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RECEIVED
D.C. OFFICE OF ZONING

January 10, 2011

VIA HAND DELIVERY

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

Re: Application No. 18306 of 1919 14th Street, LLC, on behalf of 14th Street Properties- PreHearing Statement of the Applicant

Honorable Members of the Board:

On behalf of the Applicant in the above-referenced case, enclosed please find one original and twenty copies of the Applicant's prehearing submission in support of its application for variance and special exception relief to allow the construction of a new residential building with ground floor retail and service uses in the ARTS/C-3-A District at premises 1905 -1917 14th Street, NW (Square 237, Lots 179, 194 & 195).

Thank you for your attention to this application.

Sincerely,



Kyrus L. Freeman

Enclosures

cc: Steve Cochran, Office of Planning (Via Hand, with enclosure)
ANC 1B (Via U.S. Mail, with enclosure)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18306
EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.18306
EXHIBIT NO.26

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

**APPLICATION OF
1919 14TH STREET, LLC
ON BEHALF OF
14TH STREET PROPERTIES**

**BZA APPLICATION NO. 18306
HEARING DATE: JAN. 24, 2012
ANC 1B**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted by 1919 14th Street, LLC (the "Applicant"), on behalf of 14th Street Properties, the owner of property located at 1905 -1917 14th Street, NW (Square 237, Lots 179, 194 & 195) (the "Site"), in support of its application pursuant to 11 DCMR §3103.2 and §3104.1, for a variance from the court requirements of Section 776.3; a variance from the off-street parking requirements of Section 2101.1; a variance from the compact space requirements of Section 2115.2; a variance from the off-street loading requirements of Section 2201.1; a special exception from the roof structure requirements pursuant to Section 411.11; and a special exception from the roof structure height limitation of Section 1902.1(a) to allow the construction of a new residential building with ground floor retail and service uses in the ARTS/C-3-A District at the Site.

II.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance and special exception relief requested herein pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations.

III.

EXHIBITS IN SUPPORT OF THE APPLICATION

- Exhibit A: Portion of the Baist and Sanborn Atlas plats showing the Site;
- Exhibit B: Portion of the Zoning Map showing the Site;
- Exhibit C: Architectural Plans and Elevations;
- Exhibit D: Historic Preservation Review Board Staff Report And Recommendation;
- Exhibit E: Geotechnical Summary Letter From Professional Service Industries;
- Exhibit F: Transportation Impact Analysis;
- Exhibit G: Outline of Testimony of David Franco, 1919 14th Street, LLC;
- Exhibit H: Outline of Testimony of Eric Colbert, Eric Colbert & Associates Architects; and
- Exhibit I: Outline of Testimony of Erwin N. Andres, Gorove Slade.

IV.

BACKGROUND

A. Background Information Regarding the Site and Surrounding Area

The Site is located at 1905 - 1917 14th Street, N.W. and includes Lots 179, 194, and 195 in Square 237. Square 237 is located in the northwest quadrant of the District and is bounded on the north by U Street, on the east by 13th Street, on the

south by T Street, and on the west by 14th Street. (See plats attached hereto as Exhibit A). Wallach Place runs east-west and bisects the square. The Site contains approximately 15,390 square feet of land area. The Site is located within the ARTS/C-3-A District (See Zoning Map attached hereto as Exhibit B), and the 14th Street Historic District. The Site is currently improved with a one-story building that includes retail uses.

B. Description of Proposed Development

As shown on the Architectural Plans and Elevations attached hereto as Exhibit C, the Applicant proposes to demolish the existing structure on the Site and to construct a new residential building with ground floor retail and service uses. The project will include a total of approximately 78,253 square feet of gross floor area, which will be comprised of 144 residential units and 5,696 square feet of new retail and service space. The proposed uses are consistent with the Site's ARTS/C-3-A zoning designation. The project also includes 34 off-street parking spaces, with 8 surface spaces and 26 spaces located in a below-grade parking garage.

The project has been reviewed by the staff of the State Historic Preservation Office ("HPO") and the Historic Preservation Review Board ("HPRB"). As indicated in the HPRB Staff Report And Recommendation attached hereto as Exhibit D, HPO recommended that HPRB approve the project in concept as consistent with the purposes of the preservation act, which HPRB approved on September 22, 2011. The Applicant is continuing to work with HPO to refine certain elements of the building's design, and the Applicant is requesting flexibility from the BZA such that

if the zoning relief is granted, the Applicant shall have the flexibility to modify the design and internal layout of the building to address any comments from HPO and HPRB during final review of the project so long as the modifications do not require any additional areas of zoning relief.

V.
**THE APPLICANT MEETS THE BURDEN
OF PROOF FOR VARIANCE RELIEF**

Variance relief is required from the off-street parking (§ 2101.1) requirements in this case. Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) the owner would encounter practical difficulties 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 zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also*, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this application.

A. The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment, 320 A.2nd 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. Gilmartin v. D.C. Board of Zoning Adjustment, 579 A.2nd 1164, 1168 (D.C. 1990).

In this case, the Site is uniquely affected by the combination of factors, including adverse subsurface conditions such as a high water table and poor sandy soils, the existing improvements on the Site, the zoning history of and prior approvals for the Site, and the Site's location on a prominent corner bounded by two major streets and a public alley. The combination of these factors results in an extraordinary and exceptional condition that imposes a number of significant development constraints on the Site.

As indicated in the geotechnical summary letter prepared by Professional Service Industries ("PSI") attached hereto as Exhibit E, PSI was retained to provide geotechnical engineering services for the Applicant's proposed mixed-use development project at the Site. PSI completed two test borings to depths ranging from approximately 30 feet to 60 feet below the existing ground surface, and analysis of the two test borings show a high water table at the Site, and that poor soil conditions would be encountered at the foundation bearing elevation of a multi-

level underground garage.

