Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

September 15, 2004

Mr. Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 2512 I Street, N.W. Square 17, Lot 35, BZA Case No. 17204

Dear Mr. Griffis:

At its regular monthly meeting on September 14 2004, ANC-2A had before it its Draft Resolution, strongly opposing the application by the owners of 2512 I Street, N.W. for an addition to that property, which is situated in the Foggy Bottom Overlay District (BZA Case No. 17204).

On the afternoon of September 14, the applicants telephoned the Chair of ANC-2A, saying that a modified proposal would be presented to the ANC that would require no variances.

At the meeting, the applicants' lawyer and architect made presentations on their revised drawings which they handed to the ANC Commissioners. They stated that these plans were approved by the staff of the Historic Preservation Review Board (HPRB), and that they would require no variances. No drawings were available for concerned residents present at the meeting.

The Commission decided that neither it nor the community were in a position to properly understand the drawings, their implications for compliance with the Foggy Bottom Overlay District requirements in 11DCMR, Chapter 1521, nor the criteria of the HPRB. It therefore told the applicants that ANC-2A could not take any action on the latest proposal at the present meeting, and therefore asked the applicants to withdraw their request for the forthcoming hearing by the BZA next week so as to give ANC-2A adequate time to examine the new proposal and arrive at an informed decision. The applicants agreed to this line of action. ANC-2A also requested the applicants to submit their new proposal in writing, and to submit the new application to the Board of Zoning Adjustment.

BZA
Case No. 17204
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17204
EXHIBIT NO. 38

Accordingly, ANC-2A voted in support of: **(a) ANC-2A Resolution #04-9A strongly opposing Application #17204 (copy of that ANC-2A Resolution with three attachments enclosed); and (b) requesting the Board of Zoning Adjustment to postpone hearing on the above cited case by at least one month, so as to give ANC-2A time to evaluate the new proposals.**

ANC-2A considers that the recent changes proposed for 2512 I Street N.W. in the FBOD are of great importance to residents of our neighborhood and that they require careful consideration. The new proposals that have just been made by the applicants appear to be significant, and ANC-2A will need to consult with residents and with the City agencies involved, before making any final decision.

ANC-2A will be grateful for your favorable decision on this important subject.

We thank you for your consideration of this matter and remain

Respectfully,

Dorothy Miller

Dorothy Miller
Chair, ANC-2A

Attachment
ANC-2A Resolution #04-9A with
Attachments

THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD COMMISSION (ANC-2A)

passed the following Resolution # 04-9A strongly opposing Application #17204 before the Board of Zoning Adjustment for variances required for proposed additions to 2512 I Street, N.W., Lot 35, Square 17, in the Foggy Bottom Overlay District (FBOD/R-3, Chapter 1521 11DCMR, copy of Chapter attached) which has the identical boundaries with the Foggy Bottom Historic District (FBHD); and

1. WHEREAS, by way of important background, the City created the Foggy Bottom Historic District to strengthen the protection of the unique residential neighborhood in which the applicants' premises are located. The Historic District was designated in 1986 and included in the National Register of Historic Places in 1987. In 1992, the Zoning Commission, recognizing the uniqueness of the FBHD, took a most important step designed to preserve and enhance the historic low scale residential structures forming a cohesive neighborhood of modest dwellings, by creating the Foggy Bottom Overlay District-- whose boundaries, as noted above, are identical with those of the FBHD—by not only re-zoning it to R-3 but also incorporating specific provisions for the protection of the open spaces and unique low-scale harmony of its rhythmic townhouses; and

2. WHEREAS, the above noted Application #17204 requests variances for an addition, including a third story and the complete elimination of the rear yard, to the two-story townhouse at 2512 I Street, N.W and, in a late amendment to the application (dated September 7, 2004), a variance because the addition does not meet the conditions of 11DCMRSection 1523.1 governing the FBOD; and

3. WHEREAS, as noted above, the FBOD was created by the Zoning Commission with the express purpose of protecting the FBHD from the pressures for dense development which surround this unique little neighborhood by down zoning the Overlay District from R-5-B and R-5-D to the current R-3 ; and

4. WHEREAS the maximum lot coverage ratio of 60% which is mandated by R-3 zoning is key to realizing the explicit goal of the Zoning Commission in establishing the FBOD to preserve the open backyards of this unique neighborhood, and

5. WHEREAS the variances requested would, *inter alia*, increase the lot coverage ratio by one third, from the existing 47 per cent (currently less than the permitted 60 per cent) to 75 per cent, which is significantly greater than the 60 per cent permitted even under the R-5-B zoning existing for this street before the creation of the FBOD; and

6. WHEREAS the residential zoning categories that permit 75 per cent lot coverage ratio as a matter of right are R-5-C, R-5-D and R-5-E, all categories vastly removed from R-3; and

