BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of:
Verizon Washington DC, Inc. and Eastbanc, Inc.

BZA Application No: 18285
Hearing Date: November 29, 2011

PRE-HEARING STATEMENT OF THE APPLICANT

I. Introduction.

This is a self-certified application[1] pursuant to 11 DCMR §3103.2 for zoning relief related to the proposed redevelopment of a non-conforming building within the Georgetown historic district. The relief requested includes: an area variance from the restrictions on the expansion of a non-conforming structure devoted to a conforming use found in Section 2001.3, an area variance from the requirements of Section 930.1 relating to maximum building height, a use variance from the requirements of Section 931.2 to allow the expansion of already non-conforming non-residential floor area ratio, an area variance from the lot occupancy requirements of Section 932.1, and an area variance from the rear yard requirements of Section 933.2 to allow the construction of an addition to an existing building in the W-1 Zone District. This Pre-Hearing Statement and accompanying documents supplement all previous application documents. For the reasons outlined below, the Applicant submits that it meets the criteria for the requested relief.

II. Jurisdiction.

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to 11 DCMR § 3103.2.

III. Background Information.

[1] See Exhibit A. [update self-certification form if retail square footage changes]

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A. The Property, Surrounding Neighborhood, and Zoning.

1. The Property.

The Property is located at 1045 Wisconsin Avenue, N.W., on the northeast corner of the intersection of Wisconsin Avenue and Waters Alley N.W. (a named public alley approximately 15' in width), and is known of record as Lot 830 in Square 1189. The site is rectangular in shape, and contains 28,519 square feet of land area, with 110 feet of frontage along Wisconsin Avenue and approximately 283 feet of frontage along the Chesapeake & Ohio Canal (the "Canal"). The existing building was constructed in 1954 as a switch for Bell Atlantic-Washington D.C., Inc. (now Verizon). The existing building occupies approximately 59% of its lot, and is oriented away from the street. A surface parking lot consisting of approximately 10,000 square feet separates the building from Wisconsin Avenue.

The existing building contains approximately 34,222 square feet of gross floor area (1.19 FAR), all of which is used as an active telephone and data switch. The building is therefore nonconforming as to maximum non-residential FAR. Additionally, the building is nonconforming as to rear yard, as it was constructed to a zero lot line condition along its eastern boundary line, shared with Lots 35 and 36 in Square 1189.

2. The Surrounding Neighborhood.

The Property is located within the Old Georgetown Historic District. The square in which the Property is located is bounded by the Canal to the north, 31st Street to the east, South Street to the south, and Wisconsin Avenue to the west, and is bisected by Waters Alley N.W. Grace Episcopal Church, an individually-designated historic landmark, is directly south of the Property across Waters Alley. A five-story office building is located immediately adjacent to the Property on Lots 35 and 36 to the east (at 1050 31st Street). Along Wisconsin Avenue to the north of (and across Wisconsin Avenue from) the Property are a series of two- and three-story commercial buildings with retail storefronts. The Property is just two blocks north of the Potomac River.

3. Zoning.

The Property is classified within the W-1 (Waterfront) Zone District. The W Districts are applied to waterfront areas that "are also (1) geographically, historically, or locationally unique; (2) adjacent to well-established residential areas...or (3) where the public health, safety, general welfare, and amenity would be promoted and protected by the encouragement of mixed uses." 11 DCMR § 900.1. The purpose of the Waterfront Zones is to "encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, arts and cultural, and other miscellaneous uses." 11 DCMR § 900.4. The W-1 Zone is specifically designed to provide a variety of housing, service, employment, and recreational opportunities in one location. 11 DCMR § 900.5.

The Waterfront Zones were created in response to two hugely controversial proposed projects to build very large office buildings, which were matter of right in the then-existing M and CM Districts; the resultant very negative public reaction resulted in proposals to downzone significant areas of the Georgetown Waterfront. Rather than adopt the proposals, the Zoning Commission directed its staff to study the zoning of waterfront areas, including Georgetown, and to develop new zoning for Commission consideration. *See* Zoning Commission Cases No. 73-20 and 73-21 (attached as Exhibit A).

Under the former industrial zoning of the area (M and C-M-2), the highest and best use of such land was a medium- to high-density commercial office building. It was not permissible under industrial zoning to construct residential buildings. *Id.* The Zoning Commission, rather than impose the draconian prohibitions on commercial development in the Georgetown Waterfront which had been proposed, instead chose a more moderate approach:

> We believe greater reductions in height and density than are adopted herein would limit the economic opportunities for the redevelopment of this area. There would be this paradox: industrial property owners might hold on to marginal operations rather than redevelop the area to remove blighted conditions. *Ugly industrial structures and parking lots could remain* if there is no incentive for redevelopment.

Id., at pp. 7-8 (emphasis added). Further, the Commission added:

> We agree basically with [the view that reductions in potential commercial development are needed to preserve the ambiance and stability of the entire Georgetown area] and have reacted to it by sharply reducing the potential for the construction of *large office buildings*....It is also our view, however, that the adopted zoning will provide a *moderate* level of the desired mixed use development including apartments, offices, shops, hotels, and restaurants, as well as townhouses, giving the Georgetown Waterfront a distinct and special 24 hour character.

Id., at pp. 13-14 (emphasis added). Thus, the Waterfront zones were intended to produce a wide range of uses, including a moderate amount of commercial uses, including retail and offices, in a single location. Nonetheless, the text of the W-1 Zone Regulations does not distinguish among commercial uses; rather, matter-of-right uses in the W-1 Zone District include moderate-density residential and commercial mixed uses (maximum building height is 45 feet). 11 DCMR § 900.3, 901.1. Maximum permitted floor area ratio is 2.5, of which no more than 1.0 may be devoted to all non-residential uses. 11 DCMR § 931.2.

IV. <u>The Proposed Development.</u>

The Applicant proposes to construct an addition to the existing Building to create a mixed-use development (the "Proposed Development") consisting of up to nine (9) new residential units, the existing Verizon telephone and data exchange (the "Switch"), and just under 5,000 square feet ground-floor retail space, along with structured at-grade and underground parking serving all uses. The Proposed Development will be oriented to the street front, and will fill in the existing surface parking lot currently separating the existing building from the street. The existing 20 parking spaces on the surface parking lot will be brought inside the building, in a structured at- and below-grade parking garage for a total of 24 vehicles, including six (6) spaces for over-height and/or over-length Verizon service vehicles and three (3) spaces reserved for retail uses.

The Switch, which is fully active and integral to the telephone and data network serving the city, must remain on the premises. This reduces both the footprint and the amount of gross and non-residential floor area available to redevelop the property in a manner consistent with the purposes of the W-1 Zone District. Together with the unique topography of the site and other development constraints as described herein, the requirement to keep the Switch in place creates significant practical difficulties in developing the Property in conformance with the strict requirements of the Zoning Regulations. Thus, the Applicant hereby requests area variance relief from the regulations governing expansion of non-conforming structures devoted to a conforming use, maximum permitted building height, percentage of lot occupancy, and rear yard setback; as well as a use variance to allow an increase in the already nonconforming non-residential floor area ratio.

VII. <u>Variance Criteria</u>

The Board is empowered to grant a use variance where it finds three conditions:

(1) The property is unique because, *inter alia,* of its size, shape, topography, or other extraordinary situations or conditions thereon;

(2) The owner would suffer undue hardship if the zoning regulations were strictly applied; and

(3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

Roumel v. District of Columbia Bd. of Zoning, 417 A.2d 405, 408 (D.C. 1980); *see also Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 542 (1972) (undue hardship standard, rather than practical difficulties, applies to use variances). For area variances, the applicant must still demonstrate that the property is unique because of extraordinary situations or conditions thereon; and that the variance would not cause substantial detriment to the public good or impair the intent, purpose, and integrity of the zoning plan, but is held to the lesser standard of showing simply that the owner would suffer practical difficulties in complying strictly with the Zoning Regulations. *Gilmartin v. District of Columbia Board of Zoning Adjustment,* 579 A.2d 1164, 1168 (D.C. 1990). The majority of the areas of relief sought in the instant application are properly considered as area variances, while the expansion of already nonconforming floor area devoted to non-residential uses, even when those uses would otherwise be permitted, is treated as a use variance.

A. Uniqueness.

Uniqueness may arise from a confluence of factors affecting the subject property. *Id.* In the instant case, there are a number of issues impacting this Property:

(1) The existing non-conforming status of the structure, which is devoted to non-residential uses, must remain on the site and cannot be built over;

(2) Uneven topography of the Property and its adjacency to the C&O Canal, which combined require that the Switch and parking for all uses must be counted as gross floor area, although neither is visible from the street or effectively above-grade; and

(3) The need to accommodate on-site parking for oversized vehicles associated with Verizon's continuing operations.

Existing Nonconformities

Since the Building is already nonconforming with respect to non-residential FAR, any increase in non-residential uses increases the non-conformity of the structure and requires a variance from 11 DCMR § 2001.3 and the maximum permitted FAR under 11 DCMR § 931.

The existing Switch was constructed in a zero lot line condition, immediately adjacent to the five-story office building located at 1050 31st Street N.W., with which the Property shares a boundary. Neither of these buildings conforms to the required rear yard setback in the W-1 Zone District. Although the Applicant seeks to redevelop the Property, the Switch must remain in its current configuration in order to continue to operate the city's telephone and data network; moving the hardware associated with the Switch to conform to the rear yard requirement is infeasible. In addition, a fair amount of equipment within the Switch facility is not under Verizon's direct control; that is, Verizon accommodates the equipment of other carriers as required by the Telecommunications Act of 1996, which places co-location obligations on Verizon to offer space in its central office locations on a non-discriminatory basis. Thus, interruption of services, even on a temporary basis to facilitate relocation of the Switch on the Property or to construct a vertical addition to the Switch building is not possible.

Topography and Exposure along Canal

There are a number of different issues related to topography and grade that contribute to the uniqueness of the site. The Property is rectangular in shape and extremely deep; its depth is nearly equal to the length of an entire city block. The entirety of this depth is located above and adjacent to the C&O Canal.

Although the Property abuts Wisconsin Avenue to the west, there is no direct access to the Property or the existing Switch from Wisconsin Avenue due to the unique topography. The main access to the Property is currently from Waters Alley, N.W., at an elevation approximately 11 feet above the adjacent surface parking lot in the front yard of the Property. The entrance to the Switch is also at least 11 feet below the adjacent street grade, and immediately adjacent to the C&O Canal, which elevation is several feet lower. In other words, the sidewalk along Wisconsin Avenue, which naturally rises from south to north over the escarpment above the Georgetown Waterfront, is at least 11 feet and as much as 14 feet above the parking lot on the Property.

Because a significant portion of the lowest levels of the Building are below the adjacent Wisconsin Avenue and Waters Alley grades, these lower levels are exposed on the exterior along the C&O Canal, creating a basement, which is chargeable as FAR. Additionally, while the property itself slopes down from the highest point, at Waters Alley, to the Canal wall, the adjacent grade along Wisconsin Avenue is naturally sloping up from the intersection of Waters Alley. This leaves a significant portion of the lowest levels of the building underground, without daylighting, and thus unsuitable for residential development or other permitted uses in the W-1 Zone District.

Requirement to Keep Switch in Place and to Provide Parking

The Switch will remain in place, as it is infeasible to move or replace the functioning utility space without prohibitive costs and interruption to telephone and data services within the Georgetown Area. Moreover, because Verizon must meet its obligations to provide co-located space for other telecommunications carriers and does not have full control over the movement of equipment within the Switch, it is not possible to construct above the Switch (which would require setting columns into the existing building to support additional weight).

In addition, in order to continue operation of the Switch once the surface parking area is filled in, Verizon must be able to park its vehicles and equipment, which are currently stored in the surface parking lot, within the Proposed Development. This further reduces the available gross floor area that may be devoted to the uses permitted in the W-1 Zone, and necessitates higher clear ceiling heights on the first floor to accommodate over-height vehicles that would not normally fit in a standard enclosed parking garage.

This confluence of factors constitute unique or extraordinary conditions inherent in the Property, meeting the first prong of the three-part test required for variance. *Gilmartin*, *supra*, at 1167.

B. Practical Difficulties.

The aforementioned confluence of factors creates serious practical difficulties in complying strictly with several of the applicable requirements of the W-1 Zone District as follows:

Expansion of Existing Nonconforming Structures Devoted to Conforming Uses

Although the Zoning Regulations provide flexibility to expand existing nonconforming structures that are devoted to conforming uses, expansion is only permitted when the proposed structure will comply with lot occupancy requirements, and the addition or enlargement will not increase or extend any existing nonconforming aspect of the structure. 11 DCMR § 2001.3 Because the Building does not conform to either the rear yard setback or the maximum permitted non-residential FAR, any expansion of the Building requires a variance under § 2001.3. Although the Building is currently only 27 feet tall (as measured from the adjacent surface parking lot, or 17 feet as measured from Wisconsin Avenue), there is limited area in which to build the remaining residential FAR on the Property, because the Switch cannot be expanded upwards or over. Strict conformance with the maximum permitted non-residential FAR requirement would mean that no change can be made to the existing Switch, which is entirely devoted to non-residential uses. This is an extraordinary practical difficulty in attempting to modernize the structure and maximize the Building's interaction with the street.

