

John Wood Bolton, Jr.

Mr. Lloyd Jordan, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW
Room 220 South
Washington, D.C. 20001

Re: BZA Case 18886

Dear Mr. Chairperson:

My Name is John Wood Bolton Jr. My resume is attached. Since receiving a Masters Architecture (MArch) from the University of Virginia in 1990, I have been engaged as a real estate project manager and developer from New York to Washington, DC for the past 25 years. I have been responsible for the development (including permitting) of over 12 million square feet of space in projects ranging from single family dwellings in a townhouse complex to major mixed used residential-office-retail developments. A list of the largest of these projects is attached.

Having observed the 20+ month process of constructing the addition at 2709 36th Street NW that is the subject of this proceeding, I suggested to the Massachusetts Avenue Heights Citizen's Association (MAHCA) that I would like to evaluate the conformity of the addition to the governing standards. I am submitting this statement in lieu of appearing personally as a witness because I have been required on short notice to be in New York City for business from Tuesday through the rest of this week.

I asked to make this evaluation because of my significant experience in working with MAHCA while developing the condominium building at the Northeast corner of Calvert and Wisconsin (2501 Wisconsin Avenue, NW), which is in the MAHCA neighborhood. In those dealings, I developed a personal interest in the neighborhood which I maintain to this day.

From the beginning of that development, which required a significant unzoning under a Planned Unit Development (R-1 to R-5-D) and a zoning variance, we worked closely with MAHCA to produce a design that met our development goals and was also in conformity with and an enhancement to the neighborhood. That effort took a lot of work, but because we dealt straightforwardly with MAHCA from the beginning and because MAHCA was eager to see an improvement to its neighborhood, we reached a mutually satisfactory approach that won zoning approval and resulted in a major addition to the quality of housing available in the neighborhood.

As I understand it, this has not been the course of dealing followed by the applicant in this proceeding. Instead the applicant refused any discussion of the addition at issue until it faced opposition to its Application. Despite having early notice from District officials that a variance would be required to make the addition lawful, the applicant - an experienced developer - constructed the addition at its own risk over a period exceeding a year before seeking approval of its construction as a *fait accompli*, presumably on the theory - common among a certain group of developers - that it's harder for the BZA to reject an application after the fact than before. Because I strongly oppose this approach, which inevitably leads to conflict and deterioration of the overall quality of neighborhood communities - and because I have a vested interest in the maintenance of a legitimate zoning process where neighbors and developers play on a level field

John Wood Bolton, Jr.

and can rely on the enforcement of the law – I agreed to submit this statement on my own time and without compensation.

As I understand it, the legal standard applicable here is set forth in Section 223.2 of the Zoning Regulations, which provide that “[t]he addition...shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular: (a) The light and air available to neighboring properties shall not be unduly affected; (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.”

From my perspective as a developer and student of architecture, the applicant’s addition meets none of these criteria. First, the property dramatically and adversely affects the light and air previously available to the neighbors on the North, South, and across the alley. Applicants may contend these neighbors still have enough light and air; but they cannot possibly demonstrate that in each case – especially on the North and to the South - it has not been adversely affected.

The same is true of privacy. Where the prior occupants of the applicant’s property, the neighbors to the South, and the neighbors to the North previously were well separated or free from being viewed through major windows, it will be impossible for them to enjoy their homes and rear yards in private without erecting further barriers to light and air than those already imposed by the addition. Across the alley to the East, the neighbors face a looming structure, with enormous windows, that permits a view into their back yards and, even worse, promises a deck on top of the new addition, at least four levels above the ground level of properties across the alley, where partiers can look down into the rear yards of all their neighbors, an intrusion not otherwise imposed by any other house in the neighborhood.

Finally, the addition visually intrudes “upon the character, scale and pattern of houses along the subject street frontage” and, especially on the alley faced by the neighbors to the East of that addition.