7. WHEREAS Section 1521.3 of the FBOD specifies that the purposes of the FBOD shall be "to preserve areas planned as open backyards" [subsection (d) of cited Section], and thus a variance to completely eliminate the rear yard would be diametrically opposed to the intent of the Zoning Commission in establishing the FBOD; and

8. WHEREAS Section 1521.3 of FBOD also specifies that the purposes of the FBOD shall be "to require a scale of development consistent with ...the characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood which formed the basis on which the area was designated a historic district" [Subsection (a) (2) of cited Section]; and

9. WHEREAS No. 2512, on the south side of I Street, N.W., is one of a series of houses, all contributing houses to the FBHD; and

10. WHEREAS the row of town houses on the south side of I Street are all two stories high and the unity of the houses has been well preserved, except for Nos. 2514 and 2516; and

11. WHEREAS, while the adjoining house, 2514 I Street has a third story addition, this addition was made before the creation of the FBHD and forms no precedent for an addition to 2512 I Street; it is also in compliance with the lot occupancy provision of the R-3 zoning; and

12. WHEREAS, 2516 I Street has an addition approved by the HPRB, this addition was approved on the basis that it would not be visible from I Street; it is clearly visible, as the photographs submitted by the current applicants to the BZA show, so that the applicants' claim for (for 2516 I Street) on which the HPRB approval was granted, was clearly wrong; it is moreover in compliance with the lot occupancy provision of the R-3 zoning; and

13. WHEREAS the present applicant makes an identical argument for the "invisibility' of the proposed third story, which argument is equally wrong; and

14. WHEREAS, the uniformity of the horizontal roof line of the houses on the south side of the 2500 block of I Street, #2512 to #2528, as seen from I Street (despite the sharp downward slope of I Street from east to west), still largely remains despite the third story additions to 2514 and 2516 I Street (see attached photograph) ; the addition of a third story to 2512 I Street would further destroy this uniformity and would moreover present a clear precedent for further such additions and would go counter the mandate contained in the Overlay that the purposes of the Overlay District shall be, inter alia, consistent with "The characteristics of the low scale harmony of rhythmic townhouses..."; and

15. WHEREAS ANC-2A notes that 11DCMR Section 1523.1 states that "no addition, replacement, or expansion of a building shall be permitted unless in

conformance with the requirements of the underlying R-3 District", which would expressly not permit the additions requested by the applicants. ANC-2A finds no evidence in the applicants submission which has shown why this express prohibition should be waived; and

16. WHEREAS the applicants in their submission base their request for variances on (a) the fact that the lot is "extraordinary and exceptional" (b) the fact that it has a smaller area than other lots in the block, (c) the fact that the interior of the structure has been abused by previous owners and tenants, and (d) the fact that the house is smaller than some other in the block; and

17. WHEREAS ANC-2A notes (a) that there is nothing extraordinary and exceptional about the lot in question as defined in 11 DCMR Section 3107.2, the lot is rectangular similar to the norm in the FBOD. It is not narrow or shallow or of exceptional shape. There are no exceptional topographical situation, exceptional practical difficulties nor is there an exceptional or undue hardship upon the applicants. Moreover, granting the variance would substantially impair the intent, purpose and integrity of 11DCMR Chapter 1521, (b); the size of the lot is much larger than lots in many other blocks in the FBOD and in any case the Zoning Regulations do not give special treatment to the small lots in a block or to the relative size of lots, (c) the fact that the interior of a structure may have been ill treated and be expensive to repair has no standing in the Zoning Regulations, and has no bearing on the size of additions that are permitted by the Zoning Regulations, and (d) the size of the present and the proposed houses relative to some other houses on the block has no relevance with respect to the Zoning Regulations; and

18. WHEREAS, based on the Surveyor's Plat, existing gross floor area of the house at 2512 I Street is about 1150 square feet—which is larger than a number of contributing houses in the FBHD — and after the proposed addition would be 2877 square feet, including the completely indoor garage, more than 2 ½ times its

current floor area, with the proposed addition overwhelming the original contributing house; it would moreover exceed the maximum floor area that could be constructed as a matter of right under R-3 zoning on a lot of the same size at 2512 I Street, namely 2452.5 square feet; and

19. WHEREAS, DC property records show that the size of the lot at 2512 I Street is neither exceptional nor extraordinary as the applicant contends but, based on data from the 2004 Assessment Roll Search of the Department of Finance and Revenue, (see 2 Attachments) 2512 I Street is larger than five other properties of the sixteen on the south side (even numbers) of the 2500 block of I Street in terms of existing gross construction area, and larger than five of the sixteen in terms of lot area; and