Rear Yard Setback

The Property is already nonconforming with respect to rear yard setback. The W-1 Zone District requires a rear yard equal to three inches per foot of vertical height of the adjacent building measured at the rear of the structure, but no less than twelve feet. 11 DCMR § 933.2. The Proposed Development cannot reasonably comply with the rear yard setback requirement because the Building is already in place in a zero lot line condition. The Building was constructed along the rear lot line; the Switch must remain operational and cannot be relocated, thus the Proposed Development cannot reasonably comply with the rear yard setback.

Lot Occupancy

The Proposed Development seeks to connect the Property to the Georgetown streetscape. As shown in the Site Context Sheet, p. 3 of Exhibit B, the neighborhood is characterized by two- to three-story buildings oriented to the street. The existing Building, however, is removed from the street by 97 linear feet and a significant change in grade.

The existing Building occupies approximately 59% of its lot. Although the W-1 Zone permits up to 80% lot occupancy, because the existing Switch cannot be constructed over, there is no way to develop a building that utilizes the remaining allowable residential FAR, meets the street, and provides the parking needed for the proposed mixture of uses on the Property within the remaining 21% of available lot occupancy.

The only way to reasonably re-develop the Property while maintaining the Switch is to build beside it. Subdividing the property to create a separate lot would leave the Switch land locked, with no vehicular or pedestrian access from a street. More importantly, however, the Building cannot be reconfigured to maintain any parking or even an entrance on a lot occupied entirely by the Switch. Since the existing surface parking lot is only 10,000 square feet, even assuming Verizon were able to support its current operations (including parking) on its own lot, the remainder available for development would not be large enough to develop as a mixed-use building. While up to an 8,000 square foot footprint would be allowed, only 19,000 square feet of gross floor area would be permitted, and, because of the required rear yard setback from the Verizon Switch, the development could not be located in such a way to provide parking and retail uses, along with residential units. The Proposed Development will occupy approximately 96% of the Property, a deviation of approximately 20% from the maximum permitted lot coverage in the W-1 Zone.

Providing parking for the Proposed Development, including Verizon's needs, is already extremely tight on the 10,400 square feet of land remaining on the Property for development, and requires the entire footprint to ramp down to two levels on which parking is provided. Reducing the available footprint would likely eliminate the ability to provide parking for Verizon's over-sized vehicles, since they must be located on the first floor of the building to accommodate additional height.

Building Height

Finally, the Applicant seeks a variance from the maximum permitted height within the Zone District. As shown on the West Elevation drawing (Page 13 of Plans & Drawings), the road bed of Wisconsin Avenue and the adjacent area slope seven feet (7') from the highest point at the northwest corner of the lot down to the southwest corner of the lot. The measuring point of the Proposed Development is, pursuant to 11 DCMR § 199.1, "the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet." The curb opposite the middle of the front of the building is approximately 1.5 feet lower than the level of the first floor of the building, resulting in a building height of 46.5', while the maximum permitted height in the W-1 Zone is 45'. In order to maintain sufficient ceiling height on the First floor (Wisconsin Avenue Level) and G1 Level (Canal Level) for retail uses, maintain vehicular access from Waters Alley and sufficient height to accommodate Verizon's oversized vehicles, and comply with the maximum building height of 45', the Proposed Development would need to eliminate a portion of the second floor to accommodate the required clear 1st Floor ceiling height. The Applicant thus seeks a variance of 1.5 feet (3.33%), which is *de minimis*.

B. Undue Hardship.

Use variances require a showing of hardship, a greater burden than that required of area variances, because while an area variance can be granted without altering the character of the zoned district, a use variance ordinarily seeks a use prohibited in the particular district. *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). In order to prove hardship, the Applicant must show that a reasonable use cannot be made of the property in a manner consistent with the Zoning Regulations. *Id.*, at 542.

As mentioned above, the Building currently occupies approximately 60% of the Property on two floors, but rises just over one story (17') above the grade of Wisconsin Avenue. Half of the existing floor area is located on the lower level, which is actually below the adjacent finished grade on three sides of the site (south, west, and east), however, the extraordinary depth of the remaining side, which is exposed fully along the C&O Canal at a lower grade, renders both stories of the existing Building currently chargeable to floor area ratio.

Floor area ratio is calculated by dividing the gross floor area of the structure by the land area. Gross floor area is "the sum of the gross horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of party walls separating two buildings." 11 DCMR § 199.1. In the case of a building that has a difference in grade, resulting in floors that are by definition part basement (which is included in the calculation of gross floor area) and part cellar (which is not), the gross floor area is measured by taking the total perimeter of the floor in question, calculating the percentage of that perimeter area that is more than four feet above the adjacent finished grade, and multiplying that percentage by the floor area in question to determine the gross floor area of that floor. In the instant case, although the lowest level of the Proposed Development is completely below grade on three sides, due to the low adjacent finished grade along the C&O Canal Wall and the exceptional depth of the lot, 76% of the lower level (G1 Floor), most of which is devoted to parking and Switch uses, is chargeable to gross floor area. *See* Area Calculations and Perimeter Diagram, attached as <u>Exhibit F</u>. Relief is required from the overall FAR requirements in the W-1 Zone, as the entire development will result in an FAR of 2.77, a 10% increase over the maximum permitted.

Given the existing nonconformity as to non-residential FAR, the addition of any non-residential space above grade, such as ground-floor retail, violates the maximum permitted floor area devoted to non-residential uses pursuant to 11 DCMR § 931.2. While other properties in the area are somewhat similarly affected by the manner in which FAR must be calculated where there is a significant change in grade from the street level to the canal level, due to the amount of floor space required for the Switch, and the parking facilities that must be provided within the Proposed Development to serve Verizon vehicles and the new uses, this method of calculation uniquely burdens the Property.

For example, but for the exposed north wall of the Building along the C&O Canal, only one story of the Switch would be chargeable as FAR. If the Property were not located on the canal, more than 54,000 square feet (1.9 FAR) of new residential uses, and up to 11,400 square feet (.4 FAR) of non-residential uses could be added to the Property without violating 11 DCMR § 931.2. Instead, all 34,222 square feet of existing floor area devoted to the Switch are chargeable to FAR, rendering the Building nonconforming at 1.2 FAR (all non-residential); no more than 1.0 of non-residential use is permitted. Moreover, the new parking proposed, which is for all intents and purposes below-grade, is chargeable to gross floor area and counted in the calculation of FAR. Exclusive of parking, the Proposed Development includes a total of 4,997 square feet (approximately .18 FAR) of new non-residential uses.[2] Because a significant portion of parking uses included on the G-1 level and all of the parking on the 1st Floor level of the Proposed Development (approximately .3 FAR) must be charged to gross floor area, however, the resulting non-residential FAR is 1.38, a 15% increase over the existing condition and 38% greater than the maximum permitted in the Zone.

Although it is clear that the intention of limiting non-residential uses in the Waterfront Zone was to limit the potential for high rise office buildings, this Property is uniquely impacted and heavily burdened by the restriction. The Property cannot reasonably be converted to mixed use within the constraints of the W-1 Zone due to the inability to interrupt a public utility function. While, the inability to put the Property to a more profitable use or loss of economic

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[2] However, the Applicant is requesting flexibility to reduce this figure in the event that it is unable to lease the entire retail gross floor area. In such event, the Applicant will substitute a portion of the retail space with a residential uses, while adhering to the requested overall FAR of 2.71.

advantage is not sufficient to warrant a variance, the premises must be able to be put to a conforming use with a fair and reasonable return. *Palmer, supra,* at 542. The fact is that the existing use is a public one, not a commercial one, and there is simply no marketable use of the Property, other than what has been proposed, that would leave the Switch in place and which would assure a fair and reasonable economic return to any owner. Indeed, this is precisely the kind of Property that the Zoning Commission aimed to incentivize for redevelopment when instituting the Waterfront zoning, yet it has remained underutilized, isolated from the streetscape, and virtually invisible to all for more than 50 years., creating a desolate patch of Wisconsin Avenue for pedestrians, with no "eyes on the street" to create a sense of safety and security for pedestrians on the east side of the Avenue. The Proposed Development would provide an opportunity to fill in this gap in the streetscape, while maintaining the status quo with respect to the Switch; however, because of the way the Switch is treated for purposes of FAR, there is no way to provide any marketable streetfront retail without exceeding the maximum permitted non-residential FAR. Similarly, to comply with the overall permitted FAR in the Zone, while maintaining the Switch in place, an entire residential floor would have to be eliminated.

The Applicant has worked closely with and obtained the support of the Advisory Neighborhood Commission ("ANC"). Additionally, the Applicant has obtained approval from the Commission of Fine Arts for its development plan, whose recommendation was for more streetfront retail.

C. No Adverse Impact.

The requested relief can be granted without harming the public good or impairing the intent, purpose, and integrity of the Zone Plan. The Proposed Development provides adequate outdoor spaces in the form of terraces and rooftop recreational space and is designed with varying façade depths to provide sufficient light and air to the building and its residents as well as to the users of adjacent property. The addition will not impact the existing office building to the east, which shares a property boundary and is built against the rear wall of the existing Building, because it will be oriented to the Wisconsin Avenue portion of the Property, and maintains the existing character of the site adjacent to the office building. In fact, the addition above the existing height of the Switch will be 183' west of that office building. The Proposed Development is separated from other properties within the adjacent neighborhood by Waters Alley, by the C&O Canal, and by the Grace Church courtyard, so that the increase in lot occupancy will have no measurable impact on the adjacent structures or the character of the neighborhood as a whole.

The additional floor area devoted to non-residential uses will likewise have no measureable adverse impact on the adjacent neighborhood. The additional retail uses are consistent with the amount of non-residential floor area permitted within the Zone; the additional non-residential uses devoted to parking for the existing Switch and new residential and retail uses will not be visible from the street or have an impact on the character of the structure or on the zone plan. Providing continuous street level retail along this section of Wisconsin Avenue in place of a surface parking lot will be more consistent with the existing retail uses and character of the street, and with the character of development contemplated in the zone plan for the W zoning districts.

The proposed addition to the Building is consistent with the character of the neighborhood and with the industrial design of buildings along the C&O Canal. The connection of the structure to the Wisconsin Avenue site and the addition of visible commercial and residential uses, as opposed to the Switch, which is not only set back from the street but is also behind solid walls, is consistent with the purposes of the W-1 Zone "to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, arts and cultural, and other miscellaneous uses." 11 DCMR § 900.4.

The Property has since its construction been underutilized and out of character with the historic, mixed-use nature of the Georgetown community and the Waterfront Zones. The Proposed Development will bring a mixture of uses and activate the street, connecting the Wisconsin Avenue corridor above and below the Canal and masking what is currently an unattractive and utilitarian public utility building. The requested relief is minor in nature, will result in a use significantly more compatible with the Property's zone classification, and will have no adverse impact on the public good or the zone plan.

VIII. Exhibits in Support of the Application

Exhibit A: Zoning Commission Order No. 104

Exhibit B: Architectural Plans & Drawings

Exhibit C: Revised Self-Certification Form

Exhibit D: Resume of Architect Hany Hassan, FAIA

Exhibit E: Resume of Ellen McCarthy

Exhibit F: Area Calculations, Lot Coverage, and Perimeter Diagram

IX. Witnesses

A. Mary Mottershead
EastBanc, Inc.

B. Hany Hassan, FAIA
Beyer Blinder Belle Architects & Planners LLP

C. Ellen McCarthy, Director of Planning & Land Use
Arent Fox LLP

D. Gary Hucka
Verizon Washington D.C., Inc.

X. Conclusion

For the above reasons, the Applicant respectfully requests that the Board grant the relief sought. Given the lack of adverse impact on the surrounding area, and the support of the surrounding neighbors, the Applicant requests a bench decision, if the Board feels such a decision is justified.

Respectfully submitted,

ARENT FOX, LLP

Kinley R. Bray

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2011, a copy of the foregoing was mailed, first class, postage pre-paid, to the following:

Advisory Neighborhood Commission 2E
3265 S Street NW
Washington, DC 20007

Stephen Cochran
Office of Planning
1100 4th Street SW, Suite 650-E
Washington DC 20024

Kinley R. Bray

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A

Government of the District of Columbia
ZONING COMMISSION

Zoning Commission Order No. 104
Case No. 73-21
November 20, 1974

Pursuant to public notice, a public hearing was held on August 6, 7, 8 and 9, 1973, to consider the following amendment to the Zoning Map which would zone the Georgetown Waterfront Area, according to the Waterfront Zone Districts (W-1, W-2 and W-31, described as that area bounded by the Potomac River on the south, Rock Creek Park on the east, M Street, N.W. on the north, and 37th Street, N.W. extended to the Potomac River on the west; also including those portions of Squares 1202 and 1203 zoned C-M-2 immediately prior to these changes. Unless Otherwise specified, all zoning boundaries shall be along street center-lines between squares, or alley center-lines or property lines within squares. All property descriptions are from the Baist Atlas, Volume III, Maps 1 and 2 on file in the Offices of the Zoning Commission of the District of Columbia.

