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OF COUNSEL
MICHAEL T. CREHAN

November 9, 2004

BY MESSENGER

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Submission of Pre-Hearing Statement; BZA Application No. 17237; Stanford in Washington; Square 2204; Lot 834; 2655 Connecticut Ave., N.W.

Dear Ms. Kress:

Enclosed please find the original and twenty (20) copies of the above-referenced Pre-Hearing Statement for filing with the Board.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Stephanie A. Baldwin

246533v1
Enclosures

cc: All Copies By First Class Mail
Ms. Adrienne Jamieson
Mr. Wayne Kelly
Mr. John Asadoorian
Leon Chatelain, AIA
Nancy Skinkle, AIA
Jacques B. DePuy, Esquire

BZA
Case No. 17237
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17237
EXHIBIT NO. 26

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Conrest Associates Limited Partnership
on behalf of
The Leland Stanford Junior University



PRE-HEARING STATEMENT OF APPLICANT

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re:	**Application of Conrest Associates Limited Partnership on behalf of The Leland Stanford Junior University**	**BZA Application No. 17237** **Public Hearing: November 23, 2004** **ANC 3C**

PRE-HEARING STATEMENT OF APPLICANT

November 9, 2004

This Pre-Hearing Statement ("Statement") is submitted on behalf of Conrest Associates Limited Partnership for The Leland Stanford Junior University ("Applicant" or, as appropriate, the "University"), by its attorneys, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esquire and Stephanie A. Baldwin, Esquire, in support of an application for a special exception and area variances described below.

I.

Summary of Application. The Application seeks a special exception pursuant to the Zoning Regulations, 11 DCMR § 3104.1, for relief from the requirement that fifty percent (50%) of the gross floor area of the ground level of a building be dedicated to specified retail and service uses in a Neighborhood Commercial Overlay District pursuant to Sections 1302 and 1304. In addition, the Application seeks area variances pursuant to 11 DCMR §3103.2 from the requirement that a non-conforming structure conform to the percentage of lot occupancy if an addition is made to the structure under Section 2001.3, from the requirements for residential recreation space under Section 773, and from the minimum width and minimum area requirements of a closed court of a building devoted to residential uses under Section 776 of the Zoning Regulations.

II.

Property Description; Existing Zoning. The subject property is located in the Woodley Park neighborhood of northwest Washington, D.C. at 2655 Connecticut Avenue, N.W. (Square 2204; Lot 834) ("Property" or "Site"). The Property is improved with a one-story limestone fronted commercial building which was built in 1934. The existing building on the Property occupies one hundred percent (100%) of the lot.

The Property is bounded on the west by Connecticut Avenue and on the east by a public alley that runs parallel to Connecticut Avenue. To the north of the Property is an adjacent four-story masonry building at 2661 Connecticut Avenue, N.W. owned and occupied by the University and used for residential, classroom and related purposes (the "Existing Stanford

Building"). To the south of the Property is a three-story masonry building occupied by a restaurant.

The buildings in the Woodley Park neighborhood along Connecticut Avenue include commercial, office and residential apartment buildings. There are also two hotels in the vicinity. Generally, the buildings along the 2600 block of Connecticut Avenue are comprised of a mixture of former early 20th century townhome residences converted to commercial use, as well as one- and two-story commercial buildings built in the 1930s. These commercial establishments generally serve the neighborhood residents guests staying at the nearby hotels and visitors to the nearby National Zoological Park.

The Site is zoned WP/C-2-B. In addition to being located within the Woodley Park Neighborhood Commercial Overlay District, the Property is also located within the Old Woodley Park Historic District.

III.

Existing and Intended Use. The Property is currently used as a restaurant. The University seeks to use it for academic purposes. The University also proposes to improve the Property by the construction of a three-story rooftop addition and to connect such addition to the Existing Stanford Building with passageways between the two structures (the "Stanford Addition").

The Existing Stanford Building is used by the University for its "Stanford in Washington" program (the "SIW Program"). The SIW Program is offered by the University's undergraduate degree program. During each term, twenty-five to thirty Stanford University juniors and seniors are selected to participate in the SIW Program. The SIW Program combines internships with governmental and non-governmental organizations throughout the Washington, D.C. area with seminars and classes taught by Stanford University faculty and Washington, D.C. policy experts. The SIW Program has been described by an accreditation review panel as "the jewel in the crown" of the Stanford University undergraduate education.

The use of the Property by the University for academic purposes is a matter of right in an WP/C-2-B District pursuant to Sections 701.6(f) of the Zoning Regulations. The Property, together with the Existing Stanford Building, will be used primarily as residential (dormitory) space and ancillary space that serves such a residential use for both students and faculty. The space will include dormitory rooms, a lounge and study room, an art display/community meeting space, a kitchen, a dining room, a library, classrooms and a distance learning center.

The University seeks to expand the space available to it for use in the SIW Program by connecting the subject building (as improved by the Stanford Addition) to the Existing Stanford Building. The University does not seek to increase the number of students or faculty as a result of the expansion. The goal of the development of the Property is to enhance the SIW Program's facilities and increase the efficiency of the living and academic spaces. Through the renovation

of the Existing Stanford Building and the construction of the rooftop addition on the Property, the University will be better able to provide dormitory rooms for students with special needs and to offer its faculty an apartment for long term stays. The new construction will also provide a separate dining room. [In the Existing Stanford Building the largest available lecture space doubles as the dining hall.] As well, the proposed development will update the SIW Program space by providing a new distance-learning facility and a larger library.

IV.

Historic Nature of the Property and Building. The Property is located within, and is a structure contributing to the character of, the Old Woodley Park Historic District. The Applicant presented the proposed addition to the Historic Preservation Review Board ("HPRB") and worked closely with HPRB staff and the community in the development of the proposed project. HPRB staff recommended conceptual approval of the project. The HPRB voted to approve the project at its June 24, 2004 meeting. (Copies of the adopted HPRB Staff Report(s) were submitted with the Application).

V.

Description of the Building and Addition on the Property. The University proposes to construct a three-story addition to the Property's existing one-story building at 2655 Connecticut Avenue, N.W., and to connect it internally to the Existing Stanford Building at 2661 Connecticut Avenue, N.W. The Property will be used, together with the Existing Stanford Building, for the University's SIW Program.

The Stanford Addition will contain student dormitory rooms, a library and other spaces and facilities that support its program. The second floor will include the library and study. A rooftop deck and "green area" in the rear of the building and a court in the front of the building will also be located on the second floor. The lounge will be located on the third floor and student dormitory rooms will be located on both the third and fourth floors. The lower level of the building, which has a walk-out basement in the rear of the building, will include a distance learning center, restrooms and a mechanical room.

The kitchen and art display/community meeting space will be located on the ground floor of the building. The kitchen will be used in conjunction with the dining room in the Existing Stanford Building and will serve the student and faculty residents of both the Property and the Existing Stanford Building. The art display/community meeting space will be located in the front of the building and will be at the same grade as the side walk. (See "Floor Plans" attached hereto as Exhibit "A").

The art display/meeting space will be visible through a large storefront window. The Applicant plans to reconstruct the storefront of the Property's existing building in accordance with the original construction drawings which were filed with the 1934 building permit for the structure. (The "1934 Storefront Façade Plans" were submitted with the Application).

The proposed three-story Stanford Addition will be glass-faced and set back ten feet (10 ft.) from the front façade of the existing building. The rear of the Stanford Addition will be set back thirty-eight feet, two inches (38 ft. 2 in.) from the rear property line.

The rear yard set back of the Stanford Addition creates approximately nine hundred square feet (900 sq. ft.) of open space on the roof of the first floor. However, due to building code requirements, which are discussed below, only three hundred forty-three square feet (343 sq. ft.) of the rooftop can be dedicated to rooftop deck use. As such, the remaining five hundred fifty-two square feet (552 sq. ft.) of open space will be filled with plantings and greenery ("Rooftop Green Area").

Applicant has also proposed to improve the public space in front of the Property, as well as in front of the Existing Stanford Building. The improved streetscape will include additional tree plantings, greenery and benches in the front of the buildings. (See "Public Space Site Plan" attached hereto as Exhibit "B"). These improvements will provide the north end of the commercial block with pleasant space for public use which will better integrate with the streetscape that runs in front of the commercial buildings along the Avenue to the south.

