

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

Application of

The Board of Trustees of the Leland Stanford Junior University

ANC 2C02

STATEMENT OF THE APPLICANT

This application is made by The Board of Trustees of the Leland Stanford Junior University (the “**Applicant**” or “**Stanford**”) for special exception and variance relief allow a small addition to and conversion of an existing historic four-story building in the D-2 zone. The subject property is located at 1128 16th Street NW (Square 183, Lot 91) (the “**Property**”). The Applicant is the owner of the Property.

I. RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (“**BZA**” or “**Board**”) grant the following three areas of relief:

1. A special exception from the penthouse setback requirements of Subtitle C § 1504.1, pursuant to Subtitle C § 1506.1.
2. A special exception from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle I § 205.5.
3. An area variance from the non-residential FAR requirements of Subtitle I § 509.3.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X §§ 900.2 & 1000.1 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY, SURROUNDING AREA, AND PROJECT

A. Description of the Property and Surrounding Area

The Property is located between the Golden Triangle and Downtown neighborhoods in Ward 2, and it is approximately five blocks north of the White House. It is also located within the Sixteenth Street Historic District. The Property is bordered by a six-story office building to the south, a 12-story office building to the west, a public alley (known as Sumner Row) to the north, and 16th Street NW to the east. The Property has a land area of approximately 2,636 square feet and is located in the D-2 Zone District.

The Property is improved with a four-story building originally constructed circa 1906 as a single-family residence (the “**Building**”), according to DC historic records. The Building is a contributing structure in the historic district, and it is currently used as an office.

The Building is approximately 58’-5” tall and has a gross floor area (“**GFA**”) of approximately 9,677 square feet, which equates to a floor area ratio (“**FAR**”) of approximately 3.67. This FAR is slightly nonconforming for non-residential use since the maximum permitted non-residential FAR is 3.5. The existing rear yard of the

Building is 8.5 feet, which is also nonconforming (the minimum required is approximately 12'-2").¹

The area surrounding the Property consists predominantly of non-residential, office, and institutional uses in high-density commercial buildings. To the north across the alley is the campus of the National Geographic Society. Other buildings in the Square are also primarily high-density office and institutional buildings, with the remainder of the Square to the west of the Property zoned D-6. To the east across 16th Street are an eight-story office building, the University Club, the Russian Ambassador's residence, and a seven-story office building.

B. Description of the Applicant, Project, and Requested Relief

Stanford University is a globally recognized academic institution committed to advancing knowledge, fostering innovation, and promoting public service. Among its renowned entities is the Hoover Institution (“**Hoover**”), a leading public policy think tank and research center located at Stanford. The Hoover Institution enhances Stanford's mission by supporting rigorous scholarship and policy analysis, and by engaging a diverse community of scholars in research on economics, national security, history, law, technology, education, and related fields.

¹ The minimum required rear yard is 2.5 inches per foot of building height, but at least 12 feet. Based on the Building's height of ~58'-5", the required rear yard is ~12'-2". See Subtitle I § 205.1.

At a time when downtown Washington is struggling to attract businesses and institutions, and downtown buildings are losing tenants, the Hoover Institution will buck the trend and invest in the District by establishing its Washington, DC presence at 1128 16th Street NW. This investment also reflects Stanford's expanded commitment to connecting research and scholarship with public discourse and policy development at the national level. The proposed project involves the careful renovation and adaptive reuse of the historic four-story Building to serve Hoover's needs for offices (for scholars and other staff), research, meetings, and collaborative events, while also supporting Stanford's broader academic and educational initiatives. At the Building, Hoover will accommodate approximately 10 regular employees, hold multiple weekly meetings, host frequent visitors, and hold a steady calendar of events (speakers, panels, etc.).

To make the Building suitable for Stanford's and Hoover's programmatic and space needs, and to comply with current Building Code and life/safety requirements, Stanford will undertake an extensive interior renovation and reconfiguration, as well as some minor exterior additions (the "**Project**"). The plans, drawings, and elevations for the Project are included with this application (the "**Plans**").

