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December 3, 2002

DENNIS R. HUGHES
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Hand Delivery

Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 DEC -3 PM 3:24

Re: BZA Application No. 16957

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on December 17, 2002.

Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,
HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: Office of Planning
ANC 2D

WAS1 #919995 v2

BZA
Case No. 16957
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16957
EXHIBIT NO.23

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Southwest Capitol Associates LLC	BZA Application No. 16957 Public Hearing: December 17, 2002 ANC 2D

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to 11 DCMR §3104.1 for a special exception under §§ 770.6(a) and 411.11 of the Zoning Regulations, to allow a roof structure not meeting the normal setback requirements. The requested relief is necessary to permit the construction of a hotel in the C-3-C District in the 300 block of E Street, SW (Square 537, Lot 809 (the "Subject Property")(a part of Record Lot 30)).

II.
Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the requested special exception pursuant to §3104.1 of the Zoning Regulations.

III.
Exhibits In Support Of The Application

Exhibit A:	A portion of the Sanborn Atlas showing Square 537.
Exhibit B:	Surveyor's Plat of the Subject Property.
Exhibit C:	A portion of the Zoning Map showing Square 537 outlined in red.
Exhibit D:	Architectural Plans.
Exhibit E:	Outline of testimony of Christopher A. Bruch, Representative of Southwest Capitol Associates LLC, Applicant.
Exhibit F:	Outline of testimony of Representative, Brennan, Beer, Gorman, Monk, Architects.
Exhibit G:	Outline of testimony Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

IV.
Background Of The Case

A. Description of the Subject Property and the Surrounding Area

The Subject Property is located in the middle of the north side of the 300 block of E Street, SW, between 3rd Street, SW, to the east and 4th Street, SW, to the west. The Subject Property, which is roughly rectangular in shape with the exception of its diagonal rear lot line abutting the former Virginia Avenue right-of-way, occupies approximately 120 feet of frontage along E Street, with east and west lot depths of approximately 203 and 246 feet, respectively, and with a resulting lot area of approximately 26,992 square feet.

As set forth above, the Subject Property is part of Record Lot 30, which encompasses the entirety of Square 537 and is bounded by 3rd, 4th, and E Streets,

SW. The Subject Property and Record Lot 30 are bounded generally to the north by elevated railroad tracks above the former Virginia Avenue right-of-way. Offices for the National Aeronautics and Space Administration (NASA) and the Office of the Comptroller of Currency (OCC) are located immediately to the south, across E Street, SW. South of these buildings is the Southwest Freeway. First District Police Headquarters is located immediately to the west of Square 537, across 4th Street, SW. Record Lot 30 is bounded to the east by 3rd Street, SW. A plat of Record Lot 30 is attached at Exhibit A and for the Subject Property at Exhibit B.

The Subject Property and Record Lot 30 are zoned C-3-C, which permits hotel use as a matter of right, with an allowable height of 90 feet and building density of 6.5 FAR. Pursuant to the Downtown Development District ("DD") provisions, particularly §1709.19 of the Zoning Regulations, the Subject Property and Record Lot 30 are also located within the Southwest Transferable Development Right Receiving Zone. As such, the permitted building height is that permitted by the Act of 1910 and the maximum permitted FAR is 10.0 for buildings permitted a height of 130 feet, and 9.0 for buildings permitted a lesser height. In the present case, the permitted height for Record Lot 30 and the Subject Property is 130 feet and the permitted density is 10.0 FAR.

B. Description of the Proposal

The Applicant intends to construct a 13-story hotel measuring 130 feet in height, approximately 6.82 FAR and approximately 83 percent lot occupancy. The hotel is configured as an inverted "T" (Exhibit B). This T-shaped design, typical for a hotel, provides for a maximum of frontage along E Street, SW, to the south and also

allows the Applicant to provide light and air to the guest rooms on the double-loaded central corridor by means of a series of courts to each side of the central corridor.(Exhibit D).

In order to accommodate rooftop mechanical and elevator equipment (including two cooling towers, a mechanical room and an elevator machine room) as well as stair access to and from the roof level, the penthouse structure will measure 18 feet 6 inches in height. The penthouse structure is L-shaped, with the shaft of the "L" following atop the central corridor and the baseline of the "L" hooking to the east atop the "crossbar" of the inverted "T" constituting the building footprint. This L-shape, or hooking configuration, is the product of the Applicant's efforts to locate its elevator bank and south stairwell in the most efficient and least obtrusive location.

As mentioned above, the Subject Property is approximately 120 feet wide. The courts on either side of the central corridor measure 32 feet in width, resulting in a width for the central corridor of approximately 56 feet. Without special exception from the setback requirements, a compliant roof structure could measure no more than 19 feet wide, which is an insufficient dimension to accommodate all of the mechanical and elevator equipment for the hotel as well as stair access to the rooftop.

With the exception of the rooftop special exception here requested, the proposal fully complies with the Zoning Regulations applicable to the C-3-C District. The Applicant has made every effort to meet the roof structure setback requirement for the building's penthouse structure. Nonetheless, because of the hotel nature of the proposed building, including the setbacks needed for the hotel in order to provide

adequate light and air for patrons, the Applicant must provide slightly less than the required one-to-one setback for certain portions of the penthouse structure.

V.
The Applicant Meets the Requirements for Special Exception Relief Under Sections 770.6 and 411.11 of the Zoning Regulations

As set forth above, special exception approval is required from the roof structure setback requirements of §§770.6(b) and 411.2 of the Zoning Regulations. As the Board is aware, a special exception use is a use predeemed compatible with other uses permitted in that particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

In the context of the present application, §411.2 of the Regulations provides that penthouses in the commercial zoning districts shall comply with the provisions of §770.6. Section 770.6, in turn, provides that if rooftop housing is provided on the roof of a building or structure in a commercial zoning district, said roof structure shall: (a)

meet the requirements of §411 of the Regulations; (b) be setback from all exterior walls a distance at least equal to its height above the roof upon which it is located; and (d) not exceed 18 feet six inches in height.[1] As set forth above, special exception approval is required because the Applicant cannot comply with the one-to-one roof structure setback from all of the exterior walls of the proposed building, as set forth in §770.6(b).

Under §411.11 of the Regulations, the Board of Zoning Adjustment may approve the location, design, number, or any other aspect of a roof structure even if it does not comply with the requirements of §770.6, where it would be impractical because of operating difficulties, size of building lot or other conditions relating to the building or surrounding area that would make full compliance unduly restrictive, prohibitively costly or unreasonable. The Board has the power to approve a roof structure under §411.11, provided that the intent and purpose of the chapter and title of the Zoning Regulations are not materially impaired by the structure, and the light and air of adjacent buildings are not affected adversely.

As proposed, the hotel's penthouse structure is set back more than is required along the front of the building but does not meet the prescribed setback at the rear of the building and along both sides of the central corridor, or "shaft" of the T-shaped building (Exhibit D). At the rear of the building, which possesses a footprint of varying setbacks from the diagonal rear lot line, the roof structure steps back from the rear exterior wall as much as approximately 26 feet six inches and as little as approximately eight feet five inches. Likewise, the proposed roof structure is stepped

[1] Section 770.6(c) applies only to properties within the C-5 District and thus is not discussed herein.

back from the exterior wall along the east side of the central corridor of the building approximately 15 feet six inches, and along the west side of the corridor approximately 12 feet three inches. Only at a single location does the roof structure sit flush along any of the exterior walls of the building – at the point where the shaft and crossbar of the "T" intersect and the roof structure turns to form an "L". This situation is created by the location of the central elevator core of the building and the efficiency to the floorplan layout of locating one of the required stairwells within the central core and also at this T-shaped intersection. It is also at this intersection where hotel room layout becomes most complicated and difficult. Were the Applicant required locate these functions elsewhere, it would create significant interior design and layout inefficiencies throughout the hotel.

While the penthouse structure is slightly deficient in meeting the setback requirements at the rear and sides of the proposed hotel, the penthouse structure sets back more than 25 feet from the building façade along E Street, SW. Furthermore, in those lesser prominent areas of the proposed hotel where the penthouse structure does not completely meet the setback requirement, there will be no adverse impact on the access of light and air to adjacent buildings, once constructed, at the east and west of the Subject Property. With respect to this issue, the Applicant notes that whereas the roof structure is set back approximately three feet less than required along the east exterior wall, and six feet along the west exterior wall, these exterior walls from which the roof structure is required to be setback are themselves setback significantly from the respective east and west lot lines, and thus, from future adjacent buildings. Likewise, the rear exterior wall of the building is set back more

than 20 feet from the diagonal rear lot line, which bounds the former Virginia Avenue right-of-way and elevated railroad tracks. No light and air to adjacent buildings will be adversely impacted by the setback deficiencies to the rear and sides of the proposed hotel.

Furthermore, the Applicant's failure to comply with the prescribed setback is the direct result of the nature of hotel design and the special layout needs for hotel use, as opposed to office use, most especially in this case the double-loaded corridor and T-shaped footprint which provide both the industry standard hotel room layout as well as sufficient light and air for patrons.

The Applicant has made every attempt to minimize the penthouse footprint while still providing the requisite components for a hotel. Simply, the hotel nature of the building design does not allow for the type of building footprint to support a more square-footprinted penthouse structure as might be expected to be present atop an office building on the site. Nonetheless, the two building types have similar mechanical, electrical, plumbing and elevator equipment that must be located within a penthouse structure. As will be discussed in greater detail at the public hearing, the proposed penthouse represents the Applicant's efforts to maximize efficiency of the rooftop space.

In addition, the Applicant has made a significant effort to minimize the visual impact of the penthouse structure, as evidenced by the significant 25 foot setback from E Street, SW. The Applicant also notes that due to substantial setbacks from 3rd and 4th Streets and the development on neighboring properties

within Lot 30 has occurred, the hotel's roof structure will not be visible from 3rd or 4th Streets.

The Applicant's roof level plan is in harmony with that of neighboring structures outside of Square 537 and is in keeping with the purpose and intent of the Zoning Regulations. For the above stated reasons, special exception relief from the roof setback requirement of §770.6(b) is appropriate in the instant case, pursuant to §411.11.

VI.
Witnesses

A. Christopher A. Bruch, Representative of Southwest Capitol Associates LLC, Applicant.

B. Representative, Brennan, Beer, Gorman, Monk, Architects, Project Architect.

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

VII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of special exception and variance relief under the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By _____
Norman M. Glasgow, Jr.