VI.

Statement of Satisfaction of Burden of Proof for Zoning Relief Sought. The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction therewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted subsequent hereto, it will satisfy and comply with the applicable legal standards and burdens of proof for the special exception and area variances requested.

A. Special Exception.

By this Application, a special exception is sought pursuant to the Zoning Regulations, 11 DCMR Sections 3104.1 and 1304, for relief from the requirement that specified retail or service uses occupy fifty percent (50%) of the gross floor area (GFA) of the ground floor within a Neighborhood Commercial Overlay District ("NC Overlay District") pursuant to Section 1302.

This Application submitted by the University will satisfy the requirements of a special exception under Section 3104.1 of the Zoning Regulations. Those regulations require a special exception to "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and to not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps... ."

In addition, the Application will comply with Section 1304 of the Zoning Regulations which sets forth additional conditions to be met for the special exception. These additional conditions are set forth and discussed below.

The ground floor of the existing building will be composed of the art display/meeting space, the kitchen and required egress and core elements. Due to building code requirements for ingress and egress from the upper floors of the Stanford Addition, two (2) staircases and one (1) elevator are required. Additionally, on the ground floor, two exits must be provided with direct passageways to an exterior public way. Because of the narrow nature of the site, one exit must be placed in the front and a second means of egress must be provided in the rear of the structure. As a result, at a minimum, approximately thirteen hundred square feet (1,300 sq. ft.) or **forty-two percent (42%) of the ground floor must be devoted to these building code required elements**. (See "Building Code Requirements Document" attached hereto as Exhibit "C").

In addition to occupying a sizeable portion of the ground floor, the staircases, elevator and passageways effectively divide up and separate the ground floor into front and rear sections. The location of the staircases and elevator on the ground floor have been determined by the design of, and code requirements pertaining to the upper floors. Essentially, the staircases and elevator have been positioned in the middle of the upper floors in the "windowless areas" so that residential space can be situated at both ends of the building. This arrangement allows for natural light and air. As a result, the space available on the ground floor is divided in two: approximately twenty-five percent (25%) of available space in the front and approximately thirty-three percent (33%) of available space in the rear.

The University proposes to locate the art display/meeting space in the front portion of the ground floor of the building, facing Connecticut Avenue, and the kitchen in the rear portion. As designed, approximately seven hundred eighty square feet (780 sq. ft.) of gross floor area (GFA) - twenty-five percent (25%) - of the ground floor will comprise the art display/meeting space. (See "Stanford University Art Exhibit and Ground Floor Meeting Space Proposal" attached hereto as Exhibit "D"). This use accomplishes the purposes of the NC Overlay District by contributing to the animation of the streetscape and to the variety of uses along Connecticut Avenue. As well, it provides approximately half of the required fifty percent (50%) ground floor GFA retail/services use.

The kitchen is located in the rear portion of the ground floor. It is positioned so that it directly adjoins the dining room located on the ground floor of the Existing Stanford Building. The kitchen cannot be located in the basement or on another floor of the building. Doing so would be inefficient and potentially unsafe because of the large amount of traffic and activity between the kitchen and dining room.

Although the art display/meeting space doubles as a required egress corridor, it nevertheless provides a substantial amount of useable space in the front portion of the building. As such, it will display exhibits of art from both the University's California campus and from local sources. The art display space area will be open to the public for a minimum of twenty (20) days per month (including week days and/or weekend days). The exhibits will be rotated a minimum of four (4) times a year. Outside of the public exhibit hours, the space will also be used for University student group gatherings, discussions, lecture series and classes. Importantly, the area will also be available to community groups for meetings and lectures. With the original storefront design reconstructed, passerby will have a clear view of the art displays and activities

taking place inside. During the evening and nighttime hours, the space will be lighted so to preserve a street presence.

Requirements of Section 3104.1 of the Zoning Regulations.

The University's proposed use of the ground floor of the building will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring or nearby property. The University proposes to provide approximately twenty-five percent (25%) of the ground floor to art display and meeting space that will be available for Woodley Park community meetings and forums, a form of use that meets the spirit and intent of the Zoning Regulations. As shown below, unlike an empty ATM lobby or a dry cleaner drop off, the art display/meeting space will enliven the Connecticut Avenue streetscape. With the rotating exhibits that will be open to the public and meetings and other activities which will take place within the space, the space will be well utilized and a place of activity both during the day and the evening. Additionally, the reconstruction of 1934 façade, which provides an attractive view for passersby, contributes to the historic character of the Old Woodley Park Historic District and the streetscape.



INTERIOR VIEW OF ART DISPLAY AREA



EXTERIOR VIEW FROM CONNECTICUT AVENUE

The SIW Program has been a long standing contributing member of the Woodley Park neighborhood. Since 1988, the University has taken an active and supportive role in the Woodley Park Business Association. Additionally, the Stanford University students and faculty who come to the SIW Program become a part of the neighborhood community, contributing to its vitality and culture. As a part of their curriculum, students organize several public service activities each term, working with local groups and organizations on projects such as neighborhood clean-ups, school renovation and children's events at shelters and after-school centers. As well, students and faculty alike take advantage of the many restaurant and retail establishments in the neighborhood. For these reasons, the University's use of the ground floor of the building, as well as its presence in the neighborhood, together with the community-

oriented activities (meetings, lectures, etc.) that will take place on the ground floor, are in harmony with the intent of the Zoning Regulations and will not adversely affect the use of neighboring properties.

Requirements of Section 1304 of the Zoning Regulations.

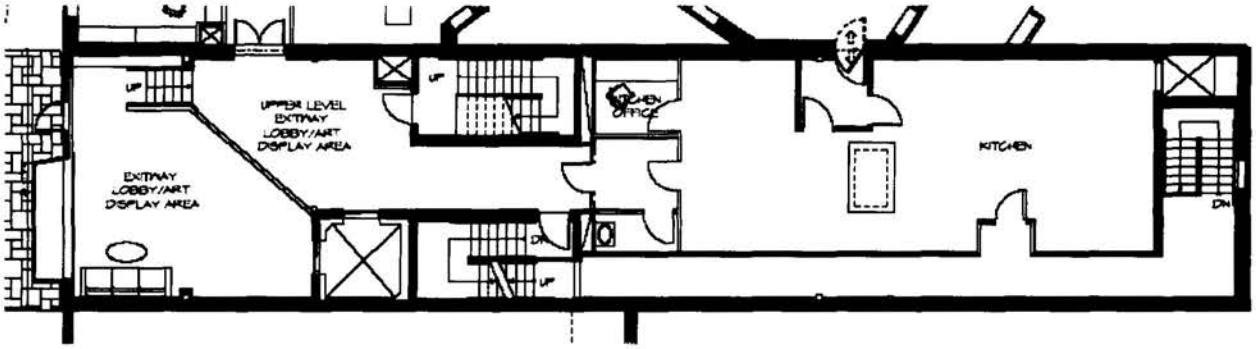
The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity. (§ 1304.1(a));

The stated purposes of the NC Overlay District include the following: encouraging a scale of development, mixture of uses and other attributes (such as safe and efficient conditions for pedestrian and vehicular movement); ... and to limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings.

The Applicant's use of the building for university and academic purposes, which is a matter of right use of the Property, will not adversely affect the neighborhood or nearby property. Furthermore, the Applicant's proposed use of the ground floor of the Property advances the purposes of the NC Overlay District. The art display/meeting space at the front of the ground floor of the building will be set off by the distinct attractive and historic storefront façade that will be inviting for passersby to view. The operation of the art display/meeting space will contribute to the variety of uses along Connecticut Avenue and is in keeping with the goal to maintain an attractive and pedestrian friendly environment along the street. As well, the art display/meeting space will be open to the public for viewing and available to the Woodley Park community as meeting/lecture space. As a result of these combined uses, the art display/meeting space will serve to enliven the street during the day and evening. Thus, the use by the University advances the purposes of the NC Overlay District and will not adversely affect neighboring property or the welfare of the neighborhood.

Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver (§ 1304.1 (b)).

Due to exceptional circumstances, Applicant's request for relief from the requirement of no less than fifty percent (50%) of the GFA of the ground floor level of the building as retail or service use of the Property is justified.



First, in accordance with building code requirements, approximately forty-two percent (42%) of the ground floor is dedicated to required egress and circulation uses. Due to the code requirements, two stairways and an elevator are required in the building. In addition, space must be dedicated to exit corridors and to related core functions and facilities. Thus, only fifty-eight (58%) percent of the ground floor is available for other uses. Furthermore, the space which is available is effectively divided into unconnected "front" and "rear" areas by the staircases and elevator. Thus, the limited space available on the ground floor that could potentially be dedicated to a retail or service establishment would function as very inefficient (i.e. "chopped up") space.

Second, the building's physical characteristics adversely effect the potential viability of retail at the site. (See "Opinion Letter of Mr. John Asadoorian of Asadoorian Retail Services" attached hereto as Exhibit "E"). The long and narrow nature of the building is unappealing to most retailers. [For a more detailed discussion of the exceptional characteristics of the Site, see the discussion of the variance tests on pp. 10-14]. As indicated by Mr. Asadoorian, retailers generally seek space with a frontage width of at least forty feet. With only a twenty-six foot wide front façade, the Property provides minimum street presence.

The Property is also exceptional because it is one of five buildings along Connecticut Avenue in Woodley Park which are long and narrow. (See "Area Plan" attached hereto as Exhibit "F"). Of those buildings, four (including the Property), are restaurants. According to Mr. Asadoorian, long and narrow spaces (with minimum street frontage) will work for restaurants, which can utilize the deep space as kitchen, storage and restrooms. However, while this "back of house" space works for restaurants, it does not work well for most retailers. Additionally, the use of ground floors in the NC Overlay District restricts restaurants to twenty-five percent (25%) of street frontage. Currently in Woodley Park, close to forty percent (40%) of the street frontage is dedicated to restaurant use . Thus, the Property could not be leased for use as a restaurant. Although in some markets a retailer (other than a restaurateur) may be willing to accept such minimal visibility, according to Mr. Asadoorian, this is generally true only in such vibrant and high foot-trafficked areas such as DuPont Circle and Georgetown. Also limiting the Property's visibility is its location at the northern end of the block, away from the main intersection of the retail market at Calvert Street and Connecticut Avenue.

Third, the market conditions of the area are exceptional circumstances. This market is characterized by its extraordinary small size (1 block), the natural barrier of Rock Creek Parkway to consumer traffic, the lack of parking options and the lack of a daytime office population. Due to these factors, it is unlikely, according to Mr. Asadoorian, that anything other than neighborhood retail could be supported in the Woodley Park NC Overlay District. For the most part, these neighborhood retail services are currently represented in Woodley Park. Thus, the demand is not significant enough to suggest that likely candidates would seek to lease the Property.

As a result of these exceptional circumstances, Applicant's request of relief from the requirement to dedicate fifty percent (50%) of the ground floor to a retail or service establishment is justified.

Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions (§ 1304.1 (c)).

No vehicular access or egress is located on the Property. No students who participate in the SIW Program are allowed to bring automobiles to the neighborhood during their stay. Visitors to the Existing Stanford Building are encouraged to use the Woodley Park Metrorail Station. This station is located within one hundred or so feet of the Property.

Thus, the requirements for a special exception pursuant to Section 1304 are met. The request for relief from the ground floor retail requirement will not have any adverse impacts on surrounding properties nor create any other objectionable conditions, and is justified due to exceptional circumstances.

It should be noted that the Board of Zoning Adjustment has previously approved similar applications involving relief from the requirement that fifty percent (50%) of GFA of a ground floor within a Neighborhood Commercial Overlay District must be devoted to specified retail or service uses. Attached here to as Exhibit "G" is a "Board of Zoning Adjustment Precedents Statement" concerning precedents for such special exemption relief. Similar to Applicant's request for a reduction of the fifty percent (50%) dedication requirement, the first case discussed in the Statement involves the approval of a request to devote thirty-five percent (35%) of a ground floor to museum/gallery space in satisfaction of the fifty percent (50%) ground floor requirement. The second case discussed involves a property within the Woodley Park NC Overlay District. In that case the BZA granted a special exception from the ground floor retail requirements and allowed one hundred percent (100%) of a ground floor to be used as office space.

B. Area Variances.

By this Application, variance relief is requested from the requirement that a non-conforming structure conform to the percentage of lot occupancy when an addition is made to the

structure pursuant to Section 2001.3, from the requirements for residential recreation space under Section 773 and from the minimum width and minimum area requirements of a court in a building devoted to residential uses pursuant to Section 776. The variances requested by the Applicant will satisfy the requirements of Section 3103.2 of the Zoning Regulations.

First, the Applicant must show that the Property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The Property is affected by several extraordinary or exceptional conditions including the following:

(i) the lot and the existing structure are deep and narrow in shape and, as a result, create a large amount of windowless interior space;

(ii) the existing structure occupies one hundred percent (100%) of the lot on which it sits and, as a "contributing" building to the character of the Old Woodley Park Historic District, cannot be demolished or substantially altered; and

(iii) due to building code requirements, a significant amount of space on each floor must be dedicated to egress and core uses.

The second prong of the area variance test is that strict application of the Zoning Regulations would result in a peculiar and exceptional practical difficulty. The Applicant submits that the Application complies with this requirement because the unique conditions of the Property result in and cause such practical difficulty, as discussed below.

Lot Occupancy of Non-Conforming Structure.

Pursuant to Section 772 of the Zoning Regulations, the maximum lot occupancy in the WP/C-2-B District is eighty percent (80%). Because the existing structure on the Property occupies one hundred percent (100%) of the lot, the structure is "non-conforming." This is an existing condition over which the Applicant has no control.

According to Section 2001.3, enlargements or additions may be made to a non-conforming structure provided that "the structure shall conform to percentage of lot occupancy requirements." However, because the existing structure occupies one hundred percent (100%) of the lot on which it sits, the structure cannot conform to the percentage lot occupancy requirements of Section 772. The existing structure was built to its existing size in 1934 and has been designated as "contributing" to the character of the Old Woodley Park Historic District. As such, it is protected from demolition.

It should be noted that the Stanford Addition to the existing building will conform to percentage of lot occupancy requirements. In fact, with a lot occupancy of approximately sixty percent (60%), the Stanford Addition will be considerably lower than the allowable eighty

percent (80%) lot coverage maximum. The Stanford Addition will not increase or extend the nonconforming lot occupancy of the existing building.

Residential Recreational Space.

According to Section 773.3 of the Zoning Regulations, the minimum required percentage of gross floor area of a building must be devoted to residential recreation space ("RRS") in a C-2-B District is fifteen percent (15%). Additionally, pursuant to Section 773.8, fifty percent (50%) of the total RRS must be located outdoors. Accordingly, the Stanford Addition is required to have a total of 1,340.49 square feet of RRS. Of this total, 670.24 square feet must be located outdoors. The Applicant proposes to provide a total of 698.45 square feet of RRS with 356 square feet of interior RRS and 342.45 square feet of outdoor RRS.[1]

Applicant has provided indoor RRS for the Property on the third floor in the lounge. Several conditions limit the ability, to provide additional indoor RRS. First, the amount of space available is limited by the structures small size and the deep and narrow shape of the lot. Second, the egress and core functions required pursuant to building code regulations, occupy approximately two-fifths of the space on the ground floor and one-third of the space on each of the upper floors. Third, due to the obstruction of the sides of the building by the adjacent properties, much of the interior space is windowless. Thus, space in the front and back of the Stanford Addition that has windows is dedicated to residential uses. Due to these factors, indoor RRS is limited.

