K

Board of Zoning Adjustment
District of Columbia
CASE NO.16546
EXHIBIT NO.34A2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14336, of BNA Washington, Inc., as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 4506.5), and a variance to allow attendant parking when only sixty-nine spaces are required (Sub-section 7204.4) for the proposed construction of a seven story office building in a CR District at premises 1227 25th Street, N.W. (Square 24, Lot 873).

HEARING DATE: September 25, 1985
DECISION DATE: October 9, 1985

FINDINGS OF FACT:

1. At the public hearing of September 25, 1985, the application was amended to eliminate the request for a variance from the requirement that all required parking spaces shall be accessible at all times directly from improved streets or alleys (Sub-section 7206.4 of the Zoning Regulations). The applicant opted to seek the variance to allow attendant parking.

2. The subject site, known as premises 1227 25th Street, N.W., is located on the east side of 25th Street between M and N Streets. It is in a CR District.

3. The subject lot contains approximately 37,597 square feet in land area and is currently vacant. The lot is generally 223 feet long and 124 feet wide. Due to the closing of a public alley, a 15 foot by 224 foot portion extends northward from the northeast corner of the lot.

4. The subject square is currently undergoing major redevelopment. To the south of the subject site is a large office building now under construction developed by the Oliver T. Carr Company. To the east of the Carr Company building, at the corner of 24th and M Streets, N.W. is the Westin Hotel, also under construction. The B&W Garage office building, recently approved as a Planned Unit Development, is to the north of the Westin Hotel. To the north of the B&W Garage is the U.S. News and World Report building which occupies the northern portion of the square along N

Street between 24th and 25th. To the south of the U.S. News and World Report building, along 25th Street, is the existing BNA office building, which is immediately to the north of the subject proposal.

5. The CR District extends to the north, south and east of the subject site. Rock Creek Park is located to the west of the site.

6. The applicant proposes to construct a seven-story office building on the site. The structure will have a gross floor area of approximately 112,665 square feet (3.0 FAR). The structure will occupy approximately 57 percent of the lot. A two-story underground parking garage will be provided under the structure and the alley way to the north of the structure.

7. In order to construct the building as proposed, the applicant is seeking two variances pursuant to Paragraph 8207.11 of the Zoning Regulations which empowers the BZA to grant variances where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topograhical conditions of other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property provided such relief can be granted without substantially 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.

8. The applicant is seeking a variance from the side yard requirements of Sub-section 4506.5. In the CR District, no side yard is required, however, if a side yard is provided a minimum width of 3 inches per foot of height of the building or 8 feet is required. In this instance, 21.28 foot side yards are required to the north and south of the proposed building. The applicant proposes to provide a 4.82 foot side on the south building frontage and a 33 foot side yard on the north side.

9. The applicant is also seeking a variance from Sub-section 7204.4 which allows attendant parking when 75 or more parking spaces are required. The applicant is only required to provide 69 parking spaces but intends to maximize the efficiency of the parking garage by utilizing attendant parking. With attendant parking, 175 spaces can be provided while only 108 can be provided without attendant parking.

10. The project architect testified that the subject site is affected by several exceptional conditions including

restrictive covenants, size of lots, open space plan and soil and rock conditions.

11. The subject site is affected by two restrictive covenants. One covenant requires that a minimum 15 foot pedestrian open space be provided to the south of applicant's proposed building. Applicant's proposed building location will provide approximately 34 feet of open space in this area. The second covenant requires a minimum 20 foot vehicular and pedestrian easement area to be located north of the proposed building. These covenants were required by the District to effectuate two alley closings. The proposed building location is in compliance with these covenants. The covenant creating the alley easement prevents movement of the building north to the degree required to provide a conforming side yard to the south.

12. The proposed structure will complement the other developments in the square. The proposed building's siting and design is part of an overall open space and beautification program that was jointly developed by the three property owners of the southern portion of the square. The same architect designed the proposed structure, the hotel and the Carr Building.

13. The Central focus of the square is on the plaza enclosed by the hotel and Carr Building to the south, the hotel to the east and the proposed structure and the hotel to the north.

