

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of  
Government Properties Income Trust LLC

BZA Application No: \_\_\_\_\_  
ANC 6C02  
ANC 6E07

**STATEMENT OF THE APPLICANT**

This application is made by Government Properties Income Trust LLC (the “**Applicant**”) to the Board of Zoning Adjustment (the “**Board**”) with respect to the proposed redevelopment of an existing building (the “**Project**”) on a lot located at 20 Massachusetts Avenue NW (Square 626, Lot 78) (the “**Property**”) in the D-3 zone with frontage on a designated street segment within the Capitol Security Sub-Area. The Applicant seeks (i) special exception relief pursuant to the Capitol Security Sub-Area requirements of Subtitle I § 605.6 to expand the existing building on the Property to a height in excess of 90 feet and (ii) special exception relief pursuant to the penthouse use requirements of Subtitle C § 1500.3(c) to authorize a new rooftop bar, restaurant, cocktail lounge, or nightclub (as proposed, a “**Rooftop Restaurant**”) as part of the Project. The Project conforms to the Zoning Regulations in all other respects.

**I. JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X § 901.1 of the Zoning Regulations.

**II. DESCRIPTION OF THE PROPERTY, SURROUNDING AREA, AND PROJECT**

The Property is located in the D-3 zone and the Capitol Security Sub-Area thereof. It is situated approximately 0.7 miles walking distance north from the United States Capitol Building and one (1) block west of Union Station. The Property is located in Square 626, which is bounded by New Jersey Avenue, NW to the west, Massachusetts Avenue, NW to the north, North Capitol Street to the east, and F Street, NW to the south. The Property is approximately 49,918 square feet.

**Error! Unknown document property name.**

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20303  
EXHIBIT NO.8

The Property currently contains office uses exclusively, which uses include the U.S. Citizenship and Immigration Services. The area surrounding the Property consists of primarily federal and commercial office buildings with ground floor retail. To the east of the Property is the National Postal Museum and to the west is Georgetown University Law Center. The remainder of the eastern portion of Square 626 includes a one-story commercial building adjacent to the Property and the Holomodor Memorial located on the easternmost portion of the square. Located directly to the south, opposite F Street, NW are hotel and retail establishments. The D-3 zone consists of high-density development of commercial and mixed uses.

The Project will include office, ground-level retail, and hotel uses and as much as 6,500 square feet of commercial uses in the habitable portion of the penthouse.

### **III. REQUESTED RELIEF**

The Applicant seeks (i) a special exception to construct the Project to a height above 90 feet within the Capitol Security Sub-Area pursuant to Subtitle I § 605.6 and (ii) a special exception for a potential Rooftop Restaurant pursuant to Subtitle C § 1500.3(c).

### **IV. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED RELIEF UNDER THE CAPITOL SECURITY SUB-AREA SPECIAL EXCEPTION**

Under Subtitle I § 605.6, the proposed substantial renovation of an existing structure within the Capitol Security Sub-Area requires special exception approval from the Board if: (i) the lot on which the existing structure is located has frontage on a designated street segment in the Sub-Area and such structure has a proposed or existing height of 90 feet or more; and (ii) it is of any height and includes roof decks, terraces, or balconies. Under Section 605.7 and the general requirements for a special exception set forth in Subtitle X, § 901.2, for any development meeting the two criteria above, the regulations authorize the Board to grant a special exception where the proposal is (a) compatible with the present and proposed development of the neighborhood; (b) consistent with

the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (the “**Capitol Master Plan**”); (c) does not present a security risk to the grounds under the authority of the Architect of the Capitol (the “**Capitol Grounds**”); (d) in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and (e) unlikely to tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations. The Project satisfies these standards.

*A. The Project Is Compatible with the Present and Proposed Development of the Neighborhood.*

The Project’s uses and form are consistent with the present and proposed development of the surrounding area.

The Project’s proposed uses—ground-floor retail, office, hotel, and Rooftop Restaurant—are consistent with the uses of buildings in the surrounding area, which includes a mix of office and lodging uses generally above ground floor retail. Of note, the surrounding area does not include any notable amount of residential uses and neither does the Project, further confirming its compatibility with the uses in its vicinity.

