

BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 150 – MOTION / REQUEST

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.: BZA No. 18453

Motion/Request of: ☒ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other

Motion/Request to

- | | |
|---|--|
| ☐ Amend the Relief Sought
☐ Waive Posting / Affidavit of Posting Requirement
☐ Waive Notice Requirement to Shorten Period of Time Case is Advertised in the DC Register
☐ Accept a Proffered Expert Witness
☐ Allow Non-Authorized Representative to Perform Cross-Examination
☐ Reopen the Record | ☐ Reopen a Hearing (before decision)
☐ Dismiss on the Merits
☐ Postpone
☐ Continue
☐ Correct a Transcript
☐ Waive the following Time Deadline (i.e. 14-day filing deadline)
☒ Other <u>Modification per Sections 3129.7 and 3129.8</u> |
|---|--|

Points and Authorities

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

CERTIFICATE OF SERVICE

I hereby certify that on this 1 2 day of June, 2013

I served a copy of the foregoing Motion or Request to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of

Planning in the above-referenced ZC or BZA case via.

☐ Mailed letter ☐ Hand delivery ☒ E-Mail ☐ Other

Signature

Christopher H. Collins

BOARD OF ZONING ADJUSTMENT
District of Columbia

Print Name

Christopher H. Collins

CASE NO. 18453

Firm/Organization

Holland & Knight LLP

EXHIBIT NO. 46

Address

800 17th Street, NW, Washington, DC 20006

Phone No

202-457-7841

E-Mail

chris.collins@hklaw.com

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

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

Print Name

Christopher H. Collins

Address

800 17th Street, NW, Washington, DC 20006

Phone No

202-457-7841

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Board of Zoning Adjustment
District of Columbia

CASE NO. 18453

EXHIBIT NO. 46

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

**APPLICATION OF 1728
14TH STREET LLC**

**BZA APPLICATION NO. 18453
HEARING DATE: JUNE 25, 2013
ANC 2F**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
REQUEST FOR MODIFICATION PER 11 DCMR,
SECTIONS 3129.7 AND 3129.8**

**I
INTRODUCTION**

This request is submitted on behalf of 1728 14th Street LLC (the "Applicant") for a modification to the approved plans and the parking calculations, as explained in more detail below. No new areas of zoning relief are requested herein. 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 A request for minor modification was filed on May 13, 2013. The Board determined at its public meeting of June 11, 2013 that this modification request must instead be considered at a public hearing. Accordingly, the Applicant requests that this matter be scheduled for the Board's June 25, 2013 public hearing.

The only participants in the original public hearing in this application were the Office of Planning, DDOT, and ANC 2F. All three submitted reports indicating support or no objection to the application. No other persons or parties participated either in person or in writing. As of this date, the Office of Planning has also submitted to the record a report dated May 28, 2013 recommending approval of this modification request. The Applicant has also discussed this modification request with DDOT and with ANC 2F, and understands that both either support or

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

do not object to this request- OP, DDOT and ANC 2F are all being served with this request by email on the date of this filing

II ATTACHMENTS

- A BZA Order No 18453
 - B Two versions of Sheet A7A of the plans, showing the original BZA-approved cellar plan and the proposed modified cellar plan
 - C Three versions of Sheet A2 of the plans, showing the square footage calculations for the building, which include the parking requirements
 - D Supplemental memorandum from Wells & Associates
- The Applicant's authorization letter is already included as Exhibit No 5 in the record of this case

III REQUEST FOR MODIFICATION PER SECTIONS 3129.7 AND 3129.8

A Cellar Configuration

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 Order was issued, 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).

B Parking Calculations

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 approved by 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.

IV CONCLUSION

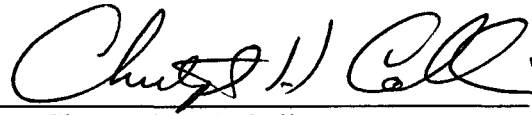
There was no opposition to the original request in this application, and there is no opposition to this modification request. The Applicant understands that those entities that participated in the original hearing on this application (OP, DDOT and ANC 2F) either support or have no opposition to this modification request. The Applicant's transportation expert witness has also prepared a supplemental report (attached) which concludes that the modifications do not change their findings and conclusions in this case.

The agencies, the experts, and the ANC are all in agreement that this request should be granted. Due to financing and leasing commitments, it is important that this modification be reviewed and approved at the earliest possible date.

The Applicant believes that factoring in the parking calculations 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 modifications that can be approved per the Board's authority under Sections 3129.7 and 3129.8. Thank you for your consideration.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By 

Christopher H. Collins
800 17th Street, N.W.
Suite 1100
Washington, D.C. 20006
(202) 955-3000

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

#23591268_v1

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.

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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

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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.