On the front, the developers have sought nominal conformity to neighborhood ambience, but it is impossible to avoid that this substantially new house is much larger than the house to the North and the house to the South. It dominates its neighbors, especially when viewed from the side and rear of the others. In addition the front view is marred by a significant change in the elevation of the property -- a combination driveway and terrace that sits 8 feet above the level of the driveway of the prior house and is sustained in the rear by a retaining wall roughly over nine feet in height above the rear grade. If this structure were permitted (and based on the permit drawings, I find no indication it was), it means that the Application in this proceeding is substantially fraudulent because it omits the additional space added by this structure in its lot occupancy calculation. If it is not permitted, as I would assume from the drawings, then it is not legal and should be removed from the side yard, eliminating the only such structure I have detected in the neighborhood. This new, elevated driveway and terrace directly adjoin the property line, further intruding on the privacy of the neighbors.

On both the North and South sides, the addition looms over its neighbors, who previously faced a much more modest and proportional structure. And the looming is especially violent from the alley side, where previously neighbors only saw a walled and fenced garden.

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For all these reasons, and especially because of the underhanded approach of the applicant, I urge the BZA to deny the Application as I am confident it would have done had the Application been made before rather than after construction was well underway. *

Yours truly,

A handwritten signature in black ink that reads "John W. Bolton Jr." The signature is written in a cursive, slightly slanted style.

John Wood Bolton

*The BZA should note that, as far as I can tell, while the building was framed out when the Application was filed, construction has continued unabated since then and almost all of the interior work – a large part of the expense of any house – has been done since the Application was filed, and continued at least through Friday of last week.

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EXPERIENCE SUMMARY

Alliance Residential Company
Managing Director

April 2012 to November 2014
New Jersey to Washington, DC

Regional partner responsible for all acquisition, development and construction for the Mid-Atlantic and New Jersey for Alliance Residential.

Bolton Development, LLC

June 2011 to April 2012

Engaged in raising and placing \$400M of equity for entity level and project specific funding requirements for third parties.

Senior Vice President & Regional Manager
Eola Capital, LLC

December 2009 to June 2011
Orlando, Florida & Washington, D.C.

Mr. Bolton formed a venture in late 2009 that had Eola Capital, LLC fund Perseus Realty, LLC operations for 2010; contract to acquire its commercial assets; and sourced additional third party commercial office assets for acquisition. Eola Capital, LLC in 2010 filed to form a REIT (Eola Property Trust) for expansion of its southeast concentrated 17MM SF office portfolio. The Perseus venture was the first step in expanding in the existing Washington, DC and Philadelphia, Pa. holdings which are part of the Mid-Atlantic portfolio. Eola subsequently did a reverse merger with Parkway Properties an existing REIT in June 2011.

Co-Founder and Principal
Perseus Realty, LLC

October 2003 to December 2009
Washington, D.C.

Perseus Realty, L.L.C. was a real estate firm specializing in commercial property investments and development of commercial office and multi-family properties. Formed in early 2004, Mr. Bolton through his leadership and experience grew the company's portfolio to \$700 million dollars in value before successfully selling the assets. The commercial office and multi-family projects sponsored and developed by his company included private equity limited partners Prudential, Westbrook, Starwood Capital Group, Capmark and Fannie Mae.

- Fiduciary for private equity limited partners: Prudential, Westbrook, Starwood Capital Group, Capmark and Fannie Mae.
- Invested between five to fifteen percent of all equity required per asset of my own funds.
- Signed personally and repaid over \$200 million dollars in bank loans for development projects.
- Responsible for all acquisitions, financing (equity and debt), and development of new plus redevelopment projects.
- Oversaw all day-to-day business and operational activities including accounting, taxation and partnerships. Managed all acquisition, development, construction, property management and accounting staff.

Vice President
Boston Properties, Inc.

May 1998 to October 2003
Washington, D.C., New York & Boston

Boston Properties, Inc. is a Real Estate Investment Trust that develops, redevelops, acquires, manages, operates, and leases office, industrial and hotel properties.

