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2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.6664
Holland & Knight LLP | www.hklaw.com

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Christine Moseley Shiker
202.457.7167
christine.shiker@hklaw.com

March 22, 2012

VIA HAND DELIVERY

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Request for Minor Modification
1700 New York Avenue, NW – BZA Case No. 18227

Dear Members of the Board:

This letter is submitted on behalf of Corcoran Gallery of Art and Carr Properties, Inc. (the "Applicant") to request a minor modification to the approved plans from the previous Board of Zoning Adjustment ("BZA" or the "Board") approval set forth in BZA Order No. 18227 ("Order No. 18227") pursuant to Section 3129 of the Zoning Regulations. The request is for the approval of a minor modification to further reduce the number of parking spaces provided in the below-grade parking facility.

Background of Case

On April 8, 2012, the Applicant submitted an application (Application No. 18227) to the Board for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1: (i) a variance from Section 531.1 of the Zoning Regulations to increase the permitted FAR by 1,431.5 square feet of gross floor area (or 0.02 FAR); (ii) a variance to reduce the parking required by Section 2101.1 of the Zoning Regulations; (iii) a special exception to allow office use in the SP District pursuant to Section 508 of the Zoning Regulations; and (iv) a special exception for the roof structure to allow walls of unequal height pursuant to Section 411 of the Zoning Regulations. The relief was requested to permit an office building addition to the Corcoran Gallery of Art located at 1700 New York Avenue, NW (Lot 34, Square 171) (the "Site"). The Site is zoned SP-2. The Site is improved with the Corcoran Gallery of Art, a historic landmark, (the "Corcoran") and a small surface parking lot that serves the Corcoran.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18227
EXHIBIT NO. 40

Board of Zoning Adjustment
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The requested variance relief was necessary to allow the Applicant to infill the existing surface parking lot to construct a new office building addition fronting on New York Avenue (the "Office Addition"). The Office Addition was approved to be an eight-story building with a maximum height of 90 feet to contain approximately 114,695.5 square feet of gross floor area devoted to office use. The Office Addition incorporates three levels of below grade space. The first level (B-1 level) will house additional office use while the second and third levels (B-2 and B-3 levels) will provide below-grade parking.

The requested relief for the parking variance was necessary due to a combination of conditions, including (1) the irregular shape of the lot and the existing historic improvements; (2) the small size of the Site on which the Office Addition will be constructed; (3) the change in grade from north to south of almost nine feet; (4) the complexities of and limitation on excavation due to the adjacent historic building that has a gravel foundation that can be easily damaged; and (5) the existence of a GSA steam tunnel approximately 15 feet north of the Site and running parallel to the property line along New York Avenue. These conditions create a practical difficulty for the strict application of the parking requirements. Specifically, the Zoning Regulations require 83 parking spaces to be provided for the Office Addition and the Corcoran. Given the difficult site conditions and related practical difficulties, the Applicant could only provide a total of 82 parking spaces, including 43 zoning compliant parking spaces, 1 compact space, and 38 parking spaces located within tandem and/or vault spaces that did not count for zoning purposes.

Before the Board's public hearing on the application, the Applicant appeared before Advisory Neighborhood Commission ("ANC") 2A on May 18, 2011, to present the proposed project. The ANC 2A voted 3-0-1 to support the application. The Board held its public hearing on the application on June 21, 2011, and voted unanimously to approve the requested relief through a bench decision. A copy of the summary order approving the original application is attached at Tab 1.

Proposed Modification

The Applicant requests the minor modification to the project to reduce the number of both zoning compliant and non-zoning parking spaces to a total 72 spaces broken down as follows: 38 zoning compliant parking spaces, 1 compact space, and 33 parking spaces located within tandem and/or vault spaces that do not count for zoning purposes. This modification is based on the identical site conditions and practical difficulties that supported the approved variance.

Specifically, during the process of preparing the sheeting and shoring and building permit construction drawings, the architects and engineers have discovered that the conditions that limited the below-grade excavation and layout of the parking facilities are more difficult than previously thought. First, the GSA steam tunnel that runs down New York Avenue incorporates an extension towards the property that limits excavation within a portion of the proposed vault

space. Because the Applicant is required to maintain a certain distance from the GSA steam tunnel, the parking garage must eliminate six proposed vault spaces.