The exterior RRS is provided on the second floor's rooftop deck. No additional outdoor RRS is available. In order to increase the size of the proposed roof deck, an additional means of egress would be required pursuant to building code regulations. Due to the narrow shape of the lot and structure and lot occupancy and FAR limitations, only one means of egress from the building to the roof deck can be provided. Such means of egress must lead directly into the Stanford Addition through the study and into the second floor egress corridor. A stairway off the back of the rooftop cannot be accommodated due to the structure's one hundred percent (100%) lot occupancy. [Such a stairway would be located in the public alley.] Thus, despite the large amount of space available on the second floor roof, only a portion of the roof may be used as a deck and for RRS purposes.

It should be noted that the Existing Stanford Building, which will continue to be used by the University for the SIW Program, provides over one thousand one hundred square feet (1,100 sq. ft.) of RRS. This space will be available for use by the residents of the Property. With the RRS provided next door, the University can provide almost one thousand eight hundred fifty square feet (1,850 sq. ft.) of RRS. This cumulative total is approximately five hundred square feet (500 sq. ft.) more than the required amount of RSS. As well, the study on the second floor of the Property, which is five hundred seven square feet (507 sq. ft.) in size, and which was not included in the calculation of RRS, is a common area available to all residents of the Property.

[1] Since the submission of the initial application, the lounge has been moved from the second floor to the third floor. This has resulted in a slight reduction in the amount of area devoted to the lounge.

Furthermore, the proposed closed court on the front portion of the second floor of the Property, which is approximately two hundred thirty square feet (230 sq. ft.) in size (and cannot be included in the calculation of RRS due to its size), will be made available to all residents of the Property for recreational activities.

Thus, although indoor residential recreation space and the outdoor recreation space cannot be further increased without compromising the requirements of the building code, the residential recreation space available in the Existing Stanford Building and additional common areas on the Property, some of which cannot technically be counted as RRS, provide sufficient amounts of recreation space for the occupants of the Property. Furthermore, the Applicant's request for a reduction of the amount of residential recreation space required is reasonable in consideration of the ample number of places to walk, jog, run and bicycle nearby in Rock Creek Park and the National Zoological Park.

Court.

Pursuant to Section 776.3 of the Zoning Regulations, "[w]here a court is provided for a building ... devoted to residential uses ... the width of [the] court shall be a minimum of four inches per foot of height, ... [and] in no case shall the width of [the] court be less than fifteen feet (15 ft.)". According to Section 776.4, where "a court is provided for a building ... devoted to residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than three hundred fifty square feet (350 sq. ft.)."

The Stanford Addition includes a closed court on the second floor, in the front portion of the building. The court is created in the area that is located between the two-story façade of the original building and the set back of the Stanford Addition. The width of the court is ten feet (10 ft.) and the area of the court is approximately two hundred thirty square feet (230 sq. ft.). Thus, a five foot (5 ft.) variance is requested from the width requirements and a variance of one hundred seventeen square feet (117 sq. ft.) is requested from the area requirements.

The Stanford Addition is set back ten feet (10 feet) from the original building's façade to address design concerns raised by the HPRB. In an effort to preserve the character of the building's historic façade, the HPRB recommended a set back so that the Stanford Addition would not detract from the front elevation's architectural elements. The HPRB approved the project with the ten foot (10 ft.) set back. As designed, the set back lessens the impression of a visual continuation between the existing building and Stanford Addition and keeps the new construction from standing out among the other buildings along the Connecticut Avenue streetscape.

Under the third prong of the variance test, relief granted cannot cause substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zoning plan (§3103.2). The variances requested by the University will not result in adverse impacts. Although the existing historic building on the Site occupies one hundred percent (100%) of the lot, the addition to the existing building conforms to lot occupancy requirements and, in fact, is less than the eighty percent (80%) lot coverage allowed. Such a lot occupancy

will not increase or extend the nonconformity of the existing building. The design of the proposed Stanford Addition is also consistent in height and bulk with surrounding buildings and does not result in any loss of light or air to adjacent properties.

The residential recreation space variance will not negatively impact the public good nor substantially impair the integrity of the zoning plan because of the amount of recreation space available to the residents of the Property at the adjacent Existing Stanford Building and within the common areas of the Property itself, in addition to the ample amounts of outdoor recreation space available in nearby parks.

Finally, the variances from the required width and area of the court will not result in any adverse impacts to the public good or the zoning plan. On the contrary, the second floor set back, which creates the court, helps to preserve the character of the existing historic building without detracting from the Connecticut Avenue streetscape.

Additionally, the project is also consistent with the preservation and historic features goal of Ward 3 under Section 1407.2 of the Comprehensive Plan. Section 1407.2 states that the "goal of historic preservation in Ward 3 is to preserve important historic features, especially (but not exclusively) those that have been registered under local or federal preservation laws, while ensuring that any new development that may occur in the ward is responsive, sensitive, and compatible with these features." Applicant's proposed plan provides for the reconstruction of the building's original 1934 storefront design. The proposed plan also includes an addition to the building which is sensitive to the historic façade of the building, as well as to the historic character of the adjacent buildings and the surrounding neighborhood.

Thus, the variances requested for the proposed project on the Property will not have an adverse impact on the neighborhood nor cause any detriment to the public good.

VII.

Witnesses.

1. Ms. Adrienne Jamieson, Director, Stanford in Washington

2. Leon Chatelain, AIA (together with Nancy Skinkle, AIA)
   Chatelain Architects

3. Mr. John Asadoorian, Asadoorian Retail Solutions

VII.

Conclusion. For the reasons set forth above, the Applicant submits that its Application has satisfied (and will satisfy) all applicable zoning requirements and the requisite burdens of proof for a special exception and the requested area variances and, therefore, should be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
Jacques B. DePuy

By: _____
Stephanie A. Baldwin

245583v1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Statement of the Applicant was mailed, first-class, postage prepaid, this 9th day of November 2004 to:

Advisory Neighborhood Commission 3C
c/o Ms. Nancy MacWood, Chair
3417 Woodley Road, N.W.
Washington, DC 20016

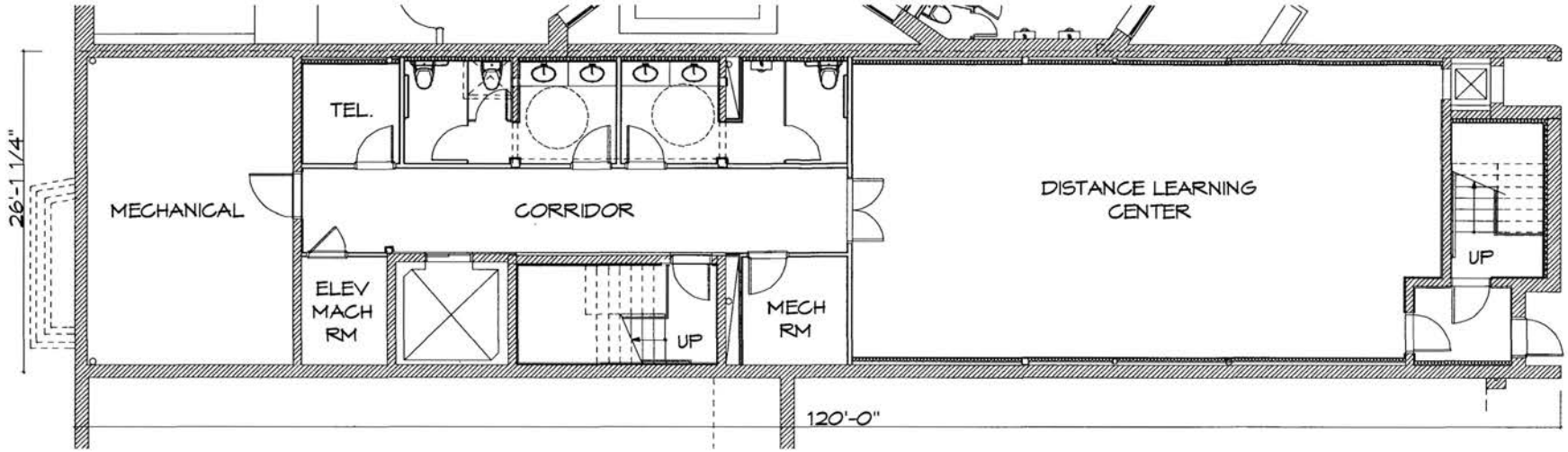
Mr. David J. McGettigan
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002