14. The plaza will will include a brick paved courtyard with a fountain, benches and landscaping. A restaurant will also be located in the plaza.

15. The plaza can be accessed from three exterior walkways: 1) from the north by a walkway with a slight grade and steps located between the proposed structure to the west and the hotel to the east; 2)from the south by a walkway between the Carr Building and the hotel; 3) and from the west by the pedestrian way between the subject structure and the Carr Building. The walkways will be landscaped and/or contain fountains.

16. All pedestrian walkways and the plaza will be open to the public at all times.

17. Due to the configuration of other existing and planned structures, whose placement dictate a uniform width of the open space between buildings, a side yard is required on the southern frontage. While not required under the Zoning Regulations to provide the side yard, the applicant is nevertheless compelled to comply with the open space plan so that the distance between the Carr Company office structure and the subject structure is identical to the distance, 34 feet eleven inches, between the subject structure and the

applicant's other office building to the north. Thus, the proposed structure must be located four feet north of the south property line. This is the optimum design from an urban design perspective.

18. Although the pedestrian pathway to the south of the subject structure is only required to be 15 feet wide, this would result in an unattractively small space. The proposed walkway will have generous, elegant proportions. A portion of the plaza will also be widened by the building's set back.

19. The proposed structure and its location was subject to review by the Fine Arts Commission who approved the plans.

20. The instant case is unique in that the side yard is adjacent to open space which will remain open space. Moving the proposed structure north will enlarge the open space not create a small unusable space as would happen if another building were adjacent to the subject site.

21. The situation is also unique since the three buildings are design elements in an overall plan for the southern portion of the subject square.

22. A geotechnical engineering report prepared by Schnabel Engineering Associates stated that rock conditions affect the subject site and that movement of the building in a northerly direction approximately five feet would lessen the adverse impacts of the rock condition.

23. The request for a variance to allow attendant parking, thereby permitting 175 stacked spaces, instead of the 108 spaces that are permitted as a matter-of-right, is necessary to ensure the most efficient, safe and reasonable parking use of the site and is prompted by exceptional conditions.

24. The site is of sufficient size to accommodate the location of more than 75 parking spaces. However, because of the mix uses within the building, only 69 parking spaces are required. The gross floor area for office use may not be increased to, in turn, increase the parking requirement. If the applicant were to provide a different mix of uses that required 75 parking spaces or more, then no relief from this provision would be required.

25. The subsurface rock conditions would require costly excavations in order to provide a third parking level which could be conducted as a matter-of-right.

26. The parking garage will be accessible from an improved street via the graded and unobstructed private

alley and driveway. To the north of the subject site, the driveway will be paved in accordance with Department of Public Works standards to form an all-weather impervious surface. It will be approximately 30 feet wide. The plans comply with all other aspects of Sub-section 7206.4.

27. On-street parking in the area is limited. Stacked parking in the subject structure will lessen the demand for parking on neighborhood streets resulting in less parking congestion.

28. Spaces in the subject garage will be leased to employees on a monthly basis and visitors on an hourly basis. If there is a demand, the garage will remain open during evening hours.

29. The applicant's traffic expert estimated that of the proposed building's 400 employees, 133 will need spaces. There is no public transit which directly serves the site.

30. By memorandum dated September 17, 1985, the Office of Planning (OP) recommended conditional approval of the subject application. The OP reported that there are restrictive covenants affecting the subject site that were required by the District to effectuate two alley closings that specify that certain portions of the subject lot shall be maintained as open space and as an alley easement area on the north frontage of the applicant's site. The applicant and the two property owners to the south and east developed an overall open space plan for the southern portion of the square that dictates the provision of open areas to provide light, air and other amenities. The OP further reported to the configuration of existing structures and those under construction, whose placement dictates a uniform width of the open space between buildings, a side yard is required on the southern frontage. Also the applicant has stated that existent subsurface rock formations prevent the movement of the building in a northernly direction so as to provide the required side yard on the south side. The increase of the number of parking spaces from 108 to a 175 seems to be beneficial to the area which is not well served by mass transit. This area with the on-going building boom is rapidly losing the existing surface parking lots. Also in Zoning Commission Case No. 82-5, in a report from the Department of Public Works to the Zoning Commission, the Department favored attendant parking and stated that:

> Devoting a substantial area to parking in high density, high cost areas can be an inefficient and uneconomical burden for developers looking to maximize already limited building space, while at the same time meeting other design and access requirements.

