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MICHAEL T. CREHAN

December 1, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC -1 PM 4:00

BY MESSENGER

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

Re: Post-Hearing Submissions; BZA Application No. 17237; Stanford in Washington; Square 2204; Lot 834; 2655 Connecticut Ave., N.W.

Dear Ms. Kress:

On behalf of our client, the Leland Stanford Junior University ("University" or "Applicant"), the following information is being provided in response to the specific requests of the Board of Zoning Adjustment (the "Board") at the public hearing on November 23, 2004, for such information.

1. Description of the use of the Art Gallery Space.

Please see the attached "Stanford University Gallery Proposal" (attached hereto as "Attachment 1").

2. Certificate of Occupancy requirements.

According to the District of Columbia Construction Code, "no person shall use any structure, land, or part thereof for any purpose other than a one-family dwelling until a Certificate of Occupancy has been issued to that person stating that the use complies with the Zoning Regulations and related building, electrical, plumbing, mechanical and fire prevention requirements." 12 DCMR § 110.1 (2003). The art gallery space as proposed is a functional part

BZA
Case No. 17237
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17237
EXHIBIT NO. 35

of the University's use of the property. However, as indicated on the plans submitted to the Board, the art gallery will be provided in space labeled as "exitway" and "lobby" because of code requirements. As testified to by Leon Chatelain, AIA at the public hearing, the building code does not allow egress for one use (e.g., college or university programs, dormitory, etc.) to be provided through a separate use (e.g., a retail use). Therefore, there will be no separate "art gallery" Certificate of Occupancy.

3. Clarification of Special Exception request.

Section 1302.2 provides a list of designated retail and service establishment uses for the ground floor of buildings located within a Neighborhood Commercial Overlay District ("NC Overlay District"). An "art gallery" is not listed among those designated uses. Furthermore, as indicated in item 2 above, the University is not able to set aside the art gallery space as a separate use because of code requirements. Accordingly, Applicant seeks a special exception from the requirement that fifty percent (50%) of the ground floor of a building located in a NC Overlay District *be dedicated to specified retail and service uses.* In an effort to mitigate this request, Applicant has offered to provide twenty-five percent (25%) of the ground floor of the property to a use which meets the spirit and intent of the NC Overlay District.

4. Explanation of percentage of ground floor dedicated to art gallery space.

A further review by the architect of the ground floor area calculations indicates that forty-nine percent (49%) of that floor is dedicated to egress, stairway, elevator and core uses. (Prior calculations and testimony indicated such percentage to be 42% or 47%.) As provided in the application and by testimony given at the November 23rd hearing, twenty-five percent (25%) of the ground floor is provided as art gallery space.

Because the art gallery space also functions as an egress corridor required by the building code, a portion of the floor area dedicated to egress and core uses is also considered art gallery space. Thus, a portion of the forty-nine percent (49%) egress/core space "doubles" as a portion of the twenty-five percent (25%) art gallery space. Because the art gallery space is very open, the space is able to effectively and fully "double" as egress space.

5. Proposed Conditions.

Attached please find a revised copy of the proposed conditions (attached hereto as "Attachment 2"). As requested by the Board, a rationale for each condition has been included.

6. Post-Hearing Coordination with ANC 3C

Applicant provided the commissioners of ANC 3C with a copy of the revised ground floor plan (submitted to the Board at the public hearing) and the revised proposed conditions offered by Applicant.

An e-mail transmitting both the revised ground floor plan (with private dining room) and the revised conditions was transmitted by Applicant to each ANC commissioner on Friday, November 26, 2004. Applicant requested that the ANC commissioners respond with any questions or comments by Tuesday, November 30, 2004. Mr. Allen Hahn, ANC Commissioner for Single Member District 3C01, also sent out an e-mail to all the ANC commissioners noting the changes within the plan and the rationales for the proposed conditions. Applicant also provided hand delivered copies to several of the ANC commissioners over the weekend and sent copies by first class mail to those to whom it was unable to hand deliver copies. As of this date, Applicant has received comments in support of the revised plan and conditions from the following ANC 3C Commissioners: Mr. Allen Hahn, Ms. Shelia Hogan, Ms. Sally MacDonald, Ms. Nancy MacWood, Ms. Trudy Reeves, Mr. Kurt Vorndran and Mr. John Welsh.

Thank you for your consideration of the additional information and materials provided with this letter.

Sincerely yours,

Jacques B. DePuy

Stephanie A. Baldwin

247659v1

cc: Ms. Adrienne Jamieson
Mr. Wayne Kelly
Mr. Gary Rotzin
Mr. Don Intersimone
Mr. John Asadoorian
Leon Chatelain, AIA
Nancy Skinkle, AIA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Post-Hearing Submission of the Applicant was mailed, first-class, postage prepaid, this 1st day of December, 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

Attachment 1

Stanford University Gallery Proposal

Stanford University Gallery Proposal
for 2655 Connecticut Avenue

In its application to the BZA, Stanford University proposes to operate an art gallery 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 and members of the Woodley Park Business Association about ways in which Stanford, through its renovation of the subject property, might meet neighborhood desires for the University to share its mission and intellectual life while animating the streetscape, limiting the negative impact of parking and trash accumulation and providing a service to the community. This proposal has received enthusiastic support from the community, including a unanimous vote at the October ANC 3-C monthly meeting.