Each element of the Project is necessary for Hoover's programmatic needs. The interior components of the Project will affect every floor in the Building. The first floor will contain primarily reception spaces, small meeting spaces, rest rooms, and hoteling office spaces. The second floor will contain the two most important spaces for Hoover's program: a conference room at the front and a multipurpose room at the

rear. The multipurpose room will accommodate lectures, lunches/dinners/banquets, panel presentations, ceremonies, and educational programs led by Hoover scholars and Stanford faculty, reaching a wide array of guests. Based on Stanford's and Hoover's programming needs, the multipurpose room must accommodate 90-100 seats in rows and approximately 72 seats at tables in a rectangular room. Accommodating these seating arrangements requires 900-1080 square feet of space, and, as proposed, the multipurpose room will contain approximately 948 square feet. The third and fourth floors will include offices and small meeting rooms for Hoover's scholars, staff, and visitors. These upgrades are necessary to ensure the building can support the wide range of programs that the Hoover Institution and Stanford envision for their Washington presence.

The Project's two exterior elements include a new penthouse and rear stairway. The roof will include a new penthouse containing mechanical equipment (screening), an elevator overrun, a stair tower, and habitable space to allow access to and service of a new outdoor terrace. As shown on the Plans, the penthouse will be set back as required from roof edges at least 1:1, except for the elevator overrun and mechanical enclosure.² The elevator overrun will be 14'-3" tall but set back from the north roof edge facing the alley by approximately 7'-7", so it will require relief from the penthouse setback requirement. The mechanical screening enclosure will be

² Pursuant to Subtitle C §§ 1503.4(b) & (c), the elevator overrun and mechanical equipment screening, respectively, may be different uniform heights than the rest of the penthouse.

approximately 5'-1" tall and not set back from the rear roof edge, so it also will require relief from the penthouse setback requirement.

The new Code-compliant exterior stairway will be added to the rear of the Building to provide a second means of required egress from the upper floors without consuming limited and important interior space on the first and second floors, especially in the multipurpose room. The new rear stairway will be enclosed, approximately 34.3 feet tall, and approximately 8.5 feet deep. Because it will be enclosed, the stairway will add approximately 465 square feet of GFA (approximately 0.18 FAR), meaning that it will extend the Building's nonconforming non-residential FAR to 3.85 and necessitate relief. Also, the top 9'-3" of the stairway will consume the existing rear yard, meaning that for only that top portion of the stairway, rear yard relief is required (a rear yard is not required for the first 25 feet of building height).³

IV. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED SPECIAL EXCEPTION RELIEF

A. Penthouse Setback Relief

Relief from the penthouse setback requirements in Subtitle C § 1504.1 is permitted as a special exception, subject to the criteria in Subtitle C § 1506.1 and the general provisions of Subtitle X § 901.2. For the reasons set forth below, the application satisfies these requirements.

³ Subtitle I § 205.2(a).

1. 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.

For the Applicant to accommodate access to the planned new roof terrace, a new elevator that complies with applicable codes must be installed. The Applicant has minimized the height of the overrun as much as possible while also accommodating service to the roof, where no such elevator service currently exists. In addition, new HVAC mechanical equipment is necessary for the modernization of the Building, and the only available space for its placement is the roof, which has little available space that does not otherwise impact the outdoor terrace.

The Applicant designed the overall penthouse to comply with all required setbacks, but the elevator overrun cannot be set back the full extent of the requirement because of the mechanical equipment required for the elevator and because of the required placement of the elevator within the Building footprint (see below). Similarly, screening around the HVAC equipment will be set back from the Building's north roof edge – where it is most likely to be visible – but it cannot be set back from the rear roof edge while enclosing all of the necessary equipment. Nevertheless, the design and placement of the penthouse, including the elevator overrun and mechanical screening, has been reviewed and approved by the HPRB to ensure that visual impacts are negligible and acceptable.⁴

2. Demonstration that ... (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 §

⁴ HPA 25-283, granted concept approval on June 26, 2025.

115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable.

The Applicant carefully placed the elevator to achieve the greatest efficiency of the layouts of the floors below. The elevator's proposed location within the Building will minimize impact on the utility of and limit consumption of valuable floor area on the floors below. In particular, as described above, the programmatic needs of Hoover require that the multipurpose room have a minimum size to accommodate various functions with audiences. In order to attain this minimum necessary size, the Applicant placed the elevator shaft so that it does not encroach on the multipurpose room. However, this placement of the elevator shaft will move its overrun to closer to the north elevation, so that the full required setback cannot be provided. If the elevator overrun were moved further to the south to comply with the setback requirement, then it would break up the multipurpose room. This result would be unduly restrictive on Stanford's programmatic needs and would render the multipurpose room – and ultimately the Building – unsuitable for Hoover to occupy the Building.

