

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
    *JL* Joel Lawson, Associate Director Development Review  
**DATE:** January 25, 2018  
**SUBJECT:** BZA Case 19659, 2118 Leroy Place, N.W. to allow a nonprofit office use in a residential building

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**I. OFFICE OF PLANNING RECOMMENDATION**

Based on the provisions of the zoning regulations, and subject to the conditions outlined below, the Office of Planning (OP) recommends **approval** of the following special exception relief:

- **Subtitle U § 203.1 (n)** - Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization

OP has reviewed the Applicant's proffered conditions and mitigations, and proposes the following conditions of approval to help mitigate potential impacts of the proposed use; these have been shared with the Applicant:

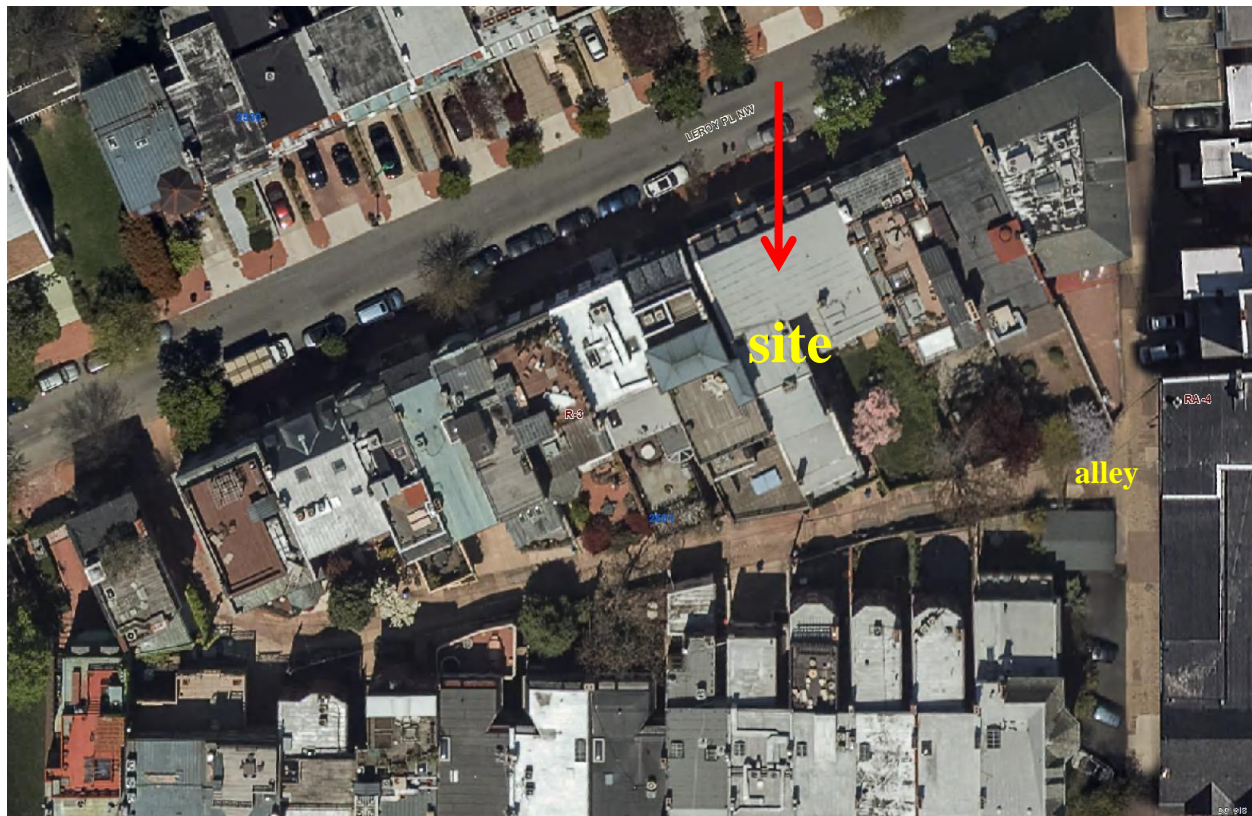
- There be no additional or external alterations to the existing building;
- The office hours of operation will be 8am to 6pm Monday through Friday;
- Staff and visitor parking will be in nearby parking garages only and on-street parking will not be allowed;
- A maximum of fifteen (15) employees may work on-site;
- All deliveries will be restricted to weekday office hours;
- Loading will be restricted to the alley;
- Annual meetings and events will not be held at the subject property and will be held off-site;
- The Applicant and the ANC shall establish a neighborhood liaison to provide a forum for concerns and provide information about activities to property owners within 200 feet of the subject property; and
- The proposed nonprofit office use will be approved for a period of five years.