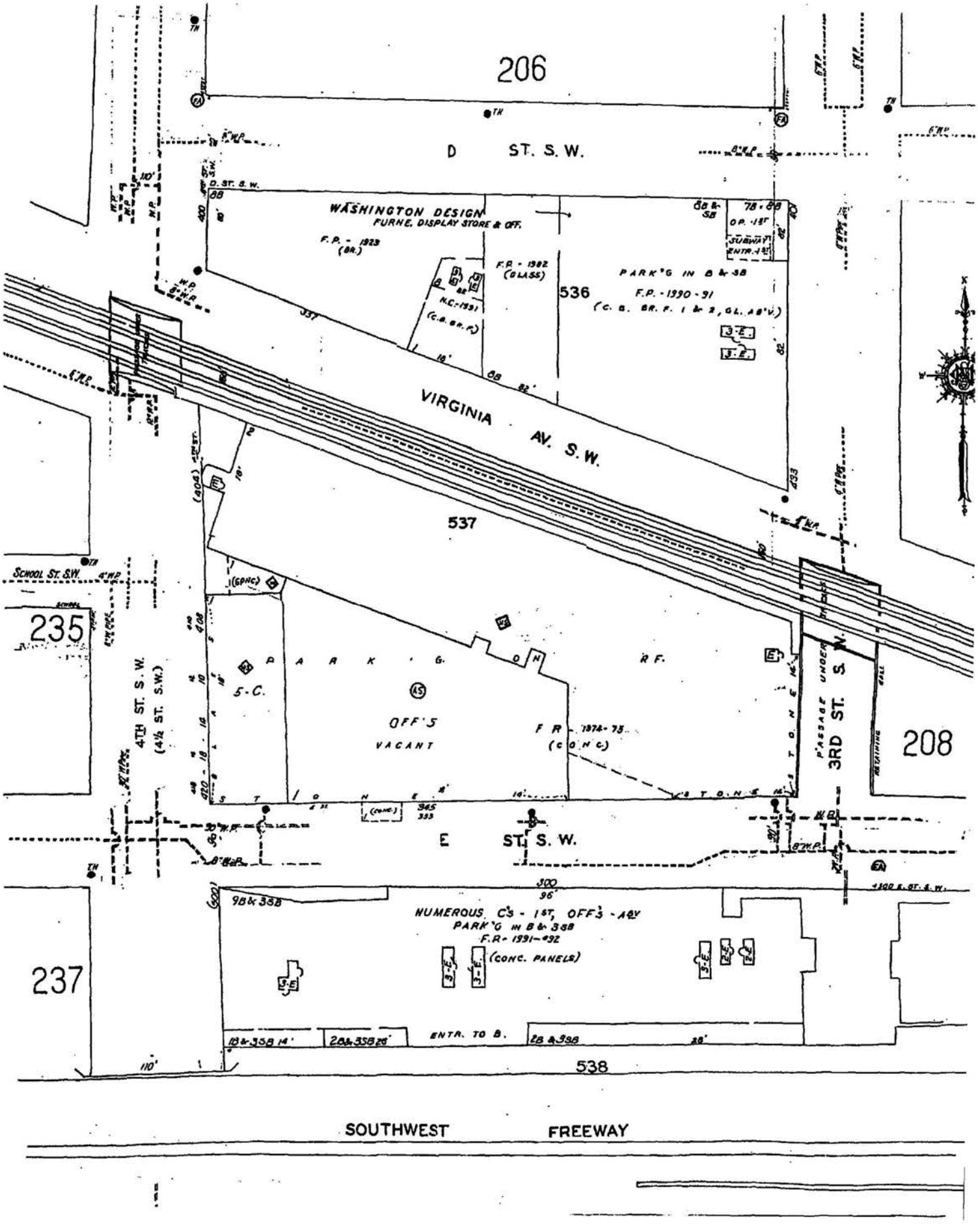
_____
Dennis R. Hughes

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Suite 100
Washington, D.C. 20006
(202) 955-3000

December, 2002

#1140602v2




206
D ST. S.W.
WASHINGTON DESIGN
FURNE. DISPLAY STORE & OFF.
F.P. - 1923
(BR.)
F.P. - 1982
(GLASS)
PARK'G IN B & SB
536
F.P. - 1990 - 91
(C. B. BR. F. 1 & 2, GL. AB'V.)
VIRGINIA AV. S.W.
537
SCHOOL ST. S.W.
235
4TH ST. S.W.
(4½ ST. S.W.)
PARK'G
5-C.
OFF'S
VACANT
F R - 1974-75
(CONC.)
3RD ST. S.W.
208
E ST. S.W.
NUMEROUS C's - 1ST, OFF's - ASY
PARK'G IN B & 38B
F.R - 1991-92
(CONC. PANELS)
237
ENTR. TO B.
538
SOUTHWEST FREEWAY



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., October 4, 2002

Plat for Building Permit of SQUARE 537 LOT 809

Scale: 1 inch = 30 feet Recorded in A & T Book Page 3806-U

Receipt No. 01226

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

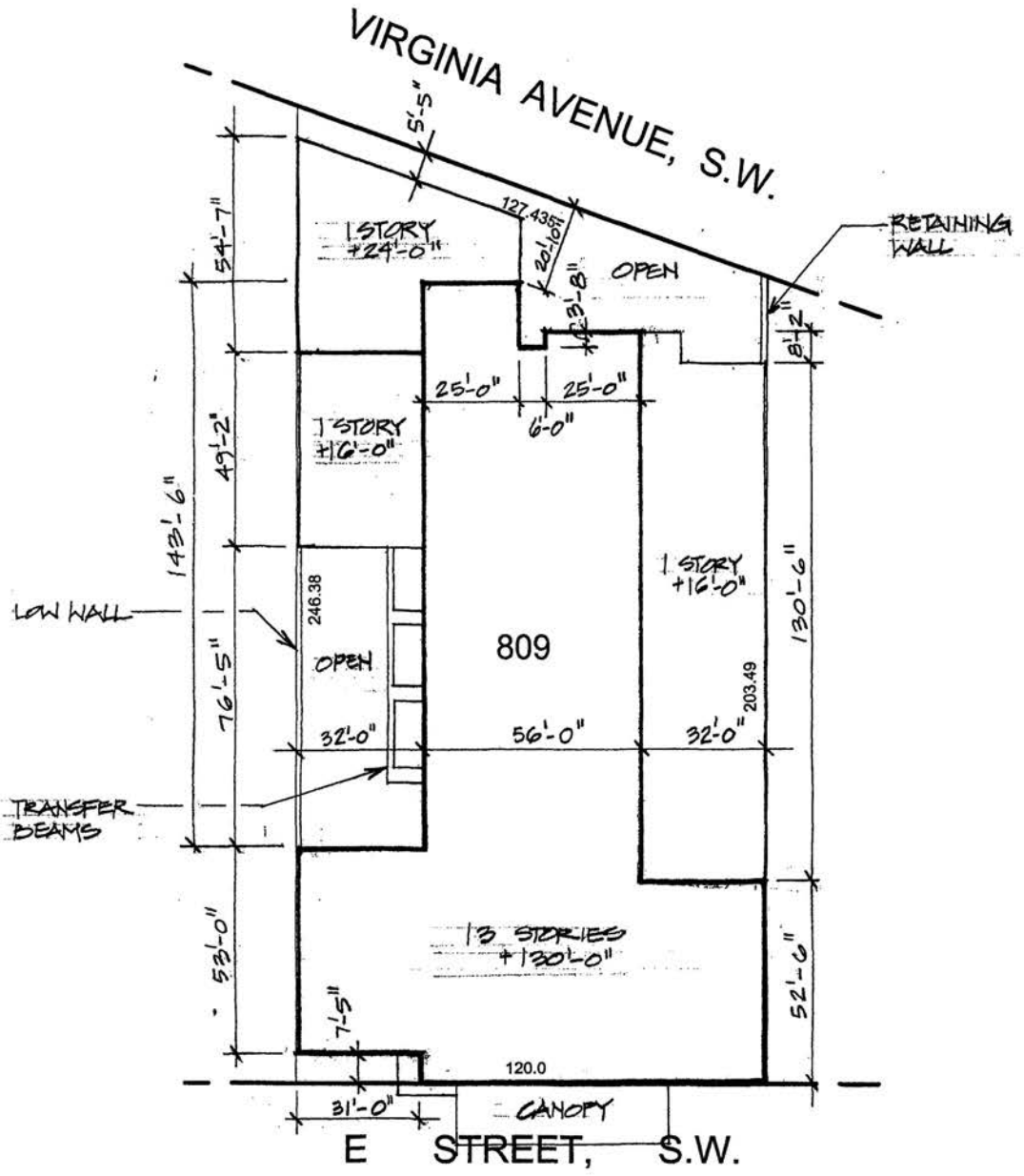
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

