

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hklaw.com

Steven E. Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com

Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18638
1456 - 1460 Church Street, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

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I Site location and description

A Location

- 1 South side of Church Street between 14th and 15th Streets, N W (see aerial photo, attached)
- 2 Project site consists of Lots 66, 66 and 67 in Square 209
- 3 Site located in the Dupont Circle area and in the Dupont Circle Historic District

B Size

- 1 Site area is approximately 3,420 square feet
- 2 Site is rectangular in shape
- 3 Frontage of approximately 38 feet on 14th Street with a depth of 90 feet
- 4 Bounded by 10 foot alley on the south side
- 5 Bounded by private property on the east and west sides

C Existing site condition improved with 3 three-story residential buildings

II Description of surrounding area

A Dupont Circle area

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18638
Board of Zoning Adjustment
District of Columbia
EXHIBIT NO. 42
EXHIBIT NO. 42

B Remainder of Square 209 (see aerial photo attached)

- 1 To the west 7 story apartment house with ground floor retail on the east side of 15th Street between P and Church Streets
- 2 To the east
 - a Apartment houses (up to 7 stories) on the south side of Church Street extending to 14th Street
 - b Building at the corner of 14th and Church Street has ground floor retail
 - c Apartment houses (mostly 7 stories) with ground floor retail on the north side of P Street
- 3 To the south
 - a 10 foot wide alley
 - b Apartment house (7 stories) with ground floor retail at the corner of P and 15th Streets (same building as referenced in B, 1 (above))

A Uses to the south

- 1 Retail, apartment houses, churches and hotels south to Massachusetts Avenue
- 2 South of Massachusetts Avenue, high-rise office buildings and hotels part of the Central Employment Area

B Uses to the east

- 1 Studio Theater at the corner of 14th and P Streets
- 2 Mixed commercial uses in 1 to 3 story buildings along 14th Street
- 3 Mixed residential uses around Logan Circle

C Uses to the north

- 1 Parking lot immediately across Church Street
- 2 Auto repair shop at the corner of 15th and Church Streets
- 3 Mixed residential uses along the east-west cross streets (mostly moderate density)

D Uses to the west

- 1 St Luke's Church at the corner of 15th and Church Streets
- 2 Parking lots
- 3 Mixed residential, churches and nonprofit organizations
- 4 Jewish Community Center at 16th and P Streets

II ARTS/C-3-A District

A C-3-A District

- 1 Uses (§§741 – 744)
 - a Commercial use permitted as a matter-of-right, including retail, service and office use
 - b Hotel
 - c Residential use permitted as carry-over from Special Purpose and Residential Districts
- 2 Height - maximum of 65 feet (§770 1)
- 3 Density
 - a Maximum of 4.0 FAR, with nonresidential uses limited to 2.5 FAR (§771 2)
 - b Under inclusionary zoning, maximum permitted residential density is increased by 20% to 4.8 FAR (§2604 1)
- 4 Lot occupancy
 - a Residential uses limited to 75% (§772 1)
 - b Under inclusionary zoning, maximum permitted lot occupancy is increased to 80% (§2604 2)
- 5 Rear yard – minimum of 2 1/2 inches per foot of height measured from the mean finished grade at the rear to the high point of the roof or parapet, but not less than 12 feet (§774 1)
- 6 Side yard - not required, if provided, minimum of 2 inches per foot of height of building (§775 5)

7 Parking for apartment house (§2101.1) minimum of 1 space for each 2 units

8 Loading berth for residential with fewer than 50 units none required

B ARTS Overlay District

1 Use restrictions (§1901):

a Preferred retail and arts uses must occupy at least 50% of the ground level

b No drive-throughs

c Limitations on frontage devoted to eating and drinking establishments

2 In the C-3-A District, maximum permitted height is 75 feet (§1902.1), provided that:

a Roof structures may not exceed 83.5 feet

b If lot abuts a residence district (including where the zone boundary line is an alley), building must be setback 11' above 50 feet as measured from the property line that abuts the alley

3 Street frontage design requirements (§1903)

4. Bonus density (§1904)

III Proposed development

A Use apartment house with 38 units

B Gross floor area of approximately 18,125 square feet (approximately 5.3 FAR)

C Height 70 feet

D Parking no spaces provided

IV Relief required

A Variance from the parking requirements for the number of spaces (§2101.1)

