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July 10, 2014

VIA IZIS

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

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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 11 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.41

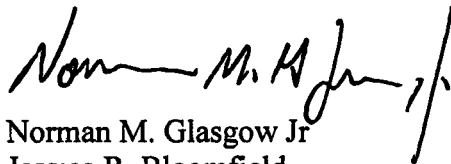
770.6 As part of the original design, the Applicant proposed locating an above-ground Pepco transformer in the side yard of the Site. Pursuant to 11 DCMR § 3113.8, the Applicant filed its prehearing statement and related materials with the Board on April 29, 2014.

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,

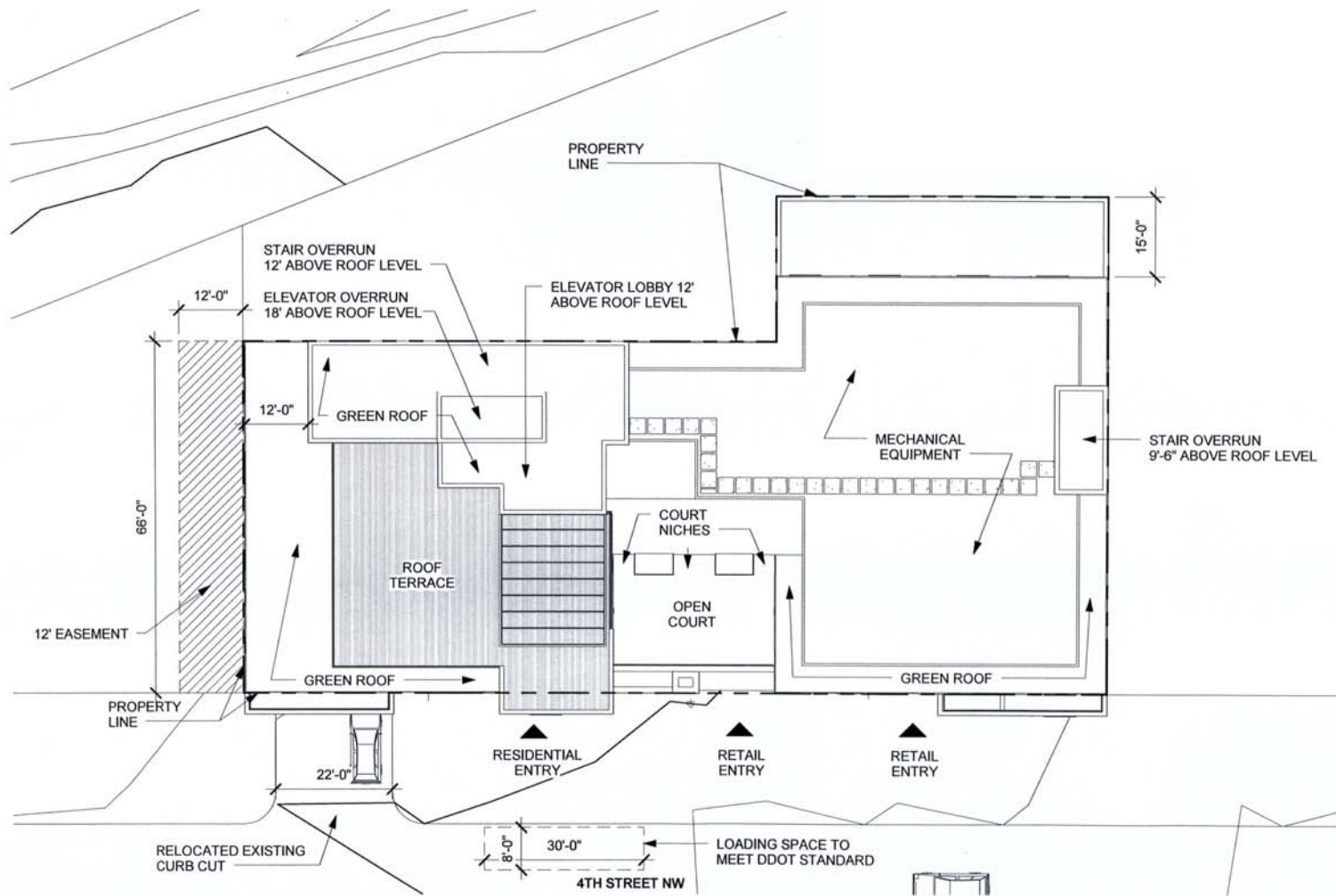
HOLLAND & KNIGHT LLP



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



1
G-003
BZA ARCHITECTURAL SITE PLAN
1" = 20'-0"

4th & L Street NW

07/09/2014

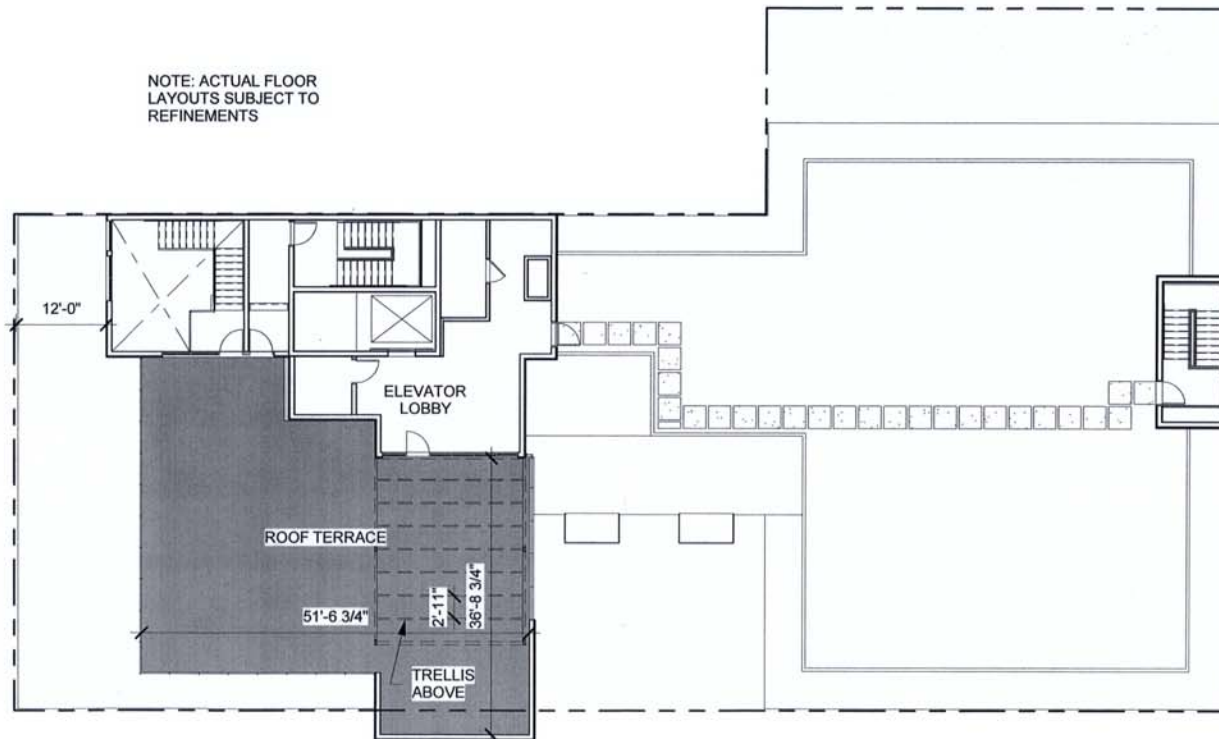
Scale 1" = 20'-0"