Moreover, prior to construction of the existing building on the Site, and pursuant to Order No. 11070, dated June 6, 1972, the Board granted approval for use of Lot 179 as a parking lot servicing a public hall that was located at 1907 - 1909 14th Street. The Site was zoned C-M-2 at that time. However, pursuant to Zoning Commission Order No. 632, dated November 13, 1989, the Site was rezoned to the ARTS/C-3-A. The existing building on the Site was constructed in the 1980's, prior to the establishment of many of the District's planning objectives and requirements regarding the development of the 14th Street corridor.

Although the existing building on the Site is non-contributing to the 14th Street Historic District, a portion of the Site at its northeast corner is abutted by a historic structure to the northeast on Wallach Place and to the south on 14th Street. As indicated in the HPRB Staff Report and Recommendation, the Site property is adjacent to an historic two-story commercial building to the south; a three-story Victorian building is located on the opposite corner to the north. Wallach Place to the east is an extremely intact and unified block of two-story houses, most constructed by either builder James Robbins or architect/developer T.F. Schneider between 1885-1889. These conditions have a direct impact on the design and layout of the proposed development on the Site. Moreover, the Site is one of the largest properties within the square, but is substantially underdeveloped compared to other lots within the square. In addition, the Site is bounded on two sides by public streets and on the third by a public alley, which impacts access to the Site and the

configuration of the proposed development on the Site.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner

(a) Court Requirements of Section 776.5.

The strict application of the court regulations will result in a practical difficulty. Although not required for zoning purposes, there is an open court measuring 5' 10" along the southern property line at the 7th floor of the proposed new construction. Each of the proposed courts and setbacks included on the plans have been provided in direct response to comments from neighbors and HPO. Section 776.3 of the Zoning Regulations provides that where a court is provided for a residential building in the C-3-A District, the court must have a minimum width of at least 4 inches per foot of building height, but not less than 15 feet. Thus, in order to comply with the court regulations, the court would need to be set back an additional 9' 2" at the 7th floor level. The court as designed has been provided to pull the building's mass back slightly along the southern property line at the 7th floor, while at the same time providing a reasonable interior configuration for use of this level. However, strict compliance with the court setback requirement would cause the elimination of a significant portion of the building along the southern property line at the 7th floor, and due to the configuration of the project, this space cannot be relocated elsewhere in the building. Increasing the setback to meet the required court width would also result in a significant number of design changes to the interior configuration of the building, including the location and layout of units, the location of the stairways, the design of the garage, and a number of other

impacts. This would result in a practical difficulty.

(b) Off-Street Parking Requirements of Section 2101.1.

The strict application of the off-street parking requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Section 2101.1 of the Zoning Regulations, retail and service establishments in the C-3-A District in excess of 3,000 square feet are required to provide 1 off-street parking space for each additional 300 square feet of gross floor area and cellar floor area. An apartment house or multiple dwelling in the C-3-A District is required to provide 1 off-street parking space for each 2 dwelling units. The project includes 144 residential units, and 5,696 square feet of retail and service use, and is thus required to provide a total of 81 off-street parking spaces. However, as shown on the plans, the Applicant is seeking a variance to instead provide a total of 34 off-street parking spaces, with 8 surface spaces and 26 spaces located in a below-grade parking garage.

The Applicant has maximized the number of surface parking spaces on the Site. However, due to the requirement of Section 1901.1 of the Zoning Regulations which provides that retail and service uses must occupy no less than 50% of the ground floor level of the building, combined with the need for a residential lobby and typical ground floor building services in the proposed building, the Applicant cannot increase the number of surface parking spaces. The Applicant has also maximized the number of parking spaces that can be located in the below-grade parking garage. However, the Applicant cannot provide additional levels of below-

grade parking due to the groundwater and poor soil conditions of the Site, which limits the Applicant's ability to construct additional below-grade parking on the Site. As indicated in the letter prepared by PSI attached hereto as Exhibit E, the Site is impacted by a high water table and poor soil conditions which would make it practically difficult for the Applicant to construct more than one level of below grade parking. The Applicant's proposed plan for the proposed one level underground parking garage would not require dewatering groundwater and would allow for structural support of shallow foundations on compacted aggregate piers. If the Applicant is required to build multiple levels of underground parking, aggressive dewatering during construction would be required, as would a concrete mat foundation on compacted soils. In addition, the construction costs for a multi-level garage due the above-mentioned subsurface conditions would be significantly greater than a similar site without the above-mentioned conditions. Thus, it would be practically difficult for the Applicant to comply with the parking requirements in this case.

(c) Compact Parking Space Requirements of Section 2115.2.

Section 2115.2 of the Zoning Regulations provides that any "accessory parking area or accessory garage containing twenty-five (25) or more required parking spaces may designate up to forty percent (40%) of the parking spaces for compact cars." 11 DCMR § 2115.2. As shown on the Architectural Plans and Elevations, the proposed building will contain 26 parking spaces located in the below-grade garage and 8 surface parking spaces. Fifteen of the spaces located in

the garage are compact, which represents approximately 44% of the total number of off-street parking spaces provided in the project. Because of the location of the building's structural columns and the area occupied by required elevators, drive aisles, storage space, stairwells, and utility rooms, there is simply not enough space to accommodate the required number of full-size parking spaces on the Site without further reducing the number of parking spaces provided. In other words, reducing the percentage of parking spaces that are compact in size will necessarily reduce the total number of vehicles that can be accommodated in the building's garage. Such a result is clearly inconsistent with the purposes of the off-street parking requirements.

