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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16778

1108 K Street, N.W.

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

October 30, 2001

I. Site location and description

A. Location

1. Southeast corner of the intersection of 12th and K Streets, N.W.

2. Site also abuts a twenty-nine foot wide north-south alley connecting to I Street

3. Project site consists of lot 25 in Square 317

4. Site located between Mt. Vernon Square and Franklin Square

B. Size

1. Total site area is approximately 14,395 square feet

2. Frontages of approximately 125 feet on K Street and 122 feet on 12th Street

C. Existing site condition

1. Existing four story building at 1108 K Street to remain

a. Land is owned by applicant, building is owned by another party

BZA
Case No. 16778
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.16778
EXHIBIT NO.32

b. Reduces developable land area by 2,500 square feet to 11,895 and width available on K Street by twenty-five feet to approximately 100 feet

2. Remainder is vacant and unimproved

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

B. Mt. Vernon Square/Convention Center/Franklin Square area

C. Area contains mix of building types mostly devoted to commercial use

D. Little significant new development in recent years

E. Major new project underway is the new convention center in the blocks bounded by 7th, 9th, K and N Streets

F. Remainder of Square 317 (see aerial photograph attached)

1. Asbury United Methodist Church

2. Miscellaneous small commercial buildings

3. Parking lot at the corner of 12th and I Streets

G. Uses to the north in Square 316 (bounded by 11th, 12th, K and L Streets)

1. Large office building at 1100 L Street

2. Rental car and parking lots on the north side of K Street

H. Uses to the northeast in Square 342 (bounded by Massachusetts Avenue and K, 10th and 11th Streets)

1. Office buildings for the Cato Institute, the American Road and Transportation Builders Association, the National Medical Association and the carpenter's union

2. Parking lot and hostel on the east side of 11th Street north of K Streets

3. Small buildings (mostly vacant or used for offices) along the north side of K Street

I. Uses to the east in Square 343 (bounded by New York Avenue and 10th, 11th, I and K Streets)

1. Vacant lot on the east half of the square (site of an approved planned unit development for office or hotel use)

2. Vacant lot at the corner of 11th and K Streets

3. Hertz rental car facility at the corner of 11th and I Streets

J. Use to the southeast – Washington Convention Center

K. Uses to the south

1. Federal triangular park reservation

2. Large office building at 1100 New York Avenue

L. Uses to the southwest in Square 286 (bounded by New York Avenue and 12th, 13th and I Streets)

1. Large office buildings

2. Fast food restaurant

M. Uses to the west in Square 285 (bounded by 12th, 13th, I and K Streets)

1. Large office buildings, including one under construction

2. Franklin School

N. Uses to the northwest in Square 284 (bounded by 12th, 13th, K and L Streets)

1. Large office buildings

2. Sheraton Four Points Hotel

3. Strong-John Thomson Elementary School

II. Existing zoning: DD/C-3-C

A. Uses (§§741 – 744)

1. Commercial use permitted as a matter-of-right, including retail, service and office use

2. Hotel and inn

3. Residential use permitted as a carry-over from the Special Purpose and Residential Districts

B. Height - maximum of ninety feet (§770.1)

C. Density - maximum of 6.5 FAR (§771.2)

D. Rear yard – 2½ inches per foot of height, not less than twelve feet; on a corner lot, may be satisfied by a court in lieu of rear yard(§774.1)

E. Side yard - not required (§775.5)

F. Parking (§2101.1): for hotel use, minimum of one space for each four rooms usable for sleeping plus one space for 300 square feet of floor area in the largest function room or exhibit space

G. Loading (§2201.1): for hotel with more than 200 rooms usable for sleeping, one thirty foot loading berth, one fifty-five foot loading berth and one service/ delivery loading space

H. Downtown Development (DD) Overlay District

1. Applies to new buildings and alterations or additions to existing buildings involving more than 100 percent of assessed value of building in any twelve month period

2. Height is maximum permitted under the Act of 1910 (130 feet for subject site)

3. Housing Priority Area B

a. Maximum FAR is 9.5

b. Minimum of 3.5 FAR required to be devoted to residential use (6.0 FAR available for commercial)

c. Additional 0.5 FAR available through purchase of transferable development rights

4. On-site residential may be satisfied by combined lot development with another site in Housing Priority Area B

III. Proposed development

A. Use: hotel/inn of approximately 270 rooms

B. Gross floor area of approximately 143,950 square feet (10.0 FAR)

1. 6,310 square feet existing to remain in retail/office

2. 137,640 square feet of new construction

C. Height: 130 feet

D. Parking: seventy-two attended spaces on 2½ levels below grade

E. Loading: two thirty foot berths and one service/delivery loading space provided

IV. Relief required

A. Variance from the loading requirements (§2201.1)

1. Minimum required: one thirty foot loading berth, one fifty-five foot loading berth and one service/ delivery loading space

2. Proposed: two thirty foot loading berths and one service/ delivery loading space

3. Variance: fifty-five foot berth vs. thirty foot berth

B. Variance from the requirement to have a minimum of 75 spaces to utilize stacked parking

1. Number of required parking spaces: 71 (68 for 270 guest rooms and 3 for the 900 square feet in the largest function room)

2. Number required to be eligible for stacked spaces: 75

C. Special exception to permit a roof structure not meeting the 1:1 setback from the edge of the roof (§411.11)

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 or extraordinary situation or condition