Said zoning of the Georgetown Waterfront Area is as follows:

MAP CHANGE INSTRUCTIONS

1. misting C-2-A shall remain as mapped, in addition, all property now in Squares 1202 and 1203 zoned C-N-2 shall be rezoned to C-2-A.

2. w-3 shall be mapped for property as follows: all that property in Square 1173 excluding lots 800, 802, 808, 811, 812; all that property in Square 1190 excluding lots 69, 70, 71, 72, 835, 839, 840, and a stripoflandmeasured 20 feet south of the boundary of National Park property containing the Chesapeake and Ohio Canal; in all of Square 1191 excluding a stripoflandmeasured 20 feetsouthof the boundary of National Park property containing the Chesapeake and Ohio Canal.

3. W-2 shall be mapped as follows: all that property in Square 1192; all that property in Square 1195 excluding all that property now zoned C-2-A; all that property in Square 1196 excluding all that property now zoned C-2-A; all that property in Square 1166* excluding lots 800, 801, 802; in Square 1200, lots

*The Surveyor's Office lists this Square as 1186.

819, 820, 821, 835, 848 and those parts of lot 818 lying within 90 feet of M Street: all that property in Square 1183 south of the boundaryof the National Park containing the Chesapeake and Ohio Canal; all that property in Square 1185 excluding lot 802 and a strip of land 20 feet south of the boundary of the National Park containing the Chesapeake and Ohio Canal; all thatpropertyin Square 1187, all that property in Square 1184 excluding lots 12, 13, 46, 47, 48, 804, 806, 820, 821, 832, 833 and a strip of land 20 feet south of the boundary of the National Park containing the Chesapeake and Ohio Canal; all that property in Squares 1171 and 1172; in Square 1173 lots 800, 802, 808, 811, 812

4. W-1 shall be mapped on all other property within the boundaries of the Georgetown Waterfront as described above.

WALTER E. WASHINGTON

JOHN A. NEVIUS

STERLING TUCKER

GEORGE M. WHITE

RICHARD L. STANTON

ATTEST: Martin Klauber
Martin Klauber
Executive Secretary

Commissioner Stanton respectfully dissents from this Order.

STATEMENT OF REASONS

Zoning Commission Case Nos. 73-20 and 73-21
New Waterfront Zones and their Application to
The Georgetown Waterfront Area
December 20, 1974

The District of Columbia's waterfront areas include significant amounts of private property that are mostly blighted, declining industrial areas. Their uses date back to when freight was hauled over water and they experienced their greatest prosperity prior to the development of modern warehousing and material handling techniques.

Typically, these waterfront areas in the District and in other cities were envisaged in the past as places of commerce and industry. The industrial imperative often precluded their use for residential and recreational purposes. In Washington, D. C., such areas were zoned M and C-M, industrial-commercial zones, in which new residential developments are prohibited. With declining industrial use, relatively high density office use actually is encouraged in these zones. This was the condition of the waterfront areas in the District of Columbia that the Zoning Commission, after a public hearing, addressed on October 4, 1972, when it issued Order No. 52 directing its staff to study the zoning of waterfront areas, including Georgetown, and to develop new zoning proposals for Commission consideration. The order directed the staff to prepare zoning alternatives to encourage new residential uses, to reduce potential commercial density and to control building heights in waterfront areas.

to reduce potential commercial density and to control building heights in waterfront areas.

As a result of the staff study of waterfront areas, and with particular reference to the Georgetown Waterfront where construction activity was underway for two office building complexes, this Commission held a public hearing on August 6, 7, 8, and 9, 1973. The hearing was held on:

1. A staff proposal to amend the zoning regulations to create a new mixed-use waterfront zone district, with three levels of density, W-1, W-2, and W-3 (Case 73-20).

2. Amendments of the zoning maps rezoning the Georgetown Waterfront area from the existing M and C-M-2 industrial zones to the proposed new waterfront zones (case 73-21).

Testimony was received from staff, consultants retained by the parties, citizen witnesses, property owners and the staff of the National Capital Planning Commission which jointly with the District of Columbia had commissioned a study by a consulting team, the Georgetown Planning Group (GPG). Two phases of the GPG three-phase study were published and pre sented at the hearing. Third phase documents were made available in final draft form to the Commission and staff during the deliberations of the Commission on the text amendment and map changes.

It has been evident that the existing M and C-M-2 industrial zoning of the Georgetown Waterfront area is obsolete. The complex matter of eliminating this obsolete zoning and replacing it with zoning that is more compatible with the needs of this special area has evoked considerable discussion. The Commission's task has been to evaluate the differing testimony of traffic and economic experts and city planners, as well as the views of residents and property owners, concerning the type and intensity of development that is desirable for the Georgetown Waterfront area.

Some property owners requested that there be no change in the existing industrial zoning other than to permit residential development. To support that position, the argument was made that existing zoning permits the types of development that are appropriate to the area. Under this view, the restraint of market factors and the architectural and aesthetic controls of the Fine Arts Commission are adequate to prevent adverse development. We were also presented with the position of some citizens who would allow no more commercial development in favor of low-density luxury-type townhouses.

In our view, in planning and zoning for this special area, the operation of the market cannot serve as the main constraint on adverse development. We believe that sound planning calls for a mixture of uses in this area under strict controls. We believe that the needed controls are provided by the new waterfront zone districts, which give a range of heights and densities and allow a mixture of uses. These zones, as applied in the mapping of the area provide for reductions in commercial development potential under a framework designed to encourage the desired residential development, while taking full account of the natural and historic features of the area,

Such a mixed use area will provide for compatible blending of office and retail activities with residential units of various kinds including townhouses and apartments, in harmony with existing structures of architectural and historic significance which include small townhouses areas and large and interesting warehouses. Under strict limitations as to bulk and density, retail stores, offices, restaurants, and places of entertainment, as well as residences, provide the benefit of 24-hour activity to the area. An added amenity will be the openinq up of the waterfront itself to public use for park and recreation purposes. (Approximately 90 per cent of the riverfront itself is publicly-owned by the District of Columbia).

New private sector investment in the privately-held land areas of the Georgetown Waterfront is essential to make the desired mixture of uses a reality. The reduction of development capacity from the level of existing zoning is designed not only to meet environmental constraints, but to provide the ambience that the mixed use concept demands. Nevertheless , there must be sufficient development density to encourage the construction of new facilities as well as the renovation and reuse of older buildings.

The Commission believes it has found the appropriate level for the proper development of the Georgetown area between M Street and the Potomac River. The flexible mixed use zones adopted will serve Georgetown and other waterfront areas by encouraging private development within limits calculated to end obsolete land usage and they will also respect the unique geographical constraints of waterfront areas. Through the mixed use concept, incentives are provided to eliminate existing waterfront industrial blight while encouraging harmonious development.

The Commission recognizes its responsibilities set forth in the Zoning Act of Section 5-414 of the D.C. Code as follows:

> "Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunites, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein."

Meeting the requirements of the statute obliges the Commission to weigh carefully the sometimes competing statutory criteria and the sometime conflicting interests of all diverse parties including the concerns of the City itself. It must be recognized that many complex factors including public action affect the appreciation and depreciation of land values.

Having considered all of the facts, interests and claims presented to it, and after carefully deliberating upon and balancing them, the Commission, to fulfill its statutory responsibilities, has weighed the following considerations, in connection with the mapping of the Georgetown Waterfront area in accordance with the adopted Waterfront Zone Districts:

1. **Removal of existing industrial blight.** The Georgetown Waterfront area has suffered too long from industrial blight. The area needs revitalization to serve residents and visitors and to enhance its natural and historic features. Under the former industrial zoning (M and C-M-2) of the Georgetown Waterfront area, the "highest and best uses" of property were for commercial office buildings, either 90 feet in height with a floor area ratio (FAR) of 6.0 or 60 feet witl 4.0 FAR, depending on the specific zone, It was not permissible under the former industrial zoning to construct residential buildings.

We believe that greater reductions in height and density than are adopted herein would limit the economic opportunities for the redevelopment of this area. There would be this paradox: industrial property owners might hold on to marginal operations rather than redevelop the area to remove blighted conditions. Ugly industrial structures and parking lots could remain if there is no incentive for redevelopment.

2. **Encouragement of residential development.** Interested parties and consultants have recommended that residential development be permitted. Differences exist concerning the extent and density of such development and the type of residential development desired. We believe that residential development should not be limited to luxury townhouses sold at prices that only the very wealthy can afford. Such townhouses would result under rowhousing zoning categories. Apartment units of various sizes should also be available to broaden the housing opportunities. Moreover, the District of Columbia needs new residential population to offset a population decline. The new zoning text contains provisions that permit a higher Level of density for residential use than for commercial. use in a mixed use context, thereby providing an economic incentive for residential construction. Residential development has a lesser impact on the environment and on traffic conditions that does commercial development.

3. The Georgetown Waterfront should be a "mixed use" zone. As we noted at the outset, the Georgetown Waterfront is an appropriate place to institute the mixed use zoning concept,

Such an approach is being proposed elsewhere for the revitalization of urban areas. Similar concepts have been suggested for the C-M-2 area in the West End, and are under consideration for other declining waterfront industrial areas. A balanced combination of residential, office, retail and recreational uses, with varying heights and densities, provides greater design flexibility and opportunities to enhance the quality of life than more traditional single-use ("Eucludian") zones. Such combinations can help to reduce traffic by bringing residential, commercial and recreational activitiies close together.

4. The significant natural features of the Waterfront should be respected and enhanced. In accordance with substantial testimony at the hearing and the recommendations of GPG, the zoning text that we have adopted and mapped provides for the 40 foot lowest density W-1 zone in the areas long most of the C & 0 Canal, the bulk of the riverfront and the vista to the Potomac River from M Street down Wisconsin Avenue, about half of the total area of the Georgetown Waterfront. Apart from the W-3 area mapped in the lower eastern portion of the Waterfront area, where the topography and road access system can accommodate the greatest height and bulk, and where the

Fine Arts Commission has already approved initial private development plans, the remaining portions of the Waterfront, including the area adjacent to Rock Creek and along K Street, have been zoned to a medium density 60-foot W-2 zone.

5. Historic structures should be preserved or adapted to new uses. The new zoning imposes the low density W-1 zone for certain existing enclaves of townhouses to encourage their preservation and continued use and encourages re-use of existing vacant structures for new activities. In certain areas, of the waterfront, moderate levels of development are necessary to provide the economic basis to preserve historic structures. This is particularly true of certain warehouses and other industrial buildings, which can be adapted for new activities. This was done in Canal Square and is underway at the old Dodge Warehouse and the Duvall Foundry. Other such structures where similar development is possible in the Georgetown Waterfront are the old Flour Mill, the Waring Barrel Factory and the Bomford Mill.

6. Reductions in height can accomplish stated objectives in certain areas, but may be counterproductive if imposed too broadly. At the hearings, differing views were presented on the issue of building heights. We have weighed these views carefully.

The greatest limitations in height were applied to such specific areas as the riverfront and the canal where a lower building profile is essential to protect unique physical characteristics. On the other hand, it was felt that a uniform height limit throughout the waterfront area would tend to foster a box-type development. Such a result would, in our view, be less desirable than an arrangement which would encourage variations in land coverage and height as well as variations in use.

Overall, the rezoning results in a significant reduction from the heights allowed under the former industrial zoning. The proposed mapping drops the matter-of-right height limit on half the waterfront area to 40 feet. The areas covered by 60 foot and 90 foot heights are strictly Limited in total area and location. We believe we have proposed a solution to the difficult judgmental questions on the height issue by tailoring the heights to meet the needs of certain identified special areas while providing flexibility in other areas in the interest of a more attractive community.

7. <u>Traffic constraints in Georgetown require a reduction of commercial development potential.</u> Traffic experts at the

1972 and 1973 hearings recognized that the traffic circulation system in Georgetown cannot now handle the total potential development permitted by the existing industrial zoning. There were variations in the testimony concerning the nature and extent of the traffic problems to be faced and the amount of the reduction in development potential that is necessary or appropriate to meet traffic constraints.

The new zoning for the Waterfront area provides for a reduction in traffic generating potential from approximately 6.5 million square feet of commercial space to the equivalent of 3.7 million square feet. The latter figure has been adjusted to reflect the lower level of traffic generation of residential development. We view the result as a balanced one which takes into account the many varying analyses presented at hearings and in supporting staff reports including the GPG papers and drafts.

There is an evident need to solve the traffic circulation problems of this area and to remove the Whitehurst Freeway which, in itself, contributes to the atmosphere of industrial blight in the area, The zoning adopted with its greatly lowered traffic-trip generating potential as compared to the former industrial zoning, will be an important factor in resolving these problems., In the same vein, we have prohibited surface parking lots and have lowered the minimum parking requirements for most facilities in the Waterfront districts.