(d) Off-Street Loading Requirements of Section 2201.1.

The strict application of the loading requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Section 2201.1 of the Zoning Regulations, a retail or service establishment in the C-3-A District with 5,000 to 20,000 square feet of gross and cellar floor area is required to provide 1 loading berth at 30 feet deep and 1 loading platform measuring 100 square feet. In addition, an apartment house or multiple dwelling with 50 or more dwelling units is required to provide 1 loading berth at 55 feet deep, 1 loading platform measuring 200 square feet, and 1 service/delivery space at 20 feet deep. Pursuant to Section 2201.2 of the Zoning Regulations, loading is only required for the residential use since the residential use occupies over 90% of the gross floor area of the proposed building.

The project includes 144 residential units, and 5,696 square feet of retail and service use, and is thus required to provide 1 loading berth at 55 feet deep, 1 loading platform at 200 square feet, and 1 service/delivery space at 20 feet deep. However, as shown on the plans, the project includes 1 loading berth at 30 feet deep, 1 loading berth at 24 feet deep, 1 loading platform at 200 square feet, and no service/delivery space. Thus, relief is required.

Due to the width of Wallach Place and the existing alley width, it is not feasible for a 55 truck foot to navigate the existing public alley system to access the proposed loading facilities. Moreover, in order to meet the strict application of these loading requirements, the Applicant would have to increase the depth of one of the loading berth by at least an additional 25 feet. Increasing the size of these facilities, however, will result in a practical difficulty to the Applicant and would have an adverse impact on the layout and configuration of essential building features, including the trash rooms and elevators.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The replacement of the existing one-story retail building constructed in the 1980s with a new mixed-used development will significantly contribute to the vibrancy of the neighborhood while supporting the City's goals for this area.

With respect to court width, the deficiency in the court width involves only

the 7th floor of the building. The court at this level is above the height of the abutting buildings to the immediate south, and thus there will be ample open space above the abutting building to satisfy the purpose of the court width requirements. Moreover, each of the proposed courts and setbacks included on the plans have been provided in direct response to comments from neighbors and HPO. In addition, with respect to the requested parking relief, as indicated in the Transportation Impact Analysis attached hereto as Exhibit F, the proposed parking will adequately serve the demands of the Site due to a number of actors, including the following:

- The U Street/African American Civil War Memorial/Cardozo Metrorail station within walking distance of the site.
- The Site is serviced by 15 bus routes within close walking distance including Metrobus, Metro Express and DC Circulator routes.
- There is an existing bike share location approximately 700 feet to the north of the site at the intersection at 14th and V Street NW in addition to other facilities within short walking distance from the Site.
- The Applicant has worked with DDOT to incorporate ample bicycle parking in the project. The design of these spaces will reflect similar dimensions as currently incorporated in other developments throughout the District. The number of spaces provided will significantly exceed the bicycle parking requirements.

- The Site area has a walkability score of between 94 and 91 as calculated by WalkScore.com, which is referred to as a “Walker’s Paradise”.

Thus, the Applicant anticipates that the existing transit access to the Site will result in a significant amount of transit and pedestrian access to the Site, resulting in a decrease in the number of vehicle trips that would otherwise be generated, or the number of off-street parking spaces that would be needed, if the property were not in such close proximity to public transportation. Moreover, although 15 of the parking spaces provided in the parking garage are compact spaces, the garage has been designed in a manner that will maximize the efficiency of use of the parking garage space.

Finally, with respect to loading, and as the Board has recognized in a number of other cases, due to the anticipated needs of the residential use, it is unlikely that the building will be serviced by 55 foot tractor-trailer trucks, thus there is no need for a 55 foot berth for this project. Although a service/delivery space is not provided, the plans include an additional 24 foot loading berth that can accommodate service deliveries. Moreover, as noted in the Transportation Impact Analysis, the Applicant has committed to encourage the residents and retail establishments to utilize vehicles 24 feet or smaller, and the Applicant will manage the loading operations of the Site to ensure efficient utilization of the loading area and will restrict use of the loading facilities to vehicles no larger than 30 feet.

VI.
THE APPLICANT MEETS THE BURDEN
OF PROOF FOR SPECIAL EXCEPTION RELIEF

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

A. Standard of Review for Roof Structure Special Exception

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

B. Relief from Roof Structure Enclosing Wall Requirements

The Applicant requests relief from Section 411.5 of the Zoning Regulations.

That section requires the enclosing walls of roof structures to be of equal height. However, in order to reduce the mass of the roof structure to the greatest extent possible, the structure incorporates enclosing walls having heights of 8'6", 10' 6", 13'6" and 17'8". The 8'6" portion encloses a stairwell necessary to provide access to the roof. The 10'6" foot portion of this structure encloses the mechanical equipment area, and there is a 3 foot screen wall utilized to block views of equipment. The 17'8" portion encloses the elevator penthouse. The elevator is required to go to the roof of the building to provide handicapped access to the roof deck and ancillary amenity space.

The proposed roof structure does comply, however, with the setback requirements, as well as with the spirit and intent of the roof structure provisions and the Zoning Regulations by helping to ensure adequate light and air to adjacent property and abutting streets. The step downs in height helps to reduce the visibility of the roof structure from the surrounding areas. Furthermore, this special exception is requested in order to further minimize the bulk of the roof structure. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.

