

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins
202 457 7841
Chris.collins@hklaw.com

May 13, 2013

VIA HAND DELIVERY

District of Columbia Board of Zoning Adjustment
441 4th Street, N W
Suite 210-S
Washington, D C 20001

**Re: BZA Order No. 18453--1728 14th Street, NW
Request for Minor Modification Per 11 DCMR, Section 3129**

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Honorable Members of the Board

This letter is submitted on behalf of 1728 14th Street LLC (the "Applicant") to request a minor modification to the approved plans. In this case, the BZA approved parking variance relief for three alternate building plans, with corresponding numbers in the amount of the parking variance required in each instance.¹ The BZA Order is attached. Also attached are two versions of Sheet A7A of the plans, showing the original BZA-approved cellar plan and the proposed revised cellar plan, as well as three versions of Sheet A2 of the plans, showing the square footage calculations for the building, which include the parking requirements. A supplemental memorandum from Wells & Associates is also attached. The filing fee of \$540.80 (20% of the original filing fee in this case) and BZA Forms 126 and 152 are also enclosed.

The owner wishes to modify the configuration of the cellar level. The modification will change the cellar configuration from an "L-shape" to a rectangular shape. This modified shape is dictated by the structural needs of the project, which require that the cellar excavation be set back an adequate distance from the building to the north. After the BZA process was completed, the structural engineer advised the Applicant that the location of the north wall of the cellar in the original plans was too close to the south wall of the adjacent building to the north to ensure the integrity of that building, which is a fragile historic structure. In addition, the stairway configuration to the cellar has been reversed, in order to minimize the amount of excavation along the property line adjacent to the historic structure to the south. As shown on the plans, the cellar reconfiguration corresponds to the locations of the grid structure. This reconfiguration slightly increases the size of the cellar by 108 sq. ft. (from 1992 sq. ft. to 2100 sq. ft.)

¹ The BZA also approved loading variance and roof structure special exception relief, neither of which are affected by this request.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18453
EXHIBIT NO. 41

Board of Zoning Adjustment
District of Columbia
CASE NO. 18453
EXHIBIT NO. 41

It was recently discovered that, due to a misunderstanding, the parking calculations for the three alternate building plans submitted to the BZA did not include the cellar floor area, which is totally devoted to the utility/storage room, the electric room, the water room, the bike storage room, plus stairs and elevator (all of which should have been included). The cellar area will only be used for tenant storage and building utility operations. The cellar is not designed to be used for retail sales space or office space. The ceiling height in the cellar will be lower than that of floors 1-4. Unlike floors 1-4, there will be only one stairway for access to the cellar. The HVAC system serving the cellar will be typical for use with utility and storage spaces, which is different from the system to be used for the retail and office uses on floors 1-4. As such, the cellar floor area will not generate any actual demand for parking. However, building utility and tenant storage areas are not listed in the areas to be excluded from the parking calculations in the parking rules of interpretation (11 DCMR, Section 2118.4).

In the three alternate building plans, the inclusion of the new cellar plan will result in an actual zoning requirement of only one more parking space for the BZA-approved Scheme 1 plan (due to the retail parking requirement changing from 15.4 spaces to 15.7 spaces), and no additional parking spaces for the BZA-approved Schemes 2 and 3. However, due to the calculation errors mentioned above, the revised cellar plans with the proper parking calculations will result in a requirement of five to six more parking spaces than what is shown in the original parking calculations for each of the three alternate building plans dated December 4, 2012 that were previously submitted to the BZA. This is illustrated in the three attached versions of Sheet A2 as follows:

- Version 1 of Sheet A2 is the version submitted with the BZA application that was heard and decided on December 4, 2012. This version did not include the cellar floor area in the parking calculations.
- Version 2 of Sheet A2 shows what the parking requirements would have been if the cellar floor area was factored into the December 4, 2012 parking calculations.
- Version 3 of Sheet A2 shows the parking calculations applicable to the development with the new proposed cellar configuration.

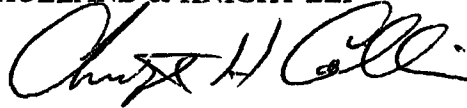
The attached memorandum from Wells & Associates concludes that the revised plans and parking calculations do not change their findings and conclusion that the parking variance relief is appropriate for this project.

The Applicant believes that adding a parking requirement for the building utility and tenant storage areas in the cellar, and slightly modifying the footprint of the cellar to respond to structural issues, are minor modifications that do not change the material facts upon which the Board based its original approval of the application. Accordingly, the Applicant respectfully

requests that the Board schedule this minor modification request for consideration at its June 11, 2013 public meeting. Thank you.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Chris H. Collins", written over the printed name.