Stephanie A. Baldwin

Exhibit "A"

Floor Plans

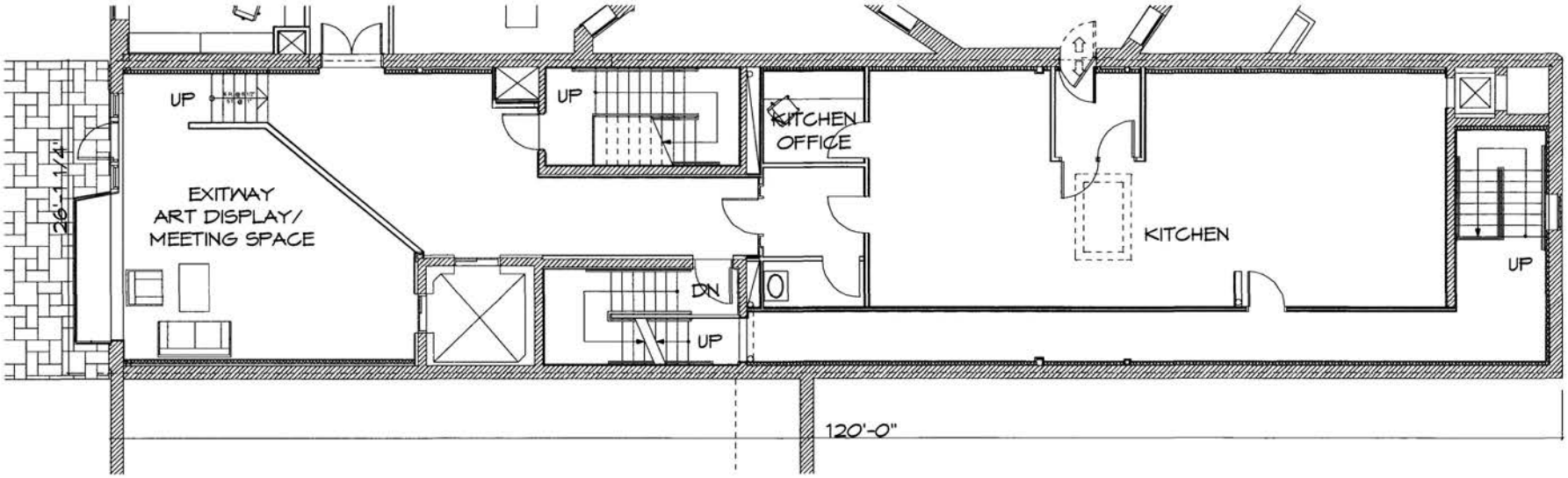


BASEMENT FLOOR

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*

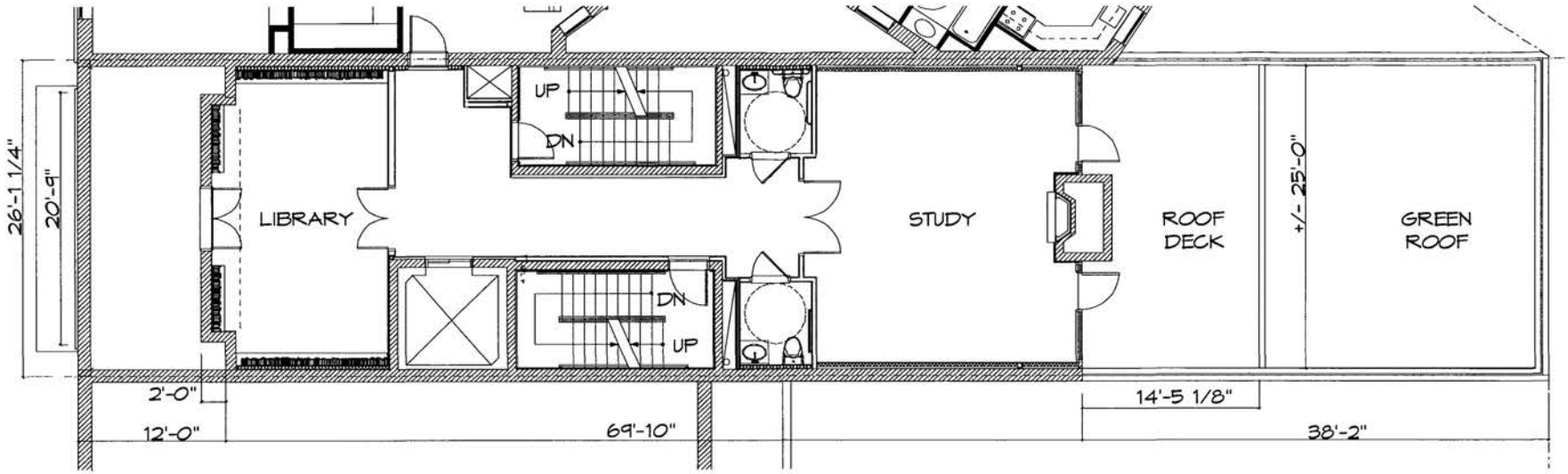


FIRST FLOOR

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*

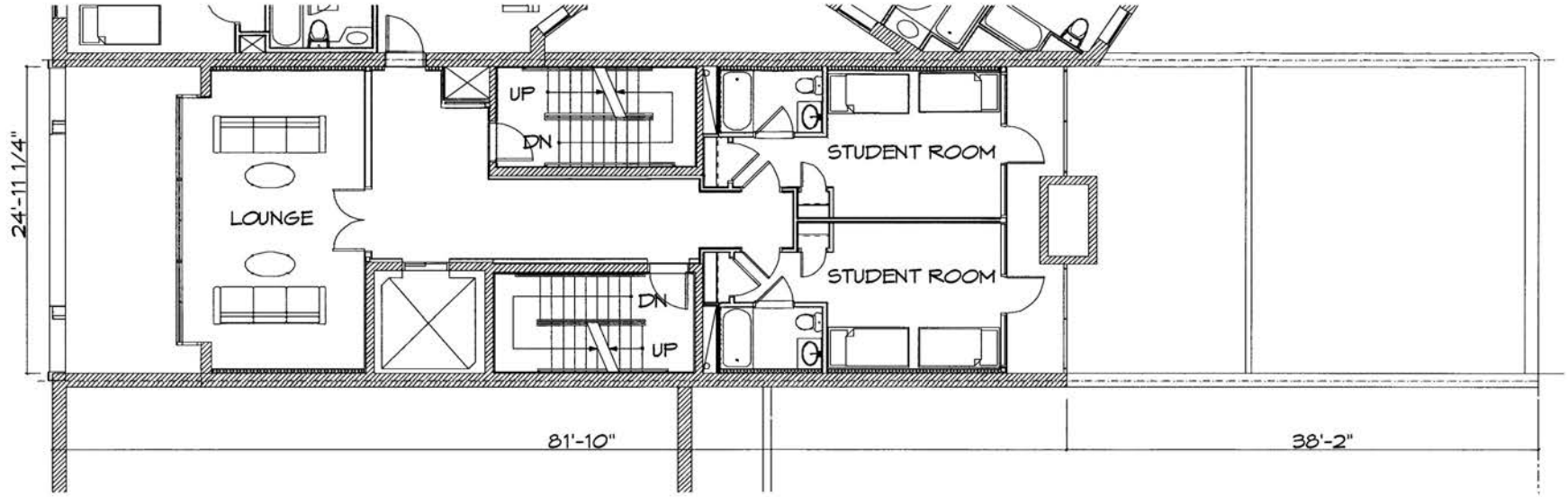


SECOND FLOOR

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*

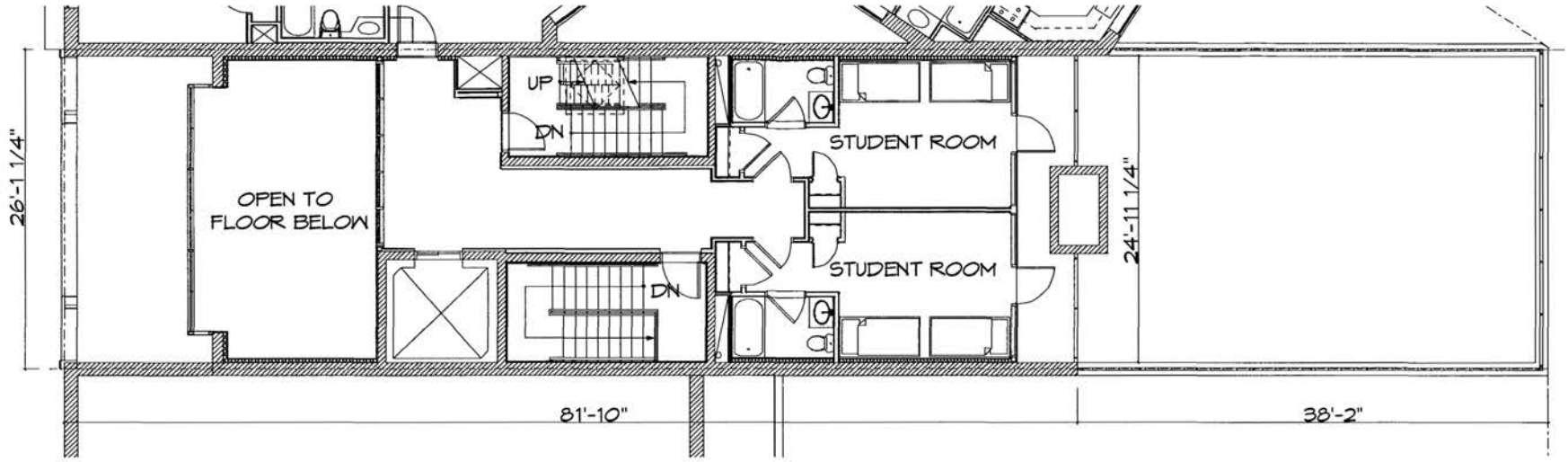


THIRD FLOOR

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*



FOURTH FLOOR

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*

Exhibit "B"

Public Space Plan



PUBLIC SPACE SITE PLAN

STANFORD IN WASHINGTON

November 9, 2004

CHATELAIN *Architects, p.c.*

Exhibit "C"

Building Code Requirements Document

BUILDING CODE REQUIREMENTS THAT LIMIT THE USABILITY OF THE FIRST FLOOR

Stanford in Washington
2655 Connecticut Avenue, NW
Washington, DC 2008

The existing property at 2655 Connecticut Avenue is on a very long and narrow site. The lot dimensions are 26 – 1 ¼" wide by 120'-0" long with the actual useable width of the building being just less than 25'-0". By using the Floor Area Ratio (FAR) allowed as a matter of right under the Zoning Regulations, Stanford is permitted to construct a four story building that accommodates their program needs. However, the International Building Code 2000, which has been adopted by the District of Columbia, requires two means of egress from the building as well as an elevator. Because of the narrowness of the building, these required means of egress components greatly compromise the planning of the first floor and the usability of the remaining square footage. The following code excerpts are examples of how the first floor is compromised.

IBC 1003.2.13.1.1 BUILDINGS WITH FOUR OR MORE STORIES

In buildings where a required accessible floor is four or more stories above or below a level of exit discharge, at least one required accessible means of egress shall be an elevator complying with Section 1003.2.13.3.

The Stanford in Washington project has four stories above Connecticut Avenue and five stories above the alley, and is therefore required to have an elevator. An elevator is also required by the Americans with Disabilities Act.

IBC 1005.2.2 BUILDINGS WITH ONE EXIT

For buildings with an R2 occupancies (which include apartment buildings, boarding houses, and dormitories) and having four stories above grade, two separate exits are required from the building.

The Stanford in Washington project which has at least four stories must have two ways to exit the building from the upper floors. These means of egress components are stair enclosures.

CHA
TEL
AIN

IBC 1006.1 EXIT DISCHARGE

Fifty percent of the exit enclosures must exit to grade while the remaining fifty percent may exit through a lobby.

The Stanford in Washington project has one exit that discharges through the Connecticut Avenue exitway/lobby/art display area. The remaining exit must discharge in an opposite direction. The opposite direction is toward the alley which is one story below the first floor. Therefore a long exitway is required from the stair to the alley through another stair which carries the individual to the lower level of the alley.

1009.1 EMERGENCY ESCAPE AND RESCUE, GENERAL

Provisions must be made for emergency escape and rescue for residential occupancies. Sleeping rooms must be accessible and shall open directly onto a public street, public alley, yard or court.

The Stanford in Washington project has four student rooms which must be positioned at the perimeter to allow the emergency escape and rescue. The location of these student rooms (plus the other program spaces) forces the exit stairs to be located in the interior of the building where there are no windows. By locating the exit stairs in the interior of the building, the long corridor explained in the discussion above from IBC 1006.1 is necessary to exit the building.

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Exhibit "D"

Stanford University Art Exhibit and Ground Floor Meeting Space Proposal

Stanford University Art Exhibit and Ground Floor Meeting Space Proposal[1]

2655 Connecticut Avenue