- Responsible for all aspects of a commercial real estate acquisitions and development projects including team leadership. Overall responsibility for a project from its inception through completion, and subsequent turnover to property management. Sole responsibility for meeting budget objectives and insuring that the project meets or exceeds the expectations that were created at the project's inception. Responsible for the monitoring of all governmental policies and for the direct lobbying of local political office holders.

Vice President
Mulligan/Griffin & Associates

October 1995 to May 1998
Washington, D.C.

Mulligan/Griffin was purchased by Boston Properties in 1998. Prior to the purchase the company was a privately held real estate development company that developed over 5M SF of commercial office projects in the suburban Washington, D.C. Additionally, the firm engaged in opportunity real estate investing partnering with ING Barings and Morgan Stanley. Responsible for asset and risk management, leasing, and day-to-day institutional partners and lenders relationships for commercial office buildings and retail centers \$250MM/1,100,000 SF.

Vice President/Project Manager
CarrAmerica, Inc.

May 1992 to October 1995
Washington, D.C.

Oversaw approvals and implementation of all land development/infrastructure for a \$500M/6.8M SF mixed-use brownfield development in suburban Washington, D.C. (Alexandria, Virginia). Managed municipal approvals; procurement of design services and construction services; inspections; and coordination of environmental remediation. Project management responsibilities included project liaison with other associated developers and project owner (Norfolk Southern Corporation).

EDUCATION

The United States Green Building Council – Leadership in Energy and Environmental Design (LEED)	2009
<ul style="list-style-type: none">• Accreditations: Green Associate and Building Design and Construction	
The American University , Washington, D.C.	1991-1993
<ul style="list-style-type: none">• M.B.A in International Business/International Finance	
The University of Virginia , Charlottesville, Virginia	1988-1990
<ul style="list-style-type: none">• M. Arch	
Lynchburg College , Lynchburg, Virginia	1983-1987
<ul style="list-style-type: none">• B.A. in American Studies, Minor in History	

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PROJECT SUMMARY:

<u>Product Type</u>	<u>Total Projects</u>	<u>Total Capitalization</u>	<u>Notes</u>
Office	17	\$2,672,000,000	6,310,000 SF
Residential	12	\$5,625,000,000	2165 Units
Retail	3	\$47,500,000	500,000 SF
Mix Use-Office, Residential, Hotel, Retail	4	\$6,225,000,000	12,000,000 SF
Hotel	1	\$100,000,000	180 Keys
Medical Office	1	\$45,000,000	112,000 SF
Total	<u>38</u>	<u>\$ 9,076,100,000</u>	

PROJECT DETAILS:

<u>Building</u>	<u>Location</u>	<u>Type</u>	<u>Use</u>	<u>SF</u>	<u>Capitalization</u>	<u>Notes</u>
Carlyle	Alexandria, VA	Mix Use	New Construction	6,800,000	\$500,000,000	Approvals, Infrastructure 100 acres
1030 15th Street, NW	Washington, DC	Office	Redevelopment	210,000	\$35,000,000	\$6.8M of Renovation Costs Fee Work
1500 Broadway	New York, NY	Office/Retail	Redevelopment	680,000	\$90,000,000	ABC TV Studio Fee Work
Springfield Corporate Center	Springfield, VA	Office	Redevelopment	180,000	\$25,000,000	Multi-Tenant Acquisition
Wildwood Shopping Center	California, MD	Retail	Redevelopment/ Repositioning	380,000	\$23,000,000	JC Penny, Outback Steakhouse
Park Ridge	Manassas, VA	Office	Repositioning	110,000	\$20,000,000	Multi-Tenant Acquisition
1350 Piccard Dr	Rockville, MD	Office	Repositioning	135,000	\$27,500,000	Multi-Tenant