In addition, parking garages in these zones, which are designed for commercial buildings nearly always utilize attendant parking arrangements. The increased efficiency of attendant parking reduces to a large degree the need for inflexible design standards, which are essential for self parking facilities where public safety considerations must be paramount.

31. In the opinion of the Office of Planning the requested relief can be granted without detriment to the public good because the use of the building conforms to uses permitted in the CR District and to the other uses in the square. Also, the building's height, bulk, design and scale seem to be compatible with neighboring properties. The project implements the previously mentioned open space plan for the southern portion of the block. The Office of Planning was of the opinion that the property qualifies under Paragraph 8207.11 of the Zoning Regulations for the area variance. Based on the previously stated facts and analysis of this report, OP recommended approval of this application with the condition that the stacked parking be provided through attendants as required in Sub-section 7204.4. The Board concurs with the reasoning and recommendation of the OP.

32. By memorandum dated September 12, 1985, Advisory Neighborhood Commission 2A reported its support for the subject application for the reasons that the building to the north of 1227 25th Street is owned by the same party that owns 1227 25th Street and the two sites are separated by an alley and will be so separated after the construction of the office building at 1227 25th Street. The purpose of the shift is to improve the open space provided as part of the Westin hotel and office development; and the applicant is seeking to provide greater than the minimum parking required by a building of the size and use proposed for 1227 25th Street and will maximize the use of this space by having the parking managed by an attendant. The Board concurs with the reasoning and recommendation of the ANC.

33. Letters of support for the subject application were submitted to the record by the Oliver T. Carr Company, the Kaempfer Company and the Westin Hotel.

34. At the public hearing, a member of the Residential Action Coalition (RAC) testified to their opposition to the subject application. RAC argued that a practical difficulty or basis for hardship had not been demonstrated. RAC reported that it had examined the square to see the rock formation and determined that there is no more practical difficulty attached to that land than to other sites. Also, the closing of the alley and the restrictive covenants were self imposed and do not represent a hardship. Further, the parking variance should not be granted since it would increase traffic on 25th Street beyond its capacity. RAC

further argued that the north side of the site was required by the City Council to be landscaped as a condition of the alley closing. Finally, the application requires additional relief from the Zoning Regulation's to have trailer truck entrances in the C-R zone and it should not be next to an entrance to a parking garage.

35. The Board in addressing the concerns of RAC finds that the applicant has established that the subject site is affected by unique characteristics and that a practical difficulty has been demonstrated. The Board in other similar applications has concluded that rock formations constituted a practical difficulty. Also, the Board notes that the test herein is a practical difficulty not a hardship. The Board also finds that the parking variance requested will benefit the neighborhood by lessening the demand for off-street parking in the neighborhood. The issue of landscaping the area north of the subject structure is not within the jurisdiction of the Board if the covenant has been violated then another tribunal should address it. As to additional relief needed, the Board finds that this is the province of the Zoning Administrator. If RAC is of the opinion that the Zoning Administrator has omitted an area of relief, RAC may appeal the decision of the Zoning Administrator.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a variance from the side yard requirements (Sub-section 4506.5) and a variance to allow attendant parking when only 69 spaces are required (Sub-section 7204.4). The granting of an area variance requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof.

The Board concludes that the site is affected by several extraordinary or exceptional conditions including sub-surface soil and rock conditions, size of lot, open space plan and restrictive covenants affecting the subject site. These restrictive covenants were requires by the District to effectuate two alley closings that specify that certain portions of the subject lot shall be maintained as open space and as an alley easement area on the north frontage of the site.

The Board further concludes that the requested variances can be granted without detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. The pedestrian promenade providing access from 25th Street on M Street shall be constructed in accordance with the plans marked as Exhibit No. 12 in the record.

