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Outline of Testimony before the Board of Zoning Adjustment

**BZA Application No. 18272
17th and O Streets, N.W.**

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NOV 15

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**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 18272
EXHIBIT NO. 32

I. Site location and description

A. Location

1. South side of O Street between 16th and 17th Streets, N.W.
2. Project site consists of Lot 163 in Square 181
3. Site located in the Dupont Circle area

B. Size

1. Site area is approximately 43,287 square feet
2. Irregularly shaped site, with a deeper portion at approximately the middle of the site
3. Approximately 426 feet of frontage on O Street, 97 feet of frontage on 16th Street and 86 feet of frontage on 17th Street

C. Existing site condition:

1. East end improved with the 2 story First Baptist Church and a 3 story church school and administration wing
2. West end devoted to a surface parking lot with 36 spaces

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

A. Dupont Circle area (included within the Dupont Circle Historic District and the 16th Street Historic District)

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- B. Immediate area contains predominantly high-rise structures devoted to residential and office use
- C. Remainder of Square 181
 - 1. To the south along Massachusetts Avenue:
 - a. Airline Pilots building at 1625 Massachusetts Avenue (90 feet)
 - b. Johns Hopkins University School of Advanced International Studies at 1621 Massachusetts Avenue (90 feet)
 - c. Australian Embassy at 1617 Massachusetts Avenue (4 stories)
 - d. Australian Embassy at 1601 Massachusetts Avenue (90 feet)
 - 2. To the north across O Street:
 - a. Richmond apartment house (90 feet)
 - b. National Wildlife Federation building at 1400 16th Street (75 feet)
 - c. Apartment house at 1425 17th Street (8 stories)
 - d. 4 townhouses at 1422-1428 P Street (3 stories)
 - e. Office building at 1616 P Street (6 stories)
 - f. Church of Scientology at 1424 16th Street (7 stories)
- D. Other uses within 500 feet:
 - 1. To the west:
 - a. Bay State apartments at 1701 Massachusetts Avenue (90 feet)
 - b. Boston House apartments at 1711 Massachusetts Avenue (87 feet)
 - c. Apartment house at 1414 17th Street (8-9 stories)
 - d. John Hopkins University building at 1717 Massachusetts Avenue (90 feet)
 - e. Apartment house at 1727 Massachusetts Avenue (90 feet)
 - f. 4 Story apartment houses on the south side of P Street west of 17th Street

- g. Apartment house at 1718 P Street (90 feet)
- 2. To the south:
 - a. Philippine embassy at 1600 Massachusetts Avenue (4 stories)
 - b. Beacon Hotel at 1615 Rhode Island Avenue (90 feet)
 - c. Peruvian embassy at 170 Massachusetts Avenue (4 stories)
 - d. Other embassies and offices on the south side of Massachusetts avenue between 17th and 18th Streets (4 to 5 stories)
- 3. Uses to the east:
 - a. Washington Center for Internships at 1333 16th Street (4 stories)
 - b. Hotel Rouge at 1315 16th Street (90 feet)
 - c. Apartment house at 1 Scott Circle (8 stories)
 - d. Doubletree Hotel at 1515 Rhode Island Avenue (90 feet)
 - e. Holiday Inn at 1501 Rhode Island Avenue (90 feet)
 - f. Apartment houses on the south side of O Street east of 16th Street (3 stories)
- 4. Uses to the north:
 - a. Commercial uses on the north side of P Street east of 17th Street (2 to 4 stories)
 - b. Stead Playground
 - c. Foundry United Methodist Church at the northwest corner of 16th and P Streets
 - d. Kazakhstan embassy at 1401 and 1407 16th Street (3 to 4 stories)
 - e. Carnegie Institution at 1530 P Street (c. 50 feet)

III. Existing zoning:

- A. DC/SP-2 (approximately 3,454 square feet)
 - 1. Residential/office/institutional district

2. Uses (§§501-518)
 - a. Residential as a matter-of-right carried-over from the R-5 District
 - b. New office and hotel normally permitted as a special exception with BZA approval
 3. Maximum height: 90 feet (§530)
 4. Maximum FAR: 6.0, no more than 3.5 of which may be devoted to other than residential uses (§531)
 5. Maximum percentage of lot occupancy for residential uses: 80% (§532)
 6. Minimum required rear yard – 2½ inches per foot of height at the rear, minimum 12 feet; for a corner lot abutting three or more streets, may be measured to the center line of the street at the rear (§534)
 7. Side yard – not required (§535)
 8. Minimum required off-street parking:
 - a. Office: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet
 - b. Residential: 1 space for each 4 dwelling units
 9. Inclusionary zoning
 - a. 20% bonus of FAR = 1.2 additional
 - b. Maximum lot occupancy increased to 90%
- B. DC/SP-1 (approximately 39,833 square feet)
1. Residential/office/institutional district
 2. Uses (§§501-518)
 - a. Residential as a matter-of-right carried-over from the R-5 District
 - b. New office and hotel normally permitted as a special exception with BZA approval
 3. Maximum height: 65 feet (§530)