Second, based on the area of excavation, the Building Code requires an additional egress stair to reduce the common path of travel distance from the far southwest corner - generally between the United Union's building and the Site -- on the B3 and B2 levels. This additional stair required a redesign of a portion of the below-grade parking garage and is based on the irregular shape and small size of the Site. This change eliminated two zoning compliant parking spaces and one non-zoning space but also allowed for the addition of a compact space on the B3 level.

Finally, the eastern portion of the parking garage was reconfigured on the B-3 level as a result of changes to the ramping system required for a code compliant garage exhaust system and an expansion of the proposed sump pump system. This reconfiguration resulted in the loss of three zoning compliant spaces and one compact space, but allowed for the addition of two non-zoning spaces.

Accordingly, the proposed plans for the below-grade parking garage includes 38 zoning compliant spaces, 1 compact space, and 33 non-zoning parking spaces located within tandem and/or vault spaces. The approved plans and the proposed plans are attached at Tab 2.

Because the change is minor and the layout of the building is the same, there is no change in the areas of relief needed. The reduction in the parking results only from further difficulties associated with the site conditions and related practical difficulties. The confluence of factors that resulted in the original request for the variance relief still apply and continue to be the basis for the relief needed. Thus, the requested modification does not change the material facts upon which the Boards based its original approval of the application.

A comparison of the variance relief approved by the Board in Order No. 17617 and the relief proposed for the project with this minor modification is set forth below:

	Permitted / Required	BZA Order No. 17617	Proposed Modification
Parking § 2101.1	83 parking spaces	43 zoning compliant spaces 1 compact space 38 non-zoning parking spaces located within tandem and/or vault spaces Total of 82 spaces	38 zoning compliant spaces 1 compact space 33 non-zoning parking spaces located within tandem and/or vault spaces Total of 72 spaces

The parking provided continues to be sufficient for the anticipated demand. According to the memorandum from Gorove Slade attached at Tab 3, the proposed parking supply of 72 spaces will adequately serve the parking demands of the Site which is well-served by various

non-auto ridership options including multiple bus, rail and bike services and the Applicant will implement an effective Transportation Management Plan.

Community Support

The Applicant presented this request for a minor modification to ANC 2A at its regularly scheduled public meeting on March 21, 2012. The ANC voted 4-0-0 to support the requested minor modification.

Compliance with Section 3129 of the Zoning Regulations

The Applicant's request for a modification of Order No. 18227 complies with the relevant subsections of Section 3129 as follows:

<u>Section 3129.2</u>	This request is in writing, states specifically the modifications requested and the reasons therefore and includes copies of the plans for which approval is requested. Copies of the approved and modified pages for the plan set are attached as <u>Tab 2</u> .
<u>Section 3129.3</u>	The final date of BZA Order No. 18227 is June 24, 2011, and it became effective on July 4, 2012. This modification is filed within the two year period.
<u>Section 3129.4</u>	The request was served on all parties to the original application as evidenced by the attached Proof of Service. The only party to the original application was ANC 2A.
<u>Section 3129.6</u>	The modification is a minor modification that does not change the material facts upon which the Board relied in approving the original application.

A filing fee of \$16,724 is enclosed herewith. This fee represents twenty-six percent of the filing fee (\$64,322) submitted with BZA Application No. 18227, in accordance with 11 DCMR § 3180.1(f).

We would appreciate your consideration of this matter at the April 10, 2012, scheduled public meeting. Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Christy Shiker". The signature is fluid and cursive, with the first name "Christy" and last name "Shiker" clearly distinguishable.

Christine Moseley Shiker

Attachments

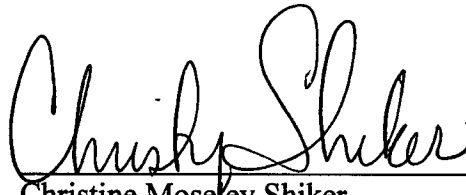
cc: Karen Thomas, Office of Planning (Via Hand Delivery; w/attachments)
Bryon White, District Department of Transportation (Via Hand Delivery; w/attachments)
Advisory Neighborhood Commission 2A (See Proof of Service)

PROOF OF SERVICE

I hereby certify that on March 22 2012, a copy of the Request for Minor Modification and Waiver of Two Year Time Frame for 1700 New York Avenue, NW (BZA Case No. 18227) was served on the following parties to the original case:

Advisory Neighborhood Commission 2A
Florence Harmon, Chair
c/o West End Library
1101 24th Street, NW
Washington DC 20037

(Via Hand Delivery)

A handwritten signature in black ink, appearing to read "Christine Moseley Shiker", written over a horizontal line.

Christine Moseley Shiker
Holland & Knight

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