C. Relief From Section 1906.1 Regarding Roof Structure Height

The Uptown Arts Overlay limits any roof structure to a maximum height of 83' 6" where a building achieves the maximum permitted height of 75 feet. Here, the Applicant proposes that a portion of the roof structure, which will accommodate the

elevator override equipment, to rise to a height of 17'8" on a building that is 72'8" in height, resulting in an overall height of approximately 90'4". The elevator penthouse of this height will allow access to a roof terrace. The rooftop terrace will further the purposes of the Arts Overlay to encourage residential development and strengthen the architectural character of the 14th Street corridor. Pursuant to Section 1906.1 of the Zoning Regulations, the Board may grant relief from the requirements of the Arts Overlay as a special exception, provided certain criteria are met, as set forth below.

1. Section 1906.1(a): The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

The proposed height of the roof structures will substantially advance the purposes of the Arts Overlay District by allowing the necessary mechanical equipment for the building and by providing access to a communal rooftop terrace. Among other things, the purposes of the Arts Overlay District are to encourage residential development, strengthen the design character and identity of the area. 11 DCMR § 1900.2(e), (f) and (h). Here, the rooftop terrace is a major amenity to this residential development and a significant design feature that strengthens the Arts Overlay and 14th Street corridor. It provides a safe recreational gathering space for residents of the building and fosters increased activity in the overlay district. Without relief from the penthouse height restrictions, this important feature of the building and the design character of the Arts Overlay District would

have to be eliminated.

The height of the roof structure will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting the area. The penthouse will be clad in complementary materials to ensure its successful integration into the overall design of the building and its design and massing have been approved by the Historic Preservation Review Board as referenced below.

2. Section 1906.1(b): Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.

As noted in the section above discussing the variance test, the Site is affected by the combination of several exceptional circumstances, including subsurface groundwater and poor soils, the existing improvements on the Site, prior zoning approvals on the Site, and the Site's location on a prominent corner bounded by two major streets and a public alley. These factors combine to create exceptional circumstances. Without the additional penthouse height, no elevator roof access can be provided and a key amenity for residents of the building would be lost.

3. Section 1906.1(c): The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report.

The proposed roof terrace -- and the elevator providing access to this amenity -- are exceptional urban design features for a building in the 14th Street corridor,

which enhance the quality of life in the Arts Overlay District. The elevator penthouse has been located to protect the street views of the building, surrounding properties and the historic district. The project has been reviewed by the staff of the State Historic Preservation Office ("HPO"), and the Applicant understands that HPO supports the proposed penthouse design and location.

4. Section 1906.1(d): Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

As shown on the plans, all loading and vehicular access and egress occur via an existing public alley and are designed to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions. Moreover, the proposed extension of the roof structure height will have no impact on vehicular access and egress.

5. Section 1906.1(e): The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the Arts Overlay District.

The modest extension in the roof structure height and at a limited and discreet location will only be as tall as necessary to allow elevator access to the roof. This portion of the roof structure will be significantly set back from adjacent property lines and public ways, so that there will only be limited visibility of it from public space. As such, the Applicant believes that the proposed modest extension of the roof structure height will not require any additional requirements or conditions from the Board.

VII. **COMMUNITY SUPPORT**

The Applicant has the support of the community for the requested zoning relief. Advisory Neighborhood Commission ("ANC") 1B, the ANC in which the site is located, voted to support the requested zoning relief at its meeting on December 1, 2011, subject to the condition that residents of the proposed new development are restricted from obtaining Residential Zone On-Street Parking Permits from the D.C. Department of Motor Vehicles. In addition, the U Street Neighborhood Association also voted to support the application on November 10, 2011, also subject to the condition that residents of the proposed new development are restricted from obtaining Residential Zone On-Street Parking Permits from the D.C. Department of Motor Vehicles.

Prior to the official monthly meetings of the U Street Neighborhood Association and ANC1B at which formal votes were taken, the Applicant held two meetings regarding the application with several neighboring residents of Wallach Place and T Street at the residence of Sheryl Walter, at 1330 Wallach Place on November 1, 2011 and November 8, 2011. A general consensus to support the requested zoning relief was reached with the neighbors present at the November 8, 2011 community meeting, subject to the condition that residents of proposed new development are restricted from obtaining Residential Zone On-Street Parking Permits from the D.C. Department of Motor Vehicles. Notice for each of the community meetings and the formal ANC and U Street Neighborhood Association meetings was provided in advance by the Applicant via USPS mail to all residents

of the 1300 block of Wallach Place and T Street. A similar series of community meetings with neighbors of the 1300 block of Wallach Place and T Street and official meetings with the U Street Neighborhood Association and ANC1B were held for the HPRB approval process during the summer of 2011. The Applicant has made an exceptional effort to vet the requested zoning relief with community members, and has incorporated feedback from the community members, most notably through the commitment to restricting Residential Zone On-Street Parking for the residents of the proposed new development, which was requested by the neighboring residents.

VIII.
WITNESSES

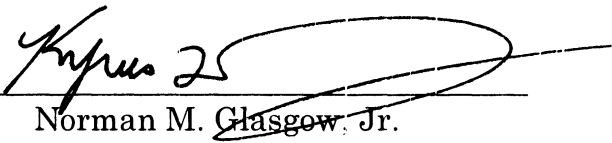
- A. David Franco, 1919 14th Street, LLC;
- B. Eric Colbert, Eric Colbert & Associates Architects; and
- C. Erwin N. Andres, Gorove Slade.