2. All public spaces shall be illuminated from sunset to sunrise.

VOTE: 3-0 (William F. McIntosh and Charles R. Norris to grant; Patricia N. Mathews to grant by proxy; Carrie L. Thornhill not voting, not having heard the case; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 12 FEB 2006

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14336order/LJPL

L

7D
Advisory
Neighborhood
Commission
Government of the District of Columbia

Mailing Address:
Post Office Box 64052
Washington, DC 20029-4052

Street Address:
5140 Nannie Helen Burroughs Ave., NE
Third Floor
Washington, DC 20019

January 19, 2000

Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustments
441 4th Street NW
Washington, DC 20001

Chair
William E. Wright,

Vice Chair
Harold L. Whitten

Secretary
Michael D. Creasey

Treasurer
Catherine A. Woods

Parliamentarian
Delano A. Foster

Commissioners
Michael D. Creasey, SMD01
Diane C. McCain, SMD02
Catherine A. Woods, SMD03
Harold L. Whitten, SMD04
William E. Wright, SMD05
Rita Jackson, Elect, SMD06
Delano A. Foster, SMD07

Re: BZA Application No. 16546
Potomac Electric Power Company (PEPCO)
Benning Road Office Construction

Dear Jerrily R. Kress:

Advisory Neighborhood Commission ANC 7D (Commission), during its regular monthly meeting on January 13, 2000, considered the Potomac Electric Power Company (PEPCO) proposal to construct an office building on its existing site located at 3400 Benning Road, NE. The Commission notified the impacted communities in its December 1999 newsletter of the date, time and the issues to be considered. PEPCO requested *"variance from the maximum height permitted in a C-M-1 District, and special exception for roof setback,"* pursuant to Sections 3103.2 and 3104.1 and Sections 840.1 and 411.11 of the Zoning Regulations, respectively. A response to PEPCO's application, as required, is noted herein.

Action by the Commission

It was the decision of the Commission to support PEPCO's request for the height variance and roof setback to construct the new office building on its site at the Benning Road electric generating plant. A quorum was duly noted, and by a majority vote, three Commissioners voted in favor and one not in favor. The favorable vote was indicative of the will and majority of the interested constituents, and in the best interest of the communities impacted, as a whole. PEPCO provided evidence of traffic impact studies conducted to support its conclusion on the minimal effects of the new office and personnel driving into the area on the neighboring communities.

PEPCO Commitments

PEPCO concurred and committed, as a good neighbor, to support and partner with the impacted communities and the Commission, in response to the following requests of the Commission:

- PEPCO will advocate, along with the ANC7D, to ensure that residents in the communities adjacent to the PEPCO Plant and their employees, for adequate and safe ingress and egress to and from the roadways near the PEPCO plant; support and partner with ANC7D before and during the upcoming DPW activities to repair the Kenilworth Avenue bridge at Burroughs Avenue; support community needs related to the proposed roadway construction along the Kenilworth Avenue corridor - Benning Road, Kenilworth Avenue, Kenilworth Terrace and Foote Street. The objective is to ease the burden of the additional traffic that is likely to occur from the increase in the Power Plant personnel from 300 to a level that is expected to exceed 1,000 employees; and, provide relief from the planned building and road construction.

- PEPCO committed to provide adequate notice to the community, and directly to the ANC7D, about employment opportunities that may come available at the PEPCO Benning Road site and at its other facilities

- PEPCO committed to sponsor, through the ANC7D, a community-based learning project to help educate the children within the boundaries of ANC7D on issues involving environmental concerns and problems.

The Commission respectfully recognized the ongoing interest in health and real life issues of air pollutants associated with the normal business of the PEPCO plant. Likewise, the Commission noted that the matter of air quality persists with or without the construction of offices on the Benning site. Clearly this request for a variance and roof offset is not an issue of air quality and therefore not relevant in the context of PEPCO's request.

Finally, the construction of the new office is welcomed in the interest of community development. It is envisioned by many residents as a benefit, both in presence and as a potential catalyst to other businesses who might contemplate locating their operations in Ward 7, and to similarly situated communities in the District of Columbia.