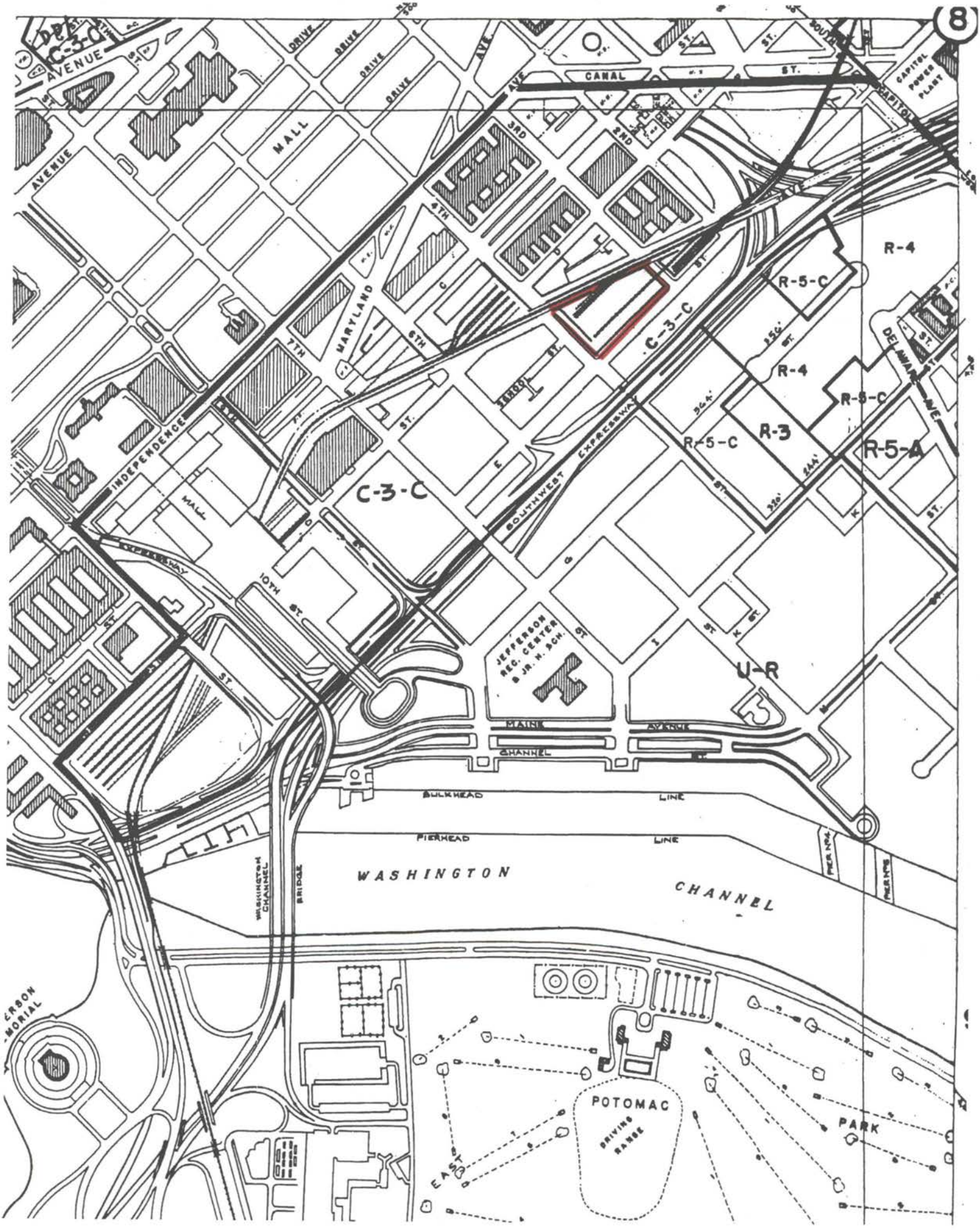
Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



C

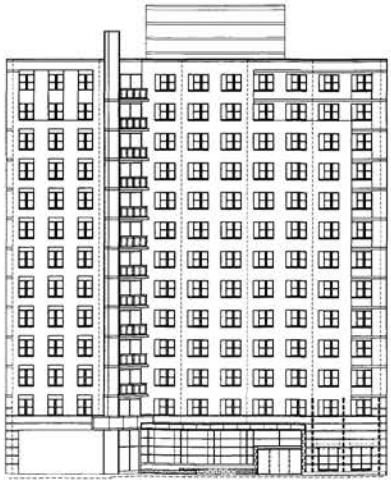

8
C-3-C
AVENUE
MALL
DRIVE
CANAL
ST.
CAPITOL POWER PLANT
CAPITOL
3RD
2ND
MARYLAND
INDEPENDENCE
7TH
9TH
10TH
C-3-C
R-4
R-5-C
R-3
R-5-4
DELAWARE
SOUTHWEST EXPRESSWAY
JEFFERSON REC. CENTER & JR. H. SCH.
U-R
MAINE AVENUE
CHANNEL
BULKHEAD LINE
PIERHEAD LINE
WASHINGTON CHANNEL
WASHINGTON CHANNEL BRIDGE
POTOMAC
DRIVING RANGE
PARK
EAST



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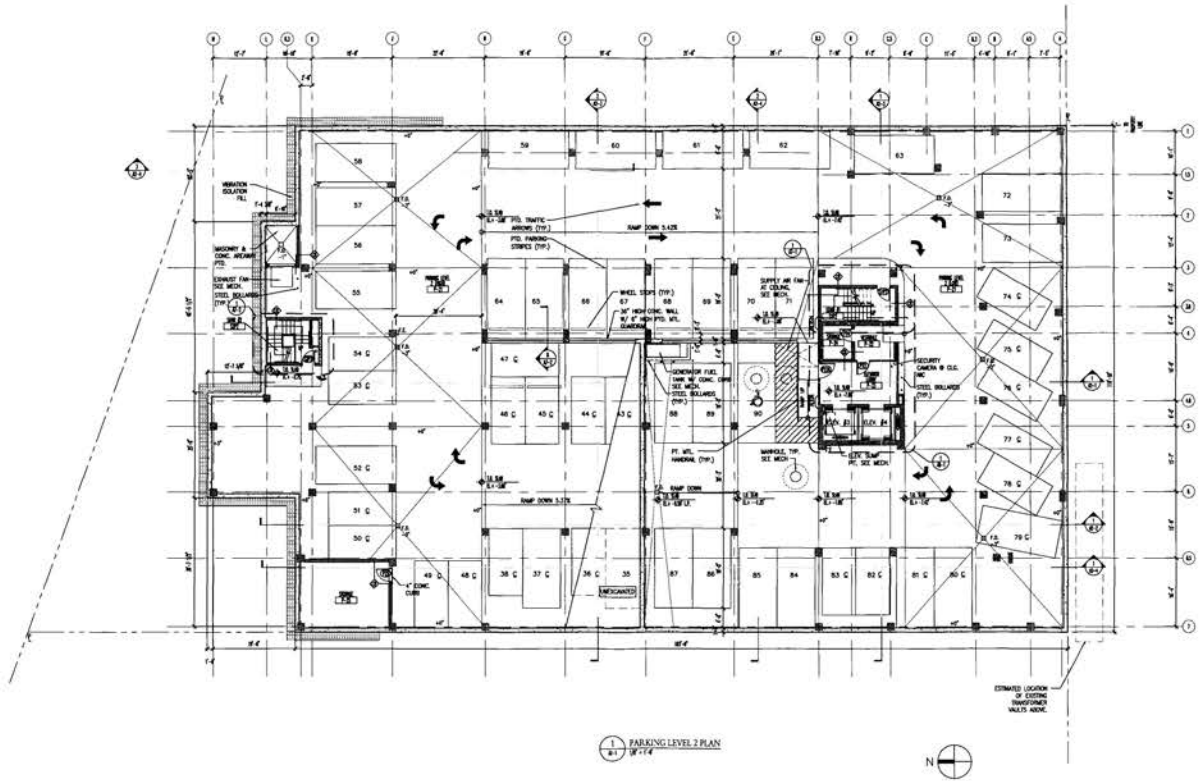
333 E STREET SW, WASHINGTON, DC

DEVELOPER	CONTRACTOR	HOTEL MANAGER	ARCHITECT/INTERIOR DESIGNER	STRUCTURAL ENGINEER	MEP ENGINEER	CIVIL ENGINEER	KITCHEN CONSULTANT	ACOUSTICAL ENGINEER
Donohoe Development Co. 2101 Wisconsin Avenue, N.W. Washington, DC 20007 Tel: 202.625.4140 Fax: 202.333.5394	Donohoe Construction Co. 2101 Wisconsin Avenue, N.W. Washington, DC 20007 Tel: 202.625.4140 Fax: 202.333.5394	Hospitality Partners 7101 Wisconsin Avenue, N.W. Suite 610 Bethesda, MD 20814	Brennan Beer Gorman Monk Architects & Interiors P.L.L.C. 1130 15th St., NW Suite 300 Washington, DC 20036 Tel: 202.452.1544 Fax: 202.452.1947	Tadjer-Cohen-Edelson, Associates, Inc. 1108 Spring Street Silver Spring, Maryland 20910 Tel: 301. 587.1820 Fax: 301.588.1968	Girard Engineering, P.C. 1356 Beverly Road Suite 240 Alexandria, VA 22314 Tel: 703.442.8797 Fax: 703.356.3169	Vika Inc. 8180 Greensboro Drive Suite 200 McLean, VA 22102 Tel: 703.442.7800 Fax: 703.761.2787	Culinary Advisors 700 North Henry Street Alexandria, Virginia 22314 Tel: 703.823.2538 Fax: 703.823.4723	Shen Milsom & Wilke 8700 Pipeline Drive, Suite 302 Arlington, Virginia 22201 Tel: 703.243.6301 Fax: 703.243.6304



PERMIT SET

NOVEMBER 18, 2002



1 / A1-1 PARKING LEVEL 2 PLAN
1/8" = 1'-0"

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Marriott Residence Inn

DONOHOE
DEVELOPMENT COMPANY

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Washington, D. C.

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Hospitality Partners
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CONSULTANTS

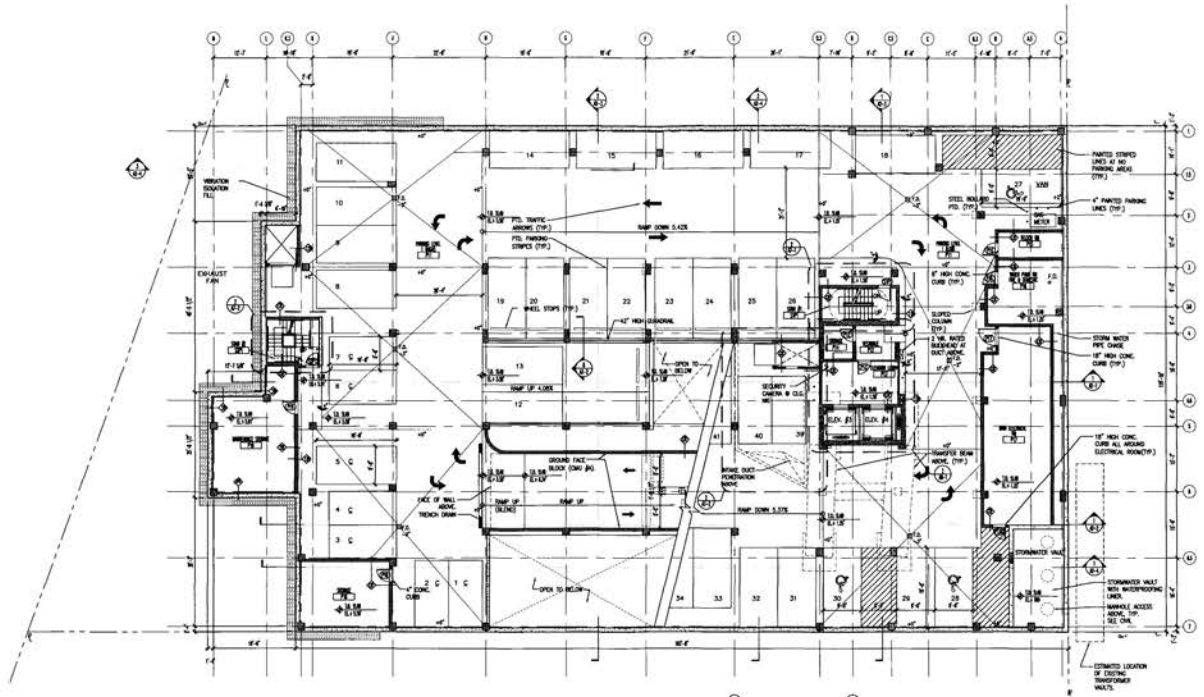
ISSUES

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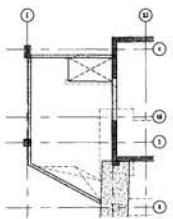
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PARKING LEVEL 2 PLAN