8. Viable economic development should be encouraged if appropriate limits and controls on growth are to be provided. The District needs new economic development to generate increased economic opportunities for its citizens and to broaden its tax base, The economic consultants agreed that the Georgetown Waterfront is a viable area which can be developed to compete successfully with other parts of the Metropolitan region for new residents and shoppers. To prohibit reasonable amounts of such development in favor of exclusive townhouse zoning would not be in the best interests of Georgetown or the District as a whole. It is noteworthy that the GPG studies accept this view.

The point has been stressed that reductions in potential commercial development are needed to preserve the ambience and stability of the entire Georgetown area. We agree basically with this view and have reacted to it by sharply reducing the potential for the construction of large office buildings. It would be wholly inappropriate for the waterfront to develop as an extension of the central business district.

It is also our view, however, that the adopted zoning will provide a moderate level of the desired mixed use development including apartments, offices, shops, hotels, and restaurants, as well as townhouses, giving the Georgetown Waterfront a distinct and special 24 hour character,

9. The need for a timely decision. Because of the importance of this case, the Commission has considered this matter for a lengthy period of time. There have been lengthy planning studies, public hearings, discussions, and reviews. We are aware of the burdens imposed thereby upon all interested parties as well as the general public.

It should be pointed out that this proceeding is neither the first, nor will it be the last review by the Zoning Commission of zoning in this area of the city. There will be subsequent opportunities for interested parties to request the Commission to further refine or modify the zoning of the Georgetown Waterfront through sectional development plans, planned unit developments and other proceedings.

We believe that we have considered all relevant information and have received all the expressed viewpoints of interested parties and the citizenry. It is now time, in our view, to decide the issue of waterfront zoning and its application to Georgetown..

10. <u>Environmental and open space considerations are significant factors.</u> The Commission recognizes that additional development in any area of the District may impact adversely on the environment, particularly in terms of traffic, air and noise. We are persuaded that the significant reductions in density provided by the new zoning will contribute to the resolution of these environmental problems. The development that could have proceeded as a matter of right under the former industrial zoning had the potential of creating unacceptable adverse environmental effects. In addition, the existing industrial blight in the waterfront area generates traffic, air and noise pollution problems, discourages the development of more suitable new facilities and impedes historic preservation.

There is a need to provide public open space in all areas of the city and to encourage the establishment of private open space. We have lowered the potential for development bulk and density in the W-1 district and mapped this district along the riverfront, along both sides of the C & O Canal and down the Wisconsin Avenue slopes. We expect that there will be development in these areas of uses related to the water including recreational uses, outdoor cafes, plazas and market areas, sailing marinas and docks and simple Landscaped trails and and open space. The combination of height, bulk and density controls in the W-2 and W-3 areas will also serve to encourage developers to provide open space as part of their designs.

In reaching the decision in this case, we must acknowledge the significant contribution of the GPG consulting team. While we have not accepted their recommendations or technical analysis in full, the proposed zoning amendments that were noticed for the August 1973 hearings and the modifications of those proposals which were developed following the hearings reflect this Commission's adoption and approval of much of the GPG product.

The GPG final plan and program and sectional development plan will be useful for certain other kinds of public action - public space improvements, changes in traffic patterns, historic preservation, review of individual projects by the Fine Arts Commission, as well as by this Commission, in connection with Article 75 applications. It is our hope that the Planning Commission will identify such opportunities as it gives further attention to the final GPG drafts now at hand.

CONCLUDING STATEMENT

- In adopting the new Waterfront Zone District text amendment, and mapping the Georgetown Waterfront, this Commission has sought to recognize the needs of this unique and historic area of the Capital city.

- The Waterfront Zone District provides for the introduction of residential uses in this area including apartments and townhouses while paying due regard to the need for historic preservation and the desirability to protect and enhance the amenities of the area, including the riverfront and the canal.

- A moderate level of development at varying heights and densities has been authorized and mixed uses have been encouraged.

- As mapped, the new Georgetown Waterfront area will emerge as an attractive living place for our people, including shops and offices with provisions for recreation and entertainment for residents and visitors.

• The zoning controls proposed are designed to assure that development will harmonize with the area and be of significant benefit to Georgetown and to the District of Columbia as a whole.

WALTER E. WASHINGTON

JOHN A. NEVIUS

STERLING TUCKER

GEORGE M. WHITE

ATTEST: Martin Klauber
Executive Secretary

DISSENTING OPINION OF RICHARD L. STANTON, MEMBER, D.C. ZONING COMMISSION

Cases No. 73/20-21-Georgetown Waterfront

The present C-M-2 and M zoning districts on the Georgetown Waterfront axe, in my opinion, obsolete and not in the public interest. Present allowable building bulks and heights comprising a zoning envelope of 6.5 million square feet of development capacity are excessive. In addition, the industrial uses allowed under present zoning are no longer appropriate. The evidence presented at public hearings held in August 1973 in these cases supports this view. The National Capital Planning Commission, the Zoning Advisory Council, the Fine Arts Commission, the C&O Canal Historical Park Commission, the State Historic Preservation Officer, the National Trust for Historic Preservation, the Georgetown Citizens Association and many individuals agree with this opinion. The Zoning Commission itself, in Order No. 48, adopted on June 29, 1972, recognized this possibility and resolved that an emergency existed and down zoned the Georgetown Waterfront as follows:

1. From C-N-2 to C-2-A all lots fronting on both sides of M Street, N.W., and located between Wisconsin Avenue on the east and 37th Street on the west and not already zoned C-2-A.

2. Changed from C-M-2 and M to R-4 all lots in the area bounded by M Street, N.W., Rock Creek Park, the Potomac River and 37th Street, N.W., extended and not changed to C-2-A in No. 1, above.

This action took into account the fact that the National Capital Planning Commission, the Department of Transportation, the Department of the Interior, and the Department of Housing and Urban Development were funding an extensive study of the Georgetown Waterfront at a cost of $270,000. The contract for a consultant study was executed on January 26, 1972, to study and recommend appropriate forms of development for the Georgetown Waterfront Area to provide for the harmonious development of public, commercial, and residential facilities.

The Zoning Commission was also concerned that then current proposals for the Dodge Center and the first phase of the Inland Steel project would move forward without the benefit of an opportunity toverify and consider the preliminary findings of the study task force on matters dealing with capacity of the transportation system, the opportunity and need to preserve historicbuildi ngs, and the need to preserve orderly and harmonious development of the area. In my opinion, the Commi'ssion acted in a responsible manner in adopting this emergency action under its authority contained in the Zoning Act of June 20, 1938, as amended. Following hearings on September 28, 1972, this Order was terminated.

Four days of hearings were held in August 1973 on proposals to establish regulations for waterfront districts and accompanying mapping. The findings of Phase IIA of the GPG report were presented at this hearing.

The zoning envelope contemplated under the advertised text amendments provided for 5.475 million square feet of development capacity, a reduction of only about one million square feet under the present C-M-2 and M zoning categories. The overwhelming evidence at the August 1973 hearings supported my view that the overall theoretical building envelope of 5.475 million square feet capacity, as advertised, was too great and cannot be served adequately either by the existing or the proposed improved street system for the Georgetown Waterfront. This is particularly important since the movement system peculiar to the Georgetown Waterfront is a major constraint to viable development in this area, This view was held by both the District of Columbia Department of Highways and 'Traffic and the Transportation Consultant for the Georgetown Planning Group (GPG study). In addition, the 60 foot height limits in the W-1 and W-2 districts and the 90 foot heights proposed in the W-3 districts were, in my opinion, clearly beyond the heights appropriate for the scale and integrity of the Georgetown Waterfront, particularly along the C&O Canal and the land area adjoining the river.

On November 8 and 15, 1974, the Office of Planning and Management (OPM) staff offered a final draft of a suggested amended text and suggested mapping for the W-1, W-2, and W-3 zoned districts for the Waterfront. The suggested revisions were, in some ways, an improvement over the advertised text and mapping in that the W-1, W-2, and W-3 districts provided for 40, 60, and 80 foot height limits, respectively, as a matter of right and the mapping proposed an abundance of W-1 with 40 foot heights along most of the C&O Canal but the overall density for the Georgetown Waterfront, as contemplated in the revised text "B" is still excessive.

The suggested revised text "B" still provided for a development capacity which, in my opinion, is no significant departure from the capacity in the advertised text and mapping, text "B" being merely a reconfiguration of the envelope. The GPG study, to this point, suggests a zoning envelope having about 3.3 million square feet 0f development capacity, a considerable reduction.

<u>GPG Study</u> The Zoning Commission recognized the importance of the GPG study in its Emergency Order No. 48, adopted on June 29, 1972. It is unfortunate that the GPG study has been delayed for one reason or another; however, the Executive Director of the National Capital Planning Commission informed the Zoning Commission of NCPC's anticipation that the GPG consultants will submit by the first week in December their final draft of the Sectional Development Plan for the Georgetown Waterfront. The Executive Director goes on t0 point out that soon thereafter the plan would be forwarded to the Georgetown Waterfront Coordinating Committee for review and comment. This Coordinating Committee includes representation from the District of Columbia

Government, both from the Office of Planning and Management and the Department of Highways and Traffic. After the Coordinating Committee's comments, consultants would be instructed to complete a final development plan and program (Phase IIB) and a final draft Sectional Development Plan (Phase III). Thereafter, the material would be submitted to the NCPC, the Executive Director anticipating this to occur by January 15, 1975. Thus, the final plan and program would be available for presentation to the NCPC at its February 6, 1975, meeting. It would be anticipated that the Commission would authorize circulation of both the plan and program and the draft Sectional Development Plan for review and comment by the appropriate Federal and District agencies and citizen groups. This timing further contemplates that at the NCPC meting on April 3, 1975, a recommended Sectional Development Plan would be offered to the Zoning Commission. The Sectional Development Plan would contain recommended zoning changes in keeping with the development plan and program for the Georgetown Waterfront Area. Thus, the GPG plan could, in its totality, be made fully available for review and final recommendations in the next several months. The Sectional Development Plan which would result from this process would be the first under the amendments to the zoning regulations adopted September 27, 1975, by the Zoning Commission relating to Sectional Development Plans. Although it is the opinion of the majority of the members of the Zoning Commission that no significant findings will come out of the Phase III report that are not available now in the material published so far, I believe that the Sectional Development Plan and zoning proposal is the most significant component of the GPG study and should be available, along with final recommendations, before a decision is made to zone the Georgetown Waterfront. This $270,000 study represents a considerable investment of public money. It has been 15 months since the August 1973 hearings and the public expects and has a right to expect that the Zoning Commission will wait 3 or 4 more months for the plan's end product I am informed by District officials that there have been no requests for building permits on the Georgetown Waterfront since the August 1973 hearings and it is apparent that no emergency exists at the time Of this writing. It, therefore, seems essential to me that the Zoning Commission should wait for the publication and coordination of Phase III of the GPG study as it might suggest to the OPM staff and the members of the Commission that the modified text B and modified mapping which is offered for adoption today might not be the most appropriate plan for the Georgetown Waterfront. In addition, there is another important issue, that of keeping faith with the public which has encouraged and expected the Zoning Commission not to make a decision until Phase III is completed and made available to the Zoning Commission.

GPG Study as it relates to Section 7502-Sectional Development Plans

There is a further reason why a delay in the Georgetown Waterfront case should be withheld until final publication of the Phase III GPG report.

The Zoning Commission unanimously adopted Sectional Development Plan Regulations (Order No. 97, Case No. 73-17, September 27, 1974). The intent of these regulations, in my opinion, is clear, to provide, as stated at 7502.1, areawide detailed approaches to the implementation of major development goals'and objectives of the citizens of the District of Columbia. A. reading of the Sectional Development Plan Regulations shows me that the Georgetown Waterfront qualifies for consideration under the intent of the new regulations. A further reading of the regulations leaves no question in my mind that the Zoning Commission now puts great emphasis on the initiation and preparation of Sectional Development Plans. Although the Office of Planning and Management has sought inputs from the public since the August 1973 hearings, the Sectional Development Plan Regulation, as adopted by this Zoning Commission would seem to require, at least by intent,, that the major planning input, the GPG study, should be recognized in its totality and precede any zoning actions, barring an emergency situation.

Public Law 808 (Old Georgetown Act), approved September 22, 1950, makes it clear, in my opinion, that all lands in the District identified as "'Old Georgetown" as described in the act must receive an extraordinary amount of consideration as land use and development decisions are made. The text B amendment and modified mapping offered for consideration to the Zoning Commission today is not fully sensitive to the intent and spirit of this act. Already it appears that the Inland Steel complex will tend to overpower the Waterfront Area.

I am not unmindful of the fact that the makeup of the Zoning Commission will change on January 2, 1975, and that yet another hearing on the Georgetown Waterfront may be required if the present Zoning Commission does not act on Cases No. 73/20-21. I am also aware that it is prudent for public officials to make decisions, large or small, within reasonable time frames. In this case, however, I believe that the public interest can be best served by delay as the delay is reasonable and justified.

