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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18283
1250 New Hampshire Avenue, N.W.

Steven E. Sher
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December 13, 2011

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18283

EXHIBIT NO. 29

I. Site location and description

A. Location

1. Northwest corner of the intersection of New Hampshire Avenue and 21st Street, N.W.
2. Project site consists of Lot 197 in Square 70
3. Site located in the Dupont Circle/West End Area

B. Size and shape

1. Site area is approximately 13,143 square feet
2. Five sided shape
3. Approximately 66 feet of frontage on New Hampshire Avenue and 78 feet of frontage on 21st Street
4. Also fronts on a 10 foot wide public alley at the rear

C. Existing site condition: improved with a 10 story apartment house (known as the Concordia Apartments) built in the mid 1960s

II. Description of surrounding area (see aerial photo, attached)

A. Dupont Circle/West End area

B. Immediate area contains high-rise and mid rise structures devoted to residential and office use

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C. Remainder of Square 70

1. To the south:
 - a. Apartment house at 1230 New Hampshire Avenue (90 feet)
 - b. Office building at 1200 New Hampshire Avenue (90 feet)
2. To the north:
 - a. Apartment house at 1260 21st Street (90 feet)
 - b. Apartment house at 1280 21st Street (90 feet)
 - c. Apartment house at 2114 N Street (4 stories)
 - d. Residential row structures at 2120, 2126 and 2128 N Street (2 stories)
 - e. Apartment house at 2130 N Street (5 stories)
3. To the west:
 - a. Pepco substation at the corner of 22nd and N Streets
 - b. Office building at 1255 22nd Street (5 stories)
 - c. Office building at 2121 Ward Place (6 stories)
 - d. Marriott Hotel at 1221 22nd Street (9 stories)

D. Other uses within 500 feet:

1. To the west:
 - a. Embassy Suites hotel at 1250 22nd Street (90 feet)
 - b. Office building at 1255 23rd Street (90 feet)
2. To the south:
 - a. Office buildings at 2030 and 2100 M Street (90 feet) and 1155 21st Street (110 feet)
 - b. Renaissance Hotel at 1143 New Hampshire Avenue (90 feet)
 - c. Apartment house at 1177 22nd Street, NW (10 stories)

3. Uses to the east:
 - a. Triangular Federal reservation bounded by New Hampshire Avenue and 21st and M Streets
 - b. Apartment houses at 2000 N Street and 1255 New Hampshire Avenue (9 stories)
 - c. Office buildings at 2001, 2025, 2000, 2020 and 2030 M Street (90 feet)
 - d. St. Gregory Hotel at 2033 M Street (90 feet)
4. Uses to the north:
 - a. Row residential structures along the north side of N Street between 21st and 22nd Streets and between New Hampshire avenue and 21st Street (2 and 3 stories plus basement)
 - b. Row residential structures in the triangle bounded by New Hampshire Avenue and, 21st and N Streets (3 stories plus basement)

III. Zoning: DC/R-5-E

A. R-5-E

1. Uses (§350.4)
 - a. Multiple dwellings
 - b. Hotels existing as of May 16, 1980
 - c. Institutional uses permitted by lower intensity residential districts
 - d. Colleges or universities permitted by special exception
2. Maximum height: 90 feet (§400)
3. Maximum FAR: 6.0 (§402)
4. Maximum percentage of lot occupancy: 75% (§403)
5. Minimum required rear yard – 3 inches per foot of height at the rear, minimum 12 feet (§404)

6. Side yard – not required except for detached single-family residences (§405)
7. Minimum required off-street parking (§2101.1): 1 space for each 4 dwelling units

B. Dupont Circle (DC) Overlay Zone

1. Limitations on planned unit developments
2. No driveway access from Connecticut Avenue

IV. Proposed development

- A. Use: apartment house
- B. Gross floor area of approximately 77,594 square feet (5.90 FAR) and 121 dwelling units (no change in gross floor area, increase in the number of units by 16)
- C. Height: 90 feet (no change)
- D. Parking: 26 spaces (no change)

V. Relief required

- A. Special exception from the roof structure requirements (§411)
 1. Required: single enclosure with walls of equal height set back 1:1 from exterior walls
 2. Proposed: single enclosure set back 1:1 from exterior walls with portions of the structure at 11 feet and at 17 feet, 5 inches
 3. Relief required: walls of unequal height
- B. Variance from the parking requirements (§2101.1)
 1. Minimum required: 30 spaces
 2. Proposed: 26 spaces (on the surface at the rear and in an existing one level garage)
 3. Variance: 4 spaces

VI. Standards for the roof structure special exception (§411.11)

- A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area
- B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable
- C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...
- D. Provided that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

VII. Compliance with the special exception standards for roof structure

- A. Size of building lot and other conditions:
 - 1. Need for elevator access to the roof deck and pool because of ADA compliance
 - 2. Increasing height of roof structure to 17 feet, 5 inches all around would increase cost and require greater height than would otherwise be the case
- B. Unduly restrictive and unreasonable:
 - 1. Increased height is required only for elevator override
 - 2. To make whole structure a single height would require raising height on a substantial portion of the roof structure
 - 3. Creating a bigger volume on the roof would make the structure more noticeable for no necessary reason
 - 4. Roof structure would not meet the setback requirements if the height was 17 feet, 5 inches for the entirety
- C. Impact on light and air of other buildings
 - 1. Roof structure meets setbacks from all exterior walls and is setback more than the minimum from the two street frontages
 - 2. Elevator override is in the center of the building and will not affect any surrounding buildings

D. Harmony with the purpose and intent of the Regulations

1. Roof structure has been designed to minimize the height and bulk
2. Setbacks from streetwall edge are substantial

VIII. Standards for a variance (§3103.2)

- A. Where, 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 piece of property,
- B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) 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;
- C. 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.

IX. Compliance with the variance standards

- A. Exceptional situation:
 1. Irregularly shaped lot with irregularly shaped building
 2. Existing building with one level of underground parking
 3. Location of cores and structural elements constrains ability to add parking within the building
- B. Practical difficulty:
 1. The number of conforming spaces that can be provided is a maximum of 26
 2. Inability to expand either vertically (additional levels below grade) or horizontally (no additional lot area available)
- C. No substantial detriment:
 1. Larger neighborhood predominantly high-rise buildings

2. Number of existing parking spaces will be sufficient to serve the additional 16 units
3. Are many alternatives to use of automobile (Metrorail, bus, Circulator, bike)

X. Conclusions

- A. Roof structure conforms to the Regulations except for increased height over the elevator core
- B. Allowing multiple heights actually reduces the bulk of the structure on the roof
- C. Approving a roof structure with lower height for the major portion will be in harmony with the intent and purpose of the Regulations
- D. Practical difficulty results from inability to add parking by expanding either below or alongside the existing garage
- E. Additional parking is not needed to serve the building and are abundant transit alternatives in the area
- F. The application should be granted