- Retail: Within Square 626 is the one-story commercial building to the east side, and The Ministry, a coffee and wine bar, located to the west of the Property. Ground level retail uses predominate along F Street, NW opposite the Property and along other streets on the blocks near the Property. The Project’s ground-floor retail will be compatible with this existing and future retail development of the neighborhood.
- Office: The building to the west of the Property within Square 626 includes eight stories of office uses. On the north side of Massachusetts Avenue NW are the offices for businesses such as Google DC, General Motors, and the University of Phoenix. Other surrounding blocks also include office uses compatible with those to be contained in the Project. The Project’s office uses are compatible with existing and future uses allowed on nearby properties.
- Hotel: Directly across the street from the Property, at the southwest corner of F Street, NW and North Capitol Street is the Phoenix Park Hotel, which also houses The Dubliner Irish Pub and Restaurant. Within the same block as the Phoenix Park Hotel

are two other hotels, the Washington Court Hotel and the Kimpton George Hotel. Given the existing hospitality uses and the Property's proximity to Union Station, the Project's proposed hotel is also compatible with the surrounding area.

- Rooftop Restaurant: Several other properties in the area have rooftop bars, restaurants, and event spaces. The Capitol View at 400, located one block south of the Property and 0.5 miles walking distance from the Capitol, offers a similar rooftop terrace. The Observatory at America's Square, located on D Street, NW between 1<sup>st</sup> Street, NW and New Jersey Avenue, NW, provides an unobstructed view of the Capitol from its rooftop event space. Charlie Palmer Steak, located at the corner of Louisiana Avenue, NW and 1st Street, NW, steps from the Capitol, contains a rooftop terrace, which accommodates up to 400 guests for private events. Accordingly, the Project's Rooftop Restaurant is similar to and compatible with the uses of other neighboring buildings in the area.

The Project's form is also compatible with the present and proposed development of the neighborhood. The Project has a maximum height of 110 feet and a maximum floor area ratio of approximately 8.37, consistent with the dimensional controls applicable to the D-3 zone. The Project is constructed to the lot line on both street frontages and occupies the majority of the lot (i.e., in excess of 96 percent), similar to most of the other buildings in the vicinity. The Project does not contain any surface parking, a characteristic of the Project's site plan also compatible with other nearby development. Overall, the Project is in the form of, and compatible with, the prevailing and potential development on the nearby blocks.

Finally, the Property and the immediately surrounding blocks are located in an area designated for "High Density Commercial" uses on the Comprehensive Plan's Future Land Use Map. This designation is compatible with the height and density proposed in the Project and allowed in the D-3 and other nearby zones. The Future Land Use Map designation for the Property and surrounding blocks also indicates that the Project is likely to be compatible with any future development in the vicinity.

*B. The Project is Consistent with the Goals and Mandates of the Capitol Master Plan.*

Any development in the vicinity of the Capitol Grounds must undergo review by the Architect of the Capitol ("AOC"). The Applicant understands that the AOC coordinates its review

with the U.S. Capitol Police (“USCP”). The AOC’s and USCP’s review informs the AOC’s study and refinement of the Capitol Master Plan with respect to future developments in the area. Accordingly, this application will be forwarded to the AOC and USCP for review and comment and to determine the Project’s consistency with the goals and mandates of the Capitol Master Plan. The Applicant does not foresee any concerns from the AOC or USCP because the Project conforms with uses in the surrounding area and provides benefits to the area through its hotel, retail, office, and restaurant offerings. The Applicant will work with the AOC and USCP to address questions or concerns either agency may raise.

*C. The Project Does Not Present a Security Risk to the Capitol Grounds.*

The Project does not present any security risk to the Capitol Grounds. The Property is located approximately 0.7 miles walking distance north of the Capitol, and multiple blocks of high-density buildings separate the Property from the heart of the Capitol Grounds. The Property is located near the northernmost edge of the Capitol Security Sub-Area and thus is one of the furthest distances from the Capitol in the Sub-Area.

Any security concerns related to a potential Rooftop Restaurant could be mitigated through operational measures, such as inspections of the space by appropriate Capitol security services, including USCP. Moreover, similar rooftop uses exist throughout the Capital Security Sub-Area, including several that provide rooftop access in closer proximity to the Capitol than the Applicant’s proposed rooftop. Accordingly, the proposed Project does not pose a material security risk to the Capitol Grounds.

*D. The Project Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.*

Consistent with the general requirements for a special exception, the Project is in harmony with the purpose and intent of the Zoning Regulations as demonstrated by the fact that the Project

conforms to the existing uses and structures in the surrounding area and the requirements of the D-3 zone. The purposes of the D-3 zone are to allow a high-density mix of uses including office, retail, lodging, and other uses and to advance other public policy goals of the central business district. *See* 11-I DCMR §§ 100.1, 100.2, 515. The Project advances such goals.

