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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16943
1121 14th Street, N.W.

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

November 12, 2002

I. Site location and description

A. Location

1. East side of 14th Street between Thomas Circle and L Street, N.W.

2. Project site consists of lot 101 (formerly 868 and 869) in Square 247

3. Site located in the Thomas Circle area of Downtown

B. Size and configuration

1. Total site area is approximately 8,938 square feet

2. "L" shaped site with frontage of approximately 79 feet on 14th Street

3. Rear twenty-seven feet narrows to approximately thirty-six feet in width at the east end

BZA
Case No. 16943
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.16943
EXHIBIT NO.32

4. Bordered by 11.33 foot wide public alley on the south and thirty foot wide public alley on the east

C. Existing site conditions: vacant and unimproved, used as a surface parking lot

II. Description of surrounding area

A. Downtown area

B. Area contains mostly office buildings, with some hotels and residential buildings along and north of Massachusetts Avenue

C. Remainder of Square 247

1. To the north:

a. Parking lot

b. Holiday Inn hotel (12 stories)

2. To the east:

a. Thomas House senior citizen apartment house (10 stories)

b. Apartment houses along Massachusetts Avenue

c. Alley structures, used for health club

d. SEIU office building at 1313 L Street (5 stories)

e. Office building (under construction) at 1101 13th Street (12 stories)

3. To the south:

a. Office buildings at 1101 and 1111 14th Street (both 12 stories)

b. Office buildings at 1341 and 1343 L Street (2 and 3 stories)

c. Parking lot at 1331 L Street

D. Uses to the south:

1. Office buildings in the block bounded by K, L, 13th and 14th Streets

2. Franklin Square

E. Uses to the east:

1. Massachusetts House apartment house

2. Parking lot at 1210 Massachusetts Avenue

F. Uses to the west:

1. Marriott Residence Inn at 1199 Vermont Avenue

2. Wyndham Washington Hotel at 1400 M Street

3. Office buildings

G. Uses to the north:

1. Thomas Circle

2. Washington Plaza Hotel

3. Luther Place Church

4. National City Christian Church

III. Existing zoning: C-4

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

A. Height - maximum of 130 feet (§770.1)

B. Density - maximum of 10.0 FAR (§771.2)

C. Lot occupancy (applicable to residential buildings only) – maximum of 100% (§772.1)

D. Rear yard – minimum of 2½" per foot of height from the finished grade to the highest point of the roof, but not less than 12 feet (§774.1)

E. Side yard - not required (§775.5)

F. Closed court – not required; if provided:

1. Minimum width of 3" per foot of height of court, but not less than 12 feet

2. Minimum area of twice square of minimum width but not less than 250 feet (§776)

G. Parking for office building: none required for a lot with an area less than 10,000 square feet (§2101.1)

IV. Proposed development

A. Use: office building

B. Gross floor area of approximately 89,380 square feet (10.0 FAR)

C. Height: 11 stories, 130 feet

D. A total of 50 parking spaces below grade

V. Relief required: variances from the minimum width and area requirements for a closed court

A. Width:

1. Minimum required: 32.5 feet

2. Proposed: 5 feet

3. Variance: 27.5 feet

B. Area

1. Minimum required: 2,112.5 square feet

2. Proposed: 213 square feet

3. Variance: 1,899.5 square 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. Unusual configuration of lot

2. Relatively small size, compared to typical or ideal condition, for office building

3. Easement across five foot strip formerly part of public alley, now closed

B. Practical difficulty

1. Rear yard provided at the easternmost extension of the lot

2. Width of closed court is lesser horizontal dimension

3. Conforming court would have to be at least 32.5 feet in the east-west direction

4. Office building footprint for more than half the width of the lot would be reduced to depth of less than seventy feet, which is inefficient, impacts the design of the core and exit stairs and creates poor office layouts

C. No detriment to the public good

1. High rise construction is typical in area

2. East wall of building is in same location as it would be if the alley had remained open

3. Office windows will have sufficient light

4. Sufficient distance provided to nearby buildings

a. Approximately 50 feet to closest wall of Thomas House

b. Approximately 150 feet to the closest facing window of Thomas House

VIII. Conclusions

A. Subject property is affected by exceptional conditions, because of the size and configuration of the site and the presence of the easement preventing construction over the former alley area

B. Strict application of the Regulations would require a very large court, occupying almost one-quarter of the lot area, and adversely impacting the ability to construct an office building on the site

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

D. The application should be granted