The OP recommendation is also conditioned on the following:

1. That the Applicant provides to the record documentation that the building meets the 10,000 sq.ft. requirement of the zoning;
2. That the Applicant provide to the record information regarding expected deliveries and visitors to the site; and
3. The BZA's concurrence with the Zoning Administrator determination that the Applicant would qualify as a "nonprofit organization".

## II. LOCATION AND SITE DESCRIPTION

Address	2118 Leroy Place, N.W.
Legal Description	Square 2531 Lot 0049
Ward	2
Lot Characteristics	The rectangular-shaped lot is 5,124 square feet and is connected to a public alley at the rear.
Zoning	R-3 – moderate density residential with row dwellings. Other uses, such as embassies, institutional uses and non-profit office uses are permitted either by right or by special exception.
Existing Development	Single family row dwelling, permitted in this zone.
Historic District	Sheridan Kalorama Historic District
Adjacent Properties	The adjacent properties are row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is located within a historic district. The subject block and the square is developed primarily with single family residential dwellings, although there are also embassies, places of worship, and a condominium building. The surrounding blocks and neighborhood are a mix of residential, embassy, institutional, hotel, and commercial uses along Connecticut Avenue.



### III. APPLICATION IN BRIEF

The Applicant is proposing to relocate their existing nonprofit organization's Washington, D.C. office to the subject property, which is a use permitted in this zone by Special Exception, subject to specified conditions and review criteria. The property was most recently owned by the Colombian government and used for diplomatic offices and the Applicant purchased it in 2017.

The Applicant states that:

- The office hours will be Monday through Friday 8am to 6pm
- The property has two parking spaces in a garage at the rear of the building accessed from the alley; they may reduce this arrangement to one parking space. All staff will park in nearby garages or arrive by transit and walk to the office from Connecticut Avenue.
- The DC office currently has eight (8) staff and they propose to expand to ten (10) full-time staff; they request a staffing cap of 25 to accommodate visiting staff
- They will host an annual 4-day meeting in February; the meeting will be Wednesday through Saturday with approximately twenty (20) people in attendance
- They will host 8-12 committee and workgroup meetings per year; these would last 1-2 days with 11-12 people in attendance
- Out of town visitors would not stay on site

The Applicant did not specifically address frequency of deliveries or local visitors and this information should be detailed by the Applicant at or prior to the hearing.

Additionally, the Applicant has proffered the following conditions on the use:

1. The number of employees at the subject site shall not exceed twenty-five (25).
2. The hours of operation shall be restricted to normal daytime business hours.
3. The Applicant shall give notice to neighbors in the event that it hosts a reception. The reception must end by 8 PM and shall not exceed fifty (50) guests. Such receptions would not take place more than once a quarter.
4. The Applicant shall proceed with arrangements with local parking garages for staff or guest parking.
5. The Applicant shall establish and maintain a community liaison program, in cooperation with the Advisory Neighborhood Commission, which shall provide a forum for addressing issues and concerns of the facility and its neighbors as necessary.

In general, as noted at the beginning of this report, the conditions offered by the applicant, while a step in the right direction, would not appear to reflect the existing nature of the business as described in the application, or to adequately mitigate potential impacts of the use on the surrounding residential

neighborhood, so OP has proposed alternative and additional conditions as noted on Page 1 of this report. This includes a time limit, as has been approved in some similar cases in the past, to allow ongoing monitoring and evaluation of the use.

#### IV. OFFICE OF PLANNING ANALYSIS

##### **Special Exception Relief pursuant to Subtitle §203.1**

*203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:*

*(n) Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:*

*(1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites;*

The building is located within the Sheridan-Kalorama Historic District.