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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. BARDIN
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

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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 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
	3.01	25,350
		Retail FAR as per floor plan diagram = 6,461 gsf (6506 - 7,267/2) * 1.518,422 = 51 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 55' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf 1 per 600 SF Gross	
Estimated SF Office	18,844	28 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 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
	4.05	34,109
		Retail FAR as per floor plan diagram = 6,461 gsf (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 55' 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 Required	45 spaces	
Parking Provided	4 spaces	Including 1 ADA space
Loading Requirements		
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

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
	4.27	35,962
		Retail FAR as per floor plan diagram = 6,572 gsf (6726 - 7,267/2 + 6,869) * 1.518,422 = 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 55' maximum height
Proposed Rear Yard	19'-2"	
Parking Requirements		
Commercial	> 2,000 sf 1 per 600 SF Gross	
Estimated SF Office	15,171	22 spaces doesn't use full FAR
	>3000 SF, 1 per 300 SF Gross	
Estimated SF Retail	13,595	34 spaces
Total Parking Required	56 spaces	
Parking Provided	4 spaces	Including 1 ADA space
Loading Requirements		
Required		
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 aia survey.
Zoning Category		
See Sec 1907 - Uses	C-3A / 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 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	26,360	
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	19,354	28.9 spaces includes part of 1st floor
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 aia survey.
Zoning Category		
See Sec 1907 - Uses	C-3A / 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 (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	5,965	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 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	22,770	35 spaces doesn't use remaining FAR
Estimated SF Retail	7,618	15 spaces 1st floor retail only
Total Parking		50 spaces
Parking Provided		4 spaces including 1 ADA space
Loading Requirements		
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 aia survey.
Zoning Category		
See Sec 1907 - Uses	C-3A / 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 (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	5,965	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 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	15,771	23.0 spaces
Estimated SF Retail	14,667	39.0 spaces
Total Parking		62 spaces
Parking Provided		4 spaces including 1 ADA space
Loading Requirements		
Required		
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

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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 site 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	4,236			
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 (about 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 (break down in this column excludes 300 sf of loading dock)			
2nd Floor	7,267	Office			
3rd Floor	7,267	Office			
4th Floor	3,549	3,470 sf is office			
Total Gross Floor Area	27,450				
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	includes part of 1st floor & 600 sf of cellar			
	29.0 spaces				
	>3000 SF - 1 per 300 SF Gross				
Estimated SF Retail	7,706	Includes 1,500 sf of cellar			
	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 site survey.			
Zoning Category					
See Sec 1907 - Uses	C-3-A / Arts				
Floor Area Ratio					
Base FAR ("Other")	2.5	21,055			
Bonus Density	1.85	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 (about 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 (break down in this column excludes 300 sf of loading dock)			
2nd Floor	7,267	Office			
3rd Floor	7,267	Office			
4th Floor	6,965	6,695 sf is office			
Total Gross Floor Area	30,866				
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	includes part of 1st floor & 600 sf of cellar			
	34.8 spaces				
	>3000 SF - 1 per 300 SF Gross				
Estimated SF Retail	7,626	Includes 1,500 sf of cellar			
	15.4 spaces				
Total Parking	50 spaces				
Parking Provided	4 spaces	Including 1 ADA space			
Loading Requirements					
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 site 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 (about 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	6,669 gsf Retail / 398 gsf office			
3rd Floor	7,267	Office			
4th Floor	6,965	6,695 sf is office			
Total Gross Floor Area	30,866				
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	includes part of 1st floor & 600 sf of cellar			
	22.8 spaces				
	>3000 SF - 1 per 300 SF Gross				
Estimated SF Retail	14,795	Includes 1,500 sf of cellar			
	30.3 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