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: 

Norman M. Glasgow, Jr.
Kyrus L. Freeman, Esq.
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

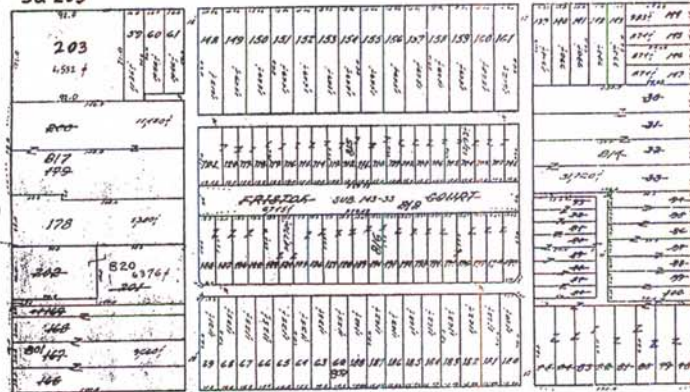
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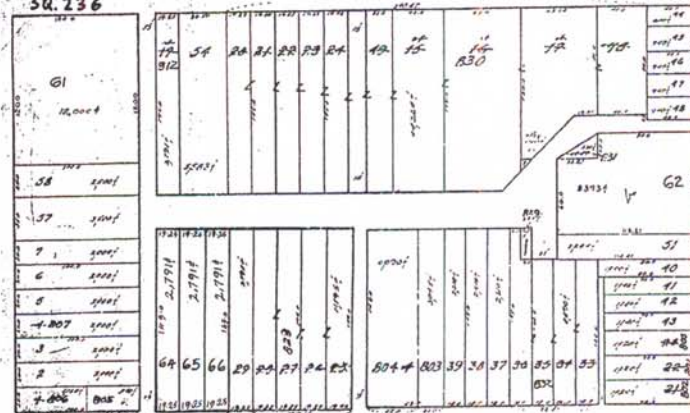
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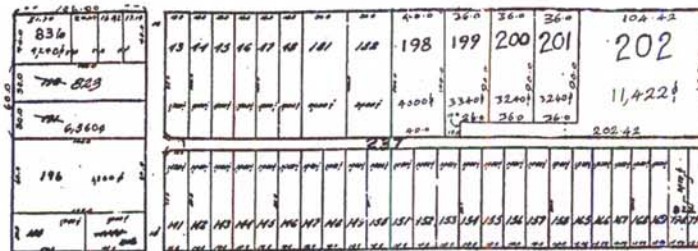
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13TH

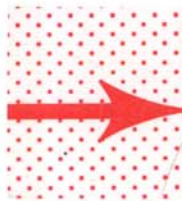
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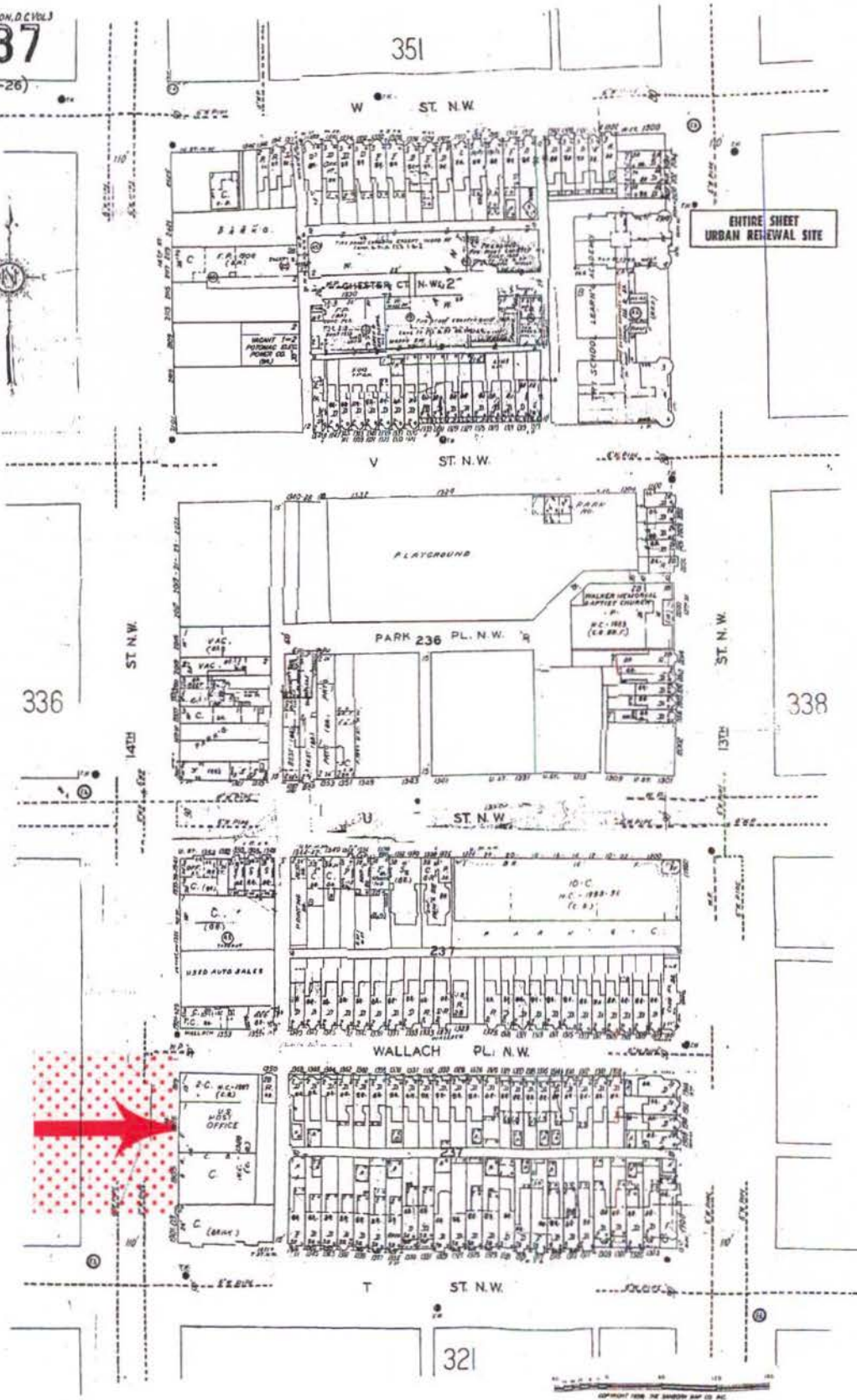