Christopher H. Collins

CHC/lis

cc: Stephen J Mordfin, Office of Planning, by hand
Lewis Booker, DC Department of Transportation, by hand
Matt Raymond, Chair, ANC 2F, by email
Walt Cain, ANC 2F CDC Chair, by email

#23089744_v1

OP 14th Street, LLC

c/o Perseus Realty
2099 Pennsylvania Ave. NW #950
Washington, DC 20006
202-741-1890

Pay: *****Five hundred forty dollars and 80 cents

5-09-2013
DATE1139
CHECK NO.\$*****540.80
AMOUNTPAY DC Treasurer
TO THE
ORDER
OFMinda -18453
Modification
AUTHORIZED SIGNATURE

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18453 of 1728 14th Street LLC¹, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the parking requirements under subsection 2101.1, a variance from the loading requirements under subsection 2201.1, and a special exception under subsection 411.11 from the roof structure requirement under subsection 411.5, to allow the construction of a mixed use retail/service/office building in the ARTS/C-3-A District at 1728 14th Street, N W (Square 207, Lot 120)²

HEARING DATE December 4, 2012

DECISION DATE: December 4, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 4)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D C Register* and by mail to Advisory Neighborhood Commission ("ANC") 2F, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a resolution in support of the application. The ANC report stated that at a regularly scheduled, duly noticed meeting on November 7, 2012, at which a quorum was present, ANC 2F voted 4-0 in support of the application (Exhibit 26)

¹ The Applicant in this case was originally Clark Associates and Perseus Realty LLC. Since the time that this application was filed, Clark Associates relinquished its ownership interest in the property. Perseus Realty LLC, the contract purchaser at the time of the application, transferred the purchase contract to 1728 14th Street LLC and is the managing member of that entity.

² Subsequent to the date that the application was filed and public notice was issued, the Applicant determined to extend the elevator to serve a roof top deck above the fourth floor. Because the elevator penthouse will be attached to the stairway enclosure to the roof, and because these elements will be of different heights, special exception approval under subsection 411.11 is required. The Board waived the rules to allow the special exception to be considered at the public hearing.

BZA APPLICATION NO. 18453
PAGE NO. 2

The Office of Planning ("OP") submitted a report in support of the application (Exhibit 27) In addition, the District Department of Transportation ("DDOT") submitted a report with detailed analysis of the Applicant's project that was supportive of the application, with conditions. (Exhibit 28.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of the parking requirements under § 2101.1, and from the loading requirements under § 2201.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board also required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 3104.1 and 411.11 for a special exception from the roof structure provisions under § 411.5. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411.11, and 411.5, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO the plans dated December 4, 2012 at Exhibits 25 and 30, and the FOLLOWING CONDITIONS:**

1) A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is

BZA APPLICATION NO. 18453
PAGE NO. 3

disseminated to tenants of the building. The position may be part of the other duties assigned to the individual.

2 The TMC will prepare a package of information identifying programs and incentives for encouraging retail and office tenants to use alternative modes of transportation. Packages will include information regarding the following:

- Capital Bikeshare,
- Zipcar,
- Commuter Connections Rideshare Program,
- Commuter Connections Guaranteed Ride Home, and
- Commuter Connections Pools Program.

3 Links to CommuterConnections.com and goDCgo.com will be provided on the property management websites.

4 In each tenant's staff room or pantry within the premises of each tenant's space, the Applicant proposes to provide informational boards, and the TMC will provide public transit information suitable for posting on those boards such as nearby Metrorail stations, Metrobus stops, Zipcar, and Capital BikeShare locations as well as information about WMATA and Zipcar smartphone applications.

5 Convenient and covered secure bike parking facilities will be provided.

6 The loading management plan (LMP) will designate a loading coordinator (duties may be part of other duties assigned to the individual). He or she will coordinate loading activities of the building (including non-FedEx/UPS deliveries, trash disposal, retail deliveries, and office deliveries). The loading coordinator will be responsible for informing tenants of the guidelines and procedures for loading and delivery operations.

7 The LMP will designate an on-site individual to schedule and coordinate with the loading coordinator and other tenants' on-site coordinators.

8 The loading coordinator will require all non-FedEx/UPS deliveries to use only the on-site loading berth for deliveries.

9 Using signage in the loading zone, trucks longer than 30 feet will be prohibited.

10 The retail and office tenant(s) will be required to notify the loading coordinator of all regularly scheduled deliveries and of any occasional deliveries so that the loading coordinator can seek to avoid conflicting loading activities. The retail and office tenant(s) shall provide the loading coordinator the following information: time and date that trucks are anticipated to arrive each day of the week, size of trucks being used, and the name of the delivery company.

11 No truck idling shall be permitted in the loading zone.

BZA APPLICATION NO. 18453
PAGE NO. 4

12 Upon issuance of Certificates of Occupancy and initial tenant occupancy of the retail space and the office space in the building, the Applicant will make available at that time to each tenant employee who requests it a \$100 SmartTrip card, or a \$50 car-sharing membership, or a \$75 Capital Bikeshare membership, depending upon their method of commuting to and from work.

VOTE **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, Robert E. Miller, and Jeffrey L. Hinkle, to Approve; the third Mayoral appointee vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order

ATTESTED BY:



SARA A. BARKIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 6, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE

BZA APPLICATION NO. 18453
PAGE NO. 5

AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

IN ACCORDANCE WITH THE D C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D C OFFICIAL CODE § 2-1401.01 ET SEQ (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION

1. 12/04/2012 BZA SUBMISSION

SCHEME 1 -- 3.0 FAR AND 59FT. IN HEIGHT

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR (Other)	FAR GSF	
Bonus Density	2.5 21,055	
		Retail FAR as per floor plan diagram = 6.461 gsf
	0.510 4,295	(6506 - 7,267/2) * 1.5 / 8,422 = 51
	3.01 25,350	1904.2 (c) dry goods only on the ground floor
Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to the top of the parapet
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Ground/1st Floor	7,267	Existing footprint
2nd Floor	7,267	
3rd Floor	7,267	
4th Floor	3,549	
Total	25,350	
Lot Occupancy		
Allowed Commercial	100% 8,422	
Proposed	86% 7,267	
Rear Yard		
Depth = 2-1/2' per FT of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line
Required Rear Yard	11'-10-1/2"	Based on 59' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf 1 per 600 SF Gross	
Estimated SF Office	18,644 26 spaces	includes part of 1st floor
	>3000 SF, 1 per 300 SF Gross	
Estimated SF Retail	6,506 11 spaces	does not include loading
Total Parking Required	39 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading Requirements		
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	