4. Maximum FAR: 4.0, no more than 2.5 of which may be devoted to other than residential uses (§531)
5. Maximum percentage of lot occupancy for residential uses: 80% (§532)
6. Minimum required rear yard – 2½ inches per foot of height at the rear, minimum 12 feet; for a corner lot abutting three or more streets, may be measured to the center line of the street at the rear (§534)
7. Side yard – not required (§535)
8. Minimum required off-street parking:
 - a. Office: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet
 - b. Residential: 1 space for each 4 dwelling units
9. Inclusionary zoning
 - a. 20% bonus of FAR = 0.8 additional
 - b. Maximum height increased to 70 feet
- C. Dupont Circle (DC) Overlay District
 1. Limitations on planned unit developments
 2. No driveway access from Connecticut Avenue

IV. Proposed development

- A. Use: apartment house addition of approximately 218 units
- B. Gross floor area
 1. Addition is approximately 113,059 square feet (2.61 FAR)
 2. Existing Church facilities are 50,122 square feet (1.16 FAR)
 3. Total would be 163,181 square feet (3.77)
- C. Height: 90 feet
- D. Parking: 93 spaces provided

V. Relief required

- A. Variance from the height requirements on SP-1 portion (§530)
 - 1. Maximum permitted: 70 feet
 - 2. Proposed: 90 feet
 - 3. Variance: 20 feet
- B. Special exception for roof structure with wall of unequal height (§411)
 - 1. Required: walls of uniform height
 - 2. Proposed: penthouse will have walls of 13 feet and 18 feet above the roof
 - 3. Relief required: walls of unequal height

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 situation:
 - 1. Irregular shape
 - 2. Large size (nothing else this large in this area north of Massachusetts Avenue)
 - 3. Location of buildings contributing to the character of the Historic Districts

4. Split zoned site, with SP-1 extending only to a depth of 40 feet from 17th Street

B. Practical difficulty:

1. Design implications for elevator/stair tower core to serve the entire building from the west end of the site
2. Need to spread density over larger area of site to make up space lost by the footprint of the existing buildings (only about 30% of the lot available for construction)
3. First Baptist Church needs for economic support to sustain its mission

C. No substantial detriment:

1. Predominant height of immediately surrounding buildings is 90 feet
2. Larger neighborhood also has many high-rise buildings existing compatibly with lower buildings
3. Additional height does not result in more density than permitted as a matter-of-right (proposed FAR is 2.61, compared to 4.99 blended FAR permitted)
4. Historic Preservation Review Board has approved the proposed height

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 and other conditions: increasing height of roof structure to 18 feet all around would increase cost and require greater height than would otherwise be the case
- B. Unduly restrictive and unreasonable:
 - 1. To make whole structure a single height would require raising height on a substantial portion of the roof structure
 - 2. Creating a bigger volume on the roof would make the structure more noticeable for no necessary reason
- C. Impact on light and air of other buildings
 - 1. Roof structure meets setbacks from all street frontages and is setback more than the minimum from O Street on the north
 - 2. Roof structure will not cast any shadow or have any effect on surrounding buildings
- D. Harmony with the purpose and intent of the Regulations
 - 1. Roof structure has been designed to minimize the height and bulk
 - 2. Setbacks from streetwall edge are substantial

X. Conclusions

- A. Subject property is affected by confluence of factors
- B. Exceptional conditions include location and design of existing Church building occupying a substantial portion of the site
- C. Practical difficulty results from inability to get reasonable sized development to help underwrite and support the mission and functions of the Church
- D. Additional height is consistent with height of surrounding buildings and can be approved 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
- E. Roof structure conforms to the Regulations except for increased height over the elevator core and the condenser units

- F. Allowing multiple heights actually reduces the bulk of the structure on the roof
- G. Approving a roof structure with reduced height for a portion will be in harmony with the intent and purpose of the Regulations
- H. The application should be granted