In its application to the BZA, Stanford University proposes to operate an art exhibit and meeting space on the ground floor of 2655 Connecticut Avenue. This proposal emerges from a lengthy series of conversations with the Woodley Park Community Association, ANC 3-C, members of the Woodley Park Business Association and interested neighbors from the nearby residential community. These discussions have taken place over a period of approximately ten (10) months and pertain to the ways in which Stanford, through its purchase and use of 2655 Connecticut Avenue, might meet neighborhood desires for the University to share its mission and intellectual life while, at the same time, animating the streetscape, limiting the negative impact of parking and trash accumulation and providing a service to the community. This art display and meeting space proposal has received the enthusiastic support from the community, including a unanimous vote by ANC 3-C at its October 18, 2004 public meeting and from the Woodley Park Community Association at its May public meeting.

As approved by the Historic Preservation Review Board, Stanford will restore the 1934 limestone façade, reconstruct the original storefront and install a plaque indicating that the site was originally the location of the Sanitary Grocery Company. Passers-by will have a clear view through the restored windows to the ground floor art display and meeting area. Because of a variation in elevation between Stanford's existing building and the building at 2655 Connecticut Avenue, there is an opportunity -- which Stanford has elected to pursue -- to create a two-level space with wall areas immediately behind the reconstructed historic storefront. This two-story space and wall areas will be well suited to the display of art.

Stanford proposes to offer exhibits of art and other artifacts from both its California campus and local Washington sources to be displayed in the new art exhibit space. The art display area will be open to the public a minimum of twenty (20) days per month (including week days or weekends) for periods of a minimum of five (5) hours per day. To ensure that the art display space is available during a specified number of evening and weekend hours, during the above referenced twenty day minimum period, the art display area will be open to the public from 12:00 noon through 7:00 p.m. a minimum of three (3) days per week and from 12:00 noon until 9:00 p.m. on at least two (2) weekend days per month.[2] The art will be lighted until at least 9:00 pm six (6) days

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[1] Prepared by Ms. Adrienne Jamieson, Director, Stanford in Washington.

[2] Because Stanford is an educational institution that observes holidays and breaks between semesters that are typical of similar institutions, it requires some flexibility in the hours during which the art display space

per week so that it is readily visible from the sidewalk on the east side of Connecticut Avenue. The exhibits and window display area will be visually appealing as seen from the street. Exhibits will be changed a minimum of four (4) times annually. A security guard and/or Stanford students and personnel will staff the exhibit space.

Stanford has held preliminary conversations with its faculty and museum in California, with individuals engaged in the arts community in Washington and with its Woodley Park neighbors. All are enthusiastic about the opportunities provided by this proposal.

Seating will be available within the display space as well as in the exterior garden (i.e., public space) area immediately in front of 2655 Connecticut Avenue. This exterior garden area will have a view of the art exhibits. The items on display will include paintings, sculptures, photographs and other works of art. To ensure that the exhibits provide the animation and liveliness desired by the community and are clearly visible by passers-by on Connecticut Avenue, Stanford has agreed to establish a committee that will consist of representatives (or appointees) of Stanford, ANC 3-C and the Woodley Park Community Association. This committee will meet for the purposes of developing joint programs and art exhibits.