For the above reasons, I am unable to vote favorably on the suggested text B amendment and the amended zoning map. I, therefore, respectfully dissent from the opinion of the majority of the Zoning Commission.

Richard L. Stanton

Richard L. Stanton

Washington, D.C.
November 20, 1974

ATTEST: Martin Klauber

Martin Klauber
Executive Secretary

B

SO. C&O

GEORGETOWN

Concept Design

District of Columbia Board of Zoning Adjustment Submission

November 2011

South of the C&O Canal (SoCo) | 1045 Wisconsin Avenue NW | Eastbanc, Inc.

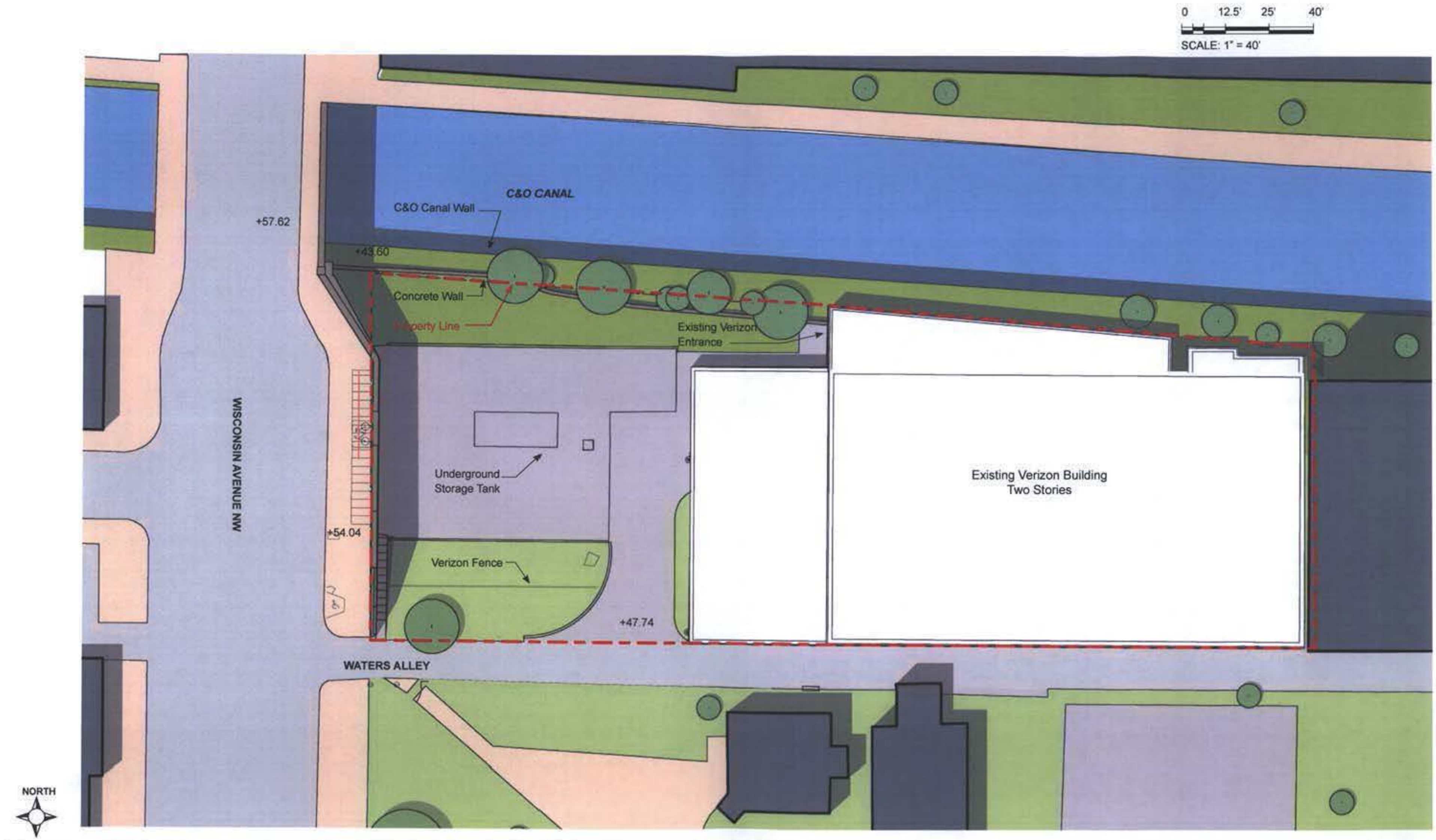
Beyer Blinder Belle Architects & Planners LLP

Site Location

Panorama of Wisconsin Avenue east from M Street NW to South Street NW

Panorama of Wisconsin Avenue west from South Street NW to M Street NW

Site Context



Existing Site Plan

Proposed Site Plan

Interior layouts subject to change

NORTH 0 8' 16' 24'

SCALE: 1" = 16'

Fourth Floor Plan

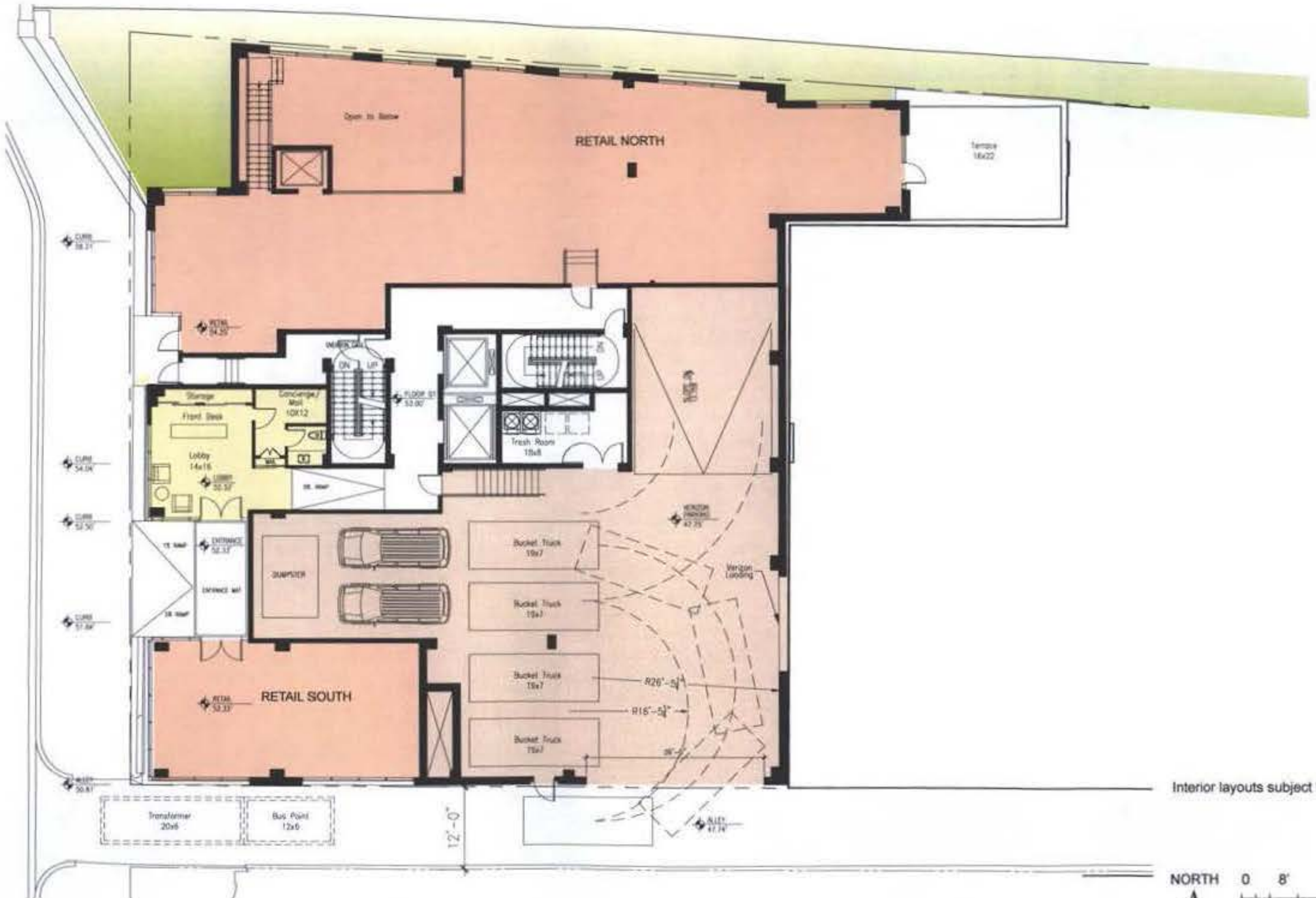
Interior layouts subject to change

NORTH 0 8' 16' 24'

SCALE: 1" = 16'

Third Floor Plan

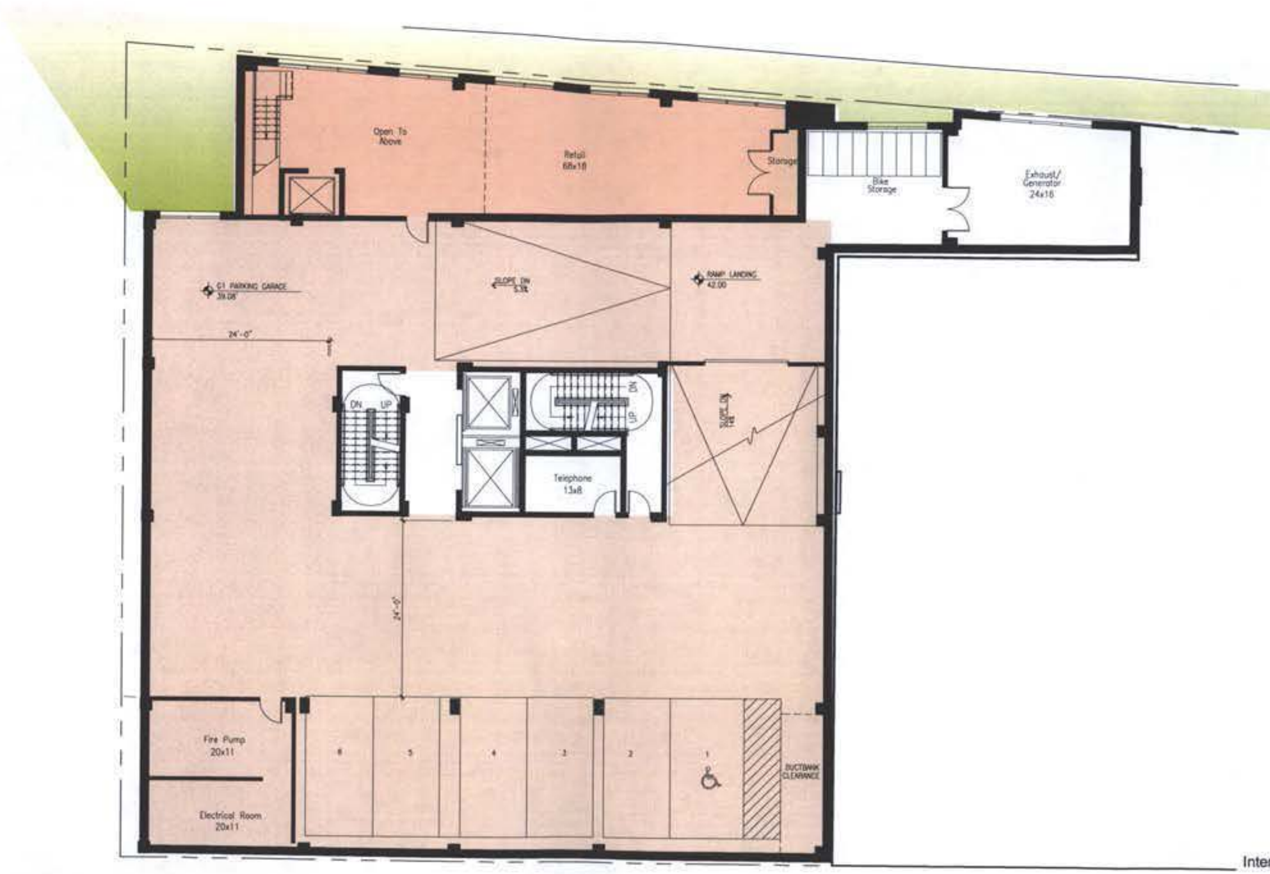
Second Floor Plan



Interior layouts subject to change

NORTH 0 8' 16' 24'
SCALE: 1" = 16'

