Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16757
910-916 F Street, N.W.

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

September 20, 2001

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)

BZA
Case No. 16757
Exhibit No. 26

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

2. 9th Street

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

Board of Zoning Adjustment
District of Columbia
CASE NO.16757
EXHIBIT NO.26

4. Commercial buildings under redevelopment 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 Streets

C. To the north

1. F Street

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

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

4. Proposed development of St. Patrick's Square (office, arts and retail)

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, proposed for redevelopment as residential use

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

a) All of the leasable space on the ground floor, not less than 0.5 FAR, must be devoted to retail and service uses

b) No retail requirement applies to a building entirely devoted to apartment use (§1703.3(c))

3. Proposed to be included in Housing Priority Area C, requiring a minimum of 2.0 FAR of residential

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. 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. Apartment house, with ground floor and cellar retail

B. Retain 910, 912 and 914 F Street and demolish 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 retail and residential use

C. Gross floor area of approximately 107,339 square feet (8.05 FAR)

D. Thirteen stories, 110 feet in height

E. A total of twenty parking spaces provided

V. Relief required

A. Variance from the FAR requirement (§1707.4)

1. Permitted: 6.0 FAR

2. Proposed: 8.05 FAR

B. Variance from the residential recreation space requirements (§773)

1. Required: 4,962 square feet, fifty percent outdoors

2. Proposed: 1,200 square feet, all indoors

C. Variance from the ground floor preferred use requirements (§1703.3)

1. Required: all retail and service uses (from §§1710 and 1711)

2. Proposed: retail, service and residential

D. Special exception for roof structure setback on west side only (§411.11)

1. Required: 12 feet

2. Provided: 5 feet

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. Complete retention of three buildings which contribute to the character of the historic district

5. Requirements of Zoning Commission order approving the planned unit development for the Woodies site in Square 346 to provide a minimum of 88,000 square feet of residential use on this property

B. Practical difficulty

1. Costs related to historic preservation activities

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

3. Deep lot creates inefficient and unmarketable retail space at the rear, behind the residential lobby

4. Insufficient land area and interior building program to be able to devote more area to residential recreation space

C. No detriment to the public good

1. Zoning Commission has proposed to remove the 6.0 FAR on-site limitation and voted to approve final action on September 17, 2001 (to become effective when order is published)

2. If building were all residential (i.e., provided no ground floor retail), no variance from §1703.3 would be required

3. Providing some retail, consistent with goals for Downtown, requires a variance

4. Historic Preservation Review Board staff found that "in terms of preservation scope, the present scheme represents a major improvements, since it would preserve the complete historic structures, including the back buildings"

5. Height and bulk are consistent with surrounding properties

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

VIII. 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.

IX. Compliance with the special exception standards for roof structure

A. Size of building lot

1. Lot is only 13,330 square feet and is narrow compared to its depth

2. Building is designed with main high rise tower set back more than 66 feet from the front

3. Elevator tower is located on the west side of the site, directly back from the residential entrance

B. Unduly restrictive and unreasonable - would need to relocate elevators more toward center of site, reducing functionality of floor plans

C. Impact on light and air of other buildings

1. Roof structures meet setback requirements from front, rear and east sides

2. Penthouse is lower than the maximum permitted

X. 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, the presence of the sewer line and the requirements of the Zoning Commission order

