BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Application of the International Campaign for Tibet
For a Special Exception to Waive the Rear Yard Setback
For An Office Building/Cultural Headquarters
At 1825 Jefferson Place, N.W.

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I. Nature of Relief Sought

This is an application by the International Campaign for Tibet for a special exception pursuant to §§ 3104 and 774.2 of the Zoning Regulations to waive the rear yard setback for a cultural center and headquarters office building at 1825 Jefferson Place, N.W. (Square 139, Lot 30, the "Property" or "1825"). The Property is zoned DC/C-3-C, where "DC" indicates the Dupont Circle overlay zone. This overlay zone has no affect on this application. C-3-C is a medium-high density commercial zone that allows a wide range of office, retail, hotel and residential uses up to a maximum building height of 90 feet and 6.5 FAR as a matter of right. The property is within the "Golden Triangle" sector of Downtown Washington and within the boundaries of Advisory Neighborhood Commission ("ANC") 2B, single member district 2B02.

II. Jurisdiction of the Board of Zoning Adjustment

The Board has jurisdiction to grant the relief requested pursuant to § 3104 of the Zoning Regulations.

BZA
Case No. 17152
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17152
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III. The Applicant

The International Campaign for Tibet ("ICT" or "Applicant") is a monitoring and advocacy group dedicated to promoting human rights, democratic freedoms and self-determination for the people of Tibet. ICT was established in 1988 with its headquarters in Washington, D.C.; it has other offices in Amsterdam and Berlin. It is a tax-exempt, nonprofit organization incorporated in Washington, D.C.

ICT works with the U.S. government and other governments to support advocates for Tibetans imprisoned for their political and religious beliefs, provides for humanitarian assistance to Tibetans in exile, and promotes a peaceful resolution of the occupation of Tibet through negotiations between the Chinese government and the Dalai Lama. The range of ICT's activities can be summarized very generally under the following activity areas: Government outreach, religious freedom, political prisoners, refugees, United Nations, Chinese outreach, Tibetan youth leadership and roundtables.

IV. Description of the Subject Property and Vicinity

The Property is located on the north frontage of Jefferson Place, N.W. between Connecticut Avenue to the east and 19th Street to the west. The existing building is a three-story townhouse constructed in the late 1800s and having approximately 2,800 square feet of gross floor area ("g.f.a."). It also has a slightly depressed basement level that is entered from the front sidewalk. It is a contributing building in the Dupont Circle Historic District. Since 1991 it has been occupied as a commercial office building. A 10-foot-wide alley serves the property at the rear, providing direct access to 19th Street,

which converges with two other alleys that connect to N Street (14 feet wide) and Jefferson Place (12 feet wide).[1]

The predominant development pattern on the subject square (Square 139) is 90-foot-high office buildings of modern construction (1960s to 1980s) as allowed by right in the C-3-C District. Such high-rise office buildings occupy the corners of Jefferson Place and 19th Street (1225 19th Street, N.W.), 19th and N Streets (1818 N Street, N.W.) and M Street and Connecticut Avenue (1250 Connecticut Avenue, N.W.). The latter building extends down most of the frontage of Connecticut Avenue except for a narrow three-story retail building at the corner with Jefferson Place.

The south frontage of Jefferson Place in this block is lined with an appealing ensemble of historic buildings, primarily townhouse structures used for office space. The remainder of this entire block is also developed primarily at townhouse scale. The M Street frontage includes numerous restaurants at the lower levels of buildings. At the corner of 18th and M is a high-rise office building of modern vintage.

The immediately surrounding city blocks are developed primarily at medium-high density and predominantly with office buildings together with occasional hotel or apartment buildings and some scattered groupings of historic buildings at lower scale. This location is within the Central Employment Area and generally in the transitional area between high-density commercial development in the Golden Triangle and the Dupont Circle residential neighborhood.

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[1] See the *Site Location and Neighborhood Context Map* in *Exhibit A* and the Photographs of the Property in *Exhibit B*.