First Floor Plan



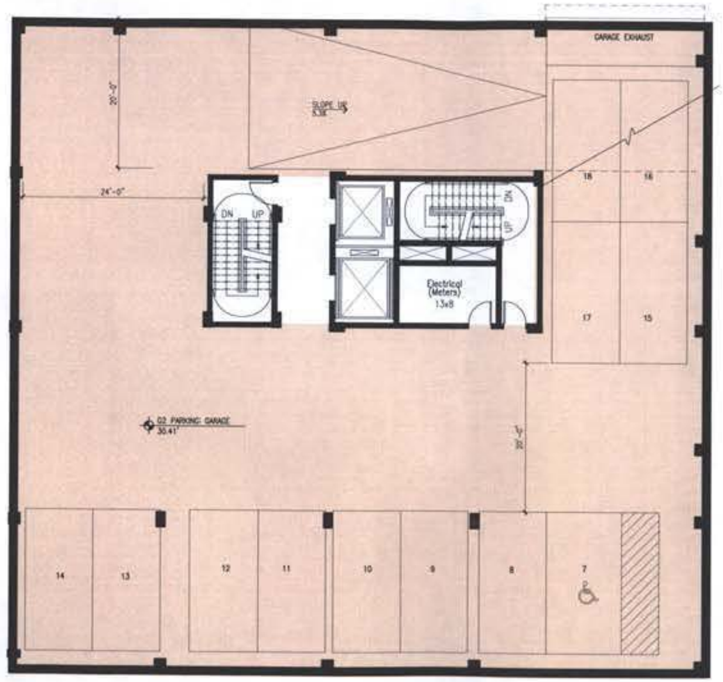
Interior layouts subject to change

NORTH

0 8' 16' 24'

SCALE: 1" = 16'

Ground Floor 01 Plan



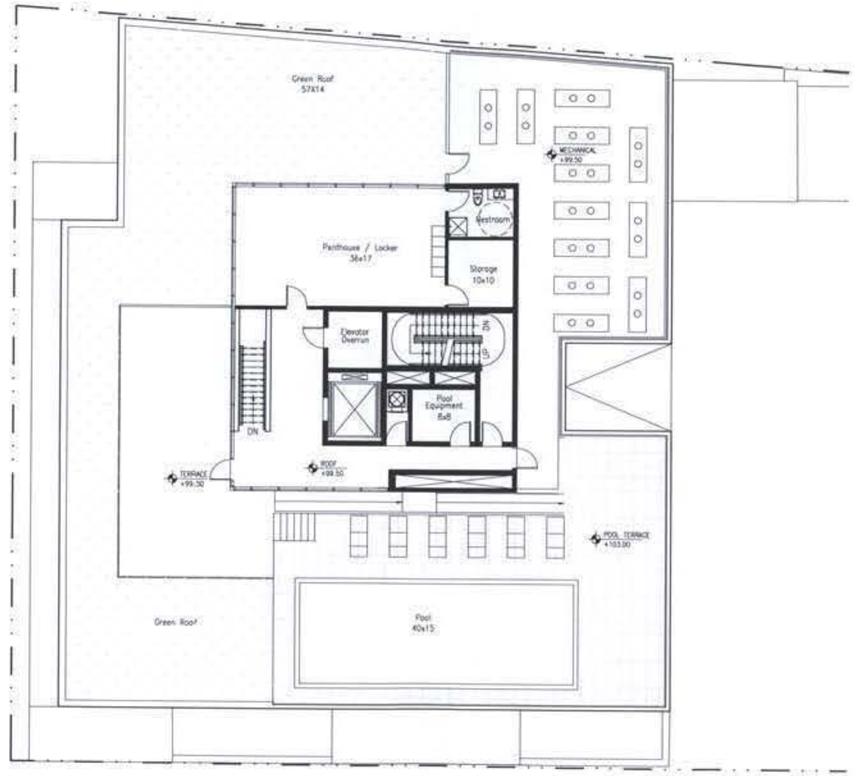
Interior layouts subject to change

NORTH

0 8' 16' 24'

SCALE: 1" = 16'

Ground 02 Floor Plan



Interior layouts subject to change

NORTH

0 8' 16' 24'

SCALE: 1" = 16'

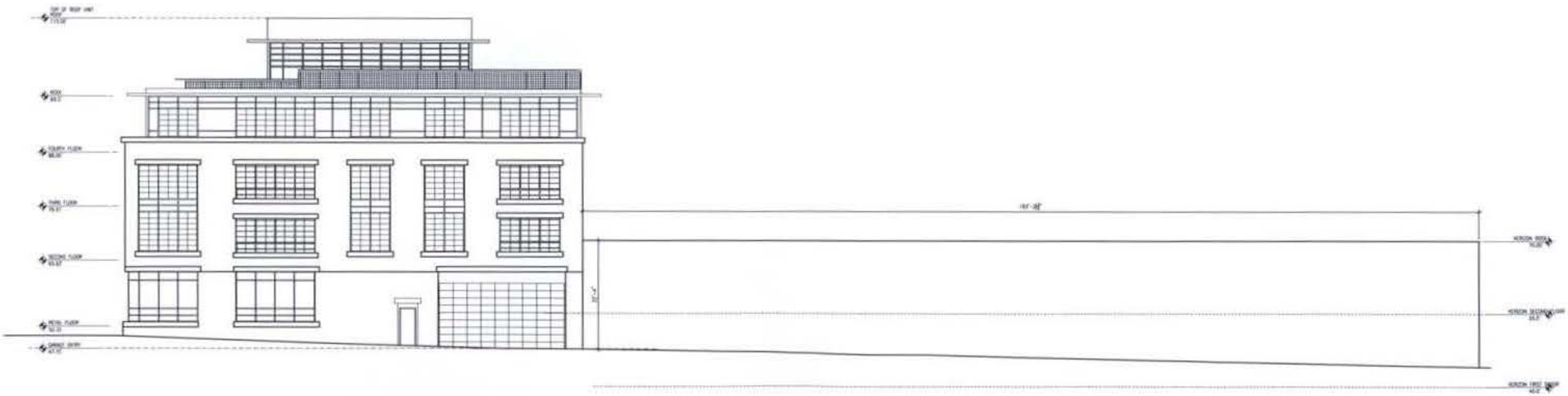
Roof Plan

West Elevation

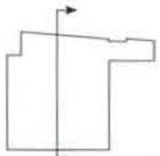
North Elevation

South Elevation

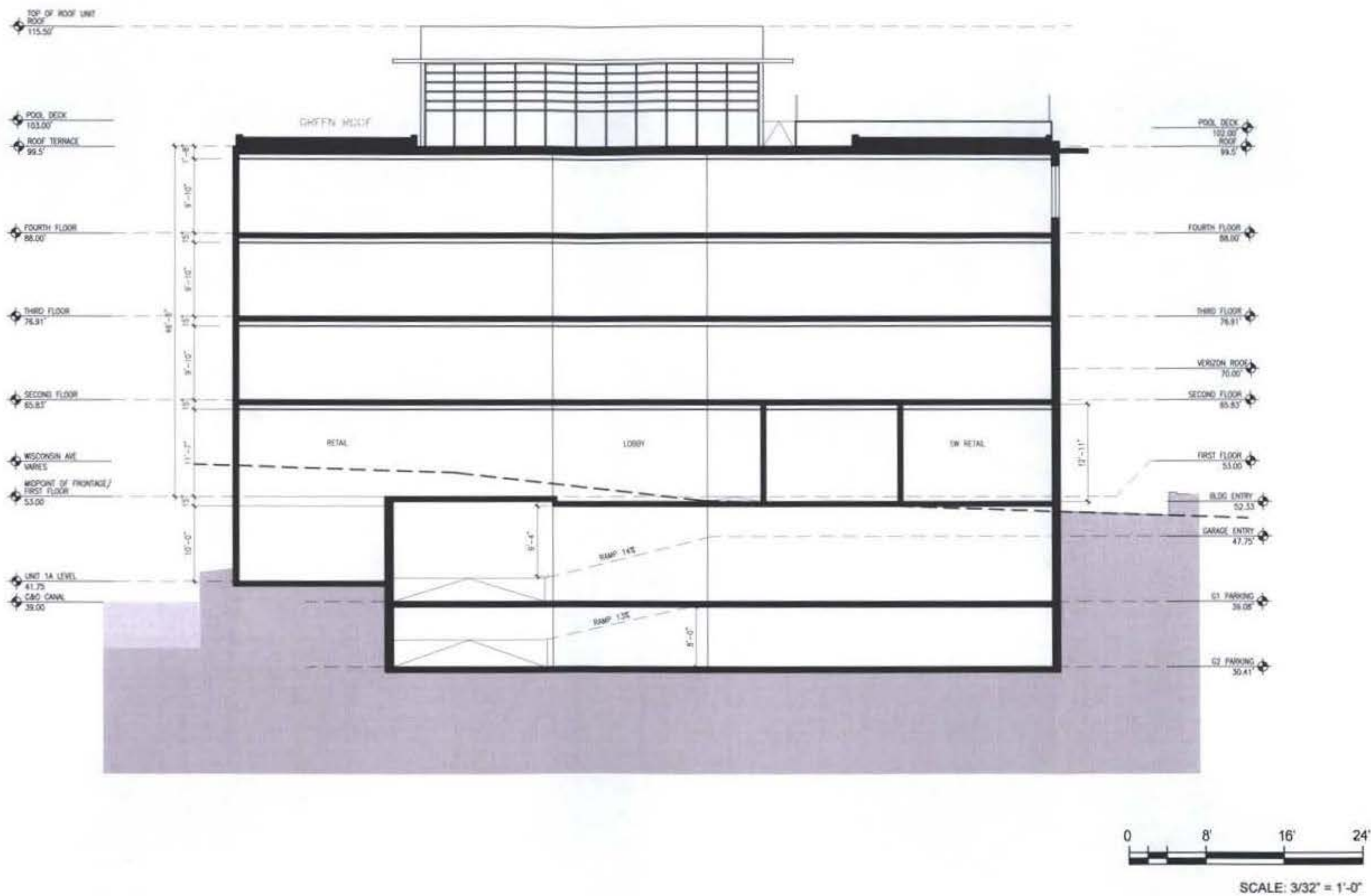
East Elevation



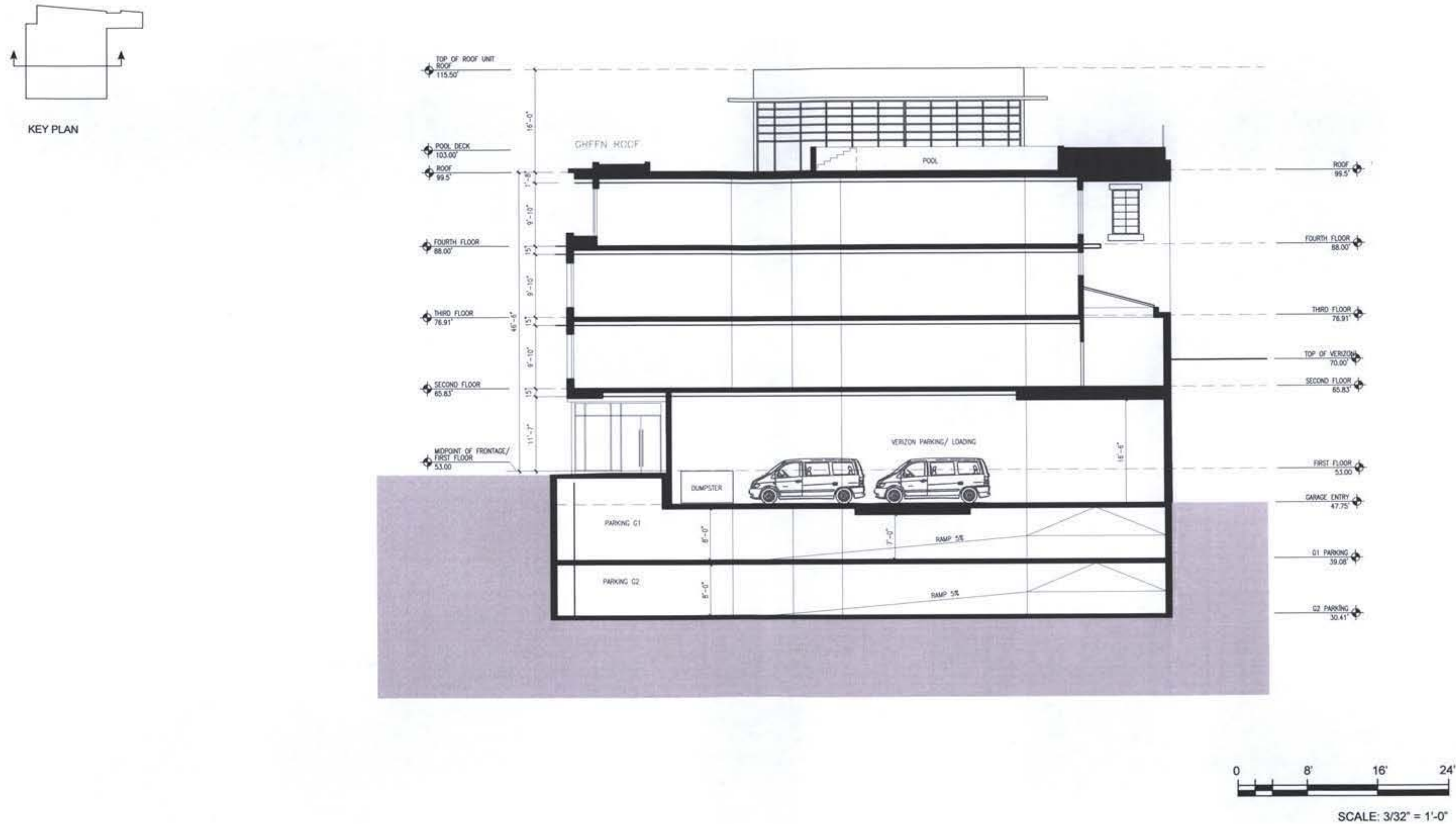
Expanded South Elevation



KEY PLAN



Section looking East



Section looking North

C

BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA

FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1045 Wisconsin Ave N.W.	1189	830	W-1

Single-Member Advisory Neighborhood Commission District(s):

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	✓ §3103.2 - Use Variance	✓ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections	931.2	2001.3, 930.1, 932.1, 933.2	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:
(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner s behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than $1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Owner's Signature	*Owner's Name (Please Print)*
Agent's Signature [signature]	*Agent's Name (Please Print)* Kinley R. Bray, Esq. Arent Fox LLP

Date	7/11/11	D.C. Bar No.	497960	or	Architect Registration No.	