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 residential package

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

D. The special exception can be granted without impairing the intent and purpose of the Regulations

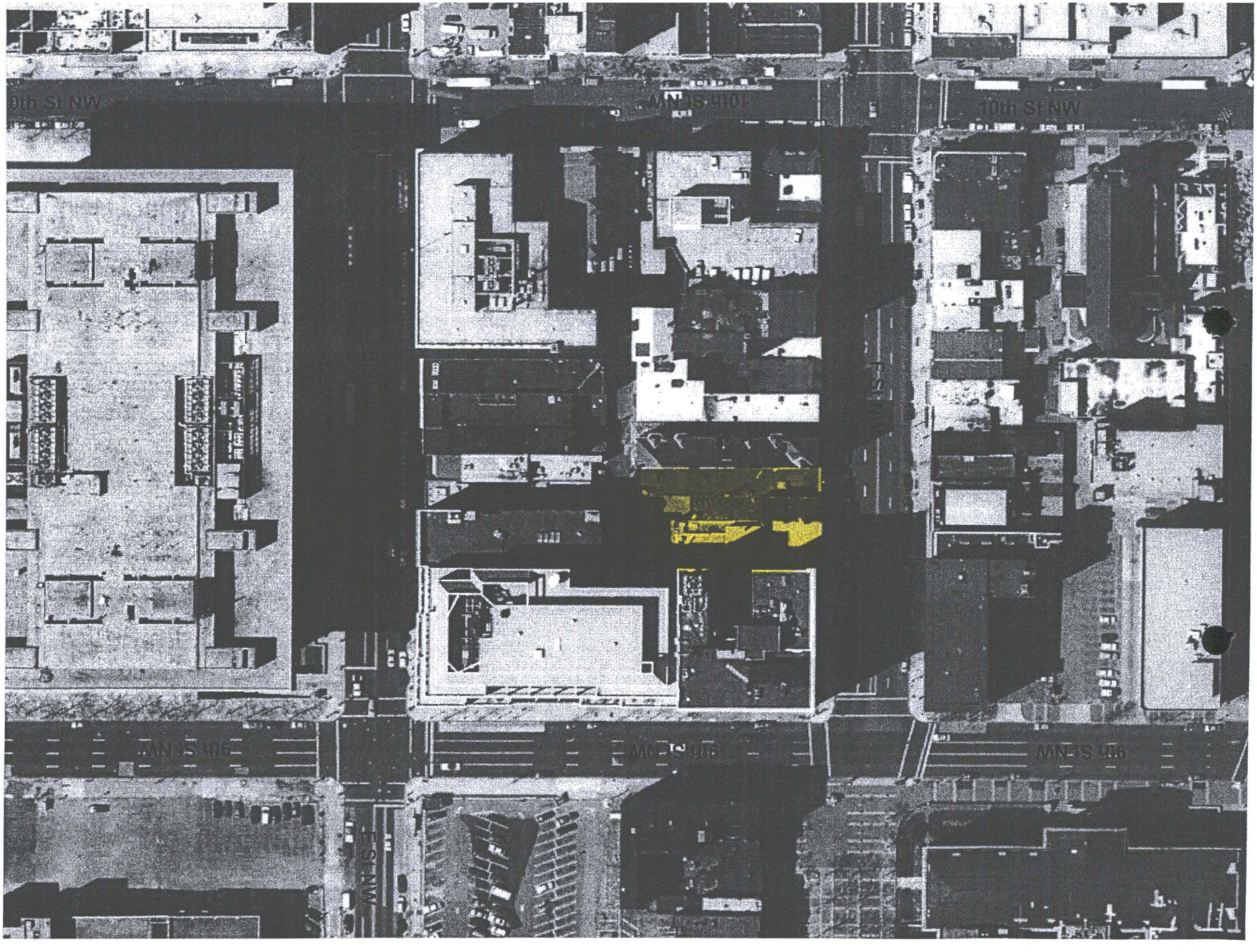
E. Applicant proffered this development to the Zoning Commission in connection with the planned unit development for the Woodies department store property and Zoning Commission required applicant to build a minimum of 88,000 square feet of residential

F. Commission order requires applicant to file an application for building permits by May 11, 2002

G. Project also requires further approval from the Historic Preservation Review Board

H. The application should be granted as expeditiously as possible with flexibility as previously granted by the Board in cases where HPRB must approve the final design:

"The applicant may modify the design of the building subject to approval under D.C. Law 2-144, provided that those changes do not diminish the amount of residential recreation space provided and the roof structure setback on the west side."


10th St NW
MNDS 401
10th St NW
MNDS 416
MNDS 416
MNDS 416