SHEET NUMBER
A1-1

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



1 A1.2 PARKING LEVEL 1 PLAN
1/8" = 1'-0"



1 A1.2 PLAN THRU PLENUM
1/8" = 1'-0"

N

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Fax: 703.356.0169

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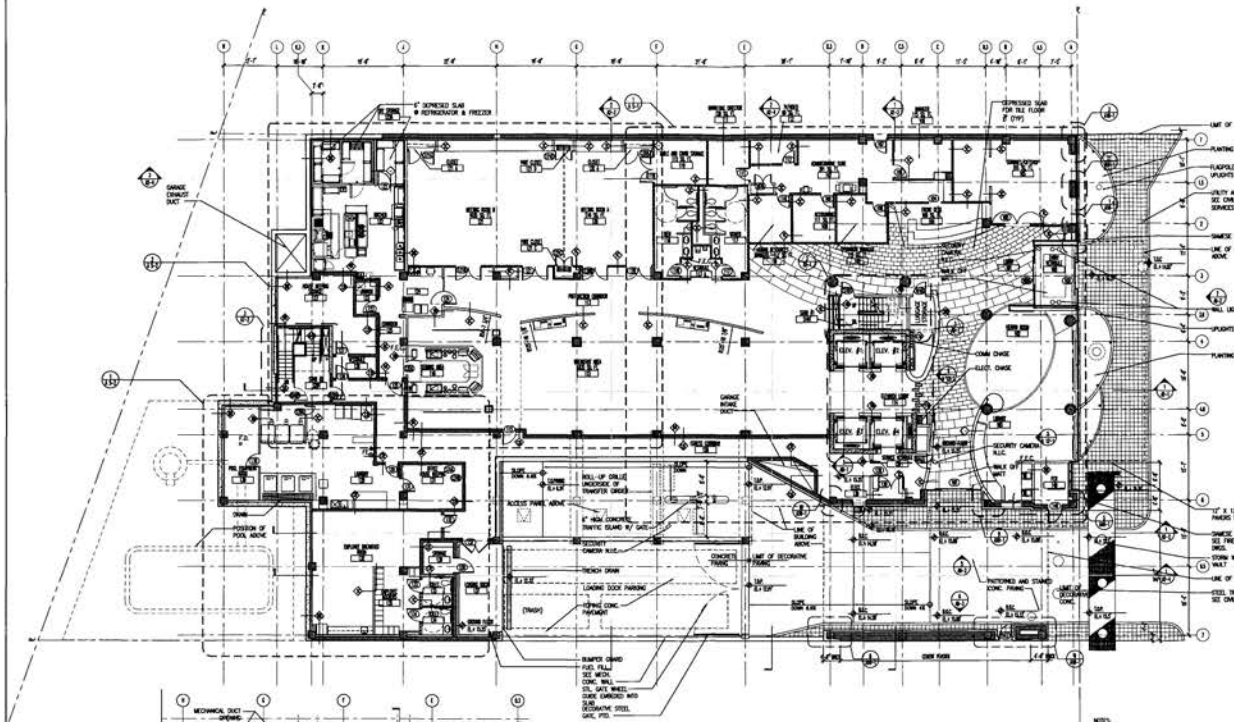
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SHEET NUMBER
A1-2

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ISSUES

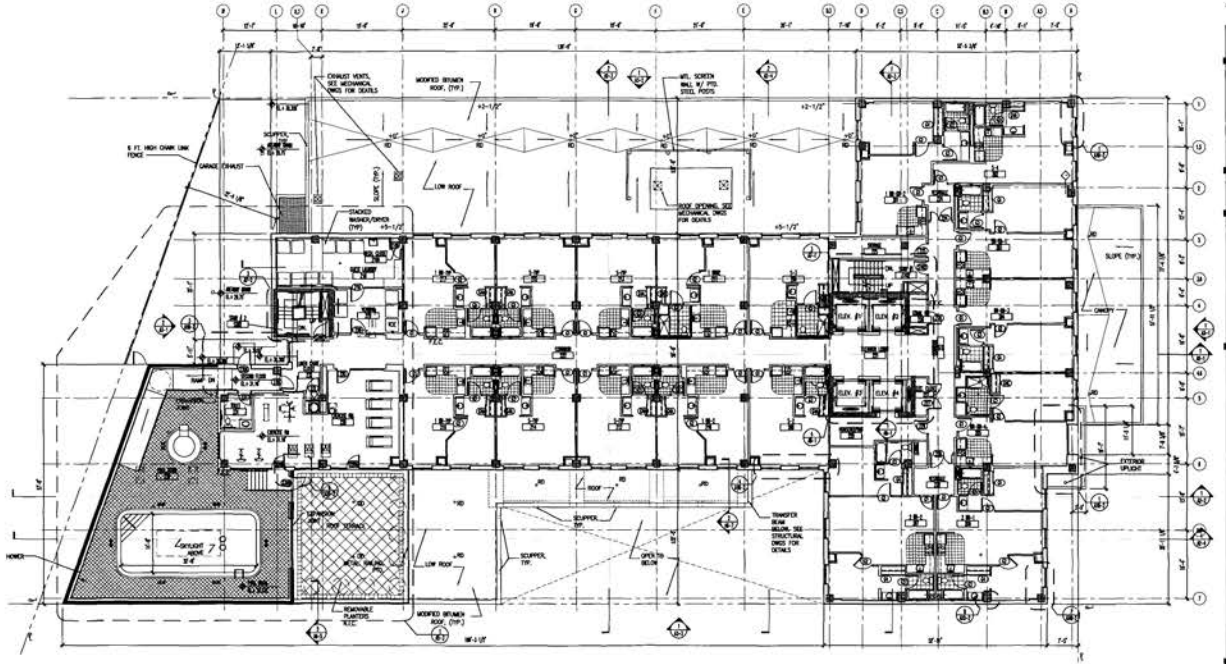
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Date: JULY 19, 2002
Job #: 0307.00

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GROUND FLOOR PLAN

SHEET NUMBER
A1-3

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



1/A1-4 SECOND FLOOR PLAN
3/32" = 1'-0"

NOTES:
1. FOR 1/4" UNIT PLANS SEE A5 SERIES DRWGS.

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Marriott Residence Inn

DONOHOE CONSTRUCTION CO.

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MEP Engineer:
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Fax: 202.216.3108

Civil Engineer:
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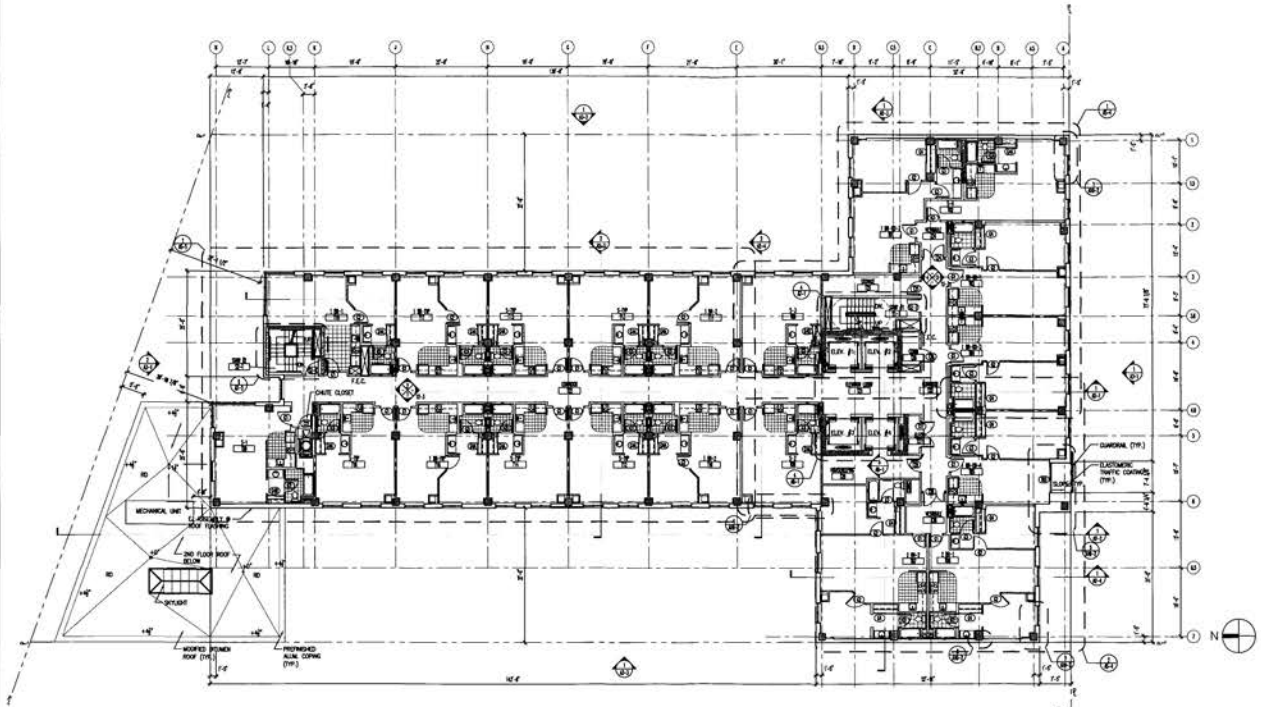
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Revision: 05/27/Drawings Moved/05/31/05-04
Drawn:
Checked:
Date: JULY 15, 2005
Job #: 0207.00

SHEET NAME
2ND FLOOR PLAN

SHEET NUMBER
A1-4

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



NOTES:
1. FOR 1/4" UNIT PLANS SEE A3 SERIES DRWGS.

