

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12581 of Capitol Hill Associates and Vincent Oliveri, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 3104) and the rear yard (Sub-section 3304.1), lot occupancy (Sub-section 3303.1) and height and story (Sub-section 3201.1) requirements to permit an addition to the National Republican Center in the R-4 District at the premises 310 First Street, S.E., (Square 733, Lots 46 and 816).

HEARING DATE: February 15, 1978

DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of the intersection of "D" and First Streets, S.E. and is in an R-4 District.

2. The applicants seek permission to complete the final stage of construction of the Eisenhower Center which requires approval of variances from the Zoning Regulations as follows:

- a. Use provisions to permit office use not normally allowed.
- b. Lot occupancy, where the proposed building will cover 15,456 square feet, which is 9,096 square feet in excess of the maximum of 6,360 square feet permitted.
- c. Rear yard, where the proposed building will have no rear yard while the minimum required is twenty feet.
- d. Height, where the proposed building will be 43.58 feet in height, which is 3.58 feet in excess of the limit of forty feet.
- e. Stories, where the proposed building will have four stories, one in excess of the three normally permitted.

3. The proposed building addition will house the Republican National Committee and subsidiary and affiliated organizations. The proposed building addition will occupy part of Lot 46 and

all of Lot 816 in Square 733. An existing building, a prior stage of the overall construction project, presently is located on the remainder of Lot 46.

4. The subject site is presently used as a parking lot on part of Lot 46. Lot 816 is improved by a former shoe repair shop on the first floor and residential use on the second floor. This structure is to be demolished since it has structural damage.

5. The present application is to permit the completion of plans which date back to April 1961, when Capitol Hill Associates filed an application for rezoning to SP of the property upon which the Capitol Hill Club is presently located. On May 23, 1961, the Zoning Commission deferred decision on that application and suggested that the applicant appear before the Board of Zoning Adjustment and request relief by way of variance to permit the construction of an office building and club. In BZA Case No. 6348, dated June 21, 1961, the original office-club use was approved.

6. The use approved above replaced the former site of offices and club building located at the northeast corner of First and "C" Streets, S.E., which was zoned SP and acquired by the United States in 1960 through condemnation.

7. The applicant subsequently applied for and received a variance to permit the erection of an office building on Lots 821 - 824, now part of Lot 46, Square 733, in BZA No. 8183, dated September 28, 1965, and as modified, BZA Order No. 8183, dated December 22, 1965.

8. In November 1966, the Board in BZA Order No. 8834, dated November 8, 1966 approved a building addition which is identical to the present application except for the corner Lot 816.

9. The applicants testified that the building addition approved in the above referenced BZA Order No. 8834 was never constructed as Capitol Hill Associates, the owner of the site, did not have sufficient funds to proceed with the construction of a building. Furthermore, that entity did not own the corner Lot 816 and could not acquire it because of high costs.

10. The contract purchaser, the Republican National Committee, will acquire the entire site and has sufficient funds to proceed with the proposed building addition.

11. The applicants testified that when the Republican National Committee first embarked on the Eisenhower Center project it was the understanding of the Committee that an accommodation to provide space for it would be provided as the United States

Government acquired its former site at First and Carroll Streets, S. E. by condemnation, that the applicant found it necessary to obtain another location in the Capitol Hill area because of its unique relationship with members of Congress and other personnel located on Capitol Hill and that this unique situation is evidenced by the existence of an agreement dated July 19, 1965, between the House Office Building Commission and Capitol Hill Associates, Inc.

12. The above mentioned agreement provides that the United States Government has a right of first refusal to purchase the subject site in the event the Republican National Committee or its affiliates do not utilize it. The purpose of the agreement is stated to be to permit the construction of an office building on the site.

13. The applicant testified that the imposition of the height, story, rear yard, and lot occupancy provisions of the R-4 District would preclude the construction of a modern office building on the site, that the present building was designed to accept the proposed addition and to decrease its size and bulk to the maximum permitted without variance relief would preclude proper alignment and adjoining of the structures and that the Building Code requires a substantial allocation of space for the service core including elevators and egress requirements.

14. Located north of the subject site are the monumental government structures of the House Office Building and the Madison Library. Also to the north is the existing Capitol Hill Club building and Eisenhower Center. West of the proposed addition is the Capitol South Metro station, which is covered by a parking lot, and the former Congressional Hotel, currently used as office space, which is a structure approximately 90 feet in height. East of the subject site is located the Hill House Apartments, which are 60 feet in height. To the immediate south of the proposed addition is a C-2-A District on the east side of First Street, S.E., and further south are residential uses.