SCHEME 2 -- 3.43 FAR AND 59FT. IN HEIGHT

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR (Other)	FAR GSF	
Bonus Density	2.5 21,055	
	1.56 13,054	Retail FAR as per floor plan diagram = 6.461 gsf
	4.06 34,109	(6,506 * 2) / 8,422 = 1.55
		1904.2 (b) restaurant only on the ground floor
Maximum Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to top of parapet
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Ground/1st Floor	7,267	Retail
2nd Floor	7,267	Office
3rd Floor	7,267	Office
4th Floor	6,965	Office - Setback at front facade
5th Floor	0	doesn't use remaining FAR
Total	28,766	
Lot Occupancy		
Allowed Commercial	100% 8,422	
Proposed	86% 7,267	
Rear Yard		
Depth = 2-1/2' per FT of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line
Required Rear Yard	11'-10-1/2"	Based on 59' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf 1 per 600 SF Gross	
Estimated SF Office	22,260 34 spaces	doesn't use remaining FAR
	>3000 SF, 1 per 300 SF Gross	
Estimated SF Retail	6,506 11 spaces	1st floor retail only
Total Parking	45 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading Requirements		
30' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf
30' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	Used to meet all three requirements

SCHEME 3 -- 3.41 FAR AND 59FT. IN HEIGHT

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR (Other)	FAR GSF	
Bonus Density	2.5 21,055	
	1.77 14,907	Retail FAR as per floor plan diagram = 6.572 gsf
	4.27 35,962	(6726 - 7,267/2 + 6,869) / 1.5 / 8,422 = 1.77
		1904.2 (c) dry goods on the ground + 2nd floors
Maximum Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to top of parapet
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Ground/1st Floor	7,267	Retail
2nd Floor	7,267	Retail
3rd Floor	7,267	Office
4th Floor	6,965	Office - Setback at front facade
5th Floor	0	Doesn't use full FAR
Total	28,766	
Lot Occupancy		
Allowed Commercial	100% 8,422	
Proposed	86% 7,267	
Rear Yard		
Depth = 2-1/2' per FT of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line
Required Rear Yard	11'-10-1/2"	Based on 59' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf 1 per 600 SF Gross	
Estimated SF Office	16,171 22 spaces	doesn't use full FAR
	>3000 SF, 1 per 300 SF Gross	
Estimated SF Retail	13,595 34 spaces	
Total Parking	56 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading Requirements		
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	

1728 14TH STREET, LLC

ZONING TABULATIONS

1728 14th Street, NW

DECEMBER 4, 2012 - BZA SUBMISSION - APPLICATION NO. 18453

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A2

Bonstra | Haresign
ARCHITECTS

2. REVISION TO 12/04/2012 BZA SUBMISSION TO SHOW ACTUAL PARKING REQUIREMENTS INCLUDING CELLAR FLOOR AREA

SCHEME 1 -- 3.0 FAR AND 59FT. IN HEIGHT

Perseus Realty Updated: 5/10/13 7/12/2012

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey.
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR ("Other")	FAR GSF	
Bonus Density	2.5 21,055	
		Retail FAR as per floor plan diagram = 6,461 gsf
	0.510 4,295	(6,506 - 7,267/2) * 1.5/8,422 = .51
	3.01 25,350	1904.2 (c) dry goods only on the ground floor
Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to top of parapet
50' Bulk Plane (about R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Cellar	1,992	non-far - 1,392 gsf Retail / 600 gsf office
Ground/1st Floor	7,267	6,226 gsf Retail / 741 gsf office (break down in this column excludes 300sf loading dock)
2nd Floor	7,267	
3rd Floor	7,267	
4th Floor	3,549	3,479 gsf for Office
Total	25,350	
Lot Occupancy		
Allowed Commercial	100%	8,422
Proposed	86%	7,267
Rear Yard		
Depth = 2-1/2" per F.T of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line.
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf, 1 per 600 SF Gross	
Estimated SF Office	19,354	28.9 spaces includes part of 1st floor
> 3000 SF, 1 per 300 SF Gross		
Estimated SF Retail	7,618	15.4 spaces does not include loading
Total Parking Required	44 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading Requirements		
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	

SCHEME 2 -- 3.43 FAR AND 59FT. IN HEIGHT

Perseus Realty Updated: 5/10/13 7/12/2012

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey.
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR ("Other")	FAR GSF	
Bonus Density	2.5 21,055	
		Retail FAR as per floor plan diagram = 6,461 gsf
	1.55 13,054	(6,506 * 2) / 8,422 = 1.55
	4.05 34,109	1904.2 (b) restaurant only on the ground floor
Maximum Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to top of parapet
50' Bulk Plane (about R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Cellar	1,992	non-far - 1,392 gsf Retail / 600 gsf office
Ground/1st Floor	7,267	6,226 gsf Retail / 741 gsf office (break down in this column excludes 300sf loading dock)
2nd Floor	7,267	Office
3rd Floor	7,267	Office
4th Floor	3,549	6,895 gsf for Office
Total	30,758	
Lot Occupancy		
Allowed Commercial	100%	8,422
Proposed	86%	7,267
Rear Yard		
Depth = 2-1/2" per F.T of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line.
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf, 1 per 600 SF Gross	
Estimated SF Office	22,770	35 spaces doesn't use remaining FAR
> 3000 SF, 1 per 300 SF Gross		
Estimated SF Retail	7,618	15 spaces 1st floor retail only
Total Parking	50 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading		
Required		
20' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf
30' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	Used to meet all three requirements