TYPICAL FLOOR PLAN (7TH, 9TH, 10TH & 11TH) FLOORS 5TH THRU 6TH & 8TH, SIMILAR W/ ADA UNITS.
1/8" = 1'-0"

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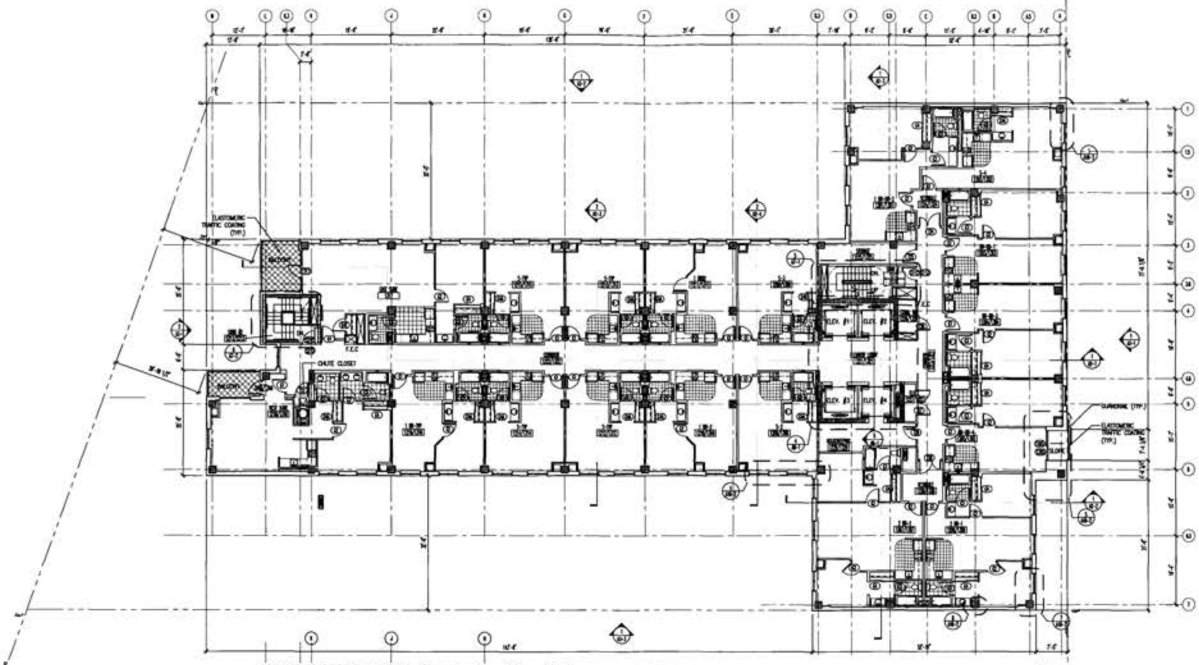
ISSUES

FILE INFORMATION

SHEET NAME
TYPICAL FLOOR PLAN

SHEET NUMBER
A1-5

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



1 / A1-6 — 12TH AND 13TH FLOOR PLAN
1/8" = 1'-0"

NOTES:
1. FOR 1/4" UNIT PLANS SEE AS SERIES DRWGS.



2 / A1-6 — PLAN OF ADA SUITE AT 1217
1/8" = 1'-0"

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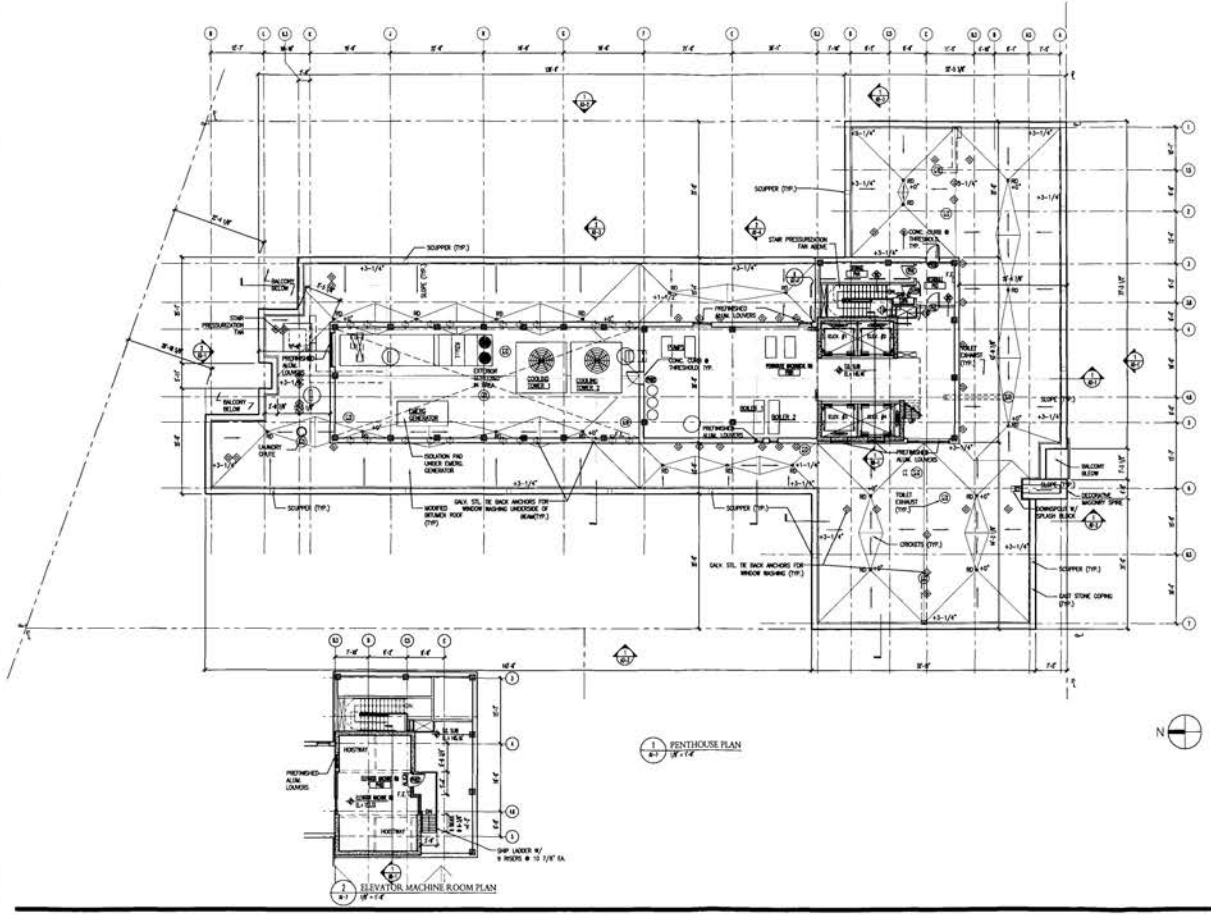
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FILE INFORMATION

SHEET NAME
12TH AND 13TH FLOOR PLAN

SHEET NUMBER
A1-6



1 PENTHOUSE PLAN
A-7 1/8" = 1'-0"

2 ELEVATOR MACHINE ROOM PLAN
A-7 1/8" = 1'-0"

N

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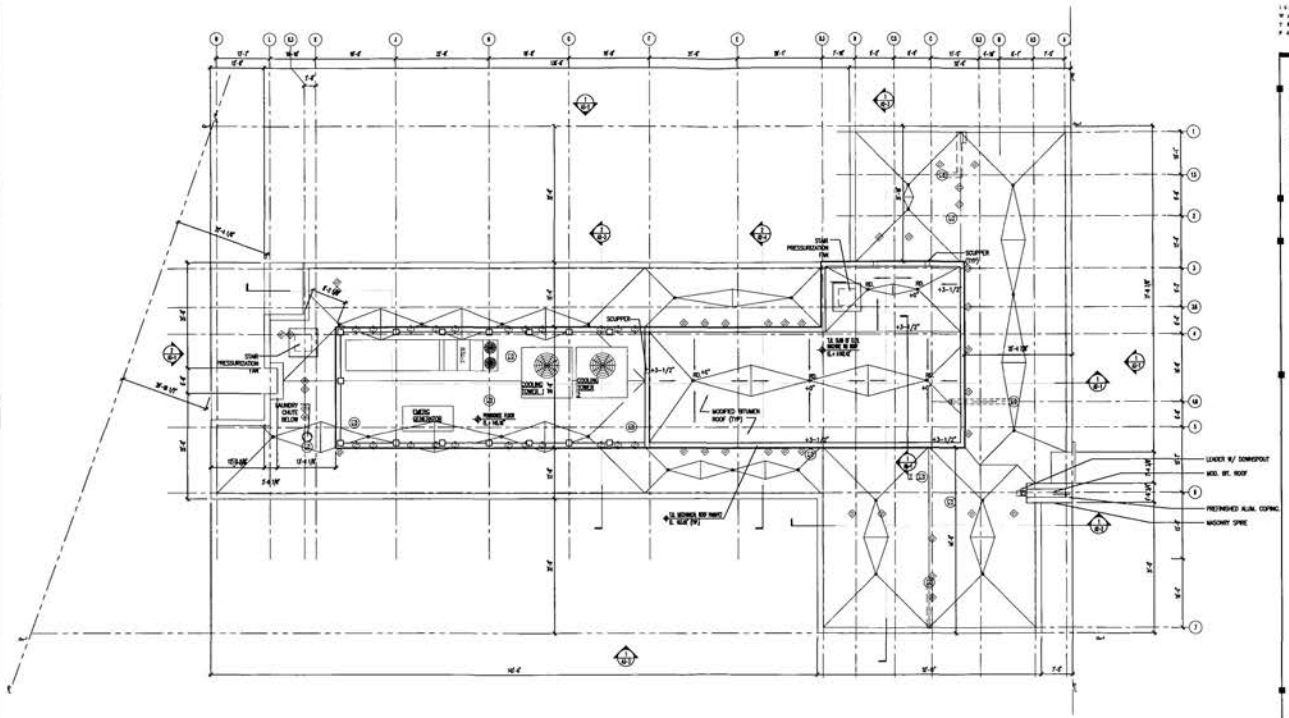
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Checked:
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Job #: 9315.00