On behalf of the Commission,

William E. Wright by Dean

William E. Wright
Chairman

cc: PEPCO
Councilmember Kevin P. Chavous, Ward 7
Civic Organizations - ANC7D:
River Terrace Community Organization
Eastland Gardens Civic Association
Central Northeast Civic Association



MARSHALL HEIGHTS COMMUNITY DEVELOPMENT ORGANIZATION, INC.
3939 Benning Road, N.E.
Washington, D.C. 20019
(202) 396-1200
(202) 396-4106 - Facsimile

BOARD OF DIRECTORS

Richard A. Hamilton, Sr., Chairman
Ruth B. Dyson, Vice Chair

James Atcherson
Dorothy Baskin
Thomas Bryant, Sr.
Norman Buffalo
Bernard Bush
Camelia A. Bush
Sara Butler
Sylvia Butler
Carmencita Canada
Marian J. Cole
Ruth Cooper
Rev. Richard Corbin
Charles E. Cotten
Savannah D. Crook
Laurese Dancy-Tate
Arthur Darby
Selina Cooke-Darden
Alice Dennis
Madeliene Dobbins
Michael El Shengo
Aretha S. Frizzell
Mary Gaffney
Caple Green
Natalie C. Greene
John Hicks
Sandra Houston
Joyce Jackson
Mary D. Jackson
John Johnson, Ed.D.
Elizabeth Jones
Eva Jones
Aletha Jordan
Francine Lee
Albert Long
Jean Martin
William D. Martin
Esther Mason
Catherine N. McCamey
Cecil McCrae
Jennifer Motley
Floyd R. Myers
Clara Powell
James L. Powell
Paul Proctor
Minnie Robinson
Josephine Samuels
Marline O. Scott
Phebbie Scott
Karen Settles
Haskell A. Shackelford
Gerald Sherrod
James Short
Juanita Sizemore
Derrick Slocum
Joesph K. Smith
Linda-Jo Smith
Miles S. Steele, III
Shirley M. Sterling
Rev Ronald Tate
Cassandra Tolliver
Rev. Clarence Turner III
Dianna H. Walker
Mattie Williams
Judith Williams
Kim Wilson
Ada Windean

Loretta Tate
President & CEO

January 14, 2000

Ms. Sheila Cross-Reid
Chair, Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

'00 JAN 18 P3:50

RE: BZA Application #16546 and Large Tract Review
Relating to Pepco, Benning Rd. Office Construction

Dear Ms. Reid:

On behalf of the Board of Directors of the Marshall Heights Community Development Organization (MHCDO), I would like to express the support of our organization on behalf of the application submitted by Pepco to BZA for its proposed office building at the Benning Rd. Pepco Plant.

MHCDO is an organization whose board is comprised of over 70 members representing civic associations, ANC's, churches, local businesses, and Ward 7 residents. MHCDO is dedicated to the rebuilding and restoring of the Ward by building hope for its residents through the building of affordable housing, promoting homeownership, engaging in human development activities, and facilitating commercial development that brings retail, commercial and industrial activity and jobs to Ward 7. MHCDO has reviewed the plans presented by Pepco for the proposed office building at the Benning Rd. Plant and is convinced that this office building would be an economic plus for the Ward and the City.

The project as proposed addresses more than adequately issues related to traffic, environmental impacts, design, and locational impact vis-à-vis neighboring properties. Furthermore MHCDO sees the proposed office building generating additional economic activity along the Minnesota Ave. commercial corridor and potentially along Benning Rd. where today there is a dearth of quality retail activity. This is exactly the type of office development that is needed in the east of the river communities to support efforts to attract higher quality retail businesses to the commercial corridors.

MHCDO is pleased to have this opportunity to express our full support for this project and this BZA application. Pepco has been a good corporate neighbor in the past and MHCDO looks forward to Pepco's continued good work in the Ward 7 community.