The area around the Property, being located near Union Station and the Capitol, requires the use of office space as well as hotels, which are the predominant uses in the Project. The Project also includes retail and eating and drinking establishment uses, which benefit those office and hotel uses in and near the Project as well as other nearby uses such as the nearby Georgetown University Law Center and Union Station. The Project's retail uses and associated public realm improvements will activate the streetscape and increase pedestrian use of these areas.

In addition, the dimensional aspects of the Project conform to the requirements of the Zoning Regulations. The express intent of the D-3 zone is to allow and encourage high-density mixed-use development and the dimensional requirements of this zone are intended to effectuate that goal. The Project's massing, which is specifically designed for a mixed-use structure, advances that intent. Accordingly, the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

*E. The Project Does Not Tend to Affect Adversely the Use of Neighboring Property.*

The Project does not adversely affect the use of neighboring property, but rather provides benefits to neighboring properties. By contributing additional retail options for hotel patrons, office workers, and other visitors, as well as more hotel opportunities to travelers from outside the region, the Project is a beneficial addition to the area. Moreover, by placing office, hotel and retail uses within the walkshed of Union Station, a major transportation hub, the Project advances the District's transportation-oriented-development planning objectives. The Project's dimensional attributes comply with the underlying zoning and are compatible with the existing built

environment, and therefore do not have any adverse effects on the use of neighboring properties. Finally, the Applicant will (i) implement transportation-related improvements (e.g., relocating the Project's loading from F Street, NW to the public alley adjacent to the Property) to ensure that the Project has no adverse transportation effects, and (ii) invest in significant improvements to the public realm in the area surrounding the Property. Given the foregoing, the Project will provide material benefits to the neighboring properties.

**V. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED RELIEF UNDER THE ROOFTOP RESTAURANT USE SPECIAL EXCEPTION**

Under Subtitle C § 1500.3(c), special exception relief is required for a Rooftop Restaurant in a penthouse. Pursuant to the standard set forth in Subtitle X, Section 901.2, such a Rooftop Restaurant use may be approved as a special exception provided the use (a) is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and (b) does not tend to affect adversely the use of neighboring property. The Project's proposed Rooftop Restaurant satisfies these two standards.

*A. The Proposed Rooftop Restaurant Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.*

The proposed Rooftop Restaurant is in harmony with the purposes and intent of the Zoning Regulations and Zoning Map. As noted above, the Project is in the D-3 zone, the purposes of which include promoting high-density development and a mix of uses. A Rooftop Restaurant on the Project would become one of several rooftop bars and event spaces in the area, including one of many within the Capitol Security Sub-Area. A Rooftop Restaurant would contribute to the high density and mixed-use character of the Project and consistent with the intent of the D-3 zone provides views and an outdoor gathering area to the hotel patrons and office workers, as well as visitors to the District and other members of the public. The Project's Rooftop Restaurant would also serve as a community amenity, complement the other uses within the Project, and, given other

similar uses in the immediate area, be compatible with existing neighborhood character. A Rooftop Restaurant, if constructed, would be located within a penthouse structure that complies in all respects with the dimensional requirements for penthouses. Accordingly, a Rooftop Restaurant would be in harmony with the Zoning Regulations.

*B. A Rooftop Restaurant Would Not Tend to Affect Adversely the Use of Neighboring Property.*

A Rooftop Restaurant, if constructed, would not adversely affect the use of neighboring property. The Project is located in the D-3 zone, which allows high-density development of commercial and mixed uses. *See* 11-I DCMR § 515.1. The Project in general helps to satisfy local demands for vibrant, mixed-use gathering spaces that serve residents, students, workers and tourists. Furthermore, a Rooftop Restaurant on the Project would require a liquor license, and the ABRA licensing process provides an additional forum in which the Applicant can work with the affected ANCs, in this case ANC 6C02 and 6E07, as well as the surrounding community to understand and address relevant operational issues applicable to a Rooftop Restaurant. Finally, there are no other buildings of similar height in the same square as the Property that have rooftop uses at the same level as the Project, so a Rooftop Restaurant will not, for instance, tend to adversely affect the upper story uses of any nearby buildings. Accordingly, a Rooftop Restaurant, if constructed, would not adversely affect the neighboring area, but will, rather, provide a new, publicly accessible exterior space

## **VI. CONCLUSION**

For all of the above reasons, the Applicant has satisfied the standards for the requested special exception relief in this case and respectfully requests approval for such relief.



Respectfully submitted,

/s/ John T. Epting

/s/ David A. Lewis

/s/ Lee Sheehan\*

\*Admitted in Maryland; D.C. Bar  
Admission Pending