SHEET NAME
PENTHOUSE PLAN

SHEET NUMBER
A1-7

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



1 ROOF PLAN
A1-8 1/8" = 1'-0"

N

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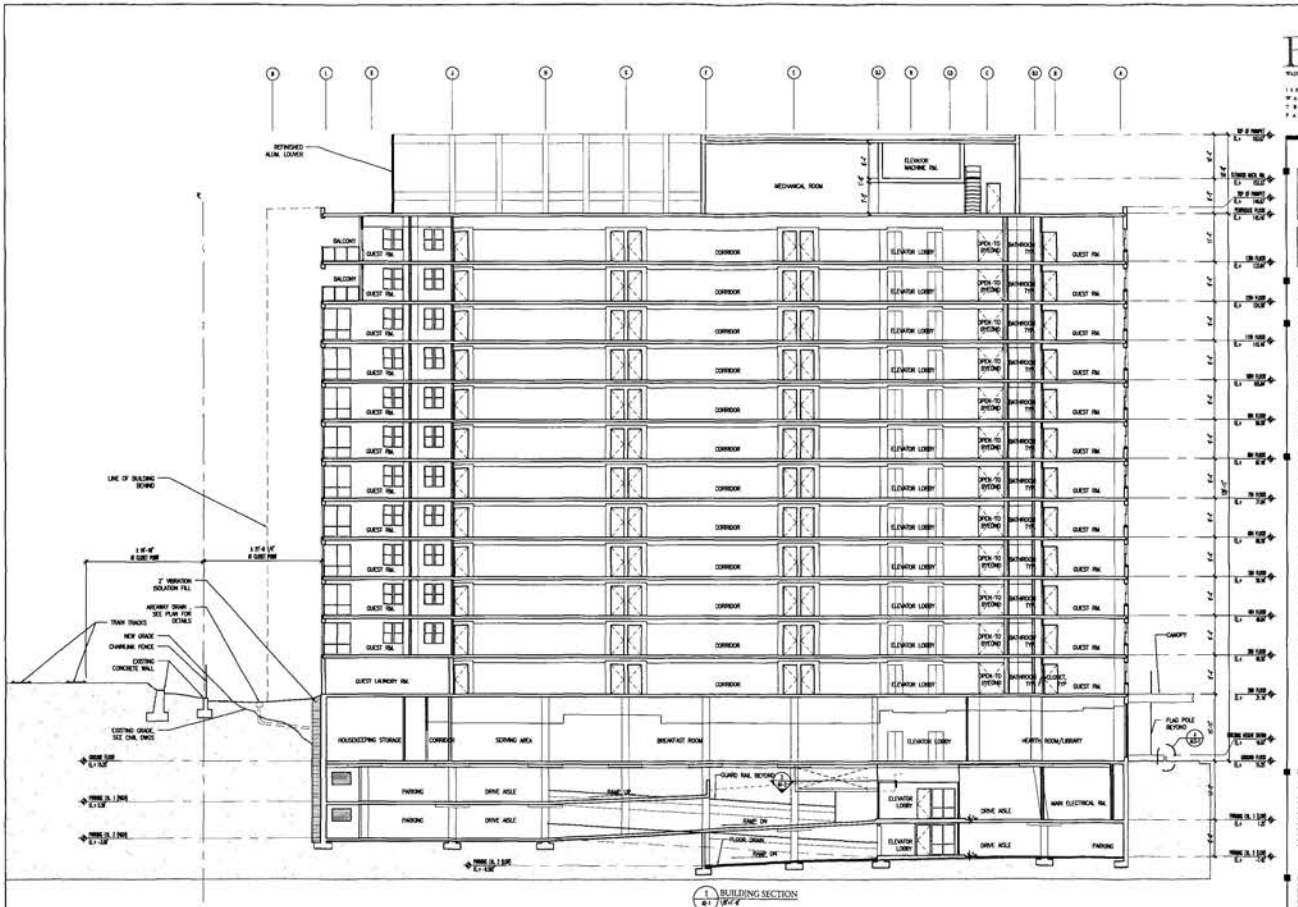
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FILE INFORMATION
Filename
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Checked
Date
Job #

SHEET NAME
ROOF PLAN

SHEET NUMBER
A1-8

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



1 BUILDING SECTION
1/8" = 1'-0"

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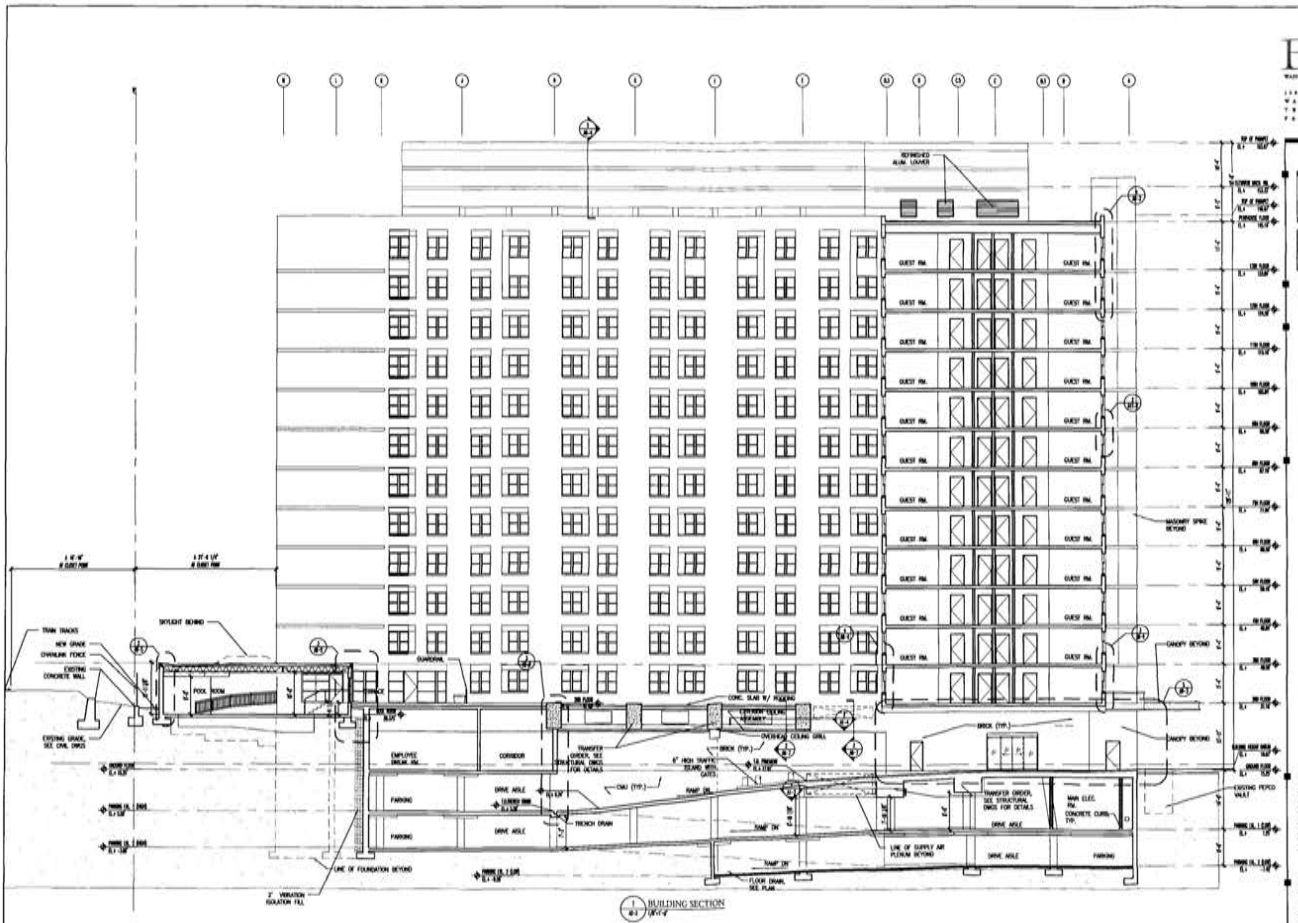
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Filename
Drawn
Checked
Date
Job #

SHEET NAME
BUILDING SECTION

SHEET NUMBER
A 2-1

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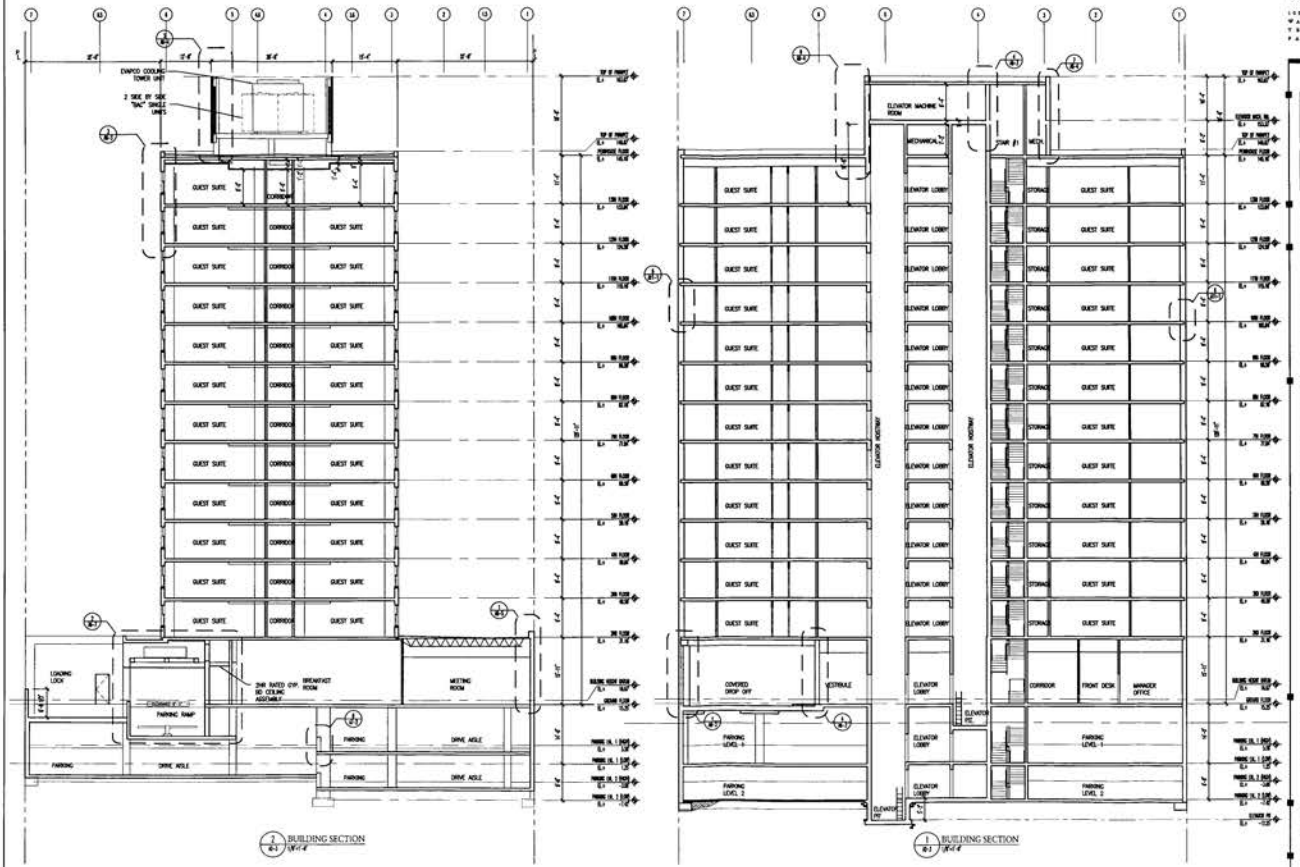
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Checked:
Date: JULY 19, 2002
Job #: 9933.00