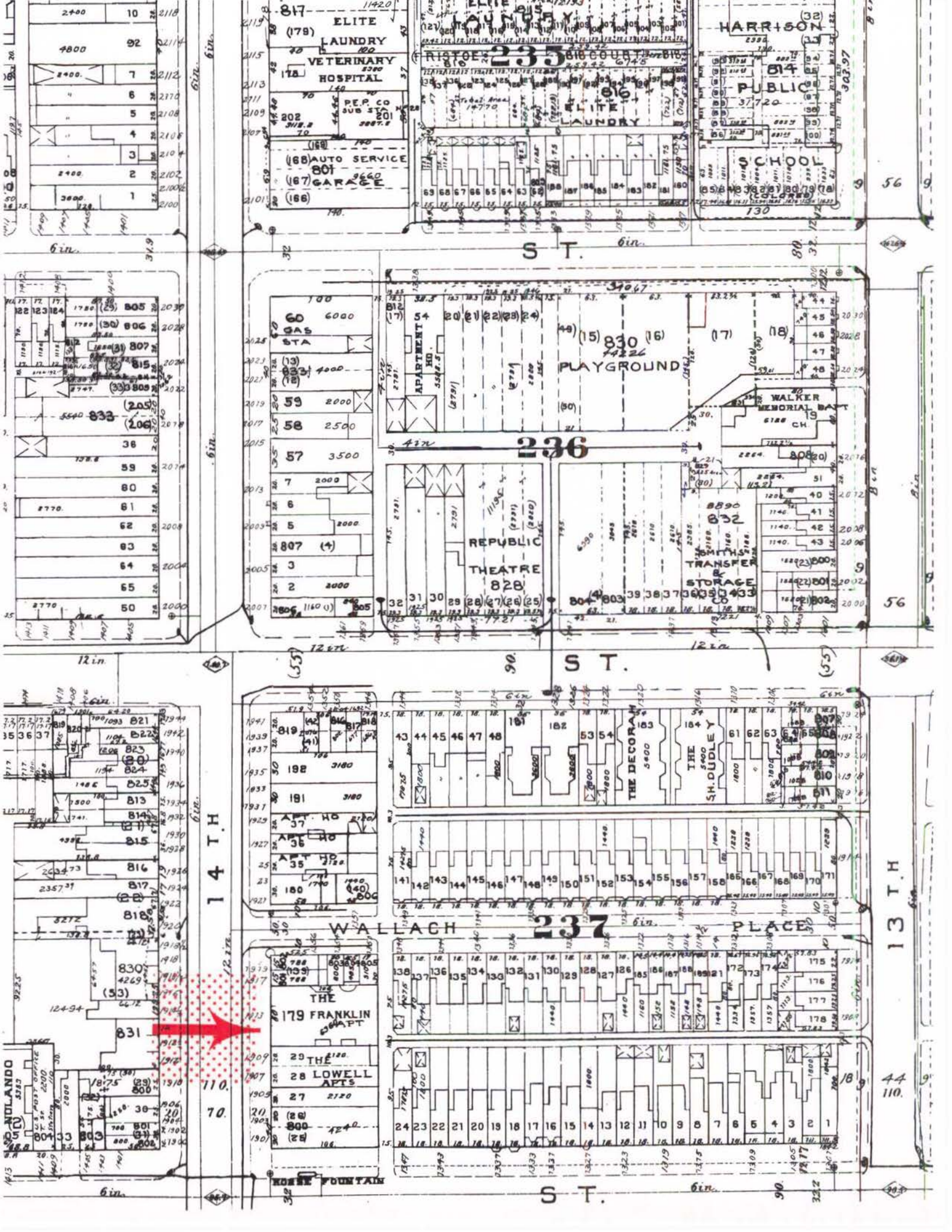
WALLACH

PLACE



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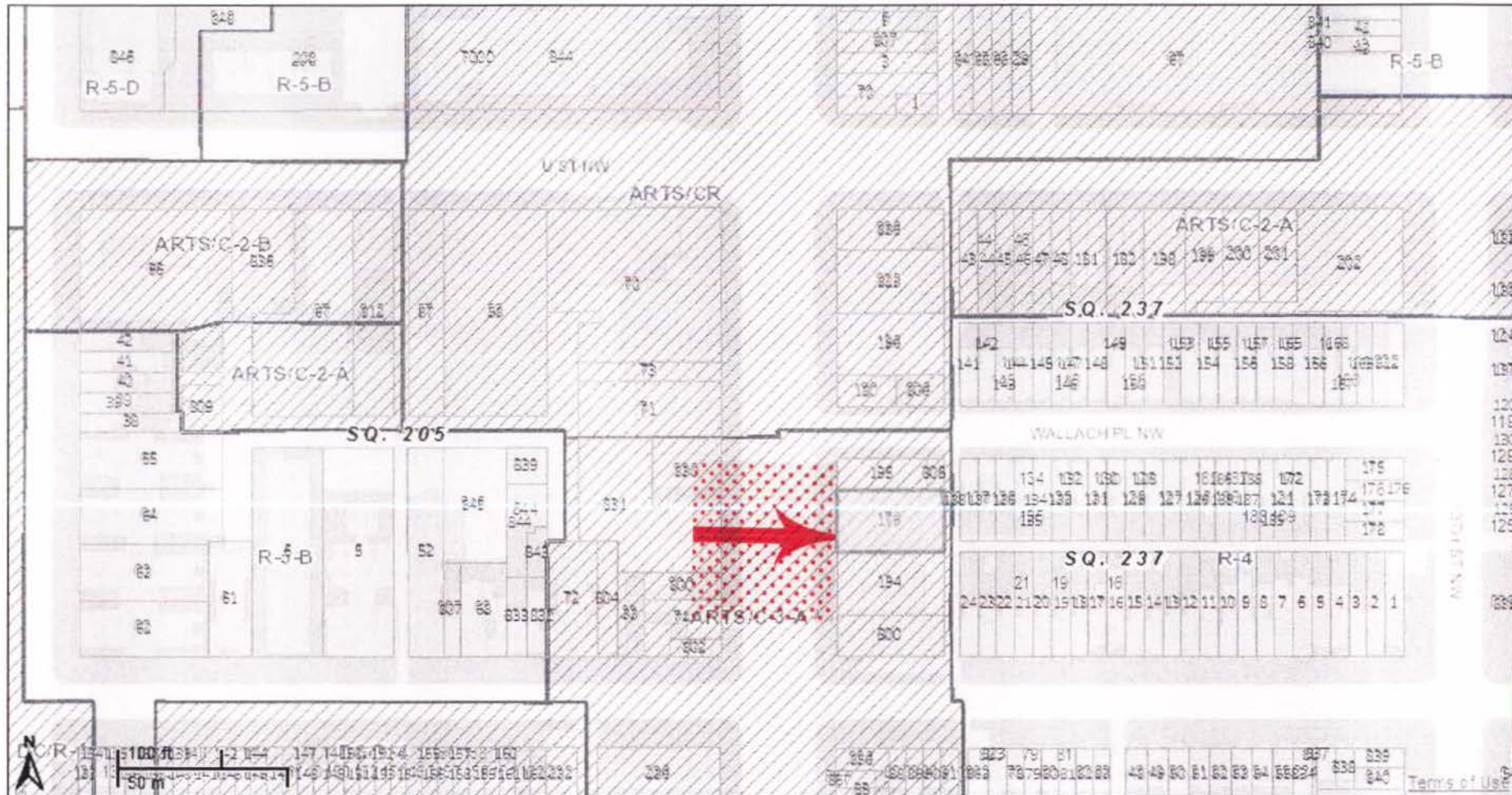




District of Columbia Office of Zoning

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

January 9, 2012



Zoning Layers

- | | | |
|--------------------|--------------|-----------------|
| Zone Districts | CEA | Pending FUDs |
| Historic Districts | Campus Plans | PUDs |
| Overlays Districts | TDRs | Air Rights Zone |

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.

Exhibit C

Architectural Plans and Elevations
(Attached Separately)

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	1905-1917 14th Street, NW	X	Agenda
Landmark/District:	Greater U Street Historic District		Consent Calendar
		X	Concept Review
Meeting Date:	June 30, 2011	X	Alteration
H.P.A. Number:	11-323		New Construction
Staff Reviewer:	Steve Callcott		Demolition

Architect Eric Colbert, representing Level 2 Development, seeks conceptual review for a seven-story residential and retail building at the southwest corner of 14th Street and Wallach Place in the U Street Historic District. The site, measuring approximately 150' wide by 106' deep, is occupied by a non-contributing one-story retail building. The property abuts an historic two-story commercial building to the south; a three-story Victorian building is located on the opposite corner to the north. Wallach Place to the east is an extremely intact and unified block of two-story houses, most constructed by either builder James Robbins or architect/developer T.F. Schneider between 1885-1889.

Proposal