Further, the Applicant located the HVAC equipment in the only place it is possible without compromising the outdoor terrace: on the northwest corner of the roof. The stairway, elevator overrun, and small habitable space in the penthouse are all necessary to access and service the roof terrace, which means that there is very little roof area where the HVAC equipment may be located without having a much greater visual impact, such as above the habitable penthouse. Thus, the planned

location of the HVAC equipment and screening minimizes both the impact on the rooftop program and the visual impact by not being setback only from the rear roof edge, where it will have very limited visibility.

3. Satisfaction of the general special exception requirements of Subtitle X § 901.2

Only two parts of the new penthouse do not comply with the setback requirement: the elevator overrun and HVAC mechanical screening. The elevator overrun's setback from the north building wall edge will be deficient by only 6'-8". While the mechanical screen will not be set back from the rear building wall edge, it will be only 5'-1" tall so limited in its visibility in any event. The elevator overrun has been designed and placed so that the elevator minimizes impact on the floors below while maximizing the amount of rooftop setback. The HPRB approval of the penthouse design – including the height and placement of the elevator overrun and mechanical screening – supports the conclusion that these will have nominal, if any, adverse visual impacts. Accordingly, because the application also satisfies the specific criteria, granting the requested relief would not tend to adversely affect neighboring properties, and it would be in harmony with the purpose and intent of the Zoning Regulations.

B. Rear Yard Relief

Relief from the rear yard requirements in Subtitle I § 205.1 is permitted as a special exception, subject to the criteria in Subtitle I § 205.5 and the general

provisions of Subtitle X § 901.2. For the reasons set forth below, the application satisfies these requirements.

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

Neither the Building nor any buildings to its rear contain residential use.

2. 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 existing 8.5-foot rear yard that separates the Building from the office building to the west is already less than the dimensions described in this criterion. As shown on pages 21 & 25 in the Plans, the proposed rear stairway does not create any conditions that violate this criterion. For the small portion of the proposed rear stairway that requires this relief – the 9'-3" above 25 feet in height – windows on adjacent property will not be obstructed, and no new blank walls will be created that directly face any window.

3. 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;

Because the existing rear yard is only 8.5 feet, creating a greater distance is not possible. Nonetheless, as shown on pages 25 in the Plans, for the portion of the new rear stairway above 25 feet that requires relief, no windows on the building to the west will be obstructed. Also, the proposed stairway will function only as a secondary required means of egress, so it will not be regularly used and will rarely

have people in it. Thus, it will not create enclosed space for regular use or new sight lines from which privacy in the surrounding buildings can be compromised.

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

The Building currently does not provide any off-street parking or loading, and the proposed relief does not change that. The existing rear yard is too small to accommodate parking or loading, and it currently functions as only to accommodate trash containers.

However, even with the requested relief, this area will still accommodate trash containers, and the overall handling of trash for the Building will improve. With the renovation, trash will be stored in the cellar and brought up only for pickup. The containers will be temporarily stored at the rear of the Building, between the new stairway and the alley; thus, no trash containers will occupy the alley or public space. General loading will be handled similarly, with deliveries occurring from the alley into the Building rear.

5. Satisfaction of the general special exception requirements of Subtitle X § 901.2

The requested rear yard relief pertains to only the upper 9'-3" of the new rear stairway, and the existing rear yard and separation from the building to the west is only 8.5 feet. Above 33 feet, the existing rear yard will remain since the new stairway will not extend above this or to the full height of the Building. The small part of the stairway necessitating relief will not obstruct any windows on other properties, will

not create a blank wall upon which any windows will directly face, and will not create any usable space from which privacy of other properties may be compromised. Accordingly, because the application also satisfies the specific criteria, granting the requested relief would not tend to adversely affect neighboring properties, and it would be in harmony with the purpose and intent of the Zoning Regulations and Zone Plan.

V. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED VARIANCE RELIEF

For an area variance, the Applicant must demonstrate that (i) the property is affected by an exceptional or extraordinary situation or condition; (ii) that the strict application of the Zoning Regulations will result in a practical difficulty to the applicant; and (iii) that the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose, or integrity of the Zone Plan. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). As set forth below, this application meets all three standards for the requested variance relief from the non-residential FAR requirement.