SCHEME 3 -- 3.41 FAR AND 59FT. IN HEIGHT

Perseus Realty Updated: 5/10/13 7/12/2012

Square 207, Lot 0120	TOTAL	Notes
Site Area		
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the site survey.
Zoning Category		
See Sec 1907 - Uses	C-3-A / Arts	
Floor Area Ratio		
Base FAR ("Other")	FAR GSF	
Bonus Density	2.5 21,055	
		Retail FAR as per floor plan diagram = 6,572 gsf
	1.77 14,907	(6,726 - 7,267/2 + 6,869) * 1.5/8,422 = 1.77
	4.27 35,962	1904.2 (c) dry goods on the ground + 2nd floors
Maximum Height		
Arts bonus	75'	65' in the underlying zone
Proposed Height	59'	Measured to top of parapet
50' Bulk Plane (about R-5-B)	45 degrees	off the rear alley property line
Number of Floors		
(no limit)	4	
Square Feet Per Floor		
Cellar	1,992	non-far - 1,392 gsf Retail / 600 gsf office
Ground/1st Floor	7,267	6,426 gsf Retail / 541 gsf office (break down in this column excludes 300sf loading dock)
2nd Floor	7,267	6,869 gsf Retail / 398 gsf office
3rd Floor	7,267	Office
4th Floor	3,549	6,895 gsf for Office
Total	30,758	
Lot Occupancy		
Allowed Commercial	100%	8,422
Proposed	86%	7,267
Rear Yard		
Depth = 2-1/2" per F.T of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line.
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf, 1 per 600 SF Gross	
Estimated SF Office	15,771	23.0 spaces
> 3000 SF, 1 per 300 SF Gross		
Estimated SF Retail	14,667	39.0 spaces
Total Parking	62 spaces	
Parking Provided	4 spaces	including 1 ADA space
Loading Requirements		
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf
Provided		
30' deep berth and 100sf loading dock	1	

1728 14TH STREET, LLC

ZONING TABULATIONS

1728 14th Street, NW

May 10, 2013 - BZA SUBMISSION - APPLICATION NO. 18453

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3. PARKING CALCULATIONS INCLUDING MODIFIED CELLAR PLAN

SCHEME 1 -- 3.0 FAR AND 59FT. IN HEIGHT

Perseus Realty		5/10/2013	
Square 207, Lot 0120	TOTAL	Notes	
Site Area			
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the alta survey.	
Zoning Category			
See Sec 1907 - Uses	C-3-A / Arts		
Floor Area Ratio			
Base FAR ("Other")	2.5	21,055	
Bonus Density	0.510	4,295	
Total	3.01	25,350	
Height			
Arts bonus	75'	65' in the underlying zone	
Proposed Height	59'	Measured to the top of the parapet	
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line	
Number of Floors			
(no limit)	4		
Square Feet Per Floor			
Cellar	2,100	non - far - 1,500 gsf retail / 600 gsf office	
Ground/1st Floor	7,267	Existing footprint - 6,206 gsf is retail / 761 gsf office	
2nd Floor	7,267	break down in this column excludes 300 sf loading dock	
3rd Floor	7,267	Office	
4th Floor	3,549	3,479 sf is office	
Total Gross Floor Area	27,430		
Lot Occupancy			
Allowed Commercial	100%	8,422	
Proposed	86%	7,267	
Rear Yard			
Depth = 2-1/2" per FT of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line.	
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height	
Proposed Rear Yard	19'-2"		
Parking Requirements			
Commercial	> 2,000 sf, 1 per 600 SF Gross		
Estimated SF Office	19,374	29.0 spaces	
Estimated SF Retail	7,706	15.7 spaces	
Total Parking Required		45 spaces	
Parking Provided	4 spaces	including 1 ADA space	
Loading Requirements			
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf	
Provided			
30' deep berth and 100sf loading dock	1		

SCHEME 2 -- 3.43 FAR AND 59FT. IN HEIGHT

Perseus Realty		5/10/2013	
Square 207, Lot 0120	TOTAL	Notes	
Site Area			
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the alta survey.	
Zoning Category			
See Sec 1907 - Uses	C-3-A / Arts		
Floor Area Ratio			
Base FAR ("Other")	2.5	21,055	
Bonus Density	1.55	13,054	
Total	4.05	34,109	
Maximum Height			
Arts bonus	75'	65' in the underlying zone	
Proposed Height	59'	Measured to top of parapet	
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line	
Number of Floors			
(no limit)	4		
Square Feet Per Floor			
Cellar	2,100	non - far - 1,500 gsf Retail / 600 gsf office	
Ground/1st Floor	7,267	6,126 gsf Retail / 641 gsf office (break down in this column excludes 300 sf loading dock)	
2nd Floor	7,267	Office	
3rd Floor	7,267	Office	
4th Floor	6,965	6,895 sf is office	
Total Gross Floor Area	30,666		
Lot Occupancy			
Allowed Commercial	100%	8,422	
Proposed	86%	7,267	
Rear Yard			
Depth = 2-1/2" per FT of height, not < 12' above 20'		DCMR 11 774.7 - below 20' measured from the centerline of the alley, and above, measured from the rear lot line.	
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height	
Proposed Rear Yard	19'-2"		
Parking Requirements			
Commercial	> 2,000 sf, 1 per 600 SF Gross		
Estimated SF Office	22,870	34.8 spaces	
Estimated SF Retail	7,626	15.4 spaces	
Total Parking		50 spaces	
Parking Provided	4 spaces	including 1 ADA space	
Loading			
Required			
20' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf	
30' deep berth and 100sf loading dock	1	Req'd for Office in excess of 20,000 sf	
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf	
Provided			
30' deep berth and 100sf loading dock	1	Used to meet all three requirements	