Sincerely,

Richard Hamilton

Richard Hamilton, Sr.
Chairman, Board of Directors

#16



Benning Ridge Civic Association

1191 46th Place, S.E., Washington, D.C. 20019 (202) 584-2024

January 20, 2000

Sheila Cross-Reid
Chair
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

'00 JAN 24 P3:40

Re: BZA Application No. 16546

Dear Ms. Reid:

Please accept this correspondence as our written testimony in full support of the granting of the variances that are necessary to construct a five-story, 59 foot tall office building of approximately 200,000 square feet in size at the Pepco Benning Road Facility.

We have spoken with Pepco representative about the scope of the project, and view it as being a positive catalyst to overall community revitalization and development in the area.

The office building is set back a substantial distance from the street, and is essentially not visible from the community.

As a result, we do not see any detriment that will occur to the community by allowing the building to be taller than it allows otherwise would be if it complied with existing regulations.

We also asked questions and received information from Pepco regarding the traffic to be generated by the proposed use, and believe that it will not adversely impact the community.

We are very grateful for the opportunity to demonstrate our full support of BZA Application No. 16546 and our great appreciation for the work Pepco and its employees bring to Ward 7

Thank you for your consideration.

Sincerely,

Mrs Adelaide B. Grier

Adelaide Grier
1st Vice President
Benning Ridge Civic Association

Linda-Jo Smith
President

Adelaide Grier
1st Vice President

Lottie Tidline
2nd Vice President

Shareda L. Smith
Recording Secretary

Anne Long
Asst. Recording Secretary

Ruth Burgess
Corresponding Secretary

Thelma Johnson
Treasurer

Jane Dickens
Financial Secretary

Samuel Ficklin
Chaplain

Benjamin Thomas
Sergeant-At-Arms

BZA
Case No. 16546
Exhibit No. 17

Benning Ridge Civic Association

1191 46th Place, S.E., Washington, D.C. 20019 (202) 584-2024

January 20, 2000

Sheila Cross-Reid
Chair
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

'00 JAN 24 P3:40

Re: BZA Application No. 16546

Dear Ms. Reid:

Please accept this correspondence as our written testimony in full support of the granting of the variances that are necessary to construct a five-story, 59 foot tall office building of approximately 200,000 square feet in size at the Pepco Benning Road Facility.

We have spoken with Pepco representative about the scope of the project, and view it as being a positive catalyst to overall community revitalization and development in the area.

The office building is set back a substantial distance from the street, and is essentially not visible from the community.

As a result, we do not see any detriment that will occur to the community by allowing the building to be taller than it allows otherwise would be if it complied with existing regulations.

We also asked questions and received information from Pepco regarding the traffic to be generated by the proposed use, and believe that it will not adversely impact the community.

We are very grateful for the opportunity to demonstrate our full support of BZA Application No. 16546 and our great appreciation for the work Pepco and its employees bring to Ward 7

Thank you for your consideration.

Sincerely,

Adelaide Grier
1st Vice President
Benning Ridge Civic Association

Linda-Jo Smith
President

Adelaide Grier
1st Vice President

Lottie Tidline
2nd Vice President

Shareda L. Smith
Recording Secretary

Anne Long
Asst. Recording Secretary

Ruth Burgess
Corresponding Secretary

Thelma Johnson
Treasurer

Jane Dickens
Financial Secretary

Samuel Ficklin
Chaplain

Benjamin Thomas
Sergeant-At-Arms

BZA
Case No. 16546
Exhibit No. 17

Benning Ridge Civic Association
1191 46th Place, SE
Washington, D.C. 20019



Ms. Sheila Cross-Reid, Chair.
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

MARSHALL HEIGHTS COMMUNITY DEVELOPMENT ORGANIZATION, INC.
3939 Benning Road, N.E.
Washington, D.C. 20019
(202) 396-1200
(202) 396-4106 - Facsimile