A. The Property is Affected by an Exceptional or Extraordinary Situation or Condition

The D.C. Court of Appeals has held that the exceptional situation or condition standard relates not just to the “land”, but to the “property” and that the “property generally includes the permanent structures existing on the land.” *Clerics of St.*

Viator v. District of Columbia Bd. of Zoning Adjustment, 320 A.2d 291, 293 (D.C. 1974). The Court of Appeals has further held that an exceptional or extraordinary condition may arise from a “confluence of factors,” including conditions inherent in the pre-existing structures built on the land. *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016) (citing *Metropole Condo. Ass’n V. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-83 (D.C. 2016)).

The Property is affected by a confluence of factors related to its history, location, and existing non-conformity that result in the Property being unique. First, the Building was constructed as a large single-family residence that is now a contributing building in the Sixteenth Street Historic District, and it is the only building in the Square with these two characteristics. The Building was constructed at a time when many large single-family houses lined 16th Street, but very few of them remain south of Scott Circle, and the Building is the only remaining one in the Square.

Second, the existing Building is nonconforming as to non-residential FAR but is a contributing in the historic district. The Building’s FAR is 3.67, but the maximum non-residential FAR in the D-2 zone is 3.5.⁵ However, because the Building is contributing to the historic district, it cannot be partially demolished to conform to non-residential FAR.

⁵ The Building conforms to the residential FAR limit, which is 6.0.

Third, the Property is located in the core of the central business district near the White House in an area dominated by large commercial buildings, and office and institutional uses. Despite its original construction for and use as a single-family residence, the Building has been used as an office for approximately 83 years (since 1942).⁶ Given the Property's prominent central business district location, there is no viable demand for using the Building again as an enormous 9,890-square foot single-family residence, and the highest and best use of this Building, given its location, is for office and/or institutional use.⁷

Finally, at only 2636 square feet of land area, the Property is significantly smaller than all other lots in the Square and is smaller than all other single building lots in a multi-block radius. Similarly, at approximately 9,677 square feet of GFA, the Building is smaller than any other building in the Square and smaller than most other buildings in the surrounding area. Shown on page 4 in the Plans is an aerial view of the surrounding area with the Property outlined in red.

Accordingly, the Property is affected by various exceptional conditions, including its original construction and use as a large single-family residence, its existing nonconforming non-residential FAR, its location in the central business district, and its smaller size than surrounding properties. The confluence of these conditions leads to the Property being unique.

⁶ Several building permits were filed in the early 1950s for repairs to the Building, including for a new elevator, which likely indicates that it was retrofitted for the new office program at that time.

⁷ While there is some residential use in the Square, it is multifamily residential use that resulted primarily from a large addition to an existing building. Otherwise, there is little residential use within a several block radius and no single-family residential use within any of the surrounding Squares.

B. The Strict Application of the Zoning Regulations will Result in a Practical Difficulty to the Applicant

The Court of Appeals has held that to demonstrate the “practical difficulty” standard, an applicant must show that “compliance with the area restriction would be unnecessarily burdensome.” *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. 1972). Applicants need not show “undue hardship”, but rather satisfy only “the lower ‘practical difficulty’ standard.” *Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2d 1362, 1365 (D.C. 1992). The Court has further held that the Board may consider a “wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty,’” including “the weight of the burden of strict compliance.” *Gilmartin*, 578 A.2d at 1171.

The Applicant would be burdened with a practical difficulty if it were required to comply with the non-residential FAR limit. In order to modernize the Building and make it suitable for Stanford’s use, critical life/safety improvements are required. One of the most important improvements is the addition of a second egress stairway that satisfies current Building Code. Because of the Property’s exceptional conditions, the Applicant would be unnecessarily burdened by not being able to expand the Building’s FAR by a nominal 0.18 to accommodate the new required stairway.

As described above, the Property and Building are small for the area (and are the smallest in the Square), but the demand here is for commercial office and/or institutional uses. Therefore, the Property and Building are suitable only for a single commercial office or institutional occupant with a limited space requirement. The

Hoover Institution at Stanford University is the rare occupant with these characteristics, and the Building is ideal for Hoover's overall space requirements to accommodate its program, provided it can make the necessary changes. One of Hoover's most important and core functions is to host speakers, panel discussions, and other similar events pertaining to important research, policy, and legal issues. These events primarily are for small audiences either seated in rows (minimum 90 seats needed) or at tables (minimum 72 seats needed) in one space, as shown on page 24 in the Plans.