The proposal calls for a building with two cladding types – brick and metal panel – that would be used to visually break the size of the structure down into smaller components. Four five-story brick projecting bays are proposed on 14th Street; the metal panel system would be used for the upper two floors and for a recessed entrance piece that separates the corner bay from the three bays on the southern portion of the façade. The brick corner element would wrap around on Wallach, stepping down to four floors at the rear; the seventh floor would be set back about 12 feet from the street. The rear of the building (visible from Wallach) and the south elevation (visible over the two-story historic corner building) would be similarly designed to use the two different skin vocabularies to break the building down into smaller pieces.

Evaluation and Recommendation

The proposal has gone through several iterations in an effort to effectively break the massing of the building down and to visually step it down to relate to its context of smaller historic buildings. The projecting bays on the 14th Street elevation, the set back of the top floor on the north, the stepping down of the massing at the rear where it abuts the Wallach Place rowhouses, and the use of the two skin vocabularies collectively work together to break the mass of the building down into smaller building blocks that achieve a compatible relationship with the surrounding small scale historic buildings.

As the project continues to be refined, the fenestration and the detailing of the skin types should be developed with the goal of providing shadow and increasing the implied depth of the walls. Similarly, creating shadow and depth at the top of the building should also be evaluated. The south side elevation – visible above the two-story corner historic building -- should also continue to be studied; extending the brick vocabulary further back rather than simply stopping at the inside corner might be more successful.

The HPO recommends that the HPRB approve the project in concept as consistent with the purposes of the preservation act.

