

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

1701 Rhode Island Avenue NW (Square 0159 Lot 0087)

This statement is submitted by 1711 Rhode Island Owner LLC (the “Applicant”), the owner of the property located at 1701 Rhode Island Avenue, NW (Square 159 Lot 87)¹ (the “Subject Property”), in support of an application pursuant to 11 DCMR §3104.1 for special exceptions under §508.1 and §2108.1 to allow the conversion of the existing building on the Subject Property to an office building, and to reduce the number of required parking spaces, in the DC/SP-1 District.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the District of Columbia Board of Zoning Adjustment (the “Board”) no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

I. Background: Subject Property, Surrounding Context, and Zoning

Subject Property and Existing Building

As shown on the attached plat, the Subject Property is an irregularly shaped lot located at the eastern end of Square 159 at the intersection of 17th Street and Rhode Island Avenue and is known as Lot 87. The Subject Property is zoned SP-1, consists of approximately 17,935 square feet of land area, and has approximately 176 linear feet of frontage along Rhode Island Avenue and approximately 57 linear feet of frontage along 17th Street. An existing public alley that

¹ The Subject Property is currently known as 1711 Rhode Island Avenue, N.W. The Applicant is changing the address to 1701 Rhode Island Avenue, N.W.

connects to 17th Street runs along the north side of the Subject Property which varies in width from 10- to 20-feet wide.

The Subject Property is improved with a seven-story building that was constructed as a private club in the late-1970s by the Young Men's Christian Association (YMCA) of Metropolitan Washington pursuant to BZA Order No. 12045, which granted a special exception for roof structures and a variance from the minimum parking requirement of 30 spaces. The building was continually operated by the YMCA until 2015 when it closed. The property was sold to the Applicant in early 2016. The building is currently vacant.

The existing building has a height of approximately 81'-6" and contains 98,565 square feet of gross floor area, or a floor area ratio (FAR) of 5.5, which at the time of construction was the permitted FAR under the SP District for residential and nonresidential buildings. The maximum permitted height at the time was 90 feet.

The existing building consists of a seven-story block composed of a pre-cast concrete structure and minimally articulated brick façades that have few windows as a result of its original use as a private recreation / fitness club containing gymnasiums, an Olympic-sized pool, and other fitness-related and meeting facilities. At the street-level along Rhode Island Avenue, a series of windows provide views and natural light to the below-grade area where the pool exists. Above street-level, this side of the building completely lacks windows. The main entrance to the existing building is located at the corner of Rhode Island Avenue and 17th Street, where a deeply recessed curtain wall system is framed by the building unarticulated red brick façade. Along the north, the building is constructed to the property line, and the majority of the north façade abuts a ten-foot alley. The alley widens to 20-feet approximately 150 feet inward from 17th Street. The existing building currently does not contain any onsite parking or loading facilities.

Surrounding Context

Square 159 is located in the northwest quadrant of the District of Columbia and is bounded by N Street to the north, Rhode Island Avenue to the south, 17th Street to the east, and Connecticut Avenue and 18th Street to the west (the “Square”). There is an existing “T”-shaped public alley that provides access to properties within the Square, and ranges in width from 10 – 20 feet. The east end of the alley connects to 17th Street, while on the west the alley connects to N Street and Rhode Island Avenue. The southern and western portions of the Square, along Rhode Island Avenue and Connecticut Avenue, respectively, contain a collection of medium- to high-density development consisting primarily of office and ground-floor retail uses. A high-rise office building which incorporates a series of historic townhouses is located immediately west of the Subject Property at 1717 Rhode Island Avenue. The Cathedral of St. Matthew the Apostle is located further west along Rhode Island Avenue. Also along Connecticut Avenue are a collection of four-story buildings containing several retail, restaurant, and night club uses. Existing development along 17th and N Streets consists mainly of three- and four-story attached buildings that are devoted predominantly to non-residential uses.

The Subject Property is well-served by public transportation, with the Farragut North Metrorail Station located approximately 0.25 miles walking distance to the south, the Dupont Circle and Farragut West Metrorail Stations located approximately 0.4 miles to the northwest and south, respectively, and the McPherson Square Metrorail Station is located approximately 0.6 miles to the southeast. The Subject Property is also served by several Metrobus routes, the DC Circulator, and is easily accessible by bicycle.