G003 - SITE PLAN



BKV
GROUP

NOTE: ACTUAL FLOOR
LAYOUTS SUBJECT TO
REFINEMENTS



1 BZA PLAN ROOF LEVEL
A-104 1/16" = 1'-0"

4th & L Street NW
07/09/2014

Scale 1/16" = 1'-0"

A104 - ROOF PLAN



BKV
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1
A-401
BZA WEST ELEVATION
1/16" = 1'-0"

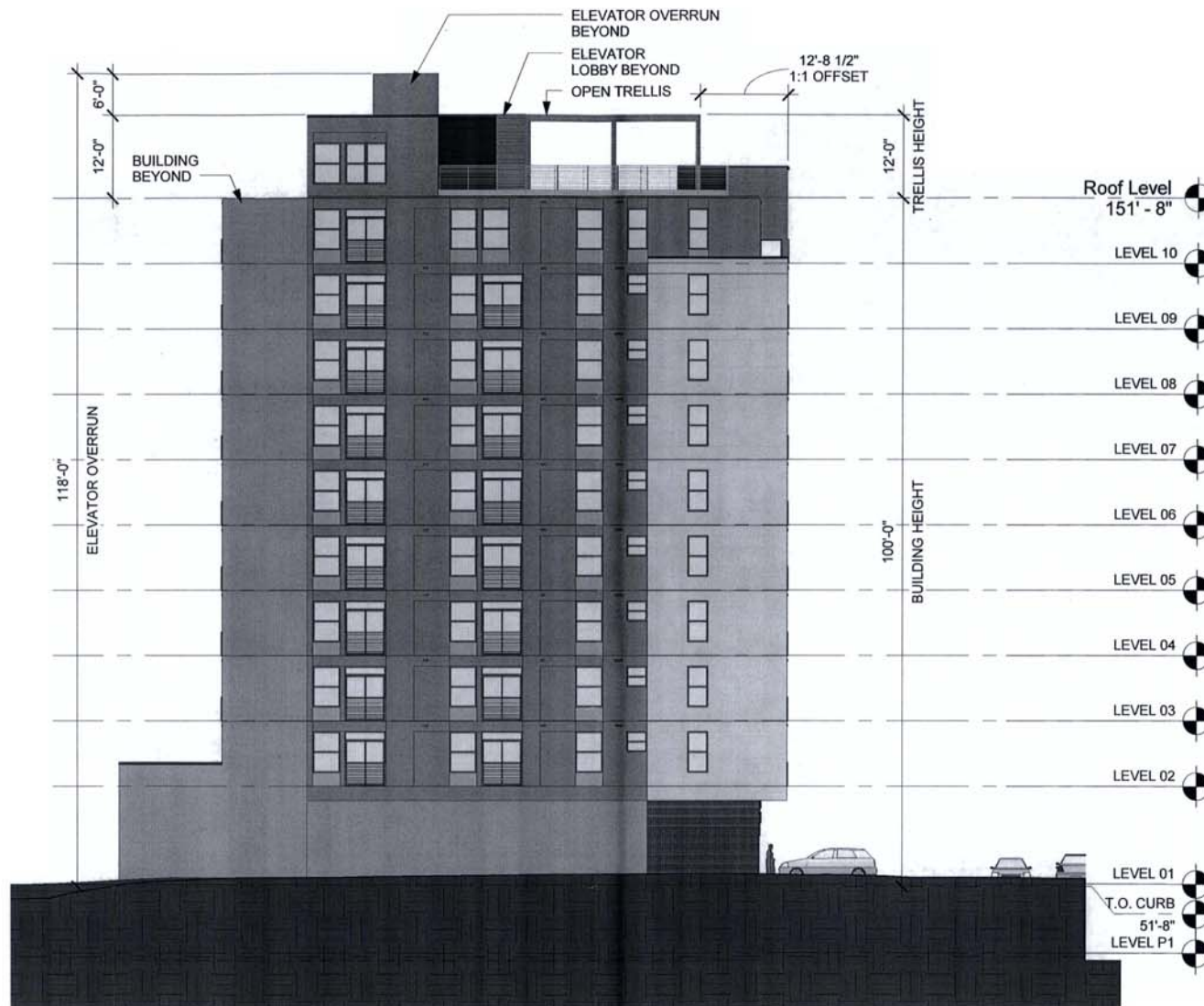
4th & L Street NW

07/09/2014

Scale 1/16" = 1'-0"