BOARD OF DIRECTORS

Richard A. Hamilton, Sr., Chairman
Ruth B. Dyson, Vice Chair

James Atcherson
Dorothy Baskin
Thomas Bryant, Sr.
Norman Buffalo
Bernard Bush
Camelia A. Bush
Sara Butler
Sylvia Butler
Carmencita Canada
Marian J. Cole
Ruth Cooper
Rev. Richard Corbin
Charles E. Cotten
Savannah D. Crook
Laurese Dancy-Tate
Arthur Darby
Selina Cooke-Darden
Alice Dennis
Madeliene Dobbins
Michael El Shengo
Aretha S. Frizzell
Mary Gaffney
Caple Green
Natalie C. Greene
John Hicks
Sandra Houston
Joyce Jackson
Mary D. Jackson
John Johnson, Ed.D.
Elizabeth Jones
Eva Jones
Aletha Jordan
Francine Lee
Albert Long
Jean Martin
William D. Martin
Esther Mason
Catherine N. McCamey
Cecil McCrae
Jennifer Motley
Floyd R. Myers
Clara Powell
James L. Powell
Paul Proctor
Minnie Robinson
Josephine Samuels
Marline O. Scott
Phebbie Scott
Karen Settles
Haskell A. Shackelford
Gerald Sherrod
James Short
Juanita Sizemore
Derrick Slocum
Joesph K. Smith
Linda-Jo Smith
Miles S. Steele, III
Shirley M. Sterling
Rev Ronald Tate
Cassandra Tolliver
Rev. Clarence Turner III
Dianna H. Walker
Mattie Williams
Judith Williams
Kim Wilson
Ada Windean

Loretta Tate
President & CEO

January 14, 2000

Ms. Sheila Cross-Reid
Chair, Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

'00 JAN 18 P3:50
DIST

RE: BZA Application #16546 and Large Tract Review
Relating to Pepco, Benning Rd. Office Construction

Dear Ms. Reid:

On behalf of the Board of Directors of the Marshall Heights Community Development Organization (MHCDO), I would like to express the support of our organization on behalf of the application submitted by Pepco to BZA for its proposed office building at the Benning Rd. Pepco Plant.

MHCDO is an organization whose board is comprised of over 70 members representing civic associations, ANC's, churches, local businesses, and Ward 7 residents. MHCDO is dedicated to the rebuilding and restoring of the Ward by building hope for its residents through the building of affordable housing, promoting homeownership, engaging in human development activities, and facilitating commercial development that brings retail, commercial and industrial activity and jobs to Ward 7. MHCDO has reviewed the plans presented by Pepco for the proposed office building at the Benning Rd. Plant and is convinced that this office building would be an economic plus for the Ward and the City.

The project as proposed addresses more than adequately issues related to traffic, environmental impacts, design, and locational impact vis-à-vis neighboring properties. Furthermore MHCDO sees the proposed office building generating additional economic activity along the Minnesota Ave. commercial corridor and potentially along Benning Rd. where today there is a dearth of quality retail activity. This is exactly the type of office development that is needed in the east of the river communities to support efforts to attract higher quality retail businesses to the commercial corridors.

MHCDO is pleased to have this opportunity to express our full support for this project and this BZA application. Pepco has been a good corporate neighbor in the past and MHCDO looks forward to Pepco's continued good work in the Ward 7 community.

Sincerely,

Richard Hamilton

Richard Hamilton, Sr.
Chairman, Board of Directors

#16

MHCDO

MARSHALL HEIGHTS
COMMUNITY DEVELOPMENT ORGANIZATION, INC.
3939 Benning Road, N.E.
Washington, D.C. 20019

Ms. Sheila Cross-Reid
Chair, Board of Zoning Adjustment
441 4th Street, N. W., Suite 210
Washington, D. C. 20001

20001/2714

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO: 16546

As Director of the Board of Zoning Adjustment, I certify and attest that letters of notice have been prepared and mailed to all owners of property within 200 feet of the property that is the subject of this application based on the listing of owners submitted by the applicant as required by instructions on the BZA Application Form.

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director

DATE: DEC 30 1999

attestati .nltr

BZA
Case No. _____
Exhibit No. 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

December 30, 1999

APPLICATION NUMBER 16546

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing in Suite 220, 441 4th Street, N.W., Washington, D.C., 20001 on Wednesday, February 9, 2000. Your attention is invited to the following application:

> **Application of Potomac Electric Power Company**, pursuant to 11 DCMR 3103.2 for variance from the maximum permitted height and 3104.1 for a special exception to allow a roof structure under Subsections 840.1 and 411.11 to allow the construction of a 5-story office building in a C-M-1 District at premises 3400 Benning Road, S.E. (Parcel 169/114).