SHEET NAME
BUILDING SECTION

SHEET NUMBER
A 2-2



2/A2-4 BUILDING SECTION

1/A2-4 BUILDING SECTION

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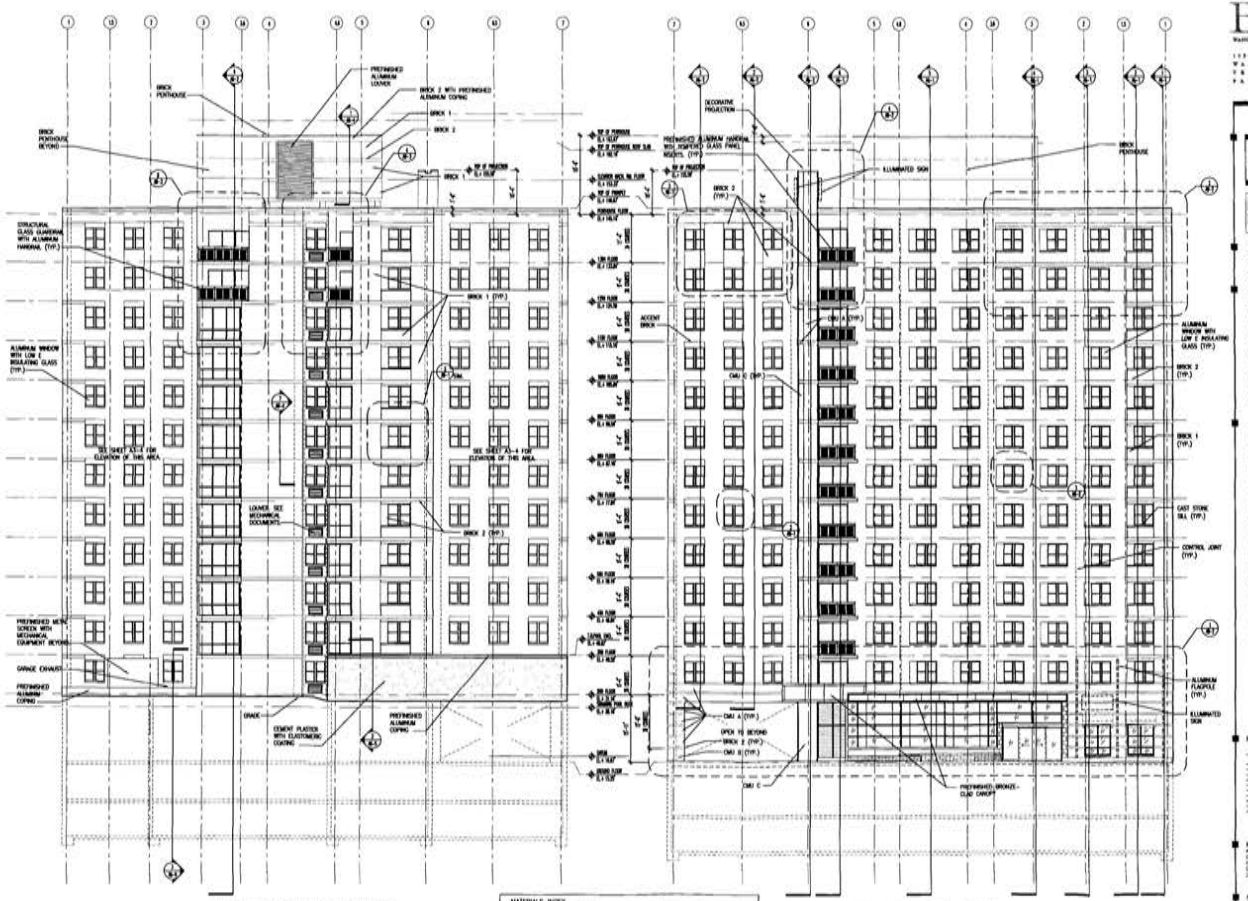
ISSUES

FILE INFORMATION

SHEET NAME
BUILDING SECTIONS

SHEET NUMBER
A2-3

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



NOTE: WINDOWS AT THIS ELEVATION HAVE ACOUSTIC TREATED GLAZING.

7 / A3-1 NORTH ELEVATION W-1.4

MATERIALS INDEX	
CMU A - CREAM	BRICK 1 - ARCTIC WHITE
CMU B - TERRACOTTA	BRICK 2 - REDDISH MIXTURE
CMU C - DARK GRAY	

NOTE: WINDOWS AT THIS ELEVATION HAVE 1" INSULATING GLASS.

1 / A3-1 SOUTH ELEVATION W-1.4

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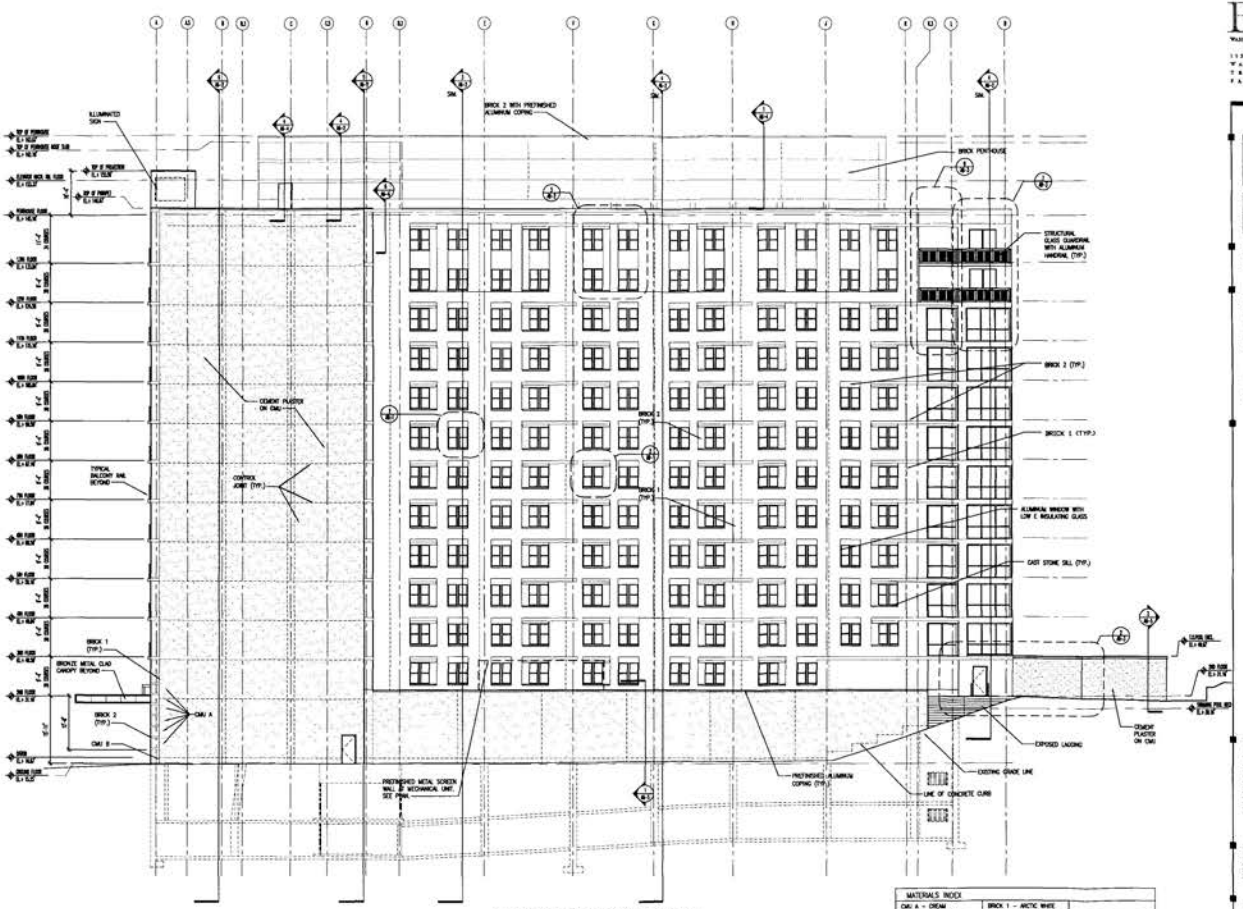
No.	Date	Description