January 05, 2012

Mr. Michael Korn
1919 14th Street, LLC
1746 N Street, NW
Washington, DC 20036
(202) 833-3050

Dear Mr. Korn:

Professional Services Industries, Inc. ("PSI") was retained by 1919 14th Street, LLC ("Applicant") to provide geotechnical engineering services for its proposed mixed-use development project at 1905-1917 14th Street, NW. Two test borings were completed to depths ranging from about 30 feet to 60 feet below the existing ground surface. This letter summarizes PSI's findings that due to the subsurface conditions of the site (a high water table and loose sandy soils), building more than one level of underground parking would require costly measures to dewater the groundwater at the site and stabilize the proposed structure. This letter may be provided to the Board of Zoning Adjustment to aid them in their review process.

The proposed development, located at the southeast corner of 14th and Wallach Streets, consists of a new construction, seven story building. The building includes approximately 6,000 sf of retail on the first floor, and 144 apartments on floors one through seven. Based on the relatively small land area available at the site, we understand that in order to provide the required 82 parking spaces, the Applicant would have to construct a parking garage of at least three levels, with the lowest finished level at approximately 30 feet below ground surface. Based on Sheets A-1 and A-2 of the 1905 to 1917 14th Street plans dated January 3, 2012, the reduction to 34 parking spaces that the Applicant is requesting can be accommodated with one level of parking (26 spaces in the garage and 8 spaces on grade), with the lowest finished level at approximately 10.5 feet below ground surface.

Analysis of the two test borings shows a high water table at the site. Groundwater infiltration was observed at depths ranging from approximately 21 to 24 feet below ground surface during drilling. If the Applicant builds the proposed one level underground parking garage, the groundwater at the site is anticipated to be approximately 10 feet below the finished floor elevation and it is not expected that dewatering of groundwater will be required.

However, if the Applicant were required to build additional levels of underground parking, the groundwater is anticipated to be at, or above, the finished floor elevation of the second level, and well above the entirety of the third floor of underground parking. At this depth, additional excavation for the foundation will likely extend into a layer of water-bearing sand. If the lower levels of parking are required, PSI anticipates an aggressive dewatering system will be needed during the excavation of the parking garage. In addition, a method of permanently keeping groundwater out of the lower levels of the parking garage will need to be incorporated into the design of the parking garage and building foundations. This could be accomplished with the concrete mat foundation discussed below.

Analysis of the two test borings shows that poor soil conditions would be encountered at the foundation bearing elevation of a multi-level underground garage. A cohesive stratum generally consisting of stiff to very stiff, moist Lean to Fat Clay (USCS CL to CH) was found to be present

January 5, 2012

from approximately 8 feet to approximately 18 feet below ground surface. A stratum of very loose to loose, wet Silty Sand (USCS SM) extends from a depth of approximately 18 feet to approximately 27 feet below grade. Below that a thin stratum of dense, wet clayey Gravel (USCS GC) and then a stratum of medium dense, moist clayey Sand (USCS SC) was encountered.

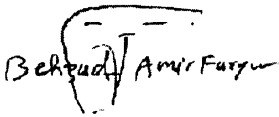
If the Applicant builds the proposed one level underground parking garage, PSI anticipates the majority of the foundation slab will be supported on cohesive soils. Based on this soil condition, the preferred method to support this structure would be shallow foundations (continuous and spread footings) supported on compacted aggregate piers.

However, if the Applicant is required to build additional levels of underground parking, PSI anticipates the majority of the foundation slab will be supported on very loose to loose cohesionless soils. Based on this soil condition, a cast-in-place reinforced concrete mat foundation, which encompasses the entire foundation area of the building and is supported on compacted native sands would likely be required. This method of supporting the structure will require lowering the groundwater to approximately five feet below the lowest foundation elevation, excavating to the foundation elevation, and using a large vibratory compactor to densify the soils.

In summary, the Applicant's proposed plan for the proposed one level underground parking garage would not require dewatering groundwater and would allow for structural support of shallow foundations on compacted aggregate piers. If the Applicant is required to build multiple levels of underground parking, aggressive dewatering during construction would be required, as would a concrete mat foundation on compacted soils. The costs associated for a multi-level garage due the above-mentioned subsurface conditions would be significantly greater than a similar site without the above-mentioned conditions.

Should you have any questions, please do not hesitate to contact our office.

Respectfully Submitted,
PROFESSIONAL SERVICE INDUSTRIES, INC.



Behzad Amir Faryar, Ph.C.
Senior Geotechnical Engineer



Karl E. Sutter, P.E.
Principal Consultant

Exhibit F

Transportation Impact Analysis
(Attached Separately)

OUTLINE OF TESTIMONY

DAVID FRANCO
1919 14TH STREET, LLC

- I. INTRODUCTION
- II. EXISTING USE OF THE SITE
- III. PROPOSED DEVELOPMENT
- IV. WORK WITH THE COMMUNITY
- V. CONCLUSION

OUTLINE OF TESTIMONY
ERIC COLBERT, AIA
ERIC COLBERT & ASSOCIATES PC

- I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS
- II. SITE AND LOCATION DESCRIPTION
 - A. OVERVIEW OF SITE, VICINITY AND LAND USE/ZONING
 - B. SITE PLANNING – SIZE, LOT CONFIGURATION, TOPOGRAPHY
- III. DESCRIPTION OF PROJECT
- IV. CONCLUSION

OUTLINE OF TESTIMONY

ERWIN N. ANDRES
GOROVE/SLADE ASSOCIATES, INC.

- I. INTRODUCTION AND EXPERIENCE
- II. PROJECT BACKGROUND
- III. DESCRIPTION OF STUDIES AND DISCUSSIONS WITH DDO1
- IV. ASSESSMENT AND EVALUATION
- V. SUMMARY AND CONCLUSIONS