20. WHEREAS, if the requested variances were granted, the proposed structure would not be one of the smallest houses on the block, as the applicant contends, but the largest row house in terms of gross construction area within the two blocks (2400 and 2500) of I Street in the Foggy Bottom Overlay District and one of the largest houses in the FBOD; and

21. WHEREAS ANC-2A can understand the desire of owners of 2512 I Street to increase living space, but it does not believe that expansion should take a form that goes against the express intent of the Zoning Commission in establishing the FBOD; and

22. WHEREAS, ANC-2A firmly believes that both the third story addition and the elimination of the rear yard are utterly inconsistent with the provisions of 11DCMR Chapter1521; and

23. WHEREAS ANC-2A firmly believes that the requested variances do not meet the exceptional and extraordinary tests required by 11DCMR Section 3107.2 and that the granting of the variances would impair the intent, purpose and integrity of 11DCMR Chapter 1521.

BE IT RESOLVED THEREFORE that ANC-2A, for all the reasons described above, respectfully but strongly urges the BZA to reject the proposal for a third story addition and the elimination of the rear yard for 2512 I Street, N.W.

Attachments

1. **DCMR Chapter 1521, Foggy Bottom Overlay District**
2. **Photograph of the south side of the 2500 block of I Street**
3. **Two tables "2004 Assessment Roll Search as of 09/01/2004", Department of Finance and Revenue**

Date: September 14, 2004

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 LEHRMAN	✓					
02 PRICE	✓					
03 TYLER	✓				✓	
04 LEWIS	✓					
05 MILLER	✓					✓
06 LONG			✓			

Dorothy Miller
CHAIRPERSON/~~SECRETARY~~

residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the underlying R-3 District.

1523.2 If any building is destroyed by fire, collapse, explosion or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses which are nonconforming prior to the effective date of this rezoning and operating without a special exception issued by the Board of Zoning Adjustment.

SOURCE: Final Rulemaking published at 39 DCR 2741, 2743 (April 17, 1992).

1524 PLANNED UNIT DEVELOPMENT

1524.1 In the Foggy Bottom Overlay District, the matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for planned unit developments.

SOURCE: Final Rulemaking published at 39 DCR 2741, 2744 (April 17, 1992).

1525 - 1530 [RESERVED]

1531 NAVAL OBSERVATORY PRECINCT DISTRICT

1531.1 The Naval Observatory Precinct District (NOPD) is established to promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan for the National Capital and the adopted Master Plan for that facility.

1531.2 Public land within the NOPD shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Federal facility.

1531.3 The land use controls embodied in this title for land adjacent to the Observatory reflect the importance of the Observatory to the District of Columbia and the Nation.

1531.4 The NOPD is intended to provide additional controls on private land, in order to protect recognized Federal interest concerns. The concerns include the critical scientific mission performed at the Observatory, and the security needs of the Vice-President's residence.

1531.5 The NOPD shall act to further restrict the development controls now permitted in existing districts to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the NOPD.

(2) The characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood which formed the basis on which the area was designated a historic district;

(b) To protect the integrity of the historic district, its small scale and open spaces, to require compatibility of any development with the purposes of D.C. Law 2-144, and to preclude demolitions or partial demolitions which would lead to an increase in height and floor area ratio inappropriate to the area;

(c) To enhance the residential character of the area by maintaining existing residential uses;

(d) To preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect light, air, and the privacy that they provide;

(e) To enhance the special human scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts; and

(f) To encourage greater use of public transportation through use of the nearby Foggy Bottom Metro Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

SOURCE: Final Rulemaking published at 39 DCR 2741 (April 17, 1992).

1522 GENERAL PROVISIONS

1522.1 The Foggy Bottom Overlay District is mapped in combination with the underlying R-3 District.

1522.2 Except as specifically provided in §1522.3 and in other provisions of this chapter, and all matter-of-right uses, buildings, and structures permitted in accordance with this chapter and the appropriate regulations of the underlying district with which the mapped Foggy Bottom Overlay District is combined, shall be permitted in the combined district.

1522.3 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern. Where other chapters provide for additional requirements for planned unit developments, those additional requirements shall continue to apply.

SOURCE: Final Rulemaking published at 39 DCR 2741, 2743 (April 17, 1992).

1523 SPECIFIC PROVISIONS

1523.1 In the Foggy Bottom Overlay District, buildings constructed on or before the effective date of this rezoning regulation and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming

1516 - 1520 [RESERVED]

1521 FOGGY BOTTOM OVERLAY DISTRICT

1521.1 The Foggy Bottom Historic District is a unique resource to the city which must be preserved and enhanced. The historic district was designated and was included in the *National Register of Historic Places* in 1986 and 1987, respectively. The historic district is characterized by low scale residential structures forming a cohesive neighborhood of modest dwellings. Given the high density development pressures caused by the proximity of the central employment area, George Washington University, medical clinics, and hotels, strong protection is needed to retain the historic district's low-scale residential character, its human scale streetscape and its historic character.

