

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Michael Jurkovic, AICP, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: November 5, 2025

SUBJECT: BZA Case 21380, Request for area variance and special exception relief to permit a rear addition to a four-story office building.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance relief pursuant to Subtitle X § 1002:

- Subtitle I § 509.3, Maximum Non-residential FAR (3.5 max. allowed; 3.67 existing; 3.85 proposed);

OP recommends **approval** of the following special exception relief pursuant to Subtitle C § 1506 and Subtitle X § 901.2:

- Subtitle C § 1504.1(b), Penthouse Setback (1:1 setback from outer walls required; no rear setback for mechanical equipment housing and 7.6 ft. side setback for elevator overrun proposed) pursuant to C § 1506; and
- Subtitle I § 205.1, Rear Yard (2.5 in. per ft. in height or 12 ft. minimum required above a plane of 25 ft.; 8.52 ft. existing; 0 ft. proposed up to 34.27 ft.) pursuant to I § 205.5.

II. LOCATION AND SITE DESCRIPTION

Address	1128 16 th Street NW
Applicant	Goulston & Storrs PC on behalf of Leland Stanford Junior University
Legal Description	Square 517; Lots 834 & 835
Ward, ANC	Ward 2; ANC 2C
Zone	D-2
Historic District	Sixteenth Street Historic District
Lot Characteristics	Rectangular lot measuring 27.75 ft. x 95.0 ft. with a 15 ft to 20 ft. wide alleyway to the north.
Existing Development	Four-story historic office building
Adjacent Properties	Mixed-use and office buildings.

Surrounding Neighborhood Character	Downtown Mixed-Use Corridor
Proposed Development	Partial additions to rear and penthouse to facilitate the conversion of internal space for Stanford University's desired institutional program.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- D-4-R	Regulation	Existing	Proposed ¹	Relief
Density I § 200	3.5 FAR non-residential max.	3.67 FAR	3.85	Variance Relief Requested
Height I § 201 & 532	90 ft. max	58.4 ft.	No Change	None Requested
Penthouse Height I § 532 & C § 1502	20 ft. and 1-story max.	N/A	14.25 ft. and 1-story	None Requested
Penthouse Rear Setback C § 1504.1(b)	Distance equal to the height of the penthouse.	N/A	No Setback	Spec. Ex. Relief Requested
Penthouse Side Setback C § 1504.1(c)	Distance equal to the height of the penthouse from alley right-of-way.	N/A	7.6 ft.	Spec. Ex. Relief Requested
Lot Occupancy I § 202	100%	92%	100%	None Requested
Rear Yard I § 205	2.5 in. per ft. in height or 12 ft. minimum required above a plane of 25 ft.	8.52 ft.	0 ft. below a plane at 34.27 ft., no change above 34.27 ft.	Spec. Ex. Relief Requested

IV. OFFICE OF PLANNING ANALYSIS

a. Non-Residential FAR - Area Variance Relief from Subtitle I § 200

Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific

¹ Per the applicant.

piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

The applicant has presented several factors which contribute. Specifically, the form of the existing historic building, originally designed as a dwelling, constrains the development potential of the property, in that the building exceeds the by-right FAR limit and the historic nature imposes the inability to redevelop the site with a fully conforming structure. The FAR increase is to allow for required circulation space. As such, the historic nature of the site presents an exceptional situation or condition of the property.

Resulting Practical Difficulty

The granting of a variance to the maximum non-residential FAR would allow the applicant to construct an enclosed egress stairwell for the proposed use, which includes converting the second story for conference space. Per the applicant, failure to obtain the requested relief would result in a significant internal reconfiguration of the building to accommodate stairs to current building codes, and would likely result in a floorplan which reduces the ultimate capacity of the conference space. Therefore, there does appear to be an extraordinary or exceptional situation or condition resulting in a practical difficulty in bringing the building into compliance with current building codes for the desired non-residential use.