As approved by the Historic Preservation Review Board, Stanford will restore the 1934 limestone façade at 2655 Connecticut Avenue and will install a plaque indicating that the site was the location of the Sanitary Grocery Company. Passers-by will have a clear view through the restored windows into the ground floor area. The variation in elevation between the two properties creates a two-level gallery with wall areas which are well suited to the display of art, taking maximum advantage of the available space while permitting passage through the exit way.

Stanford proposes to plan and execute exhibits of art and other artifacts from both its California campus and local Washington sources to be displayed in the gallery. Art will be offered for sale. Prices will be noted on each work and interested parties will be put directly in touch with artists to negotiate final sale. In addition, Stanford will have a display case containing items for sale which are consistent with its mission and purpose (such as small gifts from the Stanford museum shop). The gallery will be open to the public 175 hours monthly during periods of prime street activity (midday to early evening during the week, later on Fridays and Saturdays). A security guard and/or Stanford personnel and students will staff the gallery. Seating will be available within the gallery. The exhibits and window display area will be visually appealing as seen from the street and will be lighted during the evenings. Exhibits will be changed a minimum of four times annually. Stanford has held preliminary conversations with its faculty and museum in California and with individuals engaged in the arts community in Washington. All are enthusiastic about the opportunities provided by this proposal.

After closing hours on weekday evenings, Stanford will use the space for student group gatherings, discussions and classes. The display 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 the ANC 3-C's request to host meetings and to provide a lecture series for the community.) While in use by Stanford or community groups, the gallery will remain lighted and passers-by will have a clear view of the interior activity.

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 art gallery 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 (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 Stanford student and faculty works to sculptures and paintings by local artists. Stanford believes that sharing with the community this art gallery which reflects its identity and mission is the best use of the ground floor at 2655 Connecticut Avenue.

Attachment 2

Proposed Conditions

Accordingly, it is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. That applicant continue and enforce its policy of precluding its students from having cars during their enrollment in the Stanford in Washington program.

   [Requested by the ANC; lessens adverse impacts on neighborhood of additional vehicles competing for on-street parking.]

2. That the applicant shall operate and maintain an art gallery that will also be available as meeting space of approximately twenty-five percent (25%) of the ground floor GFA (i.e. approximately seven hundred forty (740) square feet of GFA) in the area labeled on the plans as "Exitway/Lobby/Art Display Space" in Exhibit ____.

   [Requested by the ANC; provides assurance that applicant will use the ground floor space as proposed and mitigates the special exception.]

3. That the art gallery shall be open to the public a minimum of 175 hours per month (including week days and weekend days) except during the last two (2) weeks in December when the University is closed for its winter break. Furthermore, to ensure that the art gallery is available during evening and weekend hours when many residents are home from work, during the above-referenced 175 hour minimum period, the art gallery shall be open to the public from 12:00 noon through 7:00 p.m. a minimum of four (4) days per week and from 11:00 am until 8:00 p.m. on at least three (3) weekend days per month.

   [Requested by ANC, as revised; provides assurance that applicant will open gallery to the public and mitigates the special exception.]

4. That the art gallery shall be lighted until at least 9:00 p.m. six (6) days per week so that it is readily visible from the sidewalk on the east side of Connecticut Avenue.

   [Proposed by applicant; demonstrates commitment to animate the street and mitigates the special exception.]

5. That the art exhibits in the art gallery shall be rotated no less often than four (4) times per year, in conjunction with the Stanford University quarter system. In addition, the applicant shall make the art work available for sale to the general

public. Furthermore, Stanford shall sell items that are reflective of its mission and purposes from a display case, shelving units or other area that is consistent with the use of the ground floor for art gallery and meeting purposes and not in violation of building code egress and other requirements.

[Requested by ANC, as revised; demonstrates commitment to proposed ground floor use and mitigates the special exception.]

6. That, subject to the approval of the Historic Preservation Review Board, the applicant shall install and thereafter maintain a plaque on the front of the building indicating that between the years 1934 to 1941 the building was the former location of a Sanitary Grocery Store.

[Requested by ANC; demonstrates commitment to historic preservation policies.]

7. That the exterior space on the second floor that is located immediately behind the existing building's front façade and adjacent to that interior area labeled on the plans as "Library" in Exhibit ___ shall be made accessible and available to occupants of the building for use as additional outdoor recreation space.

[Requested by ANC; mitigates variance from residential recreation space.]

8. That the applicant shall host a minimum of four (4) meetings per year for the use and benefit of the Woodley Park community.

[Requested by ANC; demonstrates commitment to make ground floor or other space in either of the Stanford buildings available for public meeting use and mitigates the special exception.]

9. That applicant shall establish a committee with representatives (or appointees) of ANC 3-C and the Woodley Park Community Association ("Neighborhood Committee") for the purposes of developing joint programs, including the lecture programs referred to below, and art exhibits.

[Requested by ANC, as revised; demonstrates commitment to the community and mitigates the special exception.]

10. That the applicant shall sponsor a minimum of four (4) lectures per year that are open to and for the benefit of the community on subject matters to be determined by the Neighborhood Committee.

[Requested by ANC; demonstrates commitment to the community and mitigates the special exception.]