A401 - BUILDING ELEVATION

BKV
GROUP



1
A-402 BZA NORTH ELEVATION
1/16" = 1'-0"

4th & L Street NW

07/09/2014

Scale 1/16" = 1'-0"

A402 - BUILDING ELEVATION

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1 BZA EAST ELEVATION
A-403 1/16" = 1'-0"

4th & L Street NW

07/09/2014

Scale 1/16" = 1'-0"

A403 - BUILDING ELEVATION

BKV
GROUP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 18749 of 1031 4th Street, LLC pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the rear yard depth requirements of section 774.1; a variance from the parking requirements of section 2101.1; a variance from the compact parking space requirements of section 2115; a variance from the loading requirements of section 2201.1; a variance from the lot occupancy requirements of section 772.1; and a special exception from the roof structure requirements under sections 411 and 770.6, to allow the construction of a new mixed-use building with ground floor retail and nine stories of residential apartments in the DD/C-2-C District at premises 1031 4th Street, N.W. (Square 526, Lots 815, 816, 836, 837, 838, 808, 809, 810, and 811).

HEARING DATE: July 8, 2014

DECISION DATE: July 8, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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") 6E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning ("OP") submitted a report in support of the application except for lot occupancy, but after the Applicant's presentation testified in support of the application at the public hearing. The Department of Transportation had no objection to the application.

Variances

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 774.1, 2101.1, 2115, 2201.1, and 772.1. No parties appeared at the public hearing in opposition to this 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 variances from §§ 774.1, 2101.1,

2115, 2201.1, and 772.1, 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 for the owner in complying with the Zoning Regulations, and that the 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 required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the roof structure requirements under §§ 411 and 770.6. 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.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 411, and 770.6, 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 requirement 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 this application (pursuant to Exhibit 33C - Plans) is hereby **GRANTED** subject to the revised roof plans at exhibit ____ and the following **CONDITIONS**:

1. The Applicant shall assign a Transportation Management Coordinator to provide transportation information to residents and coordinate all loading activities;
2. The Applicant shall install an electronic transportation information screen in the lobby that would show real time arrival/availability for nearby trains, buses, carshare, and bikeshare or, in the alternate, the Applicant shall provide notice to the tenants of applicable cell phone applications or other means of obtaining this same real-time multi-transit information;
3. The Applicant shall establish a transportation demand management ("TDM") marketing program to provide detailed non-auto transportation options to residents, and shall post all TDM commitments online;
4. For a period of five years, the Applicant shall offer all new tenants of each residential unit a \$50 car sharing membership or a \$100 Capital Bikeshare membership;
5. The Applicant shall provide at least 61 long-term bicycle parking spaces on-site, and shall provide a minimum of six short-term bicycle parking spaces in public space near its entrance;
6. The Applicant shall dedicate a space in the parking garage for a car sharing service or an electric car;

7. The Applicant shall set back the penthouse on the north side of building equal to its height above the main roof, as indicated on the revised plans (Exhibit ____); and
8. The Applicant shall enter into an easement agreement with Golden Rule Plaza, Inc., owner of property to the north of the subject site, for an area 65 feet long by 12 feet wide, to allow the Applicant to construct at-risk windows along the northern property line of the subject site.

VOTE: 5-0-0 (Lloyd Jordan, Jeffrey Hinkle, Marnique Heath, Peter May, Kathryn Allen to APPROVE)