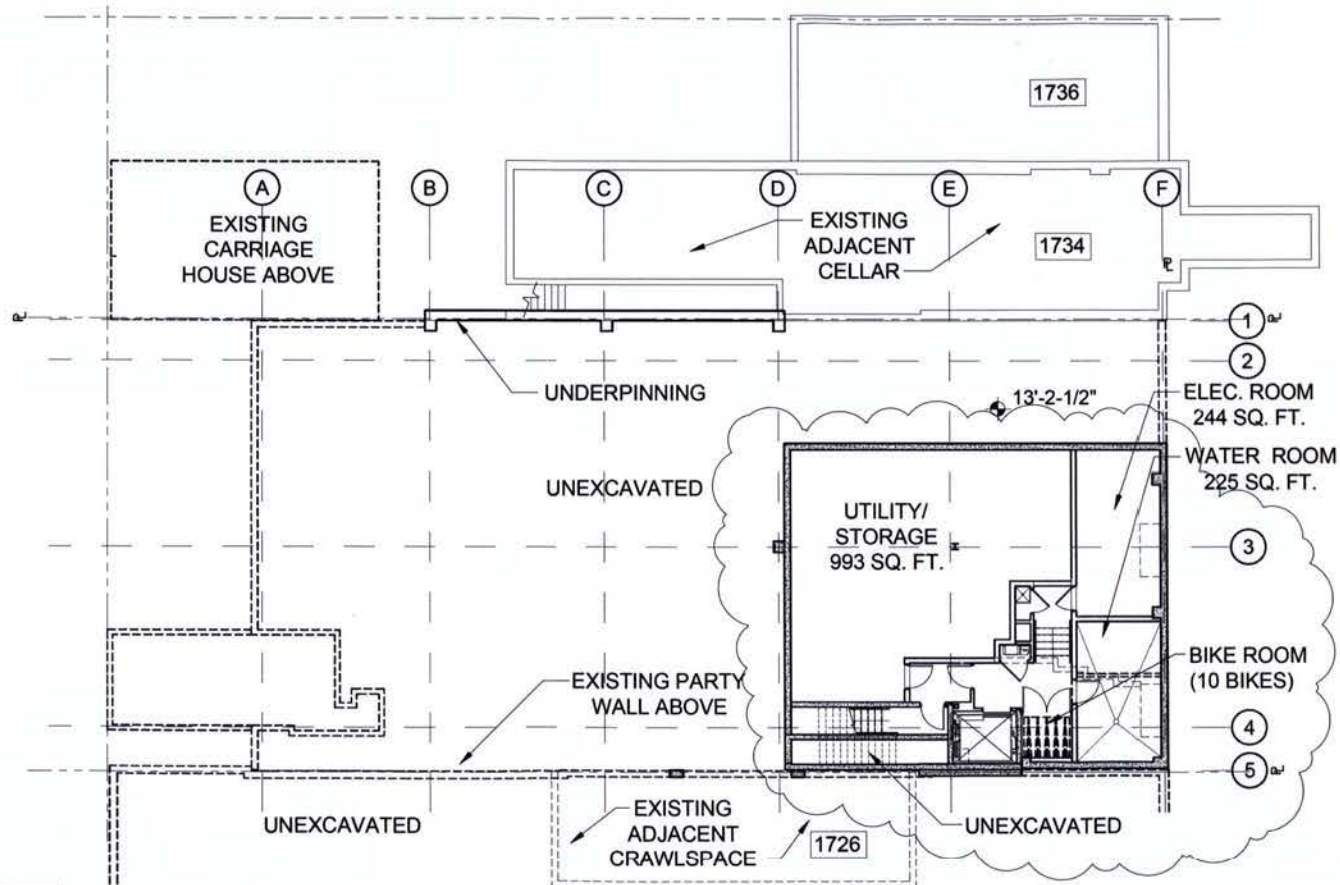
ZONING TABULATIONS

1728 14th Street, NW

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

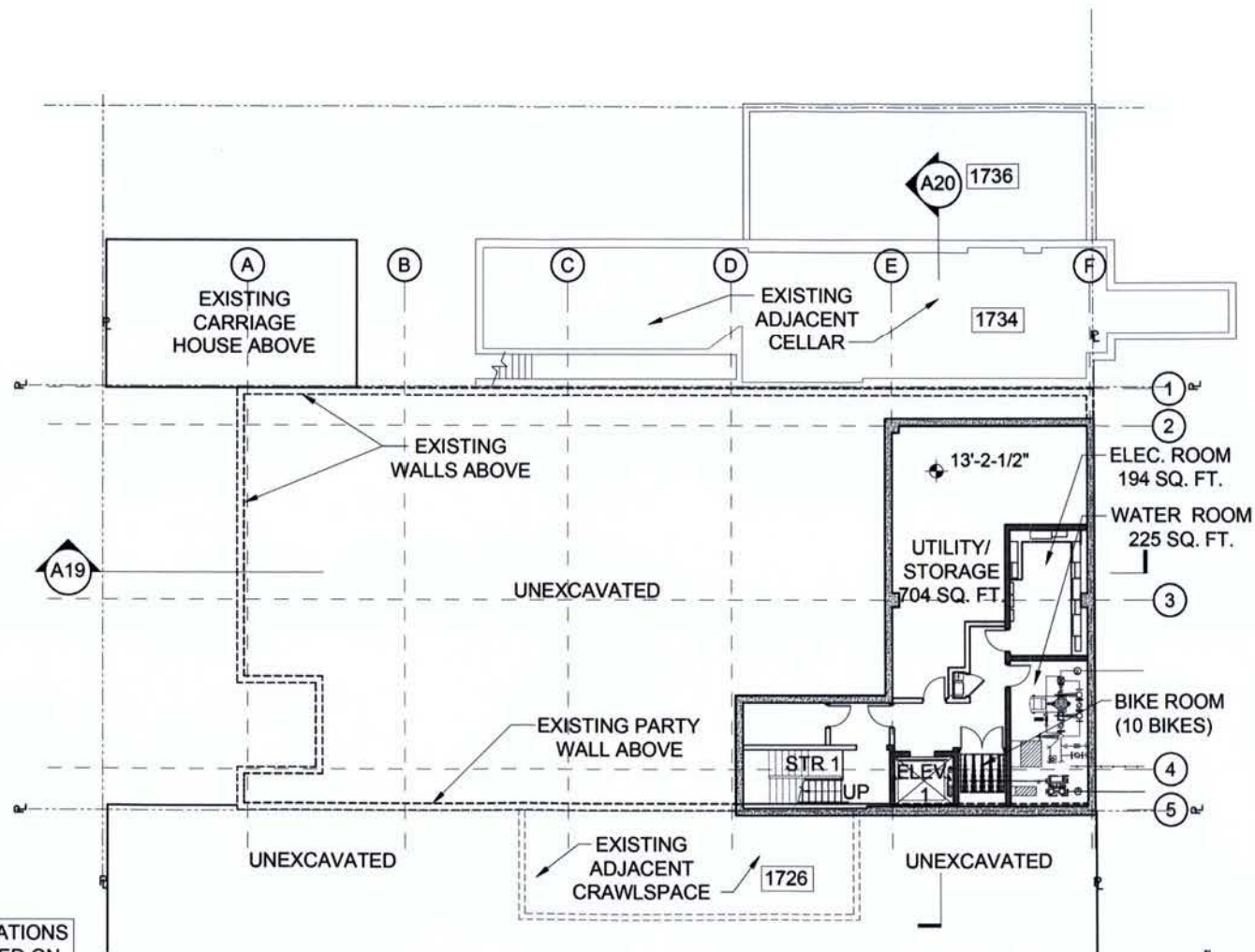
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PROPOSED CELLAR FLOOR PLAN