<u>Building</u>	<u>Location</u>	<u>Type</u>	<u>Use</u>	<u>SF</u>	<u>Capitalization</u>	<u>Notes</u>
Metro Park West	New Carrollton, MD	Office	Repositioning	735,000	\$110,000,000	Five Buildings Acquisition
Tower Oaks	Rockville, MD	Mix Use	New Construction	1,145,000	\$450,000,000	Approvals, Infrastructure 84 Acres
Washingtonian North	Gaithersburg, MD	Office	New Construction	850,000	\$250,000,000	Approvals, Infrastructure 28 Acres
2600 Tower Oaks Blvd	Rockville, MD	Office	New Construction	185,000	\$40,000,000	Multi-Tenant Speculative
One Preserve Parkway	Rockville, MD	Office	New Construction	184,000	\$45,000,000	Multi-Tenant Speculative
NASD	Rockville, MD	Office	New Construction	260,000	\$80,000,000	Build-to-Suit
901 New York Ave, NW	Washington, DC	Office	New Construction	550,000	\$180,000,000	Multi-Tenant
1615 M Street, NW	Washington, DC	Office	Redevelopment	200,000	\$42,000,000	Multi-Tenant
7 Times Square	New York, NY	Office	New Construction	1,238,000	\$850,000,000	Multi-Tenant
Clyde's at Tower Oaks	Rockville, MD	Retail	New Construction	20,000	\$12,500,000	
20 F Street, NW	Washington, DC	Office	New Construction	200,000	\$50,000,000	Build-to-Suit
1600 U Street, NW	Washington, DC	Retail	Redevelopment	20,000	\$12,000,000	Starbucks, Subway IRR 45%
Lamont Street, NW	Washington, DC	Residential	Redevelopment		\$45,000,000	100 Condo Units 3xs Equity
Georgetown Heights	Washington, DC	Residential	New Construction		\$41,600,000	44 Unit Luxury Condo 4xs Equity
Meridian Crescent	Washington, DC	Residential	New Construction		\$30,000,000	29 Unit Luxury Condo 4xs Equity
1110 Vermont Ave, NW	Washington, DC	Office	Redevelopment	310,000	\$125,000,000	Multi-Tenant \$12M Renovation
2440 M Street, NW	Washington, DC	Medical Office	Redevelopment/ Repositioning	112,000	\$45,000,000	IRR 98%
Parkside at Germantown	Germantown, MD	Residential	Redevelopment		\$65,000,000	265 Townhouses Sold 35% IRR
Argent	Silver Spring, MD	Residential	New Construction		\$45,000,000	96 Unit Luxury Condo
Redland Corporate Center	Rockville, MD	Office	New Construction	350,000	\$125,000,000	BAE Systems & Multi-Tenant - LEED Silver C&S

<u>Building</u>	<u>Location</u>	<u>Type</u>	<u>Use</u>	<u>SF</u>	<u>Capitalization</u>	<u>Notes</u>
14W	Washington, DC	Residential/ Mix Use	New Construction		\$85,000,000 Sold for 4/13 \$111,000,000	231 Apartments, 45,000 SF- YMCA, 12,000 SF-Retail 170 Below Grade Parking 2x Equity
2201 M Street, NW	Washington, DC	Hotel	New Construction		\$100,000,000	180 Keys LEED Silver Under Construction
840 1st Street, NE	Washington, DC	Office	Acquisition	248,000	\$95,000,000	Care First Blue Cross Blue Shield HQ
3 Bethesda Metro Center	Bethesda, MD	Office	Acquisition	365,000	\$145,000,000	Multi-Tenant
West 32	Odenton, MD	Residential	New Construction		\$35,000,000	212 Units Garden
River's Bend	New Brunswick, NJ	Residential	New Construction		\$104,000,000	393 Units
Harborview	Baltimore, MD	New Construction	Residential		\$61,000,000	252 Units PIOLT
Palisades View	Yonkers, NY	New Construction	Residential		\$81,000,000	275 Units PIOLT, NY Grant
Cliffside Park	Cliffside Park, NJ	New Construction	Residential		\$103,000,000	205 units, 190 flats, 15 townhomes, 400 space garage
Square 670	Washington, DC	New Construction	Residential		\$160,000,000	466 Units; 12,000 SF Retail Trophy Core Building View of US Capitol and Monuments