SCHEME 3 -- 3.41 FAR AND 59FT. IN HEIGHT

Perseus Realty		5/10/2013	
Square 207, Lot 0120	TOTAL	Notes	
Site Area			
Site Area (Square Feet)	8,422	8,400 on record, but 8,422 is from the alta survey.	
Zoning Category			
See Sec 1907 - Uses	C-3-A / Arts		
Floor Area Ratio			
Base FAR ("Other")	2.5	21,055	
Bonus Density	1.77	14,907	
Total	4.27	35,962	
Maximum Height			
Arts bonus	75'	65' in the underlying zone	
Proposed Height	59'	Measured to top of parapet	
50' Bulk Plane (abuts R-5-B)	45 degrees	off the rear alley property line	
Number of Floors			
(no limit)	4		
Square Feet Per Floor			
Cellar	2,100	non - far - 1,500 gsf Retail / 600 gsf office	
Ground/1st Floor	7,267	6,426 gsf Retail / 541 gsf office (break down in this column excludes 300sf loading dock)	
2nd Floor	7,267	6,869 gsf Retail / 398 gsf office	
3rd Floor	7,267	Office	
4th Floor	6,965	6,895 sf is office	
Total Gross Floor Area	30,666		
Lot Occupancy			
Allowed Commercial	100%	8,422	
Proposed	86%	7,267	
Rear Yard			
Depth = 2-1/2" per FT of height, not < 12' above 20'		centerline of the alley, and above, measured from the rear lot line.	
Required Rear Yard	11'-10-1/2"	Based on 55' maximum height	
Proposed Rear Yard	19'-2"		
Parking Requirements			
Commercial	> 2,000 sf, 1 per 600 SF Gross		
Estimated SF Office	15,701	22.8 spaces	
Estimated SF Retail	14,795	39.3 spaces	
Total Parking		62 spaces	
Parking Provided	4 spaces	including 1 ADA space	
Loading Requirements			
30' deep berth and 100sf loading dock	1	Req'd for Retail between 5,000sf and 20,000 sf	
Provided			
30' deep berth and 100sf loading dock	1		