V. The Project

At present, the International Campaign for Tibet occupies leased space in an office building at 1825 K Street, N.W. In 2003 the organization was able to purchase the building at 1825 Jefferson Place, N.W., which is the Property in this Application. ICT's goal is to establish a Tibetan Cultural Center and ICT Headquarters in Washington, D.C. Creation of the cultural center and headquarters building is intended to accomplish the following critical organizational goals:

- Establishment of a permanent, visible symbol of Tibet in the U.S. Capital;
- Appropriate representation for the office of the Special Envoy for His Holiness the Dalai Lama;
- Creation of a vibrant center for people to gather for cultural programs and meetings;
- Reduction of operating expenses, allowing more resources to be devoted to program and advocacy work;
- Expansion of space for ICT to increase staff as needed for its work on behalf of the Tibetan people;
- Creation of a building addition that will be very evocative of Tibetan architecture while doubling the number of staff workstations and also providing conference and presentation space.

To accommodate these functions, the Applicant has designed a four-story addition at the rear of the existing building at 1825 Jefferson Place, N.W. The addition will be 55 feet high as measured from the alley to the ridge of the new roof (60 feet if measured from the sidewalk on Jefferson Place). The new roof steps down to 47 feet in height at the rear alley (52 feet if measured from the sidewalk). It will add 3,180 square feet of floor area to the existing building of 2,820 g.f.a. for a total of approximately 6,000 g.f.a. On the subject lot of 1,840 square feet, the project will constitute a 3.26 FAR, which is well within the 6.5 FAR allowed in the C-3-C District.

The addition will be constructed behind, and not over, the historic building. The existing building, as a contributing building in a historic district, will be preserved and

restored in the interior as well as the exterior. Only a very minor amount of demolition of noncontributing building fabric is required at the rear to connect the addition to the existing building. The staff of the Historic Preservation Office recommended the full preservation approach, and ICT is pleased to proceed in this manner as well.

Retaining the full existing structure, however, does have the effect of forcing the addition to the rear of the lot, thereby contributing directly to the requested waiver of the rear yard setback. The existing (and maintained) front yard setback of 8 feet also contributes to the need to situate the addition at the rear of the lot with no allowance for a rear yard setback. Although a proposed addition of up to 90 feet could have been proposed for review by the Historic Preservation Review Board (as was done successfully for the office building behind preserved townhouse fronts at the corner of 19th and N in this block), the Applicant and historic preservation staff preferred a rear addition that would be lower in height and not visible from the street. Thus, the addition is only four stories high – 55 feet in the center part of the rear half of the lot stepping down to 47 feet high at the rear alley.[2]

The historic preservation staff supported the full preservation of the existing townhouse to such an extent that they supported, and the Department of Consumer and Regulatory Affairs approved, five building code waivers. These waivers involve accessibility constraints imposed by this small historic building, as well as means of egress.

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[2] See the set of plans attached as *Exhibit C*.

VI. Special Exception – Waiver of Rear Yard Setback,

As indicated in the Applicant's Self-Certification form, the only form of relief required for the proposed project is a special exception from the rear yard requirement. Pursuant to 11 DCMR § 774.1, the rear yard requirement for buildings in a C-3-C District is 2 ½ inches per foot of building height and no less than 12 feet. The proposed height is 47 feet at the middle of the rear of the building; therefore the required rear yard setback is simply the minimum of 12 feet. As provided in § 774.9(a), the rear yard may be measured from the center of the alley (10 feet wide in this case), and the rear yard setback need not be provided below a horizontal plane twenty feet (20') above the mean finished grade at the middle of the rear wall of the building. The plans provide for no rear yard setback. Accordingly, the requested deviation is from the required setback of 7 feet above the 20-foot horizontal plane.

Subsection 774.2 authorizes the Board to waive the normal rear yard requirement in the C-3-C zone as a special exception, provided that the standards in §§ 774.3 through 774.6 are met. These standards are stated below, followed by comments regarding compliance.

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

Across the alley to the north of the rear of the Property is a high-rise (90-foot-high) office building at 1818 N Street ("1818"), which also has a north-south alley along its east side providing access to N Street. Approximately one-third or one-fourth of the

rear wall of the proposed addition at 1825 will face north up this alley and will thus face no windows in that space.[3]

The other portion of the rear wall of 1825 does face the rear wall of 1818 but without any adverse effects on light or privacy. This building is set back 14 feet from the alley beginning at an elevation of approximately 20 feet above the alley. Thus, there is ample separation – of 24 feet -- between the windows of the proposed addition in this case and the building at 1818 N Street. Because the addition at 1825 will only be 47 feet high, as compared to the 90-foot height of 1818, most of the windows in the latter will have sunlight and privacy unaffected by the proposed addition. The 24 feet of separation is more than enough to ensure adequate light and privacy, especially since the rear windows at 1825 will primarily be looking upwards at the windows of 1818. Because of the lower height of the proposed addition at 47 feet, most of the windows at the rear of the facing office building will be completely unaffected as to light, and privacy will not be affected in any manner unexpected in an office precinct.

