**BZA Application No. 16999**
**Testimony**
**Of**
**S. P. "Chip" Newell on Behalf of**
**U. S. Property Development Company, Applicant**

My name is S. P. "Chip" Newell and I am a principal in Metropolis Development Company. Metropolis is the managing member of Mid City Development Holding Company, a joint venture between Metropolis and U. S. Property Development Company. This joint venture will develop the property that is the subject of today's hearing.

We are here to request approval of variances pursuant to the Zoning Regulations as outlined in our Application and Pre Hearing Statement. We plan to develop a two portion project on the site containing a total of 55 condominiums, approximately 11,000 square feet of retail and 65 parking spaces. The project will be the final portion of our block and a half development on 14th Street north of P Street, and is the first major redevelopment along the important 14th Street commercial corridor in the emerging Logan Circle neighborhood.

The project has received approval from the Historic Preservation Review Board and will retain the three historic buildings on the site, including the entire 14th Street frontage of the buildings. We have presented this project and its sister to the north to many neighborhood and citizens groups, including the ANC, on numerous occasions and have their unanimous support. The preservation of these historic buildings and the resulting limited area on the remainder of the site present constraints that force us to request the variances in front of you today. We ask for your favorable review of our request so we can continue with this important revitalization project.

I will now turn our presentation over to Mr. Marc Fairbrother of RTKL Architects to describe the project and in particular the variances in more detail. Following Mr. Fairbrother's description I will summarize our variance requests and the legal basis therefore.

{MARC'S TESTIMONY}

Regarding the satisfaction of the burden of proof for the zoning relief we seek, we believe that our application satisfies the requirements of Section 3103.2 of the Zoning Regulations, which requires us to show that the property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The Site is unique in that it contains three (3) historic properties. On the North Portion, there are two matching 1928 classical revival auto showroom buildings at 1510 – 1520 14th Street, N.W. These historic buildings will be converted to residential use with the provision of space on the ground floor for retail use. On the South Portion, there is a

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historic building at 1502 14th Street, N.W., a classical revival commercial building designed by architect Paul Peltz in 1897. This historic building will be converted to residential and commercial uses with ground floor retail.

The property comprising the Site is also unique in that its size is larger than typical lots in the area and its shape is unusual. The Site is unusually large, comprising all but one lot on the western side of the 1500 block of 14th Street, N.W. Its shape is unusual because of the narrow strip (formerly a public alley) which links the North and South Portions.

The second prong of the area variance test is that strict application of the Zoning Regulations would result in a peculiar and exceptional practical difficulty. We believe that our application complies with this requirement because the unique condition of the Site results in and causes such practical difficulty.

Because of the three (3) historic buildings that are located on the Site and the Site's unusual size and shape, the renovation, rehabilitation and re-use of the existing historic buildings has been constrained and, as a result, practical difficulty has occurred. The result is in an overall architectural design that contains additions on top of, and immediately adjacent to, the historic structures, rather than new construction on a vacant lot. These additions do not comply with lot occupancy and court requirements because insufficient space exists on the Site to accommodate all building components. Furthermore, it is not feasible to provide parking (which is required by market conditions and community organizations) within or under the historic buildings, and therefore all parking and access thereto has to be on the limited vacant area. The new construction in the vacant portions of the Site resulted in a design which require the lot occupancy and court area variances.

In addition, the lot occupancy area variance results from the need to provide substantial areas for core systems (elevator banks, stairwells and utility systems) in the small portions of the Site which are not occupied by the historic buildings. Finally, lot occupancy was dramatically impacted by the direction of the Historic Preservation Review Board to step the new portion of the building back from 14$^{th}$ Street in a significant manner. These required setbacks cause the building of a significant portion of the building on the vacant, rear portion of the site.

The need to accommodate the existing historic buildings and overall architectural design of the additions also impact our ability to strictly comply with the court requirements. We propose a closed court on the ground level of the rear of the South Portion which opens onto the closed portion of the alley. This closed court is five (5) feet narrower in width than the requirement under Section 776.3 and 100 square feet less than the requirement in 776.4. On the second level of the South Portion there is an open court which is eight (8) feet less than the required width in Section 776.3. On the second level of the North Portion there is an open court which is two (2) feet less than the required width in Section 776.3. As the result of on-going revisions in the layout, we have submitted revised plans that depict modest changes in these open courts on the North and

South Portions. Specifically, the balconies shown in the drawings submitted with the Application have been reoriented such that at certain points the balconies extend into the courts. This extension of the balconies has reduced the open court width at those points. At all other points that are not affected by the balconies, the size of the courts has remained the same.

These same practical difficulties for lot occupancy and courts adversely impact our ability to provide the amount of required residential recreation space. Residential recreation space is often provided at the rear of the building, on the roof, or below grade to optimize the use of such areas. Because of the Site constraints discussed above, we propose to devote approximately 1,880 square feet of interior and exterior open space to residential recreation space. This residential recreation space is provided through the North Portion roof terrace, the North and South Portion lobbies and the South Portion multi-purpose room. In addition, a significant majority of the units will include private terraces and balconies which will function as "private recreation space." If the public and private residential recreation space were to be combined, the amount of total residential space provided would equal 13,820 square feet or approximately 17%. This amount exceeds the fifteen percent (15%) requirement of Section 773.