FILE INFORMATION

SHEET NAME
NORTH AND SOUTH ELEVATIONS

SHEET NUMBER
A3-1

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



NOTE: WINDOWS AT THIS ELEVATION HAVE ACOUSTIC TREATMENT AT GLAZING

1 EAST ELEVATION
A3-2 1/8" = 1'-0"

MATERIALS INDEX		
CMU A - CREAM	BRICK 1 - ARCTIC WHITE	
CMU B - TERRACOTTA	BRICK 2 - HEDGEHOG MIXTURE	
CMU C - DARK GRAY		

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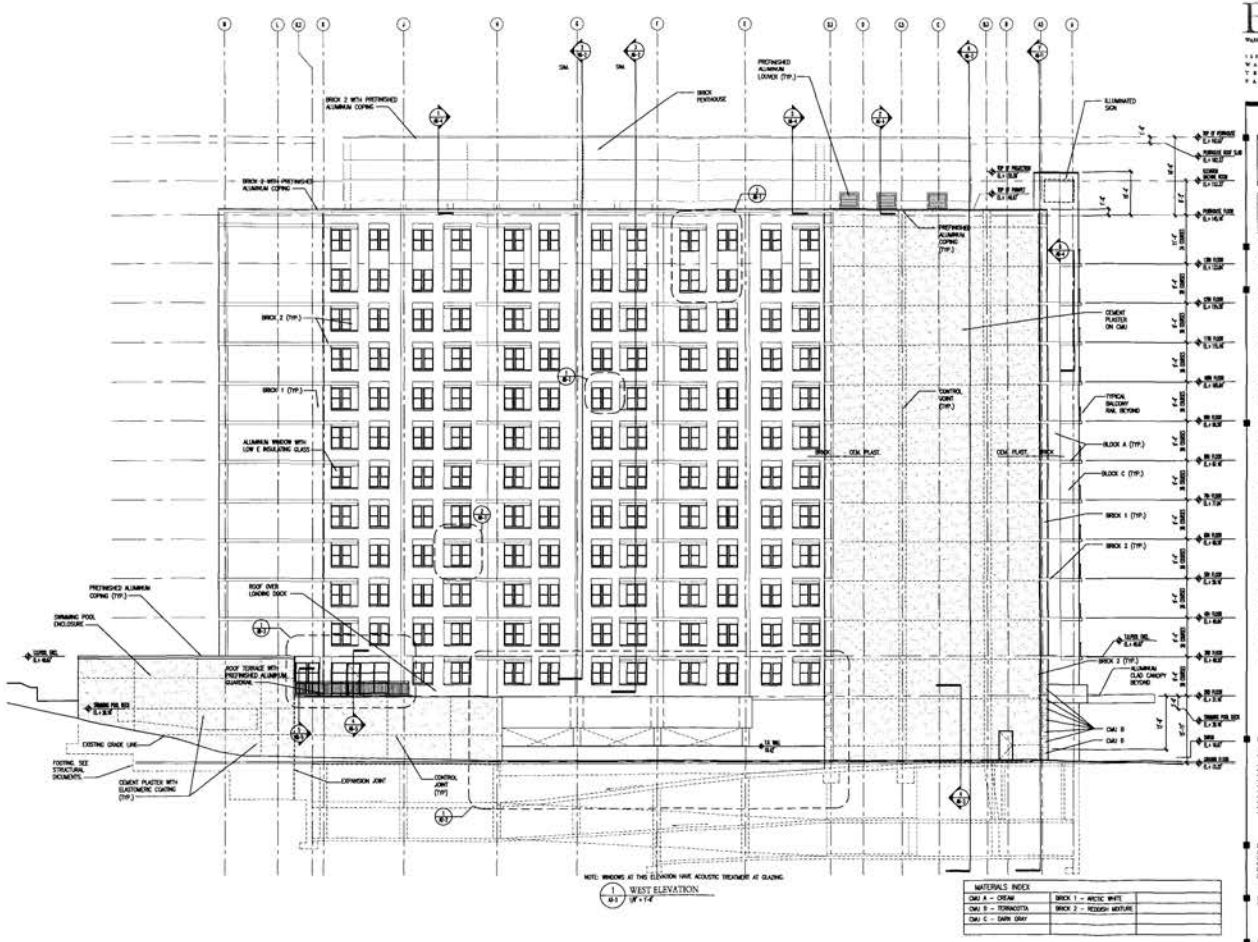
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Drawn: Checked: Date: JULY 19, 2002
Job #: 9331.00

SHEET NAME
EAST ELEVATION

SHEET NUMBER
A3-2

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



NOTE: WINDOWS AT THIS ELEVATION HAVE ACOUSTIC TREATMENT AT GLAZING

1/A3-3 WEST ELEVATION
1/8"=1'-0"

MATERIALS INDEX	
CMU A - CREAM	BRICK 1 - ARCTIC WHITE
CMU B - TERRACOTTA	BRICK 2 - REDDISH MOISTURE
CMU C - DARK GRAY	

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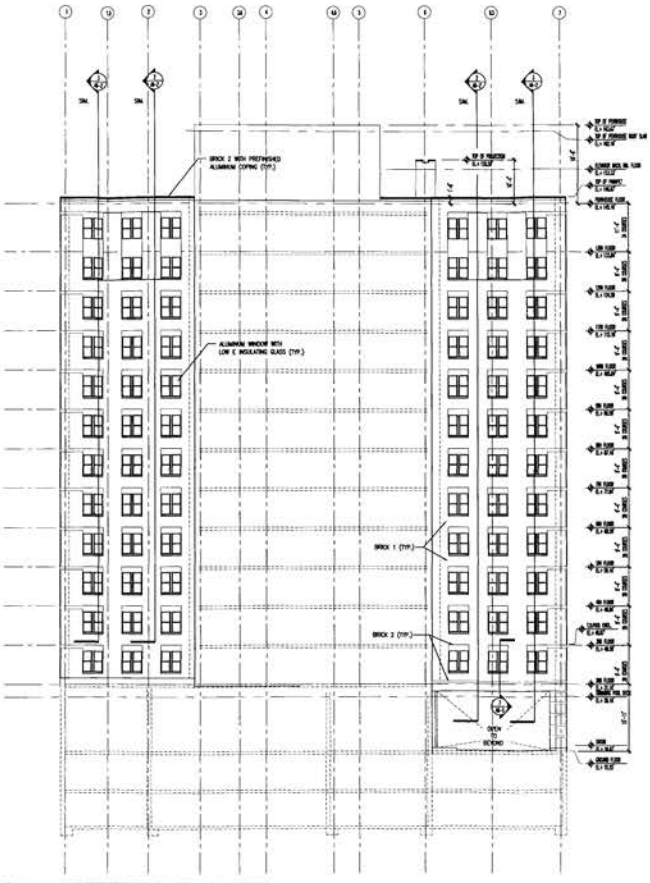
ISSUES

FILE INFORMATION

SHEET NAME
WEST ELEVATION

SHEET NUMBER
A3-3

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



MATERIALS INDEX	
CMU A - CREAM	BRICK 1 - ARCTIC WHITE
CMU B - TERRACOTTA	BRICK 2 - REDDISH MIXTURE
CMU C - DARK GRAY	

NOTE: WINDOWS AT THIS ELEVATION HAVE ACOUSTIC TREATMENT AT GLAZING

1/A4 PARTIAL NORTH ELEVATION
1/8" = 1'-0"

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FILE INFORMATION

SHEET NAME

SHEET NUMBER
A3-4

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



OUTLINE OF TESTIMONY
REPRESENTATIVE OF APPLICANT

I. INTRODUCTION

II. OWNERSHIP BACKGROUND

III. DESCRIPTION OF SITE

IV. DESCRIPTION OF PROPOSED HOTEL CONSTRUCTION

V. SPECIAL EXCEPTION IS NEEDED

VI. CONCLUSION

F

OUTLINE OF TESTIMONY,
REPRESENTATIVE,
BRENNAN BEER GORMAN MONK, ARCHITECTS AND INTERIORS

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

- **A. Overview of Site, Vicinity, and Land Use/Zoning**
- **B. Site Planning – site size, location and configuration,**

III. PROJECT DESIGN

- **A. Design Considerations for Hotel Use**
- **B. Review of Massing of New Construction**
- **C. Review of Floor Plans**
- **D. Consideration of Any Impact on Adjacent Properties**

IV. SPECIAL EXCEPTION IS NEEDED FOR ROOF STRUCTURE SETBACK

V. CONCLUSION



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*Representative Office

Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16957

E Street, S.W.

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

December 17, 2002

I. Site location and description

A. Location

1. North side of E Street between 3rd and 4th Streets, S.W.

2. Project site consists of lot 809 in Square 537, which is part of record lot 30 that encompasses the entire square

3. Site located in the former Southwest Urban Renewal Area

B. Size

1. Total site area is approximately 26,992 square feet

2. Frontage of approximately 120 feet on E Street

C. Existing site condition: vacant and unimproved

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

A. Southwest Urban Renewal area, commercial portion north of the Southeast/Southwest Freeway

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

C. Use to the north:

1. Railroad right-of-way (elevated tracks)

2. Washington Design Center (furniture display and office) in the block bounded by 3rd, 4th and D Streets and Virginia Avenue

3. Federal office buildings (Department of Health and Human Services, Department of Education, Ford House Office Building)

D. Uses to the east:

1. 3rd Street

2. Pepco substation

3. Market Inn

E. Uses to the south

1. E Street

2. Office complex known as Independence Square, including offices occupied by the Comptroller of the Currency at 250 E Street and NASA at 300 E Street

3. Southwest Freeway

F. Uses to the west:

1. 4th Street

2. Metropolitan Police Department 1st District Headquarters at the northwest corner of the intersection of 4th and E Streets

3. Fire Department Engine Company No. 13 at the northeast corner of the intersection of 6th and E Streets

4. Office buildings in the block bounded by 4th, 6th, School and D Streets

5. Offices for the U.S. International Trade Commission and the Social Security Administration at 500 E Street

6. St. Dominic's Catholic Church at 630 E Street

7. U.S. Department of Transportation headquarters in the block bounded by 6ht, 7th, D and E Streets

II. Existing zoning: 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 Receiving Zone

1. With use of transferable development rights (TDRs), height is maximum permitted under the Act of 1910 (130 feet for subject site)

2. With use of TDRs, maximum FAR is 10.0

III. Proposed development

A. Use: extended stay hotel of approximately 233 studio, one-bedroom and two-bedroom units

B. Gross floor area of approximately 184,000 square feet (6.82 FAR)

C. Height: 130 feet

D. Parking: 90 conforming spaces (98 spaces total) on 2 levels below grade

E. Loading: one thirty foot berth and one fifty-five foot berth provided

IV. Relief required: special exception to permit a roof structure not meeting the 1:1 setback from the edge of the roof (§411.11)

V. Standards for the special exception

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.

VI. Compliance with the special exception standards

A. Size of building lot and other conditions

1. Hotel building is fifty-seven feet in width across the main column of the building, with 32 foot wide courts on east and west sides to provide for light and air to hotel rooms

2. With complying setbacks, available roof area is only 19 feet wide

3. Required mechanical equipment , elevator and stair penthouses exceed the area that could otherwise be provided

4. Stair to the roof is part of the core of the building and is located at one of the interior corners of the building

B. Unduly restrictive and unreasonable: because of shape of building, would prevent roof structure from accommodating all required building functions

C. Impact on other buildings

1. Roof structure exceeds setback on street frontages

2. Roof structure is setback more than 44 feet from the property line on the west side and 46 feet from the property line on the east side

3. When adjoining buildings are constructed, there will be no areas from the street where the roof structure could be seen

VII. Conclusions

A. Building meets all zoning requirements except for roof structure setback

B. Design of building is dictated by requirements for hotel construction

C. The roof structure meets setback requirements from street

D. Area where relief is required will have no adverse impact because of the distance from the property line

E. The application should be granted

Square 537 and Environs (Aerial View, dating from 1995)