It should be noted that a building height of 90 feet is allowed as a matter of right in the subject C-3-C District, whereas the proposed building is only 47 feet in height at the alley. Thus, the effects on the light and privacy of the office building to the north are substantially less than might be expected of a matter-of-right building. Any sun obstruction will be limited primarily to late morning hours and even then primarily in the winter season. Finally, the requested waiver is only for a distance of seven feet, so that the difference between the building with no rear setback and a setback of seven feet

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[3] See the *Site Location and Neighborhood Context Map* in *Exhibit A* and Sheet G0.03 of the set of plans attached as *Exhibit C*.

above the 20-foot elevation is quite minor given all of the circumstances. There are no apartment windows in this location, only office buildings typically used primarily in daytime hours.

The large, 90-foot-high office building at 1250 Connecticut Avenue, N.W. is only tangentially related to the rear of this building. The southwest corner of that building is diagonally situated from the proposed building, and is removed from the nearest corner of the proposed building by a 14-foot-wide alley and a rear building setback. Moreover, there are buildings on two lots to the east of the proposed building, i.e., between it and 1250 Connecticut, thereby providing substantial separation and no real potential for any adverse effect on light and privacy.

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

The addition will accommodate two parking spaces accessed from the rear alley and located on the first floor level of the building. Normally three spaces would be required (1 space per 1800 square feet of office use after excluding the first 2,000 square feet). However, historic buildings have a waiver from any required parking, so that no variance is necessary. As of this writing, the Applicant has initiated the process of obtaining approval of the waiver from the Historic Preservation staff and the Zoning Administrator.

The need for parking is projected to be minimal. ICT has only 13 staff members, and very little growth is projected for the foreseeable future. In its present office space two blocks away, ICT does not reserve any parking spaces because the staff primarily uses public transportation to get to work. The Dupont Circle Metrorail station is only two blocks away. The plans include provision of two bicycle racks for staff who bicycle to

work. For staff or visitors who occasionally need parking, this location in a high-density office precinct provides numerous underground parking garages that are available.

ICT's need for loading or a loading dock is limited. Deliveries will be from the front and will consist of nothing more than boxes of paper or printed products of various kinds. These are manageable by dolly, as is done at ICT's present location. For initial occupancy, furniture will have to be delivered, but this is a one-time need.

Pedestrian access will be from the front, although there is also a rear door. ICT will host occasional daytime or evening lectures, but no adverse parking or traffic effect is expected because, again, the location is within a high-density office precinct designed to accommodate higher density and higher activity levels than are proposed in this project. Parking garages and lots are available nearby, including one under the office building at 19th Street and Jefferson Place.

VII. Compliance with Subsection 3401.1

Subsection 3401.1, which authorizes the Board to grant special exceptions, requires that the Board find that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property.

The proposed use in this Application is an office headquarters and cultural center, both of which are matter-of-right uses that are allowed as of right in the C-3-C District. The proposed density, at 3.26 FAR, and the proposed height at 47 feet, are almost exactly half of the density and height allowed as a matter of right in this zone district. Thus, in general terms the use will not obstruct views or create a level of traffic or other activity that might adversely affect neighboring properties.

The proposed preservation and design of the front façade and existing building have met with the preliminary approval of the Historic Preservation staff as being in keeping with the Dupont Circle Historic District and immediate environs.

The analysis of the specific special exception criteria shows that the requested waiver of a seven-foot rear setback above a plane 20 feet above grade will not adversely affect the occupants or use of neighboring buildings.

VIII. Conclusion

The Applicant submits that approval of the requested special exception will be in harmony with the intent and purpose of the Zoning Regulations and Map and will not adversely affect the use of neighboring property. The Applicant further believes that the proposed design complies with the special exception criteria set forth in §§ 774.3 – 774.5 as documented previously in this statement and in the attached plans. Accordingly, the Applicant requests approval of this application.

Respectfully submitted,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments