BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of CRP/MR 1414 22nd Street, L.P.
1414 22nd Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property is located at 1414 22nd Street, N.W. The Subject Property is recognized as Assessment and Taxation Lot 806 ("A&T Lot 806") among the records of the Office of Tax and Revenue of the District of Columbia. A&T Lot 806 is only a portion of Lot of Record 7 in Square 48. Lot of Record 7 consists of all of the land area of Square 48. Lot of Record 7 (as Square 48) is bounded on the east by 22nd Street, NW, on the south by O Street, NW, on the north by P Street, NW, and on the west by 23rd Street, NW (across from a portion of Rock Creek Park). The Subject Property occupies the southern two-thirds of Lot of Record 7, and is bounded by 22nd Street, NW, on the east, O Street NW, on the south, and 23rd Street, NW, on the west.

The Subject Property is currently occupied by a vacant six-story office building and an adjacent parking structure, essentially subterranean in nature, with surface parking provided above the parking structure at grade.

Lot of Record 7 is located within a DC/C-2-A District.

The Applicant proposes to convert and renovate the existing office building located on the Subject Property, containing approximately 53,278 square feet of gross floor area, for residential use, providing upwards of 44 housing units. The underground parking will remain and be available to the building residents.

Multi-family residential dwellings are permitted as a matter-of-right in the DC/C-2-C District, but the introduction of residential uses in a commercial zone district necessitates that any building housing residential uses provide residential

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recreation space. That requirement would not be applicable if the building were located in a residential zone district. In light of the existing interior and exterior configuration of the Subject Property, the Applicant seeks variance relief from substantial compliance with the provisions of §773 of the Zoning Regulations, relating to residential recreation space, so that it might undertake the conversion of the Subject Property from office to residential use.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In that Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

The test for variance relief is in three-parts: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(A) Exceptional Condition or Situation:

The Applicant will demonstrate that the Subject Property as a conversion project is impacted by an exceptional site configuration or situation. The open space portion of the Subject Property, not occupied by the present office building proposed to be renovated for residential use, is subject to a surface easement granted in 1994 benefiting the adjacent gasoline service station located at the opposite end of Lot of Record 7, pursuant to a recorded easement document appearing in the records of the Office of the Recorder of Deeds of the District of Columbia. The open space

portion of the Subject Property provides surface parking for the occupant of the gasoline service station.

As detailed below, these physical conditions limit the Applicant's ability to provide at grade outdoor residential recreation space for the Subject Property as a residential project. Further, the office building has only one stairway accessing the roof and, therefore, only one means of egress from the roof. Pursuant to the District of Columbia building code, this situation of a single stair limits the occupant load on the roof to fifty (50) individuals and thus the area that might be dedicated to outdoor residential recreation space to 750 square feet (1 person/15 square feet), which area alone cannot satisfy the required outdoor residential recreation space requirement of the Zoning Regulations (as noted in Subsection II.(B) of this Preliminary Statement).

(B) Resulting Practical Difficulty:

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. Section 773.3 of the Zoning Regulations requires that residential uses in the C-2-A District provide twenty percent (20%) of their gross floor area as qualified residential recreation space. The Subject Property, as a residential building, would therefore be required to provide 11,911 square feet of residential recreation space, fifty percent (50%) of which is required to be outdoor recreation space.

Given that the typical gross floor area of the existing structure is 10,059 square feet of gross floor area, and that there is limited ability to provide outdoor residential recreation space (750+ square feet), strict compliance with this section of the Zoning Regulations would necessitate that at least fifty percent (50%) of two floors of this six-story building would have to be dedicated for residential recreation space. This would cause the loss of approximately 7 units of housing, to satisfy the approximately 11,000 square feet of interior space to residential recreation space needed to satisfy the provisions of the Zoning Regulations, and that situation would create a substantial practical difficulty for the Applicant.

Further, as noted above, outdoor areas of the Subject Property are severely restricted due to (a) the present structural condition of the building that strictly limits the amount of outdoor residential recreation space that can be made available on the roof of the building, and (b) the pre-existing easement condition at grade providing surface parking for the adjacent property owner, although a very limited amount of passive residential recreation space might be created within certain landscaped portions of the open space portion of the Subject Property that is encumbered by the parking easement.

It should be noted that the available roof area of the building is further restricted in that the existing penthouse structure enclosure does not allow for any compliant residential recreation space on the roof due to its current size and configuration. In the proposed renovations of the building, the area of the penthouse will be reduced somewhat (as illustrated on the roof plan), thus attaining the approximately 750 square feet of outdoor residential recreation space noted earlier in this Preliminary Statement.

(C) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the proposed project can be undertaken without harm to the public good and without threat to the integrity of the zone plan. The conversion of a discontinued office use to a multi-family residential use will in fact further enliven an area that can be considered a gateway for the transition of Dupont Circle to Georgetown and that is visible from the P Street Bridge (said below). If Lot of Record 7 was zoned as a residential zone district, no residential recreation space would be required. The proposed renovation includes upgrading a dated façade and creating a building and a use that is more compatible with the surrounding residential neighborhood. Residential uses are permitted as a matter-of-right in the DC/C-2-A District, thus not impairing the integrity to the zone plan. Finally, the Subject Property fronts directly on a portion of Rock Creek Park, which will afford immediate access to substantial recreation area by the residents of the building, and nearby there are public tennis courts and a public swimming pool.

ZONING ANALYSIS

lot: **7** square: **48**
area: **27,000 sf**
zone: **C-2-A/DC**
project address: **1414 22nd Street, NW**
Washington, DC

Percentage of Lot Occupancy (772.1):
In a Commercial District, no building or portion of a building devoted to a residential use, including accessory buildings ... shall occupy the lot upon which it is locate in excess of ...

zone: **C-2-A**
max. % of lot occupancy: **60%**

60% (.60) x 27,000 sf = **16,200 sf**

Existing Lot Occupancy:

Existing Office Building:	10,059 sf
Existing Service Station:	2,983 sf
Gas Station - 1935 sf	
Canopies - 1000 sf	
Block Shed - 48 sf	
Total:	**13,042 sf**

13,042 sf / 27,000 sf = **48%**

Floor Area Ratio (771):
For a building or structure for which an application for a building permit was filed on or after November 17, 1978, the maximum permitted floor area ratio shall be as set forth in the following table:

zone: **C-2-A**
max. permitted: **2.5**

Allowable F.A.R.:

27,000 sf x 2.5 = 67,500 sf

Existing F.A.R.:

Existing Office Building:	53,278 sf
Existing Service Station:	2,983 sf
Total:	**56,261 sf**

53,261 sf / 27,000 sf = **2.1**