



Testimony of Stephen Varga

BZA Case No. 19705 of Madison Investments

2114-2118, 2124 14th Street NW, 1403 V St. NW, 1400 W St. NW;
Square: 203 Lots: 1, 10, 96, 805, 809

March 21, 2018

Good Afternoon, Chairman Hill and members of the Board. My name is Stephen Varga, Director of Planning Services at Cozen O'Connor. I am testifying today based on my 10 years of experience in zoning and land use within the District of Columbia, including time spent at the DC Office of Planning and Office of Zoning where I reviewed BZA applications for conformance with the zoning regulations. I currently represent clients at Cozen O'Connor regarding land use and planning matters. You have a copy of my resume entered into the record.

This case seeks to add a new mixed use building to a high-visibility site in the interest of continuing a long run of revitalization in the U Street neighborhood. The Applicant has worked hard to reconcile competing intentions in the zone plan while minimizing impacts to neighbors. High quality design, focus on preservation and a goal of enhancing the pedestrian experience come together for a successful Project that will be in harmony with the purpose and intent of the zone plan, not adversely affect neighboring properties, and not cause substantial detriment to the public good.

Project

I have reviewed the application, performed planning and zoning research for the Property, and conducted site visits of the Property, Alley, Square, and surrounding neighborhood.

As you know, the U Street neighborhood – and the 14th Street corridor in particular – has seen significant re-development over the last decade, and the Project directly aligns with the scale and design of nearby properties. Newer large-scale development is intertwined with one, two, and three-story historic buildings and low and mid-rise dwellings on residential side streets.

Notably, there are two, seven-story mixed-use developments – Union Row and 14W Apartments – directly across 14th Street from the Property. The Project will offer similar massing and height to these existing mixed-use developments. The Portner Place PUD (Z.C. Case No. 14-08) is currently under construction at 1401 U Street NW. That development has street frontage on V Street a half-block away from the Property. The District's "Frank D. Reeves Municipal Center" is located to the south of the Property across V Street.

The Property is located in the Greater U Street Historic District and ARTS-3 zone. The ARTS-3 zone plan in Subtitle K-800 contains many purpose statements, all of which the Project satisfies. These include:

- (a) Promoting the creation of arts, arts-related, and art-supporting uses;
- (b) Encouraging a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen (18) hour activity;
- (c) Requiring uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;
- (d) Providing for an increased presence and integration of the arts and related cultural and arts-related support uses;
- (e) Expanding the area's housing supply in a variety of rent and price ranges;
- (f) Expanding business and job opportunities, and encouraging development of residential and commercial buildings;
- (g) Strengthening the design character and identity of the area by means of physical design standards;
- (h) Providing an attractive combination of new and old buildings; and
- (i) Fostering eighteen (18) hour activity and increased public safety.

OP's positive recommendation in its report suggests that (a), (b), (c), (d), (e), (f), (h), and (i) are satisfied, and I would agree. I draw your attention to (g) above. The setback requirement of Subtitle K-803.3(b) serves as a tool to facilitate the intent of the design character purpose statement. Under normal circumstances, this regulation provides a reasonable way to ensure the intent of the regulation is met. However, in this *particular* instance, the tool is too blunt, especially given the challenging nature of the site.

As stated, the Property is located in the Greater U Street Historic District and abuts RA-zoned property to the rear. The historic requirements set the building's bulk back along the 14th Street NW and V Street NW frontages. At the same time, the presence of the RA-zone to the rear triggers the stepdown requirement. The culmination of these interests prevents the Applicant from satisfying the regulations without impacting the design of the Project as a whole.

By having to meet the historic setback *and* ARTS stepdown requirements, the massing of the building is constrained. If the mass of the building is flipped, it would have the effect of impacting the historic preservation setback and trigger the penthouse setback requirements. In short, no change can be made in a vacuum. In my opinion as a land planner, the current design does a good job of addressing the physical restraints and reconciling these challenges. This is due to the fact that the bulk to the rear as proposed will have negligible shadow effects to the

residentially-zoned property to the rear as compared to the matter-of-right baseline. Therefore, it is my opinion that the intention of the design regulation is satisfied, even by granting special exception relief for the corners of the Project.

The special exception standards are located in Subtitle K-813. Subtitle K-813.1(a) states: “the uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working or visiting the area.” The relief requested will not cause a detriment to the health, safety, convenience, or general welfare of persons living, working or visiting the area.

Further, Subtitle K-813.1(b) states: The architectural design 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.” As noted, the Property’s location in the Greater U Street Historic District coupled with its adjacency to the RA zone to the rear makes it very difficult for both requirements to be met. Shifting the massing of the building would necessitate the requesting of penthouse setback relief or pushing the core closer to 14th Street increasing the visibility of the penthouse from the historic perspective.

The Project must be considered holistically and to that end the design enhances the pedestrian view, balances setback and preservation while reducing impact to residential buildings in the immediate vicinity. Furthermore, the Project fulfills many of the other intentions of the ARTS zone listed earlier.

Summary

According to the General Provisions of the Special Purpose Zones, the purpose is to “provide for single large sites that require a cohesive, self-contained set of regulations to guide site design and building height and bulk.” Here, the Applicant seeks minor relief from a zoning tool that is too rigid in its application in this particular Project to fulfill the larger goals of zone.

In my estimation, the Project satisfies the purpose and intent of the ARTS zone despite the physical constraints imposed by the Property’s location in a historic district, need to preserve existing historic resources, and adjacency to an RA zone. More specifically, the Project satisfies the ARTS special exception test, which is to “preserve the health, safety, convenience, or general welfare of persons living, working, or visiting the area.” I urge you to approve their application.