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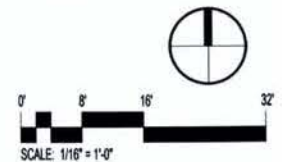


NOTE: INTERIOR PARTITION LOCATIONS
SUBJECT TO CHANGE BASED ON
TENANT REQUIREMENTS

1728 14TH STREET, LLC

PROPOSED CELLAR FLOOR PLAN

DECEMBER 4, 2012 - BZA SUBMISSION - APPLICATION NO. 18453
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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 jmilanovich@mjwells.com.

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

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

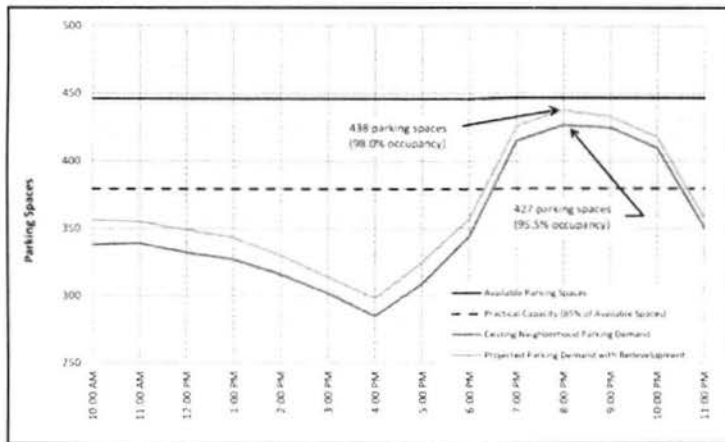


Chart 2
Parking Demand vs. Parking Availability by Time-of-Day (Scheme 2)

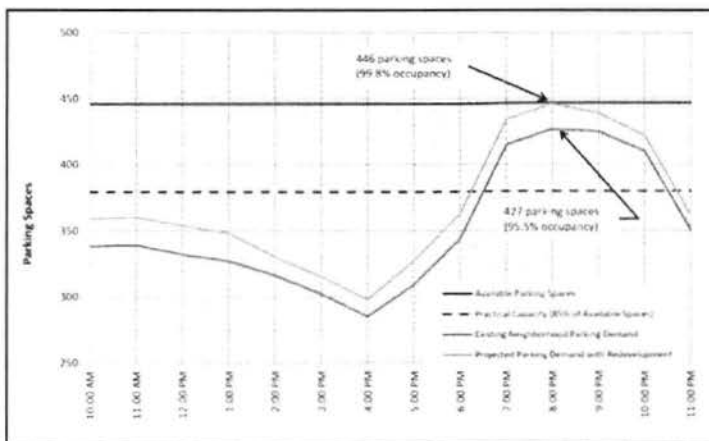


Chart 3
Parking Demand vs. Parking Availability by Time-of-Day (Scheme 3)