After closing hours on weekday evenings and perhaps occasionally on weekends, Stanford will use the ground floor space for student group gatherings, discussions, a lecture series and classes. This ground floor area will also be available to community groups for meetings and as a gathering space prior to lectures in the distance learning facility located on the basement level. Stanford has agreed to ANC 3-C's request to host a minimum of four community meetings per year in this space and to sponsor a minimum of four lectures per year on subject matters to be determined by the committee referred to above. While in use by Stanford or community groups, the exhibit area will remain lighted and passers-by will have a clear view of the art work and meetings or other activities.[3]

Woodley Park has been Stanford's home in Washington since 1988 and its students and faculty contribute to the vitality and economic life of the neighborhood. Stanford's proposal for the ground floor space at 2655 Connecticut is a reflection of its engagement in and commitment to the community. It provides a space which will animate the northern end of the commercial area to a significantly greater degree than its current use with virtually none of the negative impacts of concern to the neighborhood

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will be open to the public. Therefore, Stanford has attempted to provide a schedule that meets public policy objectives while, at the same time, recognizing that there will be limited times during the year when no students or faculty will be on campus and no activities will be conducted from the site.

[3] It should be noted that the existing Stanford building and 2655 Connecticut Avenue are located in a commercial zoning district. Thus, unlike most private (elementary and secondary) schools that are located in the midst of residential neighborhoods, Stanford's facilities are located on a major thoroughfare at a Metro subway station in the midst of a neighborhood commercial retail and service area. As a result, its activities in the evenings and on weekends help to enliven the street and bring activity to the urban streetscape. Given the purposes of the Woodley Park zoning overlay, these are positive, not negative, contributions by Stanford to the community and the city.

(specifically, trash and the attendant rodent problems created by restaurants and parking). Stanford's proposal also reflects its continued desire to work with the community and share its educational mission. The community is enthusiastic about this proposal and continues to provide suggestions and ideas for possible exhibits and uses, from exhibits about the development of the California campus to Stanford museum art work to sculptures and paintings by local artists. Stanford believes that offering a space to the community which reflects its identity and mission is the best use of the ground floor at 2655 Connecticut.

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Exhibit E

Opinion Letter of Mr. John Asadoorian of Asadoorian Retail Services

November 2, 2004

Ms. Jennifer Steingasser
Office of Planning
801 North Capitol Street, N.E.
Suite 4000
Washington, D.C.

ASADOORIAN

Re: ***Stanford University***
2655 Connecticut Avenue, NW

Dear Jennifer:

Following my review of Stanford University's plans for 2655 Connecticut Avenue, I am writing this letter to express my opinions regarding the viability of retail uses for the building.

The market for retail uses along the 2600 block of Connecticut Avenue is generally healthy though not strong. There is a retail economy in the area that supports the uses present, but not deep enough to warrant the attention of a broader market of uses for attraction to the area. Evidence of this condition is the low turnover of uses and the lack of shopping variety. The predominant uses are restaurants with a visible lack of soft goods, home furnishings or general merchandise retailers.

The reasons for the conditions evident in the existing market are the following:

1. Rock Creek Parkway to the south and east is a barrier to consumer traffic and a lack of density (density that would offer a broader trade area as well as more commercial space that would create a corridor of commerce that is more than 1-2 blocks long).

2. Adams Morgan and Dupont Circle are significant 'destinations' for a broader retail offering that on one hand competes with this area, while also complementing it.

3. Compared to other neighborhood retail trade-areas, the Woodley Park trade area is tiny. Woodley Park's trade area along the 2600 block of Connecticut Avenue is basically 1 block long on Connecticut and 1 block long (one side of the street, on Calvert, east and west of Connecticut Avenue. In contrast: Georgetown (neighborhood and regional) is over 20 blocks of prime retail offerings, Capital Hill – 8th Street, over 10 blocks, Friendship Heights over 5 blocks including malls, Dupont Circle over 6 blocks north and south of the circle and Adams Morgan with over 10 blocks of varied retail and dining options. Large trade areas create a destination, which attract varied retail uses, which foster co-tenancies, which comes back to creating a destination. This ultimately supports the notion that any type of retail space is leaseable as a wide variety of users can consider the space and remain flexible on configuration because of the potential for success.

4. To the extent that the heavy vehicular traffic passes through the area, it does not have a reason to stop or convenient parking options if it were to stop for shopping purposes. Of the areas that host a vibrant retail market, parking is usually available in either abundant street parking or private/ public parking facilities. Though there is a parking garage in the mid-block building behind Lebanese Taverna, it does not have enough capacity to be valuable in this regard and the parking offered at the neighboring hotels is not close enough to be viable. Areas such as 14th Street, Dupont Circle and Adams Morgan have more linear street parking available and a number of private parking facilities. Even Cleveland Park to the north has a private parking lot in front of the Park & Shop Shopping Center.

5. The lack of a daytime office population further limits the retail potential of the area.

In essence the 2600 block of Connecticut Avenue is a neighborhood pocket of retail uses as opposed to a regional destination. Accordingly, the highest and best uses that one can expect in this market are conveniences such as banks, health and beauty stores (CVS), cleaners, printers/ copy shops, floral, fitness, restaurant/ cafes and hair/ nails/ salons to name a few. To expect anything significantly greater than this would not be realistic. For the most part, these uses are represented in the trade area and the demand is not significant enough to suggest that there is room for more such that they would be likely candidates for Stanford's building.

As a native Washingtonian, I live in the Logan/ Dupont area. As a retail specialist, I have 16 years of experience in leasing space and representing tenants in many of the cities neighborhoods. I have had the pleasure of being a consumer on the 2600 block of Connecticut Avenue, as well as a broker conducting business. My aforementioned views are rooted in these experiences.

In applying some vision to the situation at hand and attempting to determine what could be possible with 2655 Connecticut Avenue, I am not enthusiastic at the proposition that retail could be supported here that speaks to the desire to enhance the retail environment in the area. The chief concern I have is the physical characteristics of the site.

The building is long and narrow and this creates a challenge for most retail uses. With limited storefront visibility relative to the depth of the space, a retailer would be hard pressed to merchandise and display their presence to the street. Typically, retailers expect a minimum width of about 40 feet. This varies depending on the market and a retailer will be more flexible if the location is a 'must-have' in a dynamic and vibrant area (Georgetown 14th Street, Dupont Circle, as examples).

To that extent that there are locations on this block that appear to have similar challenges with respect to lack of frontage or excessive depth, the users occupying these spaces do not represent a deep market of similar uses. As small shops they benefit by better exposure to heavier pedestrian traffic the closer you get to the intersection of Connecticut Avenue and Calvert Street. As service users, they satisfy the limited demand for their services present in the trade area.

As a restaurant, the space works as much of the depth is utilized for back-of-the house elements such as kitchen, prep, storage and restrooms. While this is one type of use that may be flexible in it's requirements for frontage versus depth, I understand that the zoning regulations limit the number of restaurants in the Woodley Park commercial district. Furthermore, community organizations have expressed strong opinions in opposition to the over-concentration of restaurants in this block because of trash, noise, rats and other adverse impacts. Accordingly, this use may not be viable.

Without a critical mass of shopping related retail in the area or proximate to the building, the likelihood of this site being attractive to a retailer is negligible. If the building was located in a spot with higher visibly, such as the corner of a heavily trafficked intersection or amidst other traffic generators in a dense area, it would have a broader potential for retail uses.

I do not feel optimistic about the retail viability of 2655 Connecticut Avenue. Other than the existing use, it's highest and best use is most probably another mom-and-pop restaurant or a user that is retail in that it is open to the public, but not contributing to the a shopping experience (i.e. service uses).

Of the limited users that might be interested in the broader Woodley Park area such as hardware stores, home furnishings outlets and general merchandise retailers; such users would not be logical candidates for Stanford's building. In addition to the reasons mentioned above, the size of the building, even at 50% of the first floor area of this building, is too small. Such users would be more likely to take 4-5,000 square feet. In addition, they would require parking.