Zoning

The Subject Property is zoned SP-1 and located within the Dupont Circle Overlay District. The SP-1 District is one of two special purpose (SP) Districts that are intended to provide a buffer between adjoining commercial and residential areas and to ensure that new development is consistent with the transitional purpose of the SP District relative to use, scale, and design. The area surrounding the Subject Property is primarily zoned C-3-C, C-4, SP-1, and SP-2. The properties located in the western portion of the Square, fronting Connecticut Avenue, are zoned C-3-C, and the properties directly south of the Subject Property are zoned C-4. The properties to the east and north of the Subject Property are currently zoned SP-1 and SP-2. The Dupont Circle Overlay District also covers much of the surrounding area.

II. Proposed Development

The Applicant proposes to completely renovate the existing building and to convert it into a trophy-class office building within the existing height and density (i.e., 81' 6" and 98,565 square feet). On the exterior, the Applicant will completely replace the existing monolithic brick façade with a new façade that consists primarily of clear glass curtain wall and sculptural metal detailing. To strengthen the street wall and breakdown the massing and scale of the existing building, the Applicant will infill the existing recessed areas of the façade and create projecting architectural features on the south and east façades of the building that consist of a variegated metal material that establishes a two-story grid pattern to relate to the composition of the nearby three- and four-story structures. These projecting features will begin at the second floor to expose the new glass enclosed ground floor and lighten the base of the building at the pedestrian-level and will extend to the sixth floor. Additional metal detailing on the projections will further articulate the building. The projecting metal frame will provide further depth to the façade as the seventh-floor along

Rhode Island Avenue is setback from the floors below. A metal frame and glass canopy that is centered on the façade along Rhode Island Avenue will mark the new entrance to the office building, and a painted metal cornice/sunshade will define the top of the building.

To further reduce the scale of the building, the Applicant proposes to cut away and setback portions of the existing structure in order to accentuate the corners. The southwest and northeast corners of the building are cut away to reduce the scale of the building, better relate to the adjacent lower-scale buildings, and accentuate the sculptural metal projections. In addition, on the east façade, a prominent bay will be created where currently the building is deeply recessed. Finally, the building is set back at the northwest corner, abutting the public alley, where the Applicant proposes to locate the entrance to new below-grade parking and to provide access to new loading facilities. Pulling the building back from the public alley will improve circulation within the alley and facilitate access to the building's parking and loading.

In addition to the exterior improvements described above, the Applicant will fully renovate the interior to include two levels of below-grade parking containing 45 parking spaces, new loading facilities, seven-levels of office and amenity space, and a new penthouse containing habitable and mechanical space. On the ground-floor, a new two-story lobby will be located along Rhode Island Avenue which leads to a centrally located elevator and mechanical core. The new parking garage ramp and loading facilities will be located at the northwest corner of the ground floor adjacent to the portion of the public alley that is 20-foot wide. As required under Section 2201.1, the Applicant will provide one, 30-foot loading berth and one, 20-foot service delivery space. The remainder of the ground floor will consist of office space and building amenity space. Floors 2 – 7 will consist of typical office space organized around the central building core.

Finally, the Applicant is proposing to construct a penthouse that will meet all of the requirements of the new penthouse regulations, including those pertaining to setbacks, height, and permitted FAR for penthouse habitable space. The proposed penthouse habitable space will have a maximum height of 12'-0" and be oriented toward the south, along Rhode Island Avenue, with access to an outdoor roof terrace. The proposed penthouse mechanical space will have a maximum height of 18'-6" and be located in the northern portion of the penthouse, towards the alley side of the building. The Applicant will comply with the requirements set forth in Section 414 of the Zoning Regulations relating to the production of affordable housing as a result of habitable space in the penthouse.

III. The Applicant Meets The Burden of Proof For Special Exception Relief

Relief granted by special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the requested relief are satisfied. The D.C. Court of Appeals has consistently emphasized the narrow scope of the Board's discretion in reviewing special exception applications:

In evaluating requests for special exceptions, the Board is limited to a determination of whether the exception sought meets the requirements of the particular regulation on which the application is based. ... The applicant has the burden of showing that the proposal complies with the regulations; but once that showing has been made, the Board ordinarily must grant the application.

