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**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**
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FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

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.: 19038

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Waive the provisions of section 3113.8 to accept proposed transportation demand management ("TDM") measures as conditions to approval.

Points and Authorities:

Please state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form.

The Applicant hereby submits the TDM measures in response to opposition expressed by nearby residents regarding the potential impacts of the parking variance on street parking in the surrounding area. A waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

CERTIFICATE OF SERVICE

I hereby certify that on this 1 0 day of July, 2015

I served a copy of the foregoing Motion 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: *Jessica Bloomfield*

Print Name: Jessica Bloomfield, Holland & Knight LLP

Address: 800 17th Street, NW, Suite 1100, WDC 20006

Phone No.: 202-469-5272 **E-Mail:** jessica.bloomfield@hklaw.com

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 19038
 EXHIBIT NO. 45

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July 10, 2015

VIA IZIS AND HAND DELIVERY

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

Re: **BZA Case No. 19038**
3831 Georgia Avenue, N.W. (Square 3028, Lot 809)

Dear Members of the Board:

Pursuant to 11 DCMR § 3100.5, the Applicant in the above-referenced case respectfully requests that the Board waive the provisions of 11 DCMR § 3113.8 in order to accept the attached list of proposed transportation demand management (“TDM”) measures, which the Applicant offers as conditions to approval. The proposed TDM measures respond to opposition expressed by nearby residents regarding the potential impacts of the parking variance on the street parking in the surrounding area. A waiver will not prejudice the rights of any party, and is not otherwise prohibited by law.

Thank you for your considerate attention to this matter. We look forward to the Board's hearing on this matter on July 14, 2015.

Respectfully Submitted,



Christopher H. Collins
Jessica R. Bloomfield

Enclosure

cc: Stephen Gyor, D.C. Office of Planning (w/enclosures by hand delivery)
Lewis Booker, District Department of Transportation (w/enclosure by hand delivery)
Advisory Neighborhood Commission 4C (w/enclosures via U.S. Mail)
Timothy Jones, ANC 4C08 (w/enclosures via U.S. Mail)

BZA Case No. 19038
3831 Georgia Avenue, N.W. (Square 3028, Lot 809)
Proposed Conditions to Approval

1. The Applicant shall install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates;
2. The Applicant shall provide at least 20 long-term bicycle parking spaces;
3. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") for the property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination. The Applicant shall obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant any and all records of that tenant requesting or receiving an RPP for the Property.
4. For the first 10 years that the project is open, the Applicant shall offer annual memberships to Capital Bikeshare, car-share, or a \$50 SmarTrip card to each new residential tenant of the building.
5. The Applicant shall work with tenants to schedule no more than two move-ins/move-outs on a single day, and shall schedule the major loading and off-loading activities during off-peak parking periods on weekdays and weekends.