1728 14TH STREET, LLC

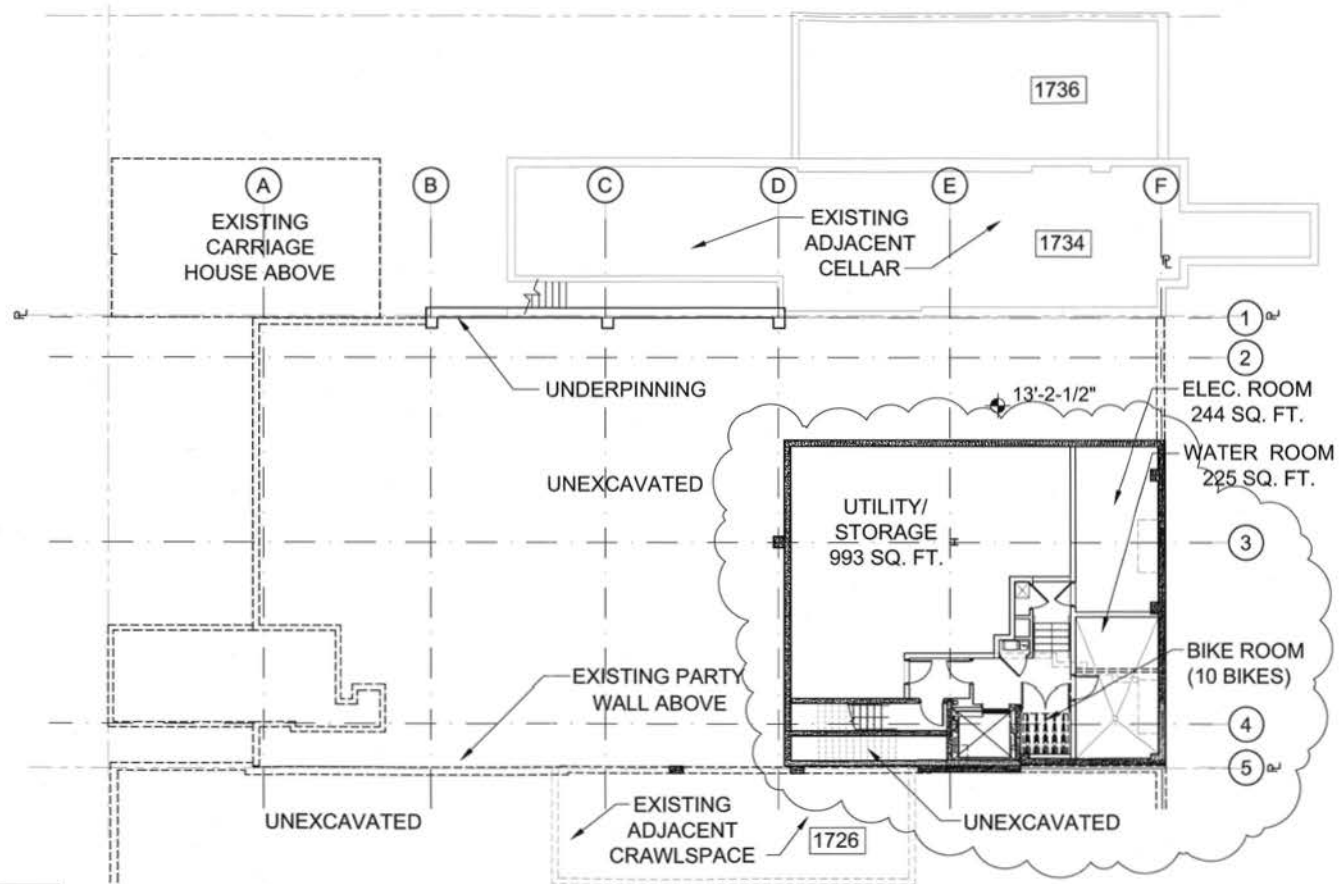
ZONING TABULATIONS

1728 14th Street, NW

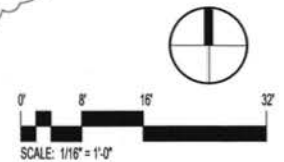
May 10, 2013 - BZA SUBMISSION - APPLICATION NO. 18453

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NOTE: INTERIOR PARTITION LOCATIONS
SUBJECT TO CHANGE BASED ON
TENANT REQUIREMENTS



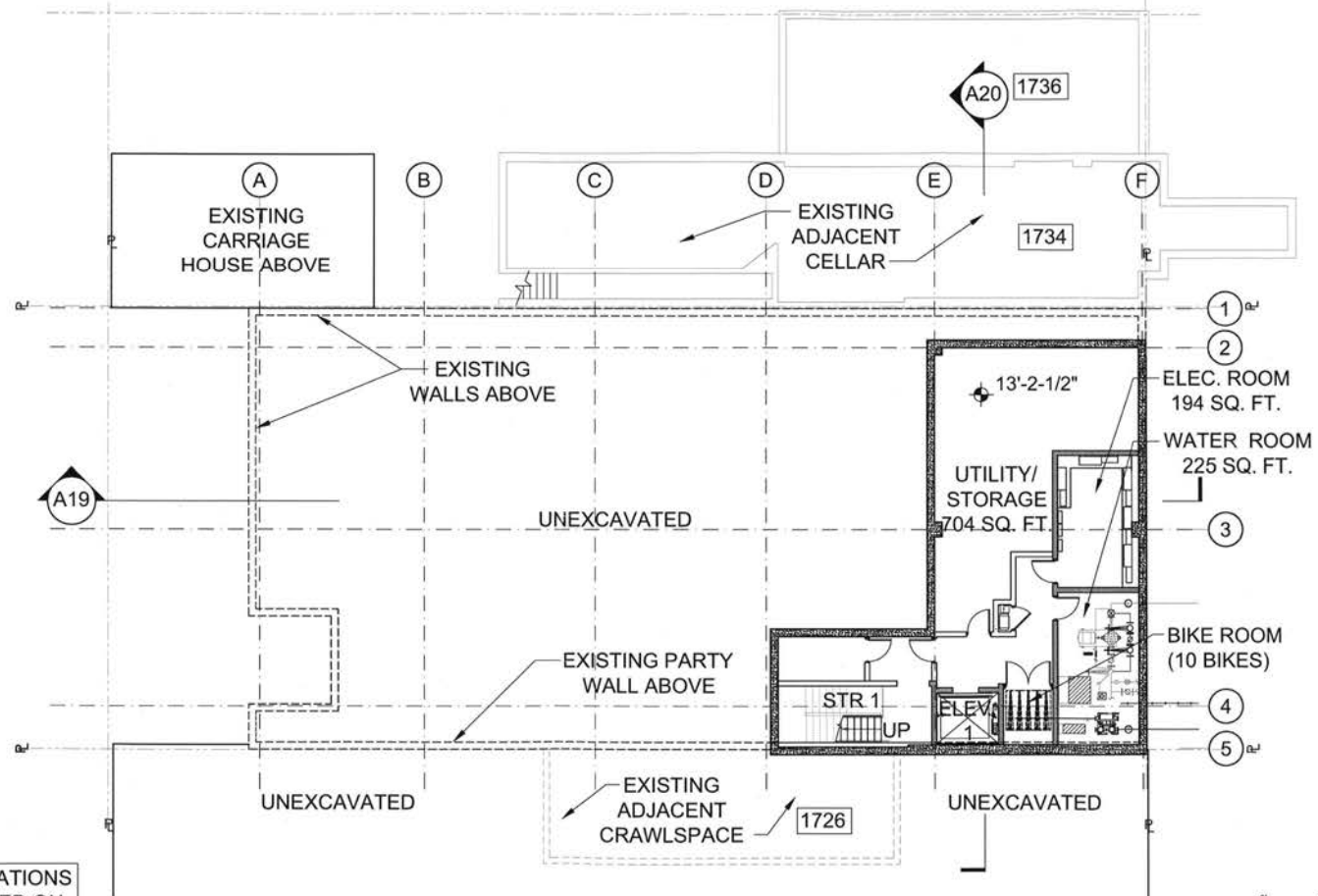
1728 14TH STREET, LLC

PROPOSED CELLAR FLOOR PLAN

1728 14th Street, NW

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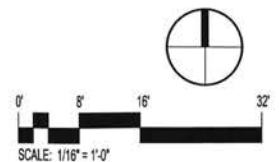