1 Minimum required 19 spaces

2 Proposed 0 spaces

3 Variance 19 spaces

B Special exception for roof structure (§411)

1 Required single enclosure with walls of equal height setback 1:1 from exterior walls of building

2. Proposed single enclosure, with roofs at 8 feet, 8 inches and 14 feet, 3 inches and with varying setbacks

3 Relief required

a Walls of unequal height

b Stair towers with height of 8 feet, 8 inches and elevator override with height of 14 feet, 3 inches in a single enclosure, with setbacks ranging from none to 23 feet, 11 inches from the edges of the main roof at the front and rear

C Special exception for height of roof structure limited by the ARTS Overlay (§1906 1)

1 Maximum permitted 83 feet, 6 inches above the measuring point

2 Proposed 84 feet, 3 inches above the measuring point

3 Relief required 9 inches

V 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.

VI Compliance with the variance standards

A Exceptional situation

- 1 Size and width of the lot, particularly as they affect the ability to meet the parking requirements
- 2 Presence of historic buildings to be retained at the front

B Practical difficulty

- 1 Size of site precludes underground parking
- 2 Combined width of ramp, aisle and size of spaces takes up the entire 38 foot width of the lot
- 3 Internal building functions (stairs, elevator core and trash room) reduce space available at the ground level

C No substantial detriment

- 1 Number of parking spaces proposed is adequate to meet the needs of the building, per reports from DDOT and analysis prepared by Gorove|Slade
- 2 High transit accessibility, as well as bike parking and access to car sharing spaces (Walk Score of 97), will lead to less demand for parking
- 3 Applicant will take steps to preclude occupants from parking on neighborhood streets
- 4 Providing 30 foot loading area in lieu of two parking spaces at the rear to address concerns of adjoining apartment residents

VII 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

VIII Compliance with the special exception standards for roof structure

A Size of building lot and other conditions.

- 1 Requirement to preserve existing three-story buildings which contribute to the Dupont Circle Historic District
- 2 Mass of new development is set back over 16 feet from front property line
- 3 Setbacks and notches in façade create exterior walls where they would otherwise not be
- 4 Small size of lot constrains locations for stair towers and elevator core

B Unduly restrictive and unreasonable

- 1 Location of roof structure over the stair is dictated by location of stairs on floor plates below
- 2 Additional setback on the north side would require either changes to mass of building at the front, which has been designed to respond to historic concerns and adjoining residents' concerns, or would unduly reduce the size and functionality of units

C Impact on light and air of other buildings

- 1 Roof structure meets setbacks from all street frontages and is within permitted height
- 2 Single penthouse has roof over stair tower at 8 feet, 8 inches, and roof over elevator override at 14 feet, 3 inches, all well below maximum of 18 feet, 6 inches and highest only over center portion
- 3 Roof structures are mostly not visible from the Church Street side of the building

D Harmony with the purpose and intent of the Regulations

- 1 Roof structure has been designed to minimize the height and bulk
- 2 Meets all setbacks from streetwall edge and alley wall

- 3 Highest height is only a very small portion of the overall roof structure and setback issues for the highest roof structure is a minimal amount (less than 3 feet)

IX Standards for the height of the roof structure special exception (§1906 1)

- A Uses, buildings or features at the size, intensity and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area
- B Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan
- C Architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located, provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report

X Compliance with the special exception standards for exception to the ARTS Overlay

- A Apartment house advances the goals of the ARTS Overlay (expand the housing supply)
- B Additional height enables elevator access to a roof deck, which is a significant amenity for building occupants
- C Historic Preservation Review Board granted conceptual design approval and delegated final approval to staff

XI Conclusions

- A Size and shape form exceptional conditions of the property precluding underground parking and effectively eliminating the possibility of at grade parking
- B. Practical difficulty results from inability to provide parking that would preclude any development on the site with more than eight units
- C There are sufficient alternatives for access to the site using modes other than automobile travel, Applicant has taken steps to preclude impact on neighborhood streets and there is sufficient off-street parking available in the neighborhood for those who will drive

- D Roof structures have been designed to be minimally visible
- E Proposed apartment house with roof deck is supportive of goals of ARTS Overlay
- F Concept design has been approved by the Historic Preservation Review Board
- G The application should be granted