Because of the Building's original construction as a single-family residence, it has mid-building structural supports and an interior layout with a large central stairway intended for residential living, as shown on pages 14-15 in the Plans. This residential history and original construction constrain the Building's ability to accommodate a singular space large enough for its now-planned institutional use, and the planned multipurpose room in particular. In other words, the feasibility of accommodating the minimum size necessary for the planned multipurpose room is severely limited by the residential nature of the Building's original construction. Using the Building for the intended maximum number of occupants requires two stairways under the D.C. Building Code.⁸ Relocating or removing the existing grand, curving residential stairway would be nearly impossible without significant structural modifications to all of the floors, and doing so would be highly disruptive to Hoover's planned interior configuration and circulation. Thus, leaving that

⁸ DC Building Code (2017) Chapter 10, §1006.3.1 & Table 1006.3.1.

stairway in place is the only reasonably feasible option for otherwise having an efficient and functional interior layout.

Since the existing stairway needs to remain, the placement options for the second required egress stairway without compromising Hoover's program are very limited. In particular, if the second stairway were located inside the Building, it would consume valuable space that is otherwise necessary for the multipurpose room to be large enough for the Institution's needs. The second stairway must be located at the rear of the Building to comply with the stairway separation requirement in the Building Code.⁹ Therefore, as shown on page 22 of the Plans, if the second stairway were to be placed entirely inside the Building – and not add GFA – then it would consume approximately 240 square feet in the multipurpose room. This would render the space too small for Hoover's needs. Accordingly, the only viable location for the second stairway that will both comply with the separation requirement and not consume necessary space in the multipurpose room is at the exterior rear of the Building.

The strict application of the Zoning Regulations to prohibit a nominal amount of additional non-residential FAR would severely impair Hoover's ability to use the Building for its specific programming needs, a critical component of which is the ability to host seated speaker, panel discussions, and similar events. Accordingly, the strict application of the Zoning Regulations would result in a practical difficulty

⁹ Required separation between the two stairways is approximately 24 feet (D.C. Building Code (2017) Chapter 10 §1007.1.1, exception 2). h.

to the Applicant by preventing any expansion to the Building, which is necessary to facilitate its non-residential use and occupancy.

C. The Granting of the Variance will not Cause Substantial Detriment to the Public Good nor Substantially Impair the Intent, Purpose, or Integrity of the Zone Plan.

The third prong of the variance test requires the Applicant to demonstrate that “granting the variance will do no harm to the public good or to the zone plan.” *Gilmartin*, 579 A.2d at 1167. The requested variance can be granted without causing any adverse impact on the neighboring properties or to the zone plan.

First, the requested relief would not be necessary if the Building were being used for residential purposes, meaning that the overall density proposed is consistent with the intent of the Zoning Regulations and zone plan and would not tend to adversely affect neighboring properties. In other words, the proposed massing of the Building – which would affect neighboring properties equally despite use – is deemed to be acceptable under the Zoning Regulations.

Second, the requested FAR relief will not result in more gathering space or functional floor area. The requested relief only is to accommodate the GFA that is added by the second rear stairway that would be used solely for secondary egress. Thus, granting the requested relief will be consistent with the intent of the Zoning Regulations to limit functional non-residential floor area.

Finally, the requested relief is for the minimum amount possible. As shown on the Plans, the proposed exterior rear stairway will extend only to the second floor. Above the second floor (and the multipurpose room), the stairway will be inside the

existing Building structure. The Applicant carefully designed the rear stairway and the interior layout so that it would add massing and GFA and only where essential to preserve the necessary floor area of the multipurpose room. Thus, the rear stairway's impact on the light, air, and privacy available to neighboring properties will be minimal since it will not extend the full height of the Building.

Granting the requested relief will allow for a high-quality renovation and activation of a unique historic Building and enable Stanford and the Hoover Institution to further their commitments to public service, policy research, and educational outreach in the nation's capital. It will not adversely affect light, air, or privacy at neighboring properties. Accordingly, the granting of the variance will not cause substantial detriment to the public good nor substantially impair the Zone Plan.

VI. CONCLUSION

For all the above reasons, the Applicant has satisfied the standards for the requested special exception and variance relief in this case and requests approval for such relief.

Respectfully Submitted,

/s/
Cary R. Kadlecek
GOULSTON & STORRS PC