Steven E. Sher
Director of Zoning Services
202.457.7326
ssher@wilkesartis.com

Wilkes Artis

Chartered
Attorneys at Law

Suite 300, 1666 K Street, NW
Washington, DC 20006-2803
202.457.7800
Fax: 202.457.7814

Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16581
910-916 F Street, N.W.

JUN 20 2000

Steven E. Sher
Director of Zoning Services
Wilkes Artis, Chartered

June 20, 2000

I. Site location and description

A. South side of F Street between 9th and 10th Street, N.W.

B. Rectangular site with the southeast corner missing

C. Frontage of approximately eighty-eight feet on F Street and a depth of approximately 159 feet

D. Land area of approximately 13,330 feet

E. Improved with four existing two and three-story buildings (910-912-914-916 F Street)

II. Description of surrounding area

A. Part of Downtown area, within the retail core

B. To the east

1. Nine story (approximately 110 feet) Riggs Bank Building, now converted to a Courtyard by Marriott Hotel of 188 rooms

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Exhibit No. 36

2. 9th Street

3. National Portrait Gallery/National Museum of American Art on the north side of F Street between 7th and 9th Streets

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District of Columbia
CASE NO.16581
EXHIBIT NO.36

4. Vacant commercial buildings including the Atlas Building on the south side of F Street between 8th and 9th Streets

5. Parking lot on the north side of E Street between 8th and 9th Street

C. To the north

1. F Street

2. Lansburgh Furniture Company building at the northwest corner of 9th and F Streets, with a new addition to be used as office space

3. Two and three story commercial buildings on the north side of F Street between Lansburgh Furniture Company and 10th Street

D. To the west

1. Seven story (approximately eighty-five feet) National Union Life Insurance building to be rehabilitated for use by the American Immigration Lawyers Association

2. Other commercial buildings of varying height and density going west to 10th Street

3. Ford's Theater on the east side of 10th Street between E and F Streets

E. To the south

1. Thirty foot wide public alley

2. Ten story (110 feet) office building at 901 E Street (northwest corner of the intersection of 9th and E Streets)

3. Other commercial buildings on the north side of E Street of one to five stories

4. Ten story office building at 999 E Street (containing the Hard Rock Cafe on the ground floor)

III. Existing zoning: DD/C-4

A. Uses

1. Office, retail, service, hotel and residential permitted as a matter-of-right

2. In the SHOP subarea of the DD, but no retail requirement applies to a building entirely devoted to hotel use (§1703.3(c))

B. Height

1. Maximum permitted under the Act of 1910 (§1701.7)

2. Since F Street is 100 feet wide, maximum permitted is 120 feet

C. Density

1. C-4 permits a maximum of 8.5 FAR

2. Historic Preservation subarea of DD limits on-site FAR to 6.0 (§1707.4(e))

D. Rear yard - not required (§1707.6)

E. Side yard - not required (§775.4)

F. Parking - not required (§2100.5)

G. Loading - not required (§2200.5)

IV. Proposed development

A. Hotel

B. Retain all of 914 F Street and the main blocks of 910 and 912 F Street and demolish all of 916 F Street (determined by the Historic Preservation Review Board not to be a contributing building to the Downtown Historic District); existing buildings to be retained to be incorporated into the hotel use

C. Gross floor area of approximately 95,566 square feet (7.17 FAR)

D. Twelve stories, approximately 110 feet in height

E. A total of twenty parking spaces are provided

F. One loading berth and one service/delivery space are provided

V. Relief required - variance from the FAR requirement (proposed 7.17 exceeds the 6.0 FAR permitted)

VI. 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.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Change in grade of thirteen to fourteen feet from street level measuring point to alley at the rear

2. Proportion of width to length and nature of interior lot, including the presence of existing buildings on both side lot lines, affecting areas where windows could be constructed and requiring greater setbacks from the front

3. Presence of sewer line crossing the southeast portion of the property

4. Retention of all of the historically significant fabric of three buildings which contribute to the character of the historic district

B. Practical difficulty

1. Costs related to historic preservation activities

2. Inability to spread the density across properties not limited by §1707.4

3. Hotel program requires a minimum of approximately 150 rooms to cover the infrastructure and operating costs of a newly constructed hotel with these constraints

C. No detriment to the public good

1. Mayor's Agent found that "the project will contribute to the existing character of the historic district ... and that both the proposed alteration of the existing structures and the proposed new construction are each compatible with the current character of the historic district."

2. Height, bulk and use are consistent with surrounding properties

3. Allows for an economically viable hotel use, identified as one of the "critically important land uses" for Downtown

4. Bulk of the hotel project is essentially the same as that of an office building at 6.0 FAR (compare twelve stories at eight feet, eight inches floor-to-floor to ten stories at eleven feet floor-to-floor)

5. Development is consistent with the intent of the Commission in adopting the 6.0 limitation (see §1707.1):

   a. "Preserve the unique character and fabric of historic buildings, the Downtown Historic District, and the Pennsylvania Avenue Historic Site;"

   b. "Encourage restoration and adaptive reuse of historic landmarks and adaptive reuse of contributing buildings in historic districts, together with compatible alterations and compatible new construction;"

   c. "Restrict permitted building bulk on critical historic frontages and lots with historic buildings so as to encourage preservation of historic buildings and assure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation;"

VIII. Conclusions

A. Subject property is affected by exceptional conditions, because of the change in grade, the nature of an interior lot, the presence of adjoining buildings, the constraints imposed by the contributing buildings and the presence of the sewer line

B. Strict application of the Regulations, limiting development to 6.0 FAR, would cause a practical difficulty for the owner by preventing reasonable development of the site with a feasible hotel package

C. The variances can be granted without substantial detriment to any surrounding properties

D. The application should be granted