NOTE: INTERIOR PARTITION LOCATIONS
SUBJECT TO CHANGE BASED ON
TENANT REQUIREMENTS

1728 14TH STREET, LLC

PROPOSED CELLAR FLOOR PLAN

DECEMBER 4, 2012 - BZA SUBMISSION - APPLICATION NO. 18453
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BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 152 – MOTION FOR MINOR MODIFICATION

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 18533

Motion for Minor Modification to: ☐ Final Order ☒ Approved Plan ☒ Amount of Relief ☐ Other _____

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map.

See the attached letter dated May 13, 2013.

CERTIFICATE OF SERVICE

I hereby certify that on this 1 3 day of May, 2013

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning on

the above referenced BZA case via: ☐ Mailed letter ☒ Hand delivery ☒ E-Mail ☐ Other _____

Signature:

Print Name:

Christopher H. Collins

Firm/Organization:

Holland & Knight LLP

Address:

800 17th Street, N.W.

Phone No.:

(202) 457-7841

E-Mail:

chris.collins@hklaw.com

To be notified of hearing and decision: (Maker of Motion or Authorized Agent)

In the event an authorized agent files a motion on behalf of the Maker of the Motion, a letter signed by the Maker of the Motion authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:

Christopher H. Collins, Esquire

Address:

800 17th Street, N.W., Washington, DC 20006

Phone No.:

(202) 457-7841

E-Mail:

chris.collins@hklaw.com



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040		
TOTAL FOR VARIANCES:			
SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%	1	\$540.80
TOTAL FOR SPECIAL EXCEPTIONS:			
APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			
GRAND TOTAL:			\$540.80

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 application/petition 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)

Name: Christopher H. Collins Signature:

Exhibit No. Last Revised (10/18/10) Case No.



WELLS + ASSOCIATES

MEMORANDUM

TO: The District of Columbia Board of Zoning Adjustment

CC: Kevin Keuleman, Perseus Realty, LLC
Mark Adamo, Perseus Realty, LLC
Chris Collins, Holland & Knight, LLP

FROM: Jami L. Milanovich, P.E.
Amber N. Mikec, P.E.

DATE: May 10, 2013

RE: Supplement to Transportation Assessment
for 1728 14th Street NW (Square 207, Lot 120)
BZA Case #18453
Washington, DC

On December 4, 2012, the District of Columbia Board of Zoning Adjustment (BZA) approved parking variances for three alternate building schemes for the above reference case. Wells + Associates conducted a transportation assessment (dated October 19, 2012) in which it was determined that the proposed project would not have any objectionable impact to the adjacent street system.

The Applicant now plans to reconfigure the cellar footprint, which will slightly increase the cellar by 108 square feet (SF). Additionally, during the process of determining the impact of the proposed reconfiguration of the cellar space, it was discovered that, due to a misunderstanding, the parking calculations for the three alternate building schemes submitted to, and approved by, the BZA did not include the cellar floor area (which should have been included). As further outlined below, Wells + Associates concludes that these revisions do not change our findings and conclusion that the parking variance, even with the slight increase in the number of required parking spaces, will not cause an undue burden on the adjacent street system.

Although the cellar space should have been included in the parking calculations, it is worth noting that the areas that were erroneously excluded from the calculations will be for tenant storage and building utility operations only; that is, the cellar is not designed to be used for retail sales space or office tenant space. The cellar ceiling height will be less than that on the above-grade floors and, unlike the above-grade floors, there will only be one stairway for access to the cellar. As such, considering the actual function of the cellar space, the cellar floor area will not generate any actual demand for parking even though the DCMR requires it be included in the parking calculations.

For each of the three schemes, Table 1 details (1) the square footage, parking requirements, and parking relief as approved by the BZA, (2) the square footage, parking requirements, and parking relief with the addition of the cellar floor area but still based on the BZA approved plans, and (3) the square footage,

parking requirements, and parking relief with the slight increase to the cellar area as now proposed (including the correction to the square footages for each of the three schemes).