1. Property is small with a developable area of less than 12,000 square feet

2. Existing building on the lot is not owned by the applicant and cannot be used for site layout

B. Practical difficulty

1. Requirement to provide complying loading berths would consume a substantial amount of ground floor space

2. Would require relocation of required exit stairs which are located to comply with building code requirements

3. Garage already occupies all of developable footprint

4. Additional parking would require deeper excavation

C. No detriment to the public good

1. Loading area is configured to be flexible, to accommodate a fifty-five foot truck when necessary

2. Hotel will provide valet parking for its guests on a 24 hour basis

3. Experience demonstrates that most hotel guests do not drive

4. Are only a limited number of function rooms

VII. Standards for the 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

A. Size of building lot and other conditions

1. Existing building constrains site development

2. Relief is required only for a portion of the penthouse on the south side due to the configuration of the lot and the building

B. Unduly restrictive and unreasonable: because of shape of lot, would require a setback on a small portion of the penthouse

C. Impact on other buildings

1. Roof structure meets setback on both street frontages

2. Roof structure is setback more than fifty feet from the property line, which adjoins an alley at that point

3. There are limited areas from where the roof structure can be seen

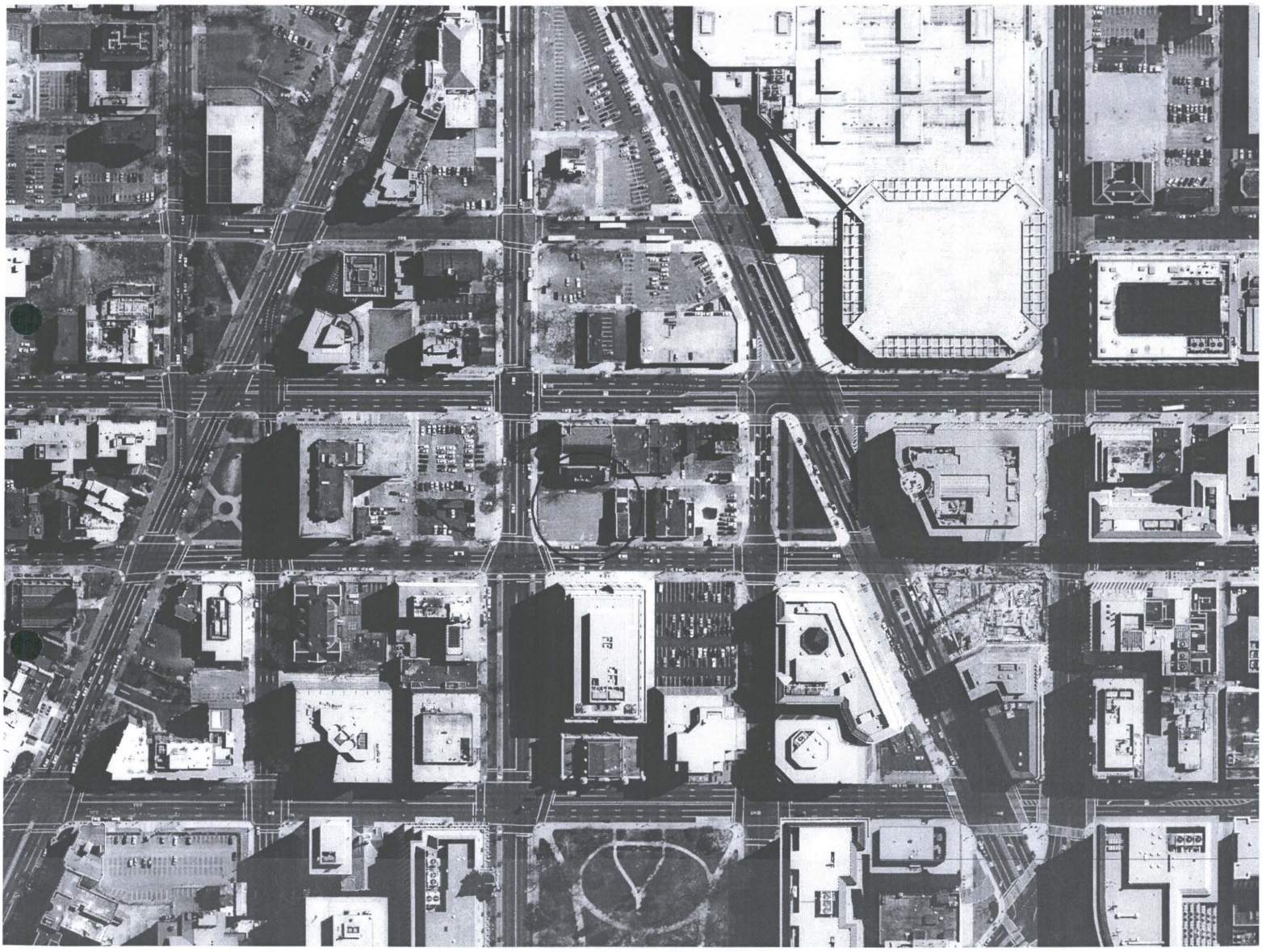
IX. Conclusions

A. Subject property is affected by exceptional conditions, because of the size and the existing building

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

C. The roof structure meets all the setbacks except one, and the area where relief is required will have no adverse impact because of the distance from the property line

D. The application should be granted



11th St NW
K St NW
I St NW
12th St NW