1521.2 The Foggy Bottom Overlay District (FBOD) has the identical boundaries of the Foggy Bottom Historic District and is applied to the area, the boundaries of which begin at the intersection of K and 25th Streets, N.W., and proceed as follows: east along the centerline of K Street, turning south along the eastern edge of Lot 19 in Square 28 to the northern edge of the alley; then eastward and southward along the alley to the northern boundary of Lot 92 in Square 28, then eastward to the centerline of 24th Street; then south along the centerline of 24th Street to New Hampshire Avenue; then southwest along the centerline of New Hampshire to H Street; west along the centerline of H Street to 25th Street; north along the centerline of 25th Street to the southern edge of Lot 42 in Square 17; then west along the lot line to the alley in Square 17; then through the alley and then north along the western line of Lot 848 (encompassing lots 812 through 820, 28 through 35, and 834, 848 and 849) in Square 17 to the centerline of I Street; then west along the centerline of I Street to the centerline of 26th Street; then north on 26th Street to the northern edge of Lot 73 in Square 16; then east along the northern edge of Lot 73 to the easternmost corner of Hughes Mews and then south along the eastern edge of Hughes Mews to the northern edge of lots 883, 858, and 856; then east along the lots to the centerline of 25th Street; then north along the centerline of 25th Street to the origination point at the centerline of K Street. The Foggy Bottom Overlay District includes the following: Square 16, excluding lots 884, 863, 93, 17, 71, and 2009 through 2161 (The Griffin Condominium Apartment Building); Square 17, excluding lots 2001 through 2051 (The Plaza Condominium Apartment Building); Square 28 excluding lots 884 and 168; and Square 29 in its entirety.

1521.3 The purposes of the Foggy Bottom Overlay District shall be as follows:

(a) To require a scale of development consistent with the following:

(1) The Comprehensive Plan which provides that the land use map for the Foggy Bottom Historic District be amended from the present "medium" category to the "moderate" category; and





Properties on the 2500 Block of I ST NW ranked by gross building area

Address	Gross Building Area (sq ft)
2510 I ST NW	0
2532 I ST NW	940
2518 I ST NW	978
2514 I ST NW	1,218
2520 I ST NW	1,220
2528 I ST NW	1,220
2505 I ST NW	1,233
2507 I ST NW	1,233
2530 I ST NW	1,257
2524 I ST NW	1,300
2502 I ST NW	1,366
2513 I ST NW	1,390
2504 I ST NW	1,440
2512 I ST NW	**1,457**
2511 I ST NW	1,600
2522 I ST NW	1,600
2506 I ST NW	1,709
2503 I ST NW	1,714
2526 I ST NW	1,830
2516 I ST NW	2,127
2525 I ST NW	2,187
2527 I ST NW	2,187
2529 I ST NW	2,187
2523 I ST NW	2,229
2509 I ST NW	2,232
2515 I ST NW	2,295
2517 I ST NW	2,295
2508 I ST NW	2,364
2531 I ST NW	2,386

Source:
2004 Assessment Roll Search as of 09/01/2004
http://cfo.dc.gov/otr/cwp/view,a,1330,q,594366,otrNav_gid,1679,otrNav,|33280|33288|.asp

Properties on the 2500 Block of I ST NW ranked by lot area

Address	Lot Area (sq ft)
2532 I ST NW	975
2502 I ST NW	1090
2513 I ST NW	1,120
2529 I ST NW	1,140
2531 I ST NW	1,140
2530 I ST NW	1,215
2506 I ST NW	1,350
2504 I ST NW	1,362
2512 I ST NW	**1,363**
2527 I ST NW	1,503
2525 I ST NW	1,582
2509 I ST NW	1,598
2511 I ST NW	1,598
2523 I ST NW	1,617
2528 I ST NW	1,633
2524 I ST NW	1,635
2526 I ST NW	1,635
2508 I ST NW	1,688
2514 I ST NW	1,768
2510 I ST NW	1,800
2503 I ST NW	1,815
2505 I ST NW	1,815
2507 I ST NW	1,815
2517 I ST NW	1,856
2516 I ST NW	1,959
2518 I ST NW	1,959
2515 I ST NW	2,124
2520 I ST NW	2,351
2522 I ST NW	2,517

Source:
2004 Assessment Roll Search as of 09/01/2004
http://cfo.dc.gov/otr/cwp/view,a,1330,q,594366,otrNav_gid,1679,otrNav,|33280|33288|.asp