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation ______

Signature		Date	

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No.______

BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA

FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1045 Wisconsin Ave N.W.	1189	830	W-1

Single-Member Advisory Neighborhood Commission District(s):

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	✓ §3103.2 - Use Variance	✓ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections			

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:
(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner s behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than $1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Owner's Signature	Owner's Name (Please Print)
Agent's Signature	Agent's Name (Please Print) Kinley R. Bray, Esq. Arent Fox LLP Hany Hassan, Beyer Blinder Belle Architects &Planners LLP

Date	7/11/11	D.C. Bar No.	497960	or	Architect Registration No.	ARC100149

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation __________
Signature	Date

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No.__________

Revised 1/1/11

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	28,519	n/a	n/a	unchanged	n/a
Lot Width (ft. to the tenth)	110'	n/a	n/a	unchanged	n/a
Lot Occupancy (building area/lot area)	approx. 59%	n/a	80%	95.85%	20%
Floor Area Ratio (FAR) (floor area/lot area)	1.2 (all non-residential)	n/a	2.5 overall, 1.2 non-residential (existing nonconforming)	2.715 overall; 1.38 non-residential	8.6% of overall FAR; 15% increase over existing nonconforming non-residential FAR (38% over max permitted as a matter of right)
Parking Spaces (number)	20	7	n/a	24	n/a
Loading Berths (number and size in ft.)	none	none	n/a	none	n/a
Front Yard (ft. to the tenth)	approx. 97'	none	n/a	none	n/a
Rear Yard (ft. to the tenth)	0'	3"/ft of height, min 12'	n/a	existing to remain	unchanged existing nonconforming
Side Yard (ft. to the tenth)	0'	none	n/a	existing to remain	n/a
Court, Open (width by depth in ft.)	none	4"/ft of height, min 10'	n/a	1: 10'x15', 2: 15'x16'	n/a
Court, Closed (width by depth in ft.)	none	n/a	n/a	none	n/a
Height (ft. to the tenth)	17'	n/a	45'	46.5'	3.33%

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

D

Hany Hassan, FAIA, Partner

Role: Partner in Charge

Firm: Beyer Blinder Belle Architects & Planners LLP

Education: B. Arch, 1974, Cairo University

Registrations: Registered Architect: DC, MD, VA, NY, NJ, NC, DE, WV, PA, SC, TN, NCARB certified

Director of Beyer Blinder Belle's Washington, DC office, Hany Hassan's career spans more than 35 years. His design and technical knowledge extends to architectural design for new construction, renovation and additions for major governmental, commercial, corporate and institutional clients as well as planning and urban design. Mr. Hassan's projects have been awarded numerous honors nationally and internationally including the DC State Historic Preservation Officer's Award, Excellence in Historic Preservation for the Historic DC Courthouse, the AIA/DC Chapter Merit Award in Historic Resources for the Historic DC Courthouse, the Traveling Award for Design Excellence for the Smithsonian Mall-Wide Perimeter Security Master Plan, AIA Justice Facilities Review Certificate of Merit for the Historic DC Courthouse, the AIA 2009 Institute Honor Award for Architecture for the Baltimore Basilica of the Assumption and two GSA Design Excellence Programs including the Historic DC Courthouse and the US Diplomacy Center.

Mr. Hassan's extensive experience in high quality design and construction enables him to respond to changing project needs in a timely manner to maintain the project design, budget and schedule. His intimate involvement in planning, conceptual design, and architecture alternatives for a project has earned him respect and authority among his peers and clients.

Mr. Hassan has served as AIA Design Jury Program Member, participated in the International AIA Honorary Fellowship Award Program and currently serves on the Board of Washington Architectural Foundation. Mr. Hassan also currently serves as GSA National Peer for Design Excellence and the Arts.

Representative Projects

Historic DC Courthouse Washington, DC
Design Partner for the renovation and expansion of Historic DC Courthouse for the DC Court of Appeals, one of the oldest historic landmarks on Judiciary Square. Originally designed by George Hadfield in 1820 as the Old City Hall for the District of Columbia, the building sustained a series of renovations, expanded from 1840 through 1880 and reclad in limestone in 1917 by Elliot Woods. The courthouse endured serious deterioration and was vacant since 1999. The design process began in 2003 and renovation/expansion was completed in June 2009.

The US Diplomacy Center Washington, DC
Design Partner for the United States Diplomacy Center and Museum for the U.S. Department of State. The project objective is to create a welcoming gesture to all visitors while explaining why diplomacy matters. The design envisions a center for innovation, with interactive exhibits that tell the story of diplomacy. Part of the USDC mission is to prepare youth for the global challenges of tomorrow and to inspire future leaders to become involved.

The Anacostia Waterfront Initiative Washington, DC
Project Planner for a comprehensive vision for a 350-acre underutilized waterfront area. As part of a consortium of design, planning, landscape, economic and technical consultants, Beyer Blinder Belle coordinated a broad effort to develop design and planning recommendations for seven miles of waterfront parks and urban neighborhoods. The completed Phase I of the effort was structured around a series of community meetings and large-scale public presentations and workshops, and included detailed urban design studies of Near Southeast and Southwest neighborhoods within the larger study area. Winner of a 2003 EDRA/Places Award for Place Planning, the 2004 American Planning Association Outstanding Planning Award for a Plan, and a 2005 American Institute of Architects Regional and Urban Design Award.

Comprehensive Plan,Urban Design Element Washington, DC
Partner-in-Charge for a collaboration with the DC Office of Planning to revise the Urban Design components of the DC Comprehensive Plan. The work includes the assessment of policy options, determining what is needed to achieve urban design objectives based on best practices around the country, creation of graphics portraying the desired form of the city and its neighborhoods to be incorporated into the Plan, and the development of planning policies and actions for effective urban design decision-making.

NoMA (North of Massachusetts Avenue) Vision Plan
Washington, DC
Partner-in-Charge for a Vision Plan and Development Strategy for a 470-acre site just north of Union Station in downtown Washington, DC. The planning work proposes a walkable, transit-accessible, dynamic and diverse neighborhood with a mix of uses. The plan will coordinate public and private investment and strengthen connections between new development, a new metro station, and nearby existing neighborhoods. Structured around public and stakeholder involvement program.

Old DC Courthouse – Historic Southwest Park and Parking Garage Washington, DC
Design Partner. As part of the implementation of the Judiciary Square Master Plan, Beyer Blinder Belle is currently working with the District of Columbia Courts system to renovate not only the Old DC Courthouse, but the public space that surrounds the building. The installation of a

tives and project-specific needs. Beyer Blinder Belle's responsibility will be focused on all Architectural/Urban Design aspects including physical and visual impact.

Smithsonian Institution – Mall-Wide Perimeter Security Improvements Washington, DC
Partner-in-Charge for this important project to provide the necessary levels of perimeter security while maintaining the historic character of the National Mall and Smithsonian buildings. The Museum of Natural History includes a new entrance and lobby design on Constitution Avenue and Madison Drive. The National Air & Space Museum portion is under construction; the Museum of Natural History is in the midst of design. These projects have required multiple agency coordination and approvals.

Smithsonian Institution – National Museum of American History – Perimeter Security Improvements Washington, DC
Partner-in-Charge for perimeter security improvements that focus on the National Museum of American History (NMAH). A major project objective is to provide the necessary levels of physical security while maintaining the historic character of the National Mall and the NMAH. The project involves exterior work only and seeks to adapt some of the existing building fabric for security purposes. New security measures will also be introduced around the perimeter of the site. This project involves multiple agency coordination and approval.

Smithsonian Institution Building (the Castle) Washington, DC
Partner-in-Charge and Lead Designer for the renovation and alteration of the Great Hall. Beyer Blinder Belle prepared an interim plan for the interior restoration of the Great Hall. Proposed solutions sought to balance the use of the Great Hall as a Visitor Center, exhibit space, event space and retail space. Solutions were developed with input with VIARC, Smithsonian Business Ventures, Office of Exhibits, and Office of Public Affairs.

Smithsonian Institution – Renwick, Freer, Castle – Modify Windows for Blast Mitigation Washington, DC
Partner-in-Charge for the research and documentation of existing conditions with proposal of solutions for blast mitigation options at windows and skylights. Provide necessary levels of security while preserving the character and fabric of these historically significant buildings.

Smithsonian Institution – Modify Windows for Blast Mitigation – Patent Office Building Washington, DC
Partner-in-Charge for the modification of windows and skylights for blast mitigation. A major project objective is to provide the necessary levels of security while maintaining the character and fabric of this historically significant building. The POB dates from 1840. This project involves multiple agency coordination and approvals.

Smithsonian Institution – National Museum of Natural History Washington, DC
Partner-in-Charge and Principal Designer for this project which includes a new entrance and lobby design on Constitution Avenue and Madison Drive.

Carter G. Woodson Home – National Park Service – National Capital Region – IDIQ Washington, DC
Partner-in-Charge. In March of 2005, Beyer Blinder Belle began work with the National Capital Region of the National Park Service as part of a two-year IDIQ contract for architectural design services. The first task of this contract is an Historic Structures Report for the Carter G. Woodson National Historic Site. This three-story Victorian Row House served as the home of Dr. Carter G. Woodson and as the center for the Association for the Study of Negro Life and History. Other services will include design, preservation and planning services and HABS survey work.

Mary McLeod Bethune Council House – National Park Service – National Capital Region – IDIQ Washington, DC
Partner-in-Charge. In March of 2005, Beyer Blinder Belle was awarded a two-year IDIQ contract with the National Park Service – National Capital Region for architectural design services. As one of the tasks under this contract, Beyer Blinder Belle is producing a Historic Structures Report to document this 1875 Washington row house. This National Historic Site is significant as the residence of Mary McLeod Bethune, a renowned educator, national political leader, President of the National Association of Colored Women's Clubs, and founder of the National Council of Negro Women (NCNW). The HSR will identify issues with the existing building fabric and systems and will make recommendations for modernizing the facility in a way that allows an ongoing ability to receive visitors and researchers.

The White House Washington, DC
Lead Designer for the security and planning of Pennsylvania Avenue at the White House. The project creates a pedestrian precinct that preserves the historical axis and existing street patterns while creating an environment that is welcoming, dignified, and able to accommodate multiple uses, including the inaugural parade. The security and planning of this area must value continuity within its surrounding context, creating a place that is timeless and a setting where virtues of democracy will continue to inspire.

555 Pennsylvania Avenue Washington, DC
Design Partner for the Urban Design and Design Guidelines of the site of the future Newseum, a vital link between the Federal Mall and the active thriving downtown of Washington, DC. The main objective of the plan was to maximize site potential, create coherent and contextual developments, and create a vital connection and pedestrian link. The project involved the coordination of the District of Columbia Office of Planning, General Services Administration, National Park Service, Historic Preservation Review Board, District of Columbia Zoning Administrator, and Commission of Fine Arts.

E

Ellen M. McCarthy*

Director of Planning and Land Use
Washington
202-857-6455
mccarthy.ellen@arentfox.com

Smart in your world®
Arent Fox

Practice Teams
Real Estate

Areas of Focus
Zoning
Land Use
Historic Preservation

Practice Areas

Ellen McCarthy is the director of planning and land use for the firm. She has more than 30 years of experience in the planning field, with a focus on zoning, neighborhood planning and historic preservation.

*Ellen is not a member of the legal profession.

Previous Work

Prior to joining Arent Fox, Ellen was the director of planning and land use for a large US law firm. She advises clients in all aspects of zoning and development review before the Zoning Commission and Board of Zoning Adjustment including planned unit developments, rezonings, variances, and special exceptions. She also assists clients with land use entitlements such as street closings, alley closings, antennas, roof structure reviews, downtown development district compliance and transfers of development rights.

