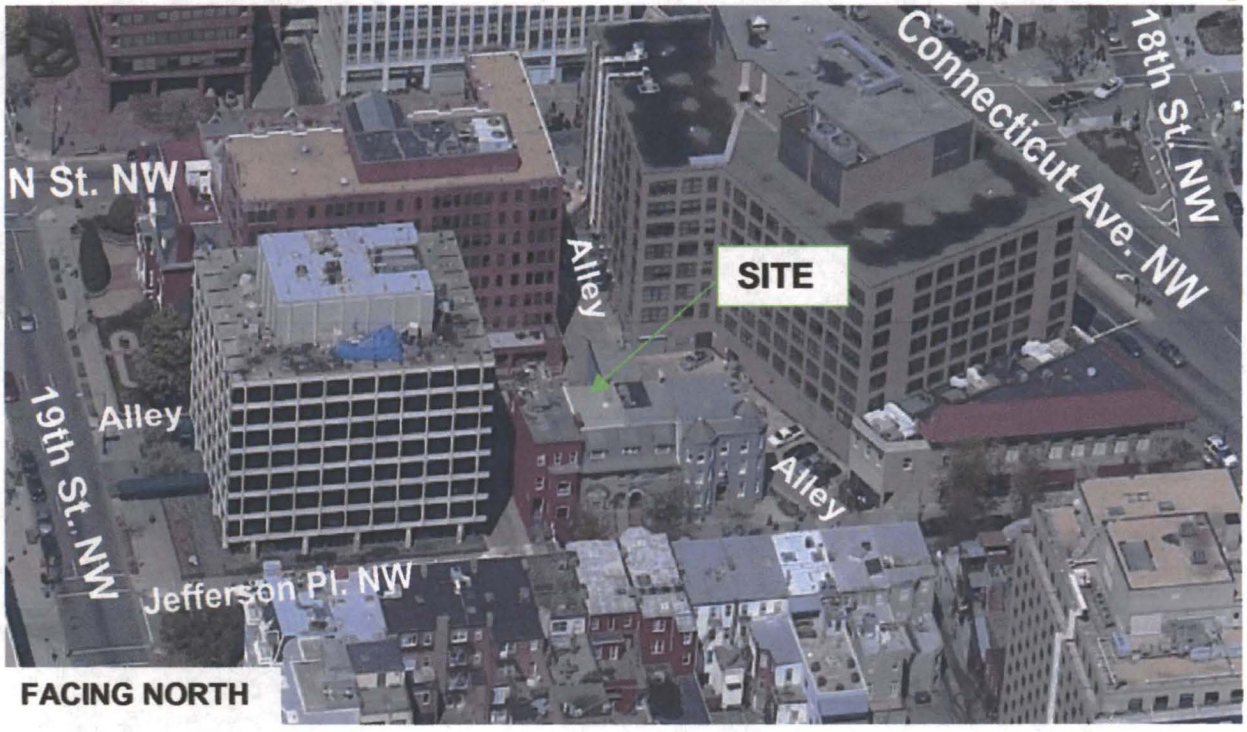
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- SITE
- Zoning Districts
- National Parks
- Alleys and Parking

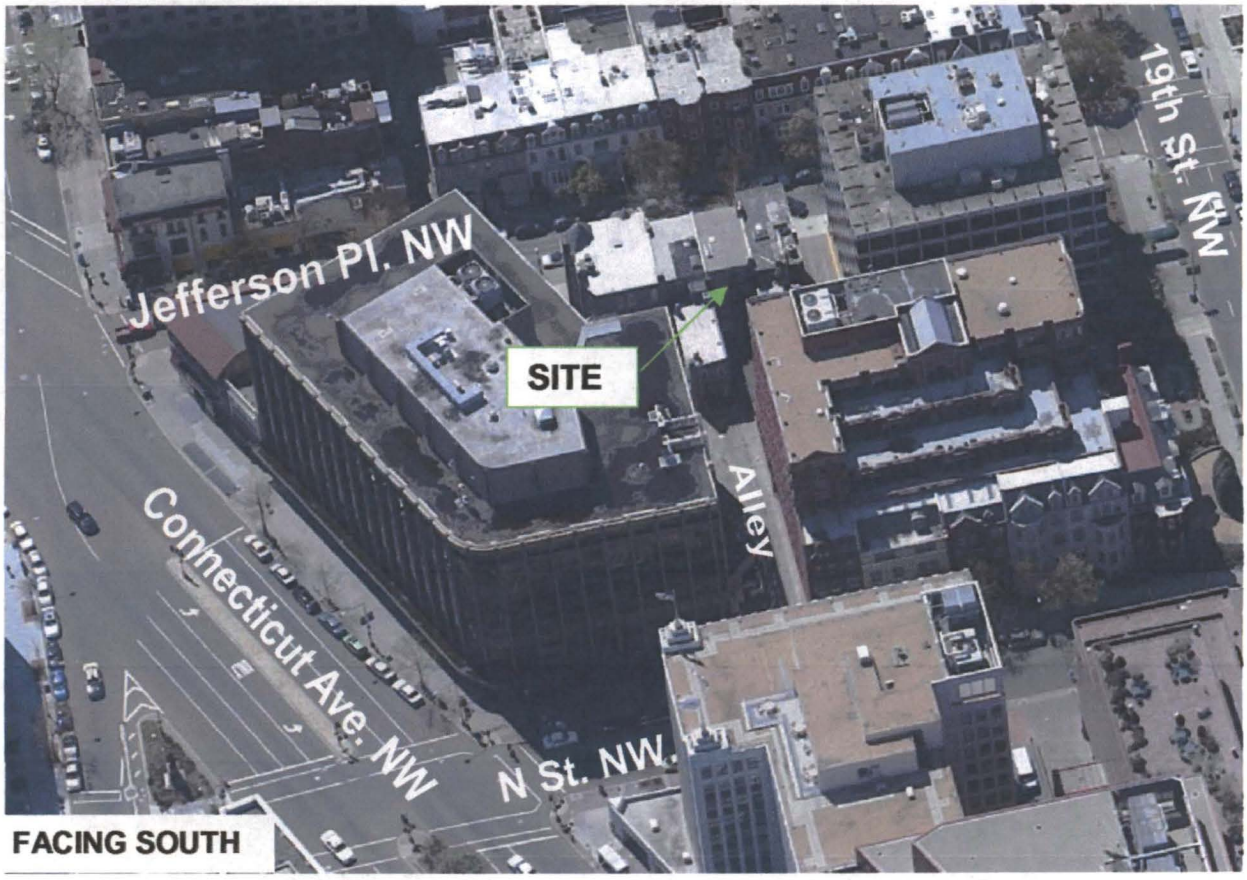
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SITE PLAN
Attachement II