No Substantial Detriment to the Public Good

The requested relief from the maximum non-residential FAR should not be detrimental to the public good as it is for the specific purpose of providing proper egress per contemporary building codes. The addition as shown in the applicant's rendering contains floor to rooftop windows and should allow for light to reach the affected windows provided rendering (Exhibit #15A, pg. 23). As demonstrated, the project should not have a significant impact on the public good or surrounding properties.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The D-2 Zone is intended to permit new high-density development that, among other goals, anticipates developments which protect the general scale of buildings along 16th street. The proposed addition requiring variance relief is limited to a code-compliant stairwell and would not result in a change in scale as seen from 16th street. Though the proposal does not include housing, given the historic nature and current

size, a conversion with high density housing is unlikely. The requested FAR relief to construct a new enclosed stairwell would facilitate the redevelopment and continued non-residential use while preserving the existing historic structure, would not result in a building with a height, bulk, or use not anticipated in the zone, and which should not result in substantial impairment to the intent, purpose, and integrity of the zoning regulations.

b. PENTHOUSE REAR SETBACK: Special Exception Relief from Subtitle C § 1504.1(b)
Subtitle C Section 1506 RELIEF FROM PENTHOUSE OR ROOFTOP STRUCTURE REQUIREMENTS

1506.1 Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:

(a) The special exception requirements of Subtitle X, Chapter 9;
Analysis provided below.

(b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

Per the applicant, due to the existing footprint of the historic building, adhering to the required 1:1 setback would result in a penthouse that would not be able to accommodate the mechanical and stairwell access needed for the redevelopment at the site for the applicant's desired use of the building.

(c) The applicant's demonstration of at least one (1) of the following:

(1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

(2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;

(3) The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; or

(4) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C § 115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable.

Per the applicant, and as demonstrated throughout Exhibit #15A, the elevator and stair overrun portions of the penthouse have been designed for Construction Code requirements for roof access, and stairwell and elevator

separation.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed redevelopment of the site would be consistent with the intent and purpose of the D-2 zone in both intensity and use. In this case the penthouse addition would help to facilitate the historic structure's continued non-residential use category by allowing for code compliant stairs and elevator.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Per the applicant's rendering the proposed penthouse should not be readily visible from 16th Street or H Street and the shadows cast should have little to no impact on the surrounding development, especially given the existing height and bulk to the south and west. Therefore, the resulted relief should not adversely affect neighboring properties any more than anticipated in a Downtown zone.

- (c) *Subject in specific cases to the special conditions specified in this title.*

As discussed above, the relief sought would meet all special exception criteria associated with the requested relief.

c. REAR YARD: Special Exception Relief from Subtitle I § 205.1

Subtitle I Section 205 REAR YARD

205.5 *The Board of Zoning Adjustment may waive the rear yard requirements as a special exception pursuant to Subtitle X and subject to the following conditions:*

- (a) *No window to a residence use shall be located within forty feet (40 ft.) of another facing building;*

Per the applicant, there are no windows existing or proposed which face a residential use to the rear.

- (b) *No window to an office use shall be located within thirty feet (30 ft.) of another facing office window, nor eighteen feet (18 ft.) in front of a facing blank wall;*

The requested relief to the rear yard requirements of the Downtown Zones is to improve the property with an enclosed stairwell for code compliance. Per the applicant the proposed stairs would not introduce a window for the office use and no new blank wall will be created which block the existing windows of the adjoining property

- (c) *A greater distance may be required between windows in a facing building than the minimum prescribed in (a) or (b) if necessary to provide adequate light and privacy to habitable rooms as determined by the angle of sight lines and the distance of penetration of sight lines into such habitable rooms; and*

The proposed rear addition is limited in height and would not introduce new habitable rooms. Rather, the space will solely be for the enclosed stairwell needed for egress purposes. Therefore, the requested relief should not introduce significant impacts to adequate light and privacy.

- (d) *The building shall provide for adequate off-street service functions, including parking and loading areas and access points.*

The existing historic structure does not have dedicated off-street service areas and this applicant does not propose to introduce them. Additionally, the existing rear yard would is not large enough to be adapted for such purposes. The applicant proposes to store trash receptacles in the cellar and will continue to use the alley way for deliveries.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed redevelopment of the site would be consistent with the intent and purpose of the D-2 zone in both intensity and use. The rear addition would help to facilitate the historic structure's continued non-residential use category by allowing for code compliant egress stairwell for the conference area vital to the applicant's programming to function in the building.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Per the applicant's filings, the proposed rear addition is limited to a stairwell and would not introduce habitable space. Therefore the requested relief should not adversely affect neighboring properties any more than anticipated in a Downtown zone.

- (c) *Subject in specific cases to the special conditions specified in this title.*

As discussed above, the relief sought would adequately address all special exception criteria associated with the requested relief.

V. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no reports from other district agencies in the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit # 17, ANC 2C has provided a report in support of the application.

VII. COMMUNITY COMMENTS TO DATE

As of the writing of this report, there are no other public comments in the record.