*(2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater;*

The Applicant states that the building has a gross floor area of 10,825 square feet including finished space in the basement and has withdrawn the variance request for this criteria – documentation of the building area should be provided to the record.

*(3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;*

With adequate operational controls and mitigation measures, the proposed use of a nonprofit organization in this building should not adversely affect the use of neighboring properties. This property has been used as diplomatic offices for more than sixty years and there are other buildings on the block used for offices. According to the application, at the time of the recent sale, the building had approximately 27 offices and cubicles, although it is less clear how many of these were in use towards the end of the chancery use.

The Applicant has proffered a number of conditions related to their office use of the building intended to minimize potential impacts of the use (see Section III). OP finds that the Applicant's proposed cap of 25 staff is excessive given the location, the size of the building, and the Applicant's indication that there are currently eight (8) staff members in the existing DC office and they are expected to grow to ten (10) staff. Without additional justification for this cap of 25, OP does not support it and recommends a maximum staff limit of no more than fifteen (15) employees working on site at one time. OP has further recommended a condition that this office use be limited only to daytime office hours.

The Applicant has stated that they would host one annual conference and eight to ten smaller annual meetings at the subject property. Some of these meetings would be held on weekends or in the evenings after regular office hours, and could create noise and traffic impacts that would affect the residential use of neighboring properties. In Case No. 15555, the BZA required that a proposed non-profit use on the

same block of Leroy Place hold annual meetings and events off site. OP recommends that this condition also be applied to this site.

OP recommends that, if approved, the proposed use be approved for a period of five years to ensure that conditions are adhered to, and to provide an opportunity to address any community issues with the operation of the nonprofit organization. The BZA required this condition of approval in BZA Case No. 18604, which was also a request for a non-profit office use in a residential zone.

*(4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;*

Leroy Place NW is a relatively narrow and one-way street with a 60 foot right of way. Street parking and vehicle movement are restricted by numerous curb cuts for private parking. As such, delivery vehicles or visitor drop off could have a larger impact on the street than usual, and pedestrian movements are already somewhat restricted by the existing curb cuts.

The subject property has two parking spaces, located off the alley, and the application notes that might be reduced to one. Unlike diplomatic vehicles, any employees or visitors driving to the site would be subject to any on-street parking restrictions. The Applicant has stated that all employees would park in a nearby parking garage or take transit or taxis and would not park on the residential streets. OP has recommended that this be a condition of approval. The Applicant should identify public parking sites and the availability of spaces at or prior to the hearing.

The Applicant stated that the building would not include lodging for out of town visitors and they would arrive by automobile, transit and on foot.

The Applicant did not specifically address regular day-to-day visitation levels and this should be addressed at or prior to the hearing.

The Applicant also did not address deliveries and OP has recommended that they be restricted to office hours. Loading should be restricted to the rear from the 15-foot wide alley to lessen blocking of the street by delivery vehicles.

DDOT has noted no objection to the special exception request (Exhibit 92).

*(5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization; and*

No goods will be sold in the building.

*(6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located;*

No addition is proposed to the building. The building was previously used for diplomatic office use and is currently configured with offices, cubicles and meeting rooms. The Applicant is aware that any proposed modifications could require review and approval from the Historic Preservation Office and the Historic Preservation Review Board.

**Special Exception Relief pursuant to Subtitle X Chapter 9**

*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 zoning regulations allow for a nonprofit office use in the R-3 zone by special exception if it meets the criteria as detailed above.

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

The specific review criteria for this special exception are detailed above and OP has outlined additional information required by the applicant, and conditions that should be imposed with any approval to lessen or mitigate any potential impacts. A facility with restricted employee numbers, parking, loading, and hours of operation and events should not adversely affect the use of neighboring properties.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT filed a report of no objection to the requested special exception (Exhibit 92).

**VI. COMMUNITY COMMENTS**

ANC 2D filed a report in opposition to the application (Exhibit 93). The Sheridan Kalorama Neighborhood Association and Sheridan Kalorama Historical Association have been granted party status in opposition to the application (Exhibits 28 and 86). There is an additional request for party status from a neighboring property owner (Exhibit 104). Numerous neighbors have submitted letters of opposition into the record. As of the date of this report, there are no letters of support entered into the record.