No additional outdoor recreation space is reasonably available. The design of the roof on the North and South portions is such that each of the roofs have been minimized to allow for smaller upper stories (set-backs in the massing of building) so as to better relate to the size and scale of the historic buildings on 14th Street. Incorporating additional outdoor recreation space is prevented due to these reduced upper stories, the space devoted to mechanical systems and the building code requirements which (i) limit the amount of roof area that can be devoted to recreation space served by one means of egress and (ii) require that rooftop public space must have elevator access. This latter building code mandate would require elevator machine room height in excess of building height allowed and therefore result in a building not in compliance with the zoning code.

On the ground level, no additional outdoor residential recreation space can be provided. As discussed above, the alley easement bisects the Site from east to west, creating two residential wings connected at grade by a covered walkway. The loading facilities are located in this area as well. The interior of the ground level is substantially devoted to meeting the Uptown Arts – Mixed Use Overlay District objectives of 50% retail space and thus cannot be devoted to residential recreation space. The balance of the ground floor space services the residential above. In addition, any disruption of the at-grade parking spaces on the west side of North Portion will displace parking which is extremely important to the neighborhood. Thus, the indoor residential recreation space of the lobbies and the South Portion multi-purpose room cannot be supplemented by additional recreation space without compromising the objectives of the Arts Overlay District or reducing much needed on-site parking.

Finally, no recreation space can be provided below grade due to the high water table below the existing buildings' foundations. Although the Site includes two levels on the western side of the Site for below-grade parking, we are unable to feasibly excavate

below grade under the existing historic buildings (except for the existing below grade Peltz building which is suitable only for mechanical and residential storage due to its location). Further, as mentioned above, any exchange of below ground recreation space for parking will counter an extremely important community goal. Thus, no residential recreation space can be provided below grade.

Under the third prong of the variance test, the substantial benefits to the community – including underground parking, ground floor retail and quality residential space -- and the lack of adverse impacts from the variances requested result in no "substantial detriment to the public good" and no substantial impairment of "the intent, purpose and integrity of the Zoning Regulations and Map."

The Site is within the C-3-A zone district, which permits medium density residential/office development. The Site is also within the Uptown Arts – Mixed Use Overlay District, and meets the purpose and intent of the objectives of the overlay district under 11 DCMR § 1900.2 in the manner discussed below:

(a) *encourages a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrians and vehicular movement* – the proposed retail entrances on 14th Street are "bookended" by residential access on Church and P Streets. The parking garage ingress and egress on Church Street will not impact the parking garage of a similar residential development which has ingress and egress on P Street;

(b) *require retail, entertainment and residential uses that encourage pedestrian activity* – the restoration of the historic properties blended with infill residential and ground floor retail will revitalize pedestrian activity in the 1500 block of 14th Street and the surrounding neighborhood;

(d) *expand the area's housing supply in a variety of price ranges* – the residential unit spaces have a considerable range in size and price;

(f) *strengthen the design character and identity of the area* – the designs, as approved by the HPRB, will successfully preserve the historic properties and relate new portions with compatible balance while still providing visual interest; and

(g) *encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings* – the adaptive reuse of the historic automobile showrooms and the Peltz commercial building as retail uses on 14th Street with new and attractive infill buildings providing ground floor retail and residential housing on Church and P Streets will fully meet these objectives.

In addition, the proposed development is consistent with the Comprehensive Plan Generalized Land Use Map designation for the Site of moderate density residential land use. The proposal also meets the following Uptown Arts Special Treatment Objectives under §:

(a) *promote the historic character of the area* – the HPRB has approved the design as being in conformance with the historic character of the area;

(e) *encourage street level retail and service uses* – the proposal includes appropriately scaled street level retail on 14th and P Streets;

(k) *address the narrow commercial sites to encourage suitable scale and massing* – the massing above the narrow Peltz historic building was moved back significantly from the front façade on 14th Street at the request of HPRB;

(l) *adequate parking facilities to support development policies* – even though the project is exempt from the parking requirements as additions to contributing buildings within the Greater 14th Street Historic District, the proposal provides parking spaces well in excess of what would be otherwise required; (*51 spaces would be required. The project is providing 65 spaces.)*

(n) *the provision of new housing opportunities* – the project maximizes new opportunities with a wide variety of condominium units for a variety of family sizes and incomes; and

(o) *encourage the retention of historic buildings* – three historic classical revival buildings will be retained, the matching 1928 automobile showrooms on the North Portion as well as the 1897 commercial building designed by architect Paul Peltz.

In addition to the considerable public and community benefits of the proposal, our project -- and specifically the requested variances -- will not create any adverse impacts or detrimental effects on the public. The lot occupancy variance does not cause any light or air to be blocked or result in any adverse effect on any abutting residential owners or tenants because there are no abutting residents on P Street and the abutting building on Church Street contains a blank wall. Similarly, the court variances will not have any adverse effects for the same reasons and, in addition, because the open and closed courts open onto the adjacent alleyway or an adjacent blank wall. The residential recreation space variance will have no adverse impact because of the extensive amount of "private" recreation space provided in the form of terraces, balconies and similar areas.

Finally, in order to allow for design flexibility if needed as a result of final HPRB review of our construction plans and to allow for a modest amount of flexibility in the location of balconies in two of the courts, we ask that the Board approve – as a condition to the order – the attached provision.

Once again, based on the merits of our project we request the approval by the Board of the requests in our application. I would be glad to answer any questions you may have.

PROPOSED CONDITION TO BZA ORDER

APPLICATION OF U.S. PROPERTY DEVELOPMENT CORPORATION

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The Applicant shall have design flexibility to (a) make any revisions required by the Historic Preservation Review Board or the Historic Preservation Division, Office of Planning and (b) increase or decrease the size of the balconies in the courts provided, however, that the maximum projection of any balcony into a court shall not be greater than six (6) feet.