At the public hearing, all interested persons will be given an opportunity to express their views. However, you may submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded.

This case is in Advisory Neighborhood Commission 7D. Cases in this area will be heard between 1:00 p.m. and 6:00 p.m. Cases will be heard in the order listed on the Board's hearing agenda.

If you have any questions about this application, you may call the Office of Zoning on (202) 727-6311, or come to 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

PLEASE USE THE APPLICATION NUMBER WHEN YOU WRITE OR CALL ABOUT THIS CASE.

Sincerely,

JERRILY R. KRESS, FAIA
Director

BZA
Case No. _____
Exhibit No. 14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

December 30, 1999

William E. Wright, Chairperson
Advisory Neighborhood Commission 7D
3801 Minnesota Avenue, N.E.
Washington, D.C. 20019

Re: BZA Application No. 16546

Dear Mr. Wright:

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following application which is located within the boundaries of your ANC area:

> **Application of Potomac Electric Power Company**, pursuant to 11 DCMR 3103.2 for variance from the maximum permitted height and 3104.1 for a special exception to allow a roof structure under Subsections 840.1 and 411.11 to allow the construction of a 5-story office building in a C-M-1 District at premises 3400 Benning Road, S.E. (Parcel 169/114).

This hearing will be held on Wednesday, February 9, 2000, in Suite 220, 441 4th Street, N.W., Washington, D.C. 20001. This case is scheduled to be heard between 1:00 p.m. and 6:00 p.m. A formal notice of public hearing will appear in the D.C. Register.

You are advised that 11 DCMR Section 3115 sets out certain requirements related to reports of ANCs, and specifically that Section 3115.1 requires that the written report of the ANC be filed with the Board at least seven days in advance of the hearing. A copy of Section 3115 is enclosed.

Information on the procedures which will govern consideration of this case are available from the Office of Zoning, in Suite 210, 441 4th Street, N.W. Washington, D.C. 20001. The telephone number for the Office of Zoning is (202) 727-6311.

BZA
Case No. _____
Exhibit No. 13

If you wish to forward comments in writing directly to the Board, such comments should be addressed to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

Sincerely,

JERRILY R. KRESS, FAIA
Director

Enclosure

EXCERPT FROM TITLE 11 DCMR, "ZONING

3115 ADVISORY NEIGHBORHOOD COMMISSIONS

3115.1 The written report of the ANC shall be submitted to the Board at least seven (7) days in advance of the hearing and shall contain the following information:

(a) An identification of the appeal or application;

(b) When the public meeting of the ANC to consider the appeal or application was held;

(c) Whether proper notice of that meeting was given by the ANC;

(d) The number of members of the ANC that constitutes a quorum and the number of members present at the meeting;

(e) The issues and concerns of the ANC about the appeal or application, as related to the standards of the Zoning Regulations against the appeal or application must be judged;

(f) The recommendation, if any, of the ANC as to the disposition of the appeal or application;

(g) The vote on the motion to adopt the report to the Board;

(h) The name of the person who is authorized by the ANC to present the report; and

(i) The signature of the chairperson or vice-chairperson of the ANC.

3115.2 The Board shall give "great weight" to the written report of the ANC, as required by No. 1-261, D.C. Code, 1982 ed.

3115.3 In the event the ANC submits its report on the basis of understandings, agreements, or meetings with the appellant, or applicant which later are modified by appellant or applicant, the designated representative of the ANC may comment orally concerning the specific inconsistencies. No other new matters may be presented orally by the designated representative of the ANC.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

December 30, 1999

Norman M. Glasgow, Jr., Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Re: BZA Application No. 16546

Dear Mr. Glasgow:

You are hereby notified to appear before the Board of Zoning Adjustment on February 9, 2000, at 441 4th Street, N.W., Suite 220, Washington, D.C., 20001 for a public hearing concerning the following application:

> **Application of Potomac Electric Power Company**, pursuant to 11 DCMR 3103.2 for variance