15. The hours of operation of the proposed building will be the same as for the existing structure, 9:00 a.m. to 5:30 p.m. weekdays. The structure will house two hundred twenty-three employees of the Republican National Committee. The purpose of the addition is to alleviate a current condition of overcrowding in the existing building by providing increased space. This need for additional space arises as the result of the recently enacted Election Reform Act which increased the number of employees by approximately one hundred persons over the number employed in 1970 when the Republican National Committee first moved into its Headquarters.

16. A transportation survey of employees conducted by the applicants shows that regularly 50 per cent use methods of transportation other than commuting by a single passenger occupied automobile and approximately 33 per cent use public mass transportation.

17. The Architect of the Capitol, by letter of December 21, 1977, stated that he reviewed the plans for the proposed addition, and had found them to be consistent with the design of the existing structure and that he had no objection to the applicants proceeding in accordance with their intended goals.

18. Advisory Neighborhood Commission 6-B made no recommendation on the application.

19. There was much support of the application at the Public Hearing and in letters of record.

20. Opposition to the application was registered at the Public Hearing by two homeowners in the immediate neighborhood, on the grounds that illegal parking in the alley, (Rumsey Court) behind the subject site, was a daily occurrence and constituted a fire and safety hazard; that the height of the existing building in which the Republican National Committee is housed exceeds by one foot the height of the immediate adjacent row townhouses and that the height of the proposed addition will further aggravate the height situation; that the purpose of the R-4 District is to stabilize one family dwellings; that the proposed building will be the largest privately owned building on Capitol Hill and house more people than any other existing building; that there is a history of a constant nibbling into the R-4 Zone and that the subject property should have been constructed in a commercial zone.

21. As to the objections raised, the Board finds that this application will not provide for any further traffic congestion in the area, since the addition will house only employees currently in the existing building and in the former Congressional Hotel. The Board also finds that the proposed building is of a lower height than many of the existing buildings in surrounding blocks, and that the proposed building is only three feet higher than the normally permitted height.

CONCLUSIONS OF LAW:

Based on the record the Board is of the opinion that:

1. The subject site is affected by an exceptional situation as a result of the history of the creation of this property as the site upon which the Republican National Committee Office building would be located through previously granted variance

relief. The property is also uniquely effected by an agreement between the House Office Building Commission and Capitol Hill Associates, Inc., which limits the use of the subject property to offices for the Republican National Committee and its affiliates, provides that all plans for exterior facades should be subject to the approval of the Architect of the Capitol and that the United States Government shall have a right of first refusal to purchase the property in the event of a sale of the premises to any person other than the Republican National Committee. The applicant has made major expenditures on the building and land on the basis of prior actions of the Zoning Commission and the Board of Zoning Adjustment.

2. The strict application of the Zoning Regulations in this case would impose practical difficulties and undue hardship upon the property owner. The applicant, until 1960, owned the northeast corner of First and Carroll Streets, S.E., which was zoned SP. At that time, the government acquired the site for its use and subsequently, erected the Madison Library. Thus, the applicant was forced to obtain another location in the area as it is essential to its operation to be located in close proximity to the Capitol of the United States. The site located to the immediate south was acceptable to all parties involved at that time, and it was planned that eventually an office structure to house the Committee would occupy the entire site. This application is the consummation of that plan. To deny the present application would thwart that plan and force the Committee to relocate on a less favorable site after a substantial investment in the present area and after reliance upon prior understandings.

3. The proposed use will not be detrimental to public good as it will not cause congestion in the area and as it will not increase the number of employees or increase the present hours of operation. Furthermore, a high percentage of the employees of the proposed structure will utilize mass transportation.

The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly it is ORDERED that the application is GRANTED.

VOTE:

5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to grant, John G. Parsons to grant, by proxy).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 MAR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

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DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to grant, John G. Parsons to grant, by proxy).

FINAL DATE OF ORDER: March 28, 1978

ORDER

Upon consideration of the Motion for Stay of Order of the Board Pending Review filed by Lawrence A. Monaco, Jr., a party in opposition dated June 9, 1978, the Board finds that the motion fails to state persuasive reasons to convince the Board that the motion should be granted. It is therefore ORDERED that the Motion for Stay is DENIED.

DECISION DATE: July 5, 1978

VOTE: 3-0 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to deny motion, Leonard L. McCants not present, not voting).

A handwritten signature in cursive script, appearing to read "Steven E. Sher".

STEVEN E. SHER

FINAL DATE OF ORDER: 7 JUL 1978