Suggesting a retail use for the portion of the ground floor that could be available as 50% of the first floor or the plan that Stanford has put forth, might be attractive to users such as a newsstands, bank/ ATM lobby or drycleaner drop-off/pick-up. Providing a retail space that is not leaseable to uses that would anchor or further enhance the area does not speak to the intent of the zoning regulations to foster and encourage a more varied retail offering.

Please let me know if I can provide any other information or comment or if you would like me to address further questions. I welcome the opportunity to remain available.

Very truly yours,
ASADOORIAN RETAIL SOLUTIONS

John A. Asadoorian

Exhibit F

Area Plan

2 - TRIANGULAR-SHAPED CORNER BUILDINGS (BLUE)

2655 CONNECTICUT AVENUE

10 - SHORT BUILDINGS (YELLOW)

4 - WIDE BUILDINGS (PINK)

5 - NARROW BUILDINGS (ORANGE: OVER 3 OF WHICH ARE RESTAURANTS)

NOTE: THERE ARE 15 RESTAURANTS IN SQUARE 2204 (INCLUDING THAI TOWN) RESULTING IN A 39% RATIO OF STREET FRONTAGE. THESE RESTAURANTS ARE SHOWN HATCHED ON THE AREA PLAN.



AREA PLAN DEMONSTRATING UNIQUENESS OF 2655 CONNECTICUT AVENUE

STANFORD IN WASHINGTON

November 9, 2004 CHATELAIN *Architects, p.c.* 1" = 50'-0"

Exhibit G

Board of Zoning Adjustment Precedents Statement

BOARD OF ZONING ADJUSTMENT (BZA)
PRECEDENTS FOR SPECIAL EXCEPTION RELIEF
FROM GROUND FLOOR RETAIL REQUIREMENTS[1]

BZA Application No. 17237

Stanford University

The Applicant recognizes that the BZA judges each case on its own merits and that each case is unique. Nevertheless, the Applicant wishes to point out that the BZA has approved special exception relief from ground floor retail/service/arts use requirements in cases that have substantial similarities to the Application of Stanford University pertaining to 2655 Connecticut Avenue, N.W., one of which is located in the same Overlay zone district (i.e., the Woodley Park Neighborhood Commercial Overlay District). Thus, there are ample precedents for the relief requested by Stanford in Application Number 17237.

I.

In BZA Application No. 15662[2], the applicant sought a special exception under Section 1906[3] to allow a special exception from the CR/ARTS District requirement. Section 1906 requires that retail and services uses and arts and arts related uses shall occupy no less than fifty percent (50%) of the ground level. This applicant was planning the construction of a structure with office use on the upper floors of a building in the CR/ARTS District but, in response to the Overlay ground floor requirements, proposed to provide museum/gallery space on the ground floor. This applicant sought a special exception to devote approximately thirty-five percent (35%) of the ground floor area to such museum/gallery uses. The BZA approved the requested special exception.

The BZA decision in Application 15662 is based on facts and circumstances that are substantially similar to the facts and circumstances applicable to Stanford University's Application in BZA No. 17237 with respect to 2655 Connecticut Avenue, N.W., for the following reasons:

A. Both Applicants Provide an Appropriate Balance of Space and Uses for Private and Public Purposes.

Similar to Stanford's intent, the applicant in BZA No. 15662 sought to address the Overlay requirements for ground floor retail while also attempting to retain efficient and

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[1] Prepared by Jacques B. DePuy, Esquire and Stephanie A. Baldwin, Esquire, Greenstein, DeLorme & Luchs, P.C.
[2] Premises located at 1920 14th Street, N.W. (Square 205, Lots 817 and 818), between T and U Streets in a CR/ARTS District.
[3] The requirements for a special exception pursuant to Section 1906 are comparable to those required for a special exception pursuant to Section 1304.

reasonable space to address its needs within the limited space available on its small site. [The applicant in BZA No.15662 was a non-profit organization that sought to construct its headquarters on the site. Stanford, which is also a non-profit institution, proposes to construct an addition on an existing building for its own, albeit primarily residential, uses.] Because of the nature of the operations of the headquarters offices of the applicant in No. 15662 (i.e. its need to store records pertaining to its membership at the site and to undertake other functions relative to its headquarters purposes), as well as the design constraints and historic preservation limitations that restricted the amount of available space (number of floors, etc.) which could be built on the site, the space available for other purposes was limited.

Similarly, the Stanford project proposes to provide ground floor gallery and community meeting/lecture space to address the purposes, spirit and intent of the Woodley Park Neighborhood Commercial Overlay District notwithstanding the limited ground floor space available on its site at 2655 Connecticut Avenue. The limited space available is, as was true for the applicant in No. 15662, a result of the functional constraints of the building, the limitations of the size and shape of the lot and the requirements of the building code and the Historic Preservation Review Board. Thus, in order to construct additional floors on top of the existing structure (which will provide Stanford with the additional space it seeks for its primarily residential programs), a large amount of space on the ground floor must be dedicated to core uses, including the elevator, stairways and ingress/egress corridors. In fact, forty (42%) of the ground floor space at 2655 Connecticut Avenue is devoted to egress, core and similar code-required purposes. Furthermore, given the long narrow shape of the building, which obtains access points and light and air on only two narrow ends, the amount of ground floor retail space available is severely limited.

B. Both Applicants Have Dedicated As Much of the Ground Floor to Public Purposes as is Feasible and Practicable Given the Similar Constraints of Their Respective Properties.

The Applicant in No.15662 proposed to dedicate thirty-five (35%) of the ground floor space to a use that would satisfy the letter or spirit of the Overlay by specifically encouraging the pedestrian activity intended by the ARTS District requirements. Similarly, in response to the constraints of the 2655 Connecticut Avenue site, Stanford has proposed to dedicate twenty-five percent (25%) of the ground floor for use as an art display and community meeting/lecture space. This proposed use of the space available will allow for a feasible use of such space that, at the same time, furthers and enhances pedestrian activity along the Connecticut Avenue corridor through both actual and visual access to the gallery and meeting space.

C. Both Applicants have Incorporated Design Features in their Projects that Further Overlay Objectives. The applicant in No.15662 incorporated architectural embellishments and street-level window display space in its design in order to make its ground floor museum/gallery uses visually available to pedestrian traffic. Similarly, with the restoration of the existing building's historic front façade (including the reconstruction of the original store-front window based on original plans, Stanford proposes design features in response to the objectives of the Overlay District. Specifically, it will provide an inviting street level display space for the benefit of passers-by and will offer an interior space for use by and the benefit of community organizations for meetings, lectures and other activities. In addition, Stanford proposes to improve the use of the public space in front of its existing building at 2661 Connecticut Avenue,

N.W., as well as in front of the subject property at 2655 Connecticut Avenue, N.W. Such improvements will make the public space available for use by the public and will enliven the streetscape to the end of the 2600 block of Connecticut Avenue (i.e., to Woodley Road, N.W.).

II.

Another BZA application to note is Application No. 17011[4], which involved a property that, like the subject property at 2655 Connecticut Avenue, N.W. is located in the Woodley Park Neighborhood Commercial Overlay District. Application 17011 also involved a special exception from the ground floor retail requirements under Section 1304.

In Application No. 17011, the applicant sought use-oriented relief to allow office use to occupy one hundred percent (100%) of the ground floor area. Thus, in BZA No. 17011, the applicant proposed no use that would satisfy the letter or spirit of the Overlay requirement (i.e., that fifty percent (50%) of the ground floor be devoted to retail and service uses). [By contrast, Stanford proposes to dedicate twenty-five percent (25%) of its ground floor to art display and community meeting/lecture space.] Although the circumstances of such case were different from those applicable to the Stanford application -- because the location of such property was at the southeast corner of Connecticut Avenue and Calvert Street and this site is thus isolated from the remainder of the Woodley Park commercial district – this BZA case stands for the proposition that the BZA will, in the appropriate case, approve such a special exception from the ground floor requirements, even if the applicant seeks a 100% waiver of the ground floor requirement.

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[4] Premises located at 2519 Connecticut Avenue, N.W. (Square 2202, Lot 116), on the southeast corner of Connecticut Avenue and Calvert Street.