National Cathedral Neighborhood Ass'n v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 n.1 (D.C. 2000). *See also Stewart v. D.C. Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973) (noting that "[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations").

1. Office Uses in Special Purpose Districts (§508)

Pursuant to Sections 3104.1 and 508.1 of the Zoning Regulations, the Applicant is requesting a special exception to allow the conversion of the existing building on the Subject Property for office use. Section 508 permits the “construction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use,” in an SP District if approved by the Board as a special exception under Section 3104, subject to the conditions enumerated in Sections 508.3 through 508.5. Section 3104.1 authorizes the Board to grant the relief where the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property. As discussed below, the Applicant meets the burden of proof for the requested relief.

The proposal meets the specific conditions of Sections 508.3 through 508.5 which require the use, height, bulk, and design of the proposed office building to be in harmony with existing uses and structures on neighboring property, and to not create dangerous or other objectionable traffic conditions.

(a) Section 508.3 – The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property

The use, height, bulk, and design of the proposed office building will be in harmony with the existing uses and structures on neighboring property. With regard to use, the buildings surrounding the Subject Property are primarily devoted to office, institutional, or hotel uses. Further, the height, bulk, and design of the proposed office building are compatible with surrounding buildings. The relationship of the proposed building to its surroundings will be improved as a result of the proposed renovations to the building. The existing building height of

81'-6" will be retained, and the existing lot occupancy will be slightly reduced. The resulting form of building is compatible with the buildings located to the south, east, and west of the Subject Property.

The neighboring properties to the north, located along 17th and N Streets, are improved with lower-scale buildings. The relationship of these buildings to the proposed office building will remain the same since the height and bulk of the existing building on the Subject Property are being retained; however, the architecture of the renovated building better responds to these buildings given the newly integrated setbacks and court niches.

Finally, the proposed building design is compatible with neighboring properties which exhibit a wide range of architectural styles. As described above, the proposed façade will consist of an assembly of glass and metal materials that give the building a contextual character defined by a slightly recessed ground floor, projecting architectural features, and strongly defined corners and cornice line. The use of these materials and approaches to building massing and articulation can be observed on many of the buildings surrounding the Subject Property. Moreover, based on its location within the Dupont Circle Historic District, the new exterior design of the building must be reviewed and approved by the Historic Preservation Review Board, which is currently in process.

(b) Section 508.4 – The use shall not create dangerous or other objectionable traffic conditions

Based on the size of the office building, which is less than 100,000 square feet, the project is not likely to cause objectionable traffic conditions. The project incorporates two-levels of below-grade parking which will provide sufficient on-site parking. Furthermore, all parking and loading access will be located adjacent to the 20-foot wide public alley at the rear of the Subject Property.

The Applicant is not proposing any new curb cuts to access the proposed parking garage or loading facilities, and the modifications to the rear of the building in order to provide the new loading facilities will allow trucks to access the Subject Property without causing adverse impacts to alley circulation. The Applicant has retained Wells & Associates as its traffic consultant who will provide a full evaluation as to impacts of the proposed project on traffic conditions and which will be provided as part of the Applicant's Prehearing Submission.

(c) Section 508.5 - The Board may require special treatment in the way of design, screening of building, accessory uses, signs, and other facilities as it deems necessary to protect the value of neighboring properties

The Applicant has designed the building to fit within the existing context of the neighborhood and improved the public space to create a better pedestrian experience. Accordingly, the Applicant does not believe that any additional special treatment is necessary to protect the value of the neighboring properties.

2. Reduction of Parking Spaces (§2108)

Pursuant to Section 2108.1, the Board is authorized to reduce the amount of parking spaces required for nonresidential uses under Section 2101.1 in accordance with the special exception standard of Section 3104 of the Zoning Regulations, and pursuant to the requirements and considerations enumerated in Sections 2108.2 – 2108.5. The following addresses the Applicant's compliance with each of these provisions.

According to Section 2108.2, the Board may reduce the amount of required parking for the proposed office building by no more than twenty-five percent (25%). Under Section 2101.1, an office use within an SP District is required to provide one parking space for each 1,800 square feet of gross floor area that is in excess of 2,000 square feet. Based on the building's existing 98,565

gross square feet, and the proposed penthouse habitable space, a minimum of 56 parking spaces are required. As described above, the Applicant is proposing to provide 45 spaces on two levels of below-grade parking. Thus, the Applicant is requesting the Board to reduce the minimum parking requirement for the project by 11 spaces, which is less than the permitted reduction of up to 25%.