FACING NORTH



FACING SOUTH

Standard	DC/C-3-C Zone Regulations	Existing[1]	Proposed	Special Exception
Lot Area:		1,840 sq.ft.		
Height (§770.1)	90 ft. max.	36.5 ft.	60'[2]	Conforming
Floor Area Ratio: (§771.2)	6.5 max.	1.77	3.65	Conforming
Square Footage:	11,960 max.	3,264 sq.ft.	6,709 sq.ft.	Conforming
Lot Occupancy (§772.1)	100% max.	47.4%	96.6%	Conforming
Rear Yard: (§§774.1, 774.9)	12 ft. min.[3]	45.3'	0'	**7' for area above the first 20' of building height**
Side Yard: (§775)	Not required	None	None	Conforming
Courts (§776)	Not required, 12' min. if provided	None	None	Conforming
Parking: (§§2100 - 2101.1)	1 / 1,800 sq.ft. of building; 2,000 sq.ft. exempt[4]	2	1[5]	Applicant indicates conforming; a variance may be needed

1 Information supplied by the applicant.

2 At the rear of the building, measured from the street curb. Proposed height would be 47' measured from the alley. Height directly at Jefferson Place is unchanged as the addition is to the rear of the existing structure.

3 12' min. required under §774.1. §774.9(a) provides that the setback may be measured to the centerline of the 10' alley, and that a setback for the first 20' of building height is not required.

4 Parking requirements are not clear. The applicant has indicated that no parking is required for the existing historic structure, and, at most, one space is required for the addition although is also be waived. §§2100.4 – 2100.6, read together, could indicate that one space is required for the existing building, and three spaces are required for the building with the addition.

5 One conforming space in an area that could, possibly, accommodate two small cars.

ATTACHMENT I

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

Memorandum

TO: Joel Lawson
Development Review Planner
Office of Planning

FROM: Kenneth G. Laden
Associate Director

DATE: March 12, 2004

SUBJECT: BZA No.17152 Application for Special Exception – Rear Yard Waiver

The District Department of Transportation (DDOT) has reviewed the application submitted by the Office of Planning. This report addresses the transportation elements of the proposal.

The applicant seeks a special exception for a waiver from the rear yard set back requirements for a headquarters office to allow a four-story addition at the rear of the existing building located at 1825 Jefferson Place, NW. The property is zoned DC/C-3-C a medium-high density commercial zone.

The project will provide two parking spaces in accordance with the Zoning Regulations. It is noted that the property is located in the Dupont Circle Historic District and as such no parking is required under the zoning code. Access to the parking spaces is via the existing public alley from Nineteenth Street. Accordingly, there will be no need for an additional curb cut on the public space.

In our judgment, we do not expect this project to create any measurable traffic problems on the street system adjacent to the site. Accordingly, DDOT supports the proposal.

ATTACHMENT V

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Lawrence C. Cager, Jr.
Deputy Director for Development Finance

DATE: April 5, 2004

SUBJECT: Department of Housing and Community Development (DHCD) Review of BZA Application No. 17152 – 1825 Jefferson Place NW

DHCD has reviewed the above referenced BZA Application (BZA) sent via e-mail by you on March 8, 2003. This memorandum offers comments accordingly. After staff review of the application materials, DHCD is supportive of this BZA Application No. 17152 for the following reasons:

1. The proposed addition is to property in a C-3-C Zone that permits 100% occupancy of the lot. The proposed addition and the existing building on the property will together occupy 96.6% of the site.
2. The proposed addition meets all requirements of zoning for C-3-C except for providing a 12 foot minimum rear yard. The applicant is requesting a variance to permit the elimination of the rear yard and have 100% lot coverage as the zoning ~~allows.~~
3. The existing building facing Jefferson Place NW will be preserved and the addition is deferring to the original building in such a way that the addition will not be seen from Jefferson Place.
4. The applicant has had discussions with the Historic Preservation Office staff to assure that this addition complements the existing building in scale and design character.

Historic Preservation Office (via email)

The HPO has reviewed the conceptual plans with the applicant. While the project will involve a rear addition that is somewhat taller than the historic building, it would be sufficiently set back from the front elevation so as to not be visible from any public street, would not impact the appearance or perception of the historic building or district, and would not impact on residential properties. Accordingly, the HPO has approved the plans for construction of the addition as consistent with the purposes of the DC historic preservation law.