Previously, Ellen was the director of the District of Columbia Office of Planning, where she managed a 60-person team to provide a wide range of services for District of Columbia citizens. While there, her projects included getting city council adoption of a new Comprehensive Plan, the re-engineering of the development review function, and the crafting of a strategy to revitalize dilapidated affordable housing projects into lively, mixed-use, mixed-income neighborhoods while retaining existing low-income residents. She also directed the integration of the Historic Preservation Office into the Office of Planning from the permitting department, revamping its financial accountability system, and oversaw planning efforts for the Anacostia Transit Station Area, Northeast Gateway, Shaw/Convention Center Area, NoMA and Georgia Avenue, along with completion of new zoning for waterfront districts and numerous large development projects.

Professional Activities

Ellen has been involved in several civic and professional organizations. She currently serves on the Advisory Council of the Washington office of the Local Initiatives Support Corporation and on the Housing Council of Catholic Charities of the Archdiocese of Washington, DC. In addition, she co-chairs the Task Force on Public Policy and Regulatory Reform for the Washington effort of the Urban Land Institute's Terwilliger Workforce Housing Initiative. Ellen served on the boards of directors of the Washington Area Community Investment Fund (low-income housing finance organization) and DC Preservation League as well as on Board of Trustees of the Committee of 100 on the Federal City, and she was active in the Citizens Planning Coalition. She was elected president of the National Capital Area Chapter, American Planning Association, and co-chair of the Coalition for a Living Downtown.

Publications/Presentations/Recognitions

Ellen has been recognized with an Outstanding Performance Award by the US Department of Transportation, a Chapter Service Award from the National Capital Area Chapter of the American Planning Association and a Fannie Mae Housing Fellowship.

For the Real Estate Review:

"Revitalizing Downtown DC", *Real Estate Review*, forthcoming issue, 2008

For the Urban Land Institute:

- "Center Cities," *Land Use in Transition*, co-authored with Richard H. Bradley and Gayle L. Berens,
- "The Management and Organization of Ridesharing Programs," *Transportation Research Board Special Report*, co-authored with Richard Bradley, 1985

For the Transit Cooperative Research Program:

- Subcontractor to Project for Public Spaces for *The Role of Transit in Creating Livable Metropolitan Communities*, National Academy Press, I997

For the US Department of Transportation:

- Integration of Paratransit with Conventional Transit Systems, Information Bulletin, The Urban Consortium, Public Technology Inc.
- Institutional Framework for Integrated Transportation Planning, Information Bulletin, The Urban Consortium, Public Technology, Inc.
- Transportation Planning and Impact Forecasting Tools, Information Bulletin, The Urban Consortium, Public Technology, Inc.
- *Manual for Planning and Implementing Priority Treatments for High-Occupancy Vehicles*, co-authored with Gary Hebert, Urban Consortium, Public Technology, Inc.

For the American Public Transit Association:

- "An Analysis of the US Department of Transportation's National Transportation Policy," 1975

For the World Congress on Transport Research for Social and Economic Progress

- A New Role of Transportation System Managers: Public Entrepreneurs," Proceedings, World Congress on Transport Research for Social and Economic Progress, 1980

Education

Harvard University, Department of City and Regional Planning, MCP, 1974
University of Maryland, BA (Phi Beta Kappa, *with high honors)*, 1972

Life Beyond the Law

Ellen is an active volunteer in community efforts, and enjoys biking with her husband, reading, gardening and knitting. She especially enjoys visiting her two children at college.

E

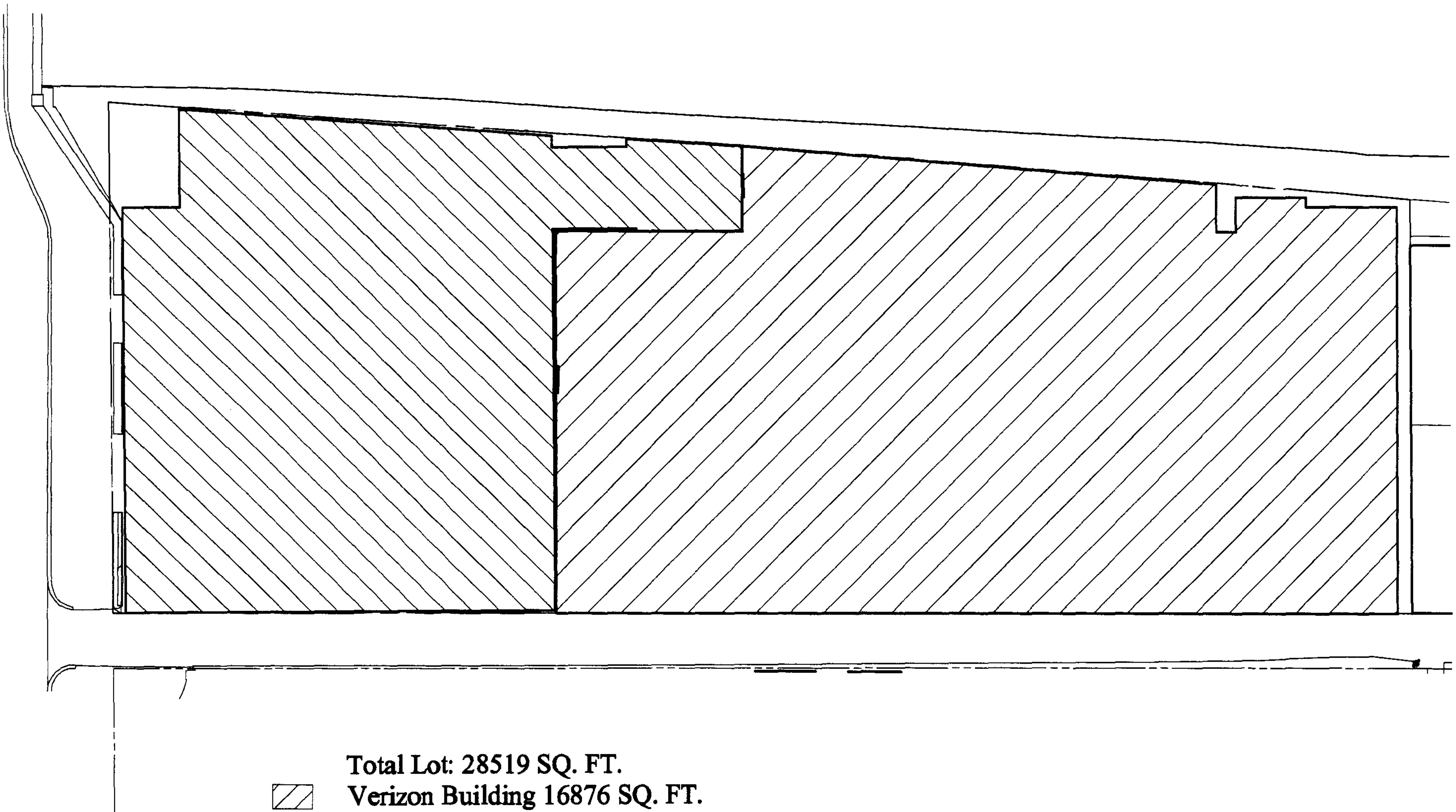
Zoning Summary

Zone:	W-1		
FAR Allowed:	2.5		
Combined Lot Size:	28,519 sf		
GFA Allowed:	71,298 sf	2.5	FAR
Lot Occupancy Allowed:	80%		
Existing GFA	34,222 sf	1.2	FAR

Matter-of-Right				Proposed GFA	Variance
GFA Allowed (Commercial)	34,222 =	1.2	FAR	39,478	5,256
GFA Allowed (Residential)	37,083 =	1.3	FAR	37,905	822
Add'l GFA Allowed @ Roof	10,552 =	0.37	FAR	2,605	-
Height	45'-0"				1'-6"

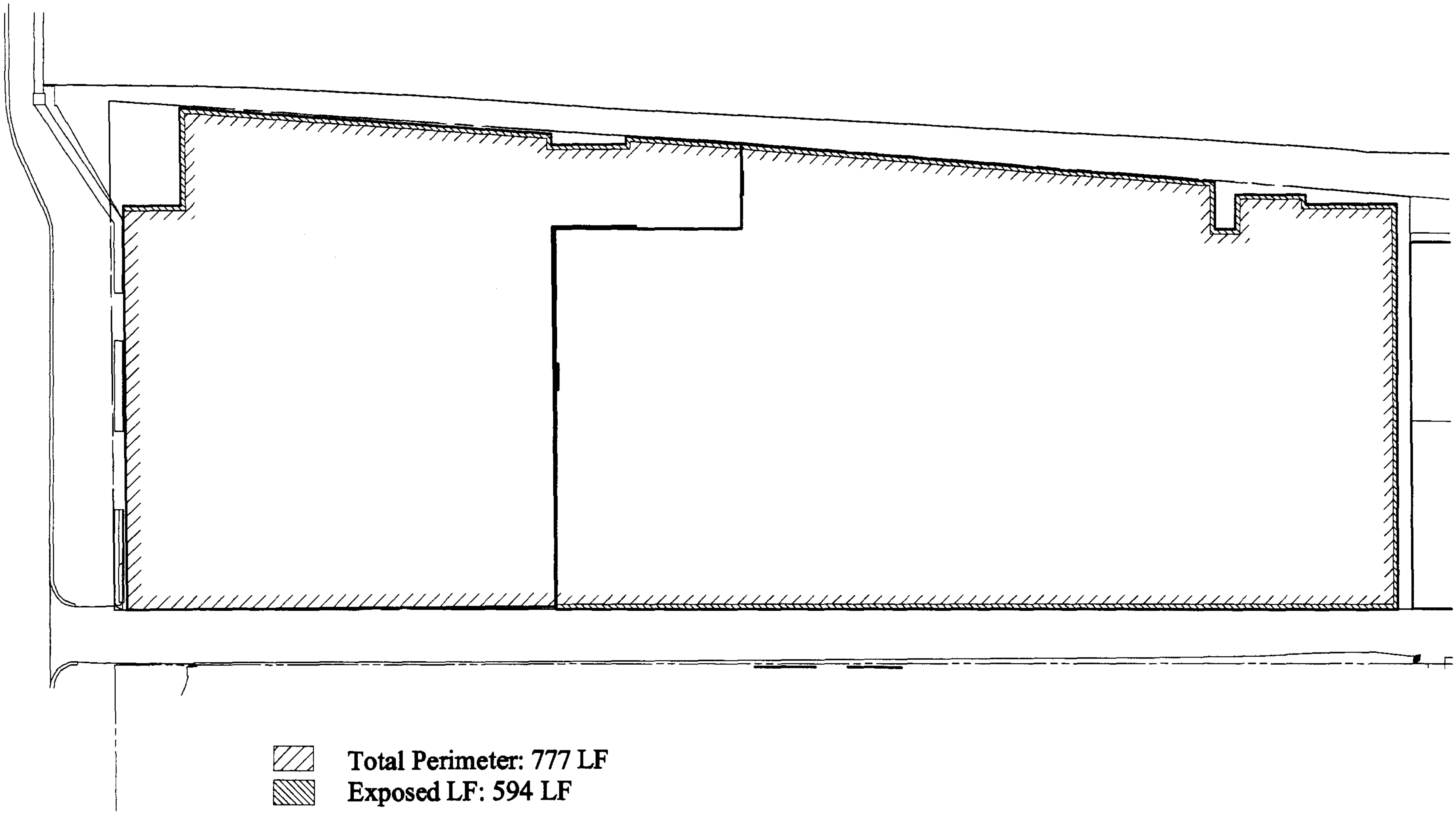
	Residential									Commercial						Roof
	Residential	Core	Misc*	Parking	TOTAL Residential GSF	Area Exposed	Not Exposed	Area Excluded	Total Residential GFA	Parking Retail	Retail South	Retail North	Verizon	Total Commercial GSF	Total Commercial GFA	
Roof		0	0		0	100%		48	0					0	0	2605
4th Floor	6,770	1,212			7,982	100%		48	7,934					0	0	
3rd Floor	8,187	1,212			9,399	100%		48	9,351					0	0	
2nd Floor	8,732	1,279			10,011	100%		48	9,963				17,111	17111	17111	
1st Floor	0	1,278	860	3,349	5,487	100%		498	4,989		876	3,394	17,111	21381	21381	
G1 Floor	0	934	1,261	5,219	7,414	76%	24%	1746	5,668	553		727	0	1280	985.6	
G2 Parking	0	934		7,255	8,189	0%	100%	8,189	0					0	0	
Total	23,689	6,849		15,823	46,361				37,905	553	4,997		34,222	39,772	39478	2,605

* Misc includes First Floor Lobby and G1 Mechanical and Northeast Corner



Total Lot: 28519 SQ. FT.
Verizon Building 16876 SQ. FT.
C&O Canal Building: 10460 SQ. FT.

C&O Canal Building + Verizon = 27,336 SF
95.85% Lot Coverage



Total Perimeter: 777 LF
Exposed LF: 594 LF

76.4%