Pursuant to Section 2108.3, the Board is required to consider the following factors when deciding whether to grant the special exception and reduce the minimum number of parking spaces required:

(a) *Nature and Location of the Structure*

The Subject Property is ideally situated within a very walkable, transit-rich, and bike-friendly area of Central Washington. The high quality of the surrounding street network and pedestrian facilities, abundance of nearby public transportation options, and availability of Capital Bikeshare and other bike parking make the Subject Property fully justify the requested parking reduction. According to the Walk Score website, the Subject Property has a Walk Score of 99; a Transit Score of 100, which is considered as having “world-class public transportation,” and a Bike Score of 91, which rates as a “Biker’s Paradise” with excellent bike lanes.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time*

The parking proposed is sufficient to accommodate the estimated parking demand for the project. The parking provided, combined with the abundance of safe and convenient non-auto transportation options that conveniently serve the Subject Property and the availability of other parking facilities in the area, support the requested parking reduction and result in no adverse parking impacts. The Applicant has engaged a traffic consultant to fully evaluate the sufficiency of the proposed on-site parking.

Under the recently adopted 2016 Zoning Regulations that are scheduled to go into effect on September 6, 2016, the minimum parking requirement for the proposed office building would be reduced to 50 spaces, and can be even further reduced as a matter-of-right to 25 spaces, or by 50%, given the Subject Property's proximity to Metrorail. Thus, the proposed amount of parking is consistent with the new Zoning Regulations while not yet in effect, based on the office use.

(c) Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood

Given the Subject Property's close proximity to several public transportation options, and the relatively modest size of the proposed office building, being less than 100,000 square feet, the project is not expected to create any adverse traffic conditions in the neighborhood. The Subject Property is located directly on Rhode Island Avenue and 17th Street, both minor arterials that connect to Connecticut Avenue and Massachusetts Avenue, both principal arterials, in close proximity to the site. Therefore, any traffic generated by the project should be easily distributed throughout the surrounding transportation network.

(d) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use

There are numerous parking garages within close proximity of the Subject Property that can accommodate any additional parking demand that results from this relatively minor reduction in the minimum number of required parking spaces. According to online resources, there are at least 20 commercial parking garages operating within 0.25 mile of the Subject Property that offer daily and/or monthly parking.

(e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.

Given its central location, the Subject Property is well served by public transportation. There are three Metrorail Stations located within close walking distance, the closest being the Farragut North station located only approximately 0.25 miles to the south. In addition, the Subject Property is accessible by several of the most major Metrobus routes in the District, including crosstown routes that run along Connecticut Avenue and K Street. Furthermore, the Georgetown-Union Station and Dupont Circle-Georgetown-Rosslyn routes of the DC Circulator are both within close walking distance of the Subject Property. Finally, as mentioned above, the Subject Property is easily accessible by bicycle.

For the reasons described above, the Applicant has also met its burden under Section 3104.1. The proposal will not adversely affect the use of neighboring property. The improved design and sculpting of the building will fit better within the existing context of the neighborhood. The project will also enhance the streetscape through reconstruction of the public space surrounding the Subject Property. The project will not adversely impact the availability of light and air to neighboring properties and will likely improve existing conditions in this respect as a result of the addition of greater articulation to the existing building and the use of lighter, more transparent façade materials. In addition, the requested parking reduction will not have a detrimental impact on the neighborhood, nor result in adverse traffic conditions. The reduction of 11 parking spaces is minimal considering the numerous public transportation options and commercial parking garages located in close proximity to the Subject Property.

Finally, the proposal is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. General office is a permitted use in the SP-1 District, with conversions of existing buildings to office use permitted by special exception. As stated above, the purpose and intent of the SP District is to act as a buffer between adjoining commercial and residential areas and to ensure the compatibility of new development. The proposal is compatible in use, scale, and design with surrounding buildings; and furthermore, the Subject Property will continue to fulfill its transitional role between the scale of the C-4 and C-3-C Districts to the south and west, respectively, and the Special Purpose Districts located to the north and east.