Table 1
Off-Street Parking Requirements and Required Relief

Scheme	Retail	Office	Total Development	Requested Relief
BZA Approved Plans				
Scheme 1	6,506 SF† requires 11 spaces	18,844 SF requires 28 spaces	25,350 SF requires 39 spaces	35 space relief
Scheme 2	6,506 SF† requires 11 spaces	22,260 SF requires 34 spaces	28,766 SF requires 45 spaces	41 space relief
Scheme 3	13,595 SF† requires 34 spaces	15,171 SF requires 22 spaces	28,756 SF requires 56 spaces	52 space relief
Corrections to BZA Approved Plans to Include 1,992 SF of Cellar Area				
Scheme 1	7,618 SF requires 15 spaces (Δ4 spaces)*	19,354 SF requires 29 spaces (Δ1 space)*	26,972 SF requires 44 spaces (Δ5 spaces)*	40 space relief (Δ5 spaces)*
Scheme 2	7,618 SF requires 15 spaces (Δ4 spaces)*	22,770 SF requires 35 spaces (Δ1 space)*	30,388 SF requires 50 spaces (Δ5 spaces)*	46 space relief (Δ5 spaces)*
Scheme 3	14,687 SF requires 39 spaces (Δ5 spaces)*	15,771 SF requires 23 spaces (Δ1 space)*	30,458 SF requires 62 spaces (Δ6 spaces)*	58 space relief (Δ6 spaces)*
Revised Plan with 2,100 SF of Cellar Area				
Scheme 1	7,706 SF requires 16 spaces (Δ5 spaces)*	19,374 SF requires 29 spaces (Δ1 space)*	27,080 SF requires 45 spaces (Δ6 spaces)*	41 space relief (Δ6 spaces)*
Scheme 2	7,626 SF requires 15 spaces (Δ4 spaces)*	22,870 SF requires 35 spaces (Δ1 space)*	30,496 SF requires 50 spaces (Δ5 spaces)*	46 space relief (Δ5 spaces)*
Scheme 3	14,795 SF requires 39 spaces (Δ5 spaces)*	15,701 SF requires 23 spaces (Δ1 space)*	30,496 SF requires 62 spaces (Δ6 spaces)*	58 space relief (Δ6 spaces)*
† 289 SF was subtracted from this number to reflect the covered loading area that is not included in the parking calculations				
* Delta compared to BZA Approved Plans				

Wells + Associates has evaluated the impact of the increased parking requirements and has determined that the proposed redevelopment, with the revised numbers, will not change our previous conclusion that the project will not cause an undue burden on the adjacent street system for the following reasons:

- The site is located in an area with prevalent transportation options, including a Metro Station within an 8-minute walk of the site, a number of bus routes that run immediately adjacent to the site, and nearby Zipcar and Capital Bikeshare facilities
- The Applicant has agreed to a Transportation Demand Management Plan, which among other things, provides SmarTrip card, Capital Bikeshare membership, or car-sharing membership for each employee at the time of initial lease
- The existing neighborhood peak on-street parking demand occurs later in the evenings (at 8 00 PM) The proposed redevelopment, however, would have minimal demand in the evenings because of the mixture of retail and office land uses. When the peak parking demand for the proposed office and retail uses occurs during the midday, the existing neighborhood parking demand is lower and able to accommodate the parking demand for the proposed development. Charts 1, 2, and 3 (attached) summarize the existing and projected parking demand by time of day for the revised parking calculations for Schemes 1, 2, and 3, respectively, using the methodology consistent with our October 19th memorandum

In summary, the increased parking demand associated with the inclusion of the cellar space (including the increase in cellar space of 108 SF) will not cause an objectionable impact to the surrounding street system due to the fact that prevalent transportation options surround the site and the peak parking demand for the site occurs during the day when on-street parking capacity can accommodate the projected parking demand

We trust that this memorandum provides you with sufficient information regarding the parking impacts of the proposed redevelopment of 1728 14th Street, NW. Should you require any additional information, please do not hesitate to contact Jami Milanovich at (202) 556-1113 or [jlmilanovich@mjlwells.com](mailto:jmilanovich@mjlwells.com)

Attachment
Parking Demand vs. Parking Availability
By Time-of-Day

Chart 1
Parking Demand vs. Parking Availability by Time-of-Day (Scheme 1)

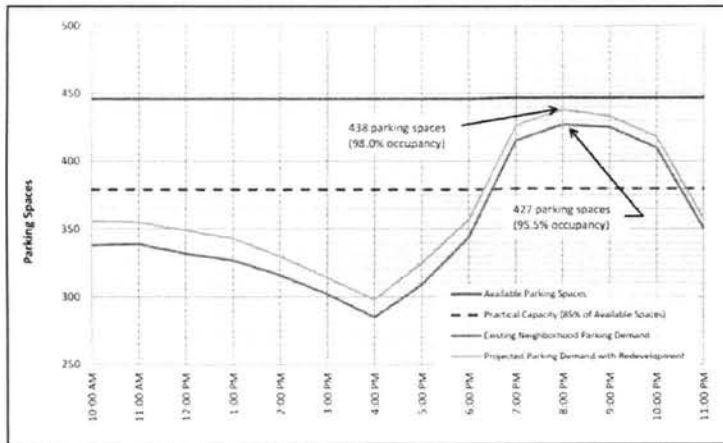


Chart 2
Parking Demand vs. Parking Availability by Time-of-Day (Scheme 2)

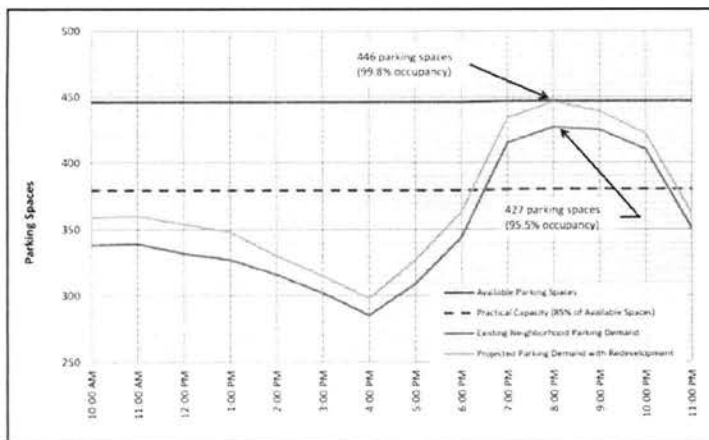


Chart 3
Parking Demand vs. Parking Availability by Time-of-Day (Scheme 3)

