

Holland & Knight

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July 10, 2014

VIA IZIS

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

Re: Application No. 18749 - Post-Hearing Submission Materials
1031 4th Street, N.W. (Square 526, Lots 815, 816, 836, 837, 838, 808, 809,
810, and 811)

Dear Members of the Board:

On behalf of 1031 4th Street, LLC, the Applicant in the above-referenced case, and in response to the Board's request at the July 8, 2014, public hearing on this matter, we submit this letter to clarify the differences between the Applicant's initial project design, submitted on February 26, 2014 (Exhibit 8 in the record), and the revised project design that the Board approved for the above-referenced property (the "Site"). Also enclosed are the following materials:

1. Modified roof plan and elevations showing the revised penthouse structure that is now set back 1:1 from the north exterior wall, as requested by the Board; and
2. The Applicant's draft order and proposed conditions.

Initial and Revised Project Design

On February 26, 2014, the Applicant submitted an application to the Board of Zoning Adjustment requesting variance relief and a special exception to develop a new mixed use building with ground floor retail and nine stories of residential apartments in the DD/C-2-C District at the Site. The application requested the following areas of zoning relief: (1) an area variance from the side yard width requirements of section 775.5; (2) an area variance from the rear yard width requirements of section 774.1; (3) an area variance from the parking requirements of section 2101.1; (4) an area variance from the loading requirements of section 2201.1; and (5) a special exception from the roof structure requirements under sections 411 and

Board of Zoning Adjustment
District of Columbia
CASE NO.18749
EXHIBIT NO.39

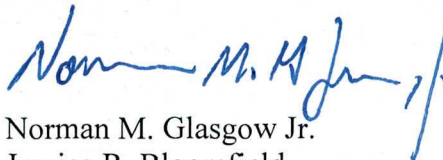
770.6. As part of the original design, the Applicant proposed locating an above-ground Pepco transformer in the side yard of the Site. Pursuant to 11 DCMR § 3113.8, the Applicant filed its prehearing statement and related materials with the Board on April 29, 2014.

On May 12, 2014, the Applicant submitted a letter to the Board requesting a postponement of the hearing scheduled for May 13, 2014. The postponement was based on the Applicant's continued conversations with the Office of Planning, the District Department of Transportation, and Pepco, which recommended relocating the Pepco transformer from the Site's side yard to an underground, air-conditioned or ventilated vault in public space. Based on these conversations, the Applicant modified the building design to eliminate the previously proposed side yard by extending the building to its northern property line. Thus, the Applicant's requested relief changed in the following ways:

1. The Applicant no longer needed a variance from the side yard width requirements;
2. The Applicant requested new relief from the lot occupancy requirements, since the residential portion of the building will have a lot occupancy of 86 percent, where a maximum of 80 percent is permitted;
3. The Applicant requested a slightly greater variance from the parking space requirements, due to the increase in residential units, from a variance of 10 parking spaces to a variance of 15 parking spaces;
4. The Applicant requested a variance from section 2115 of the Zoning Regulations to provide compact parking spaces in the garage where only 22 total parking spaces are provided, and to provide the compact spaces in groupings of less than five.

Very truly yours,

HOLLAND & KNIGHT LLP



Norman M. Glasgow Jr.
Jessica R. Bloomfield

Enclosures:

cc: Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning
Brandice Elliott, Office of Planning
Jonathan Rogers, District Department of Transportation
Alexander M. Padro, Chair, Advisory Neighborhood Commission 6E
Earle Horton III, 1031 4th Street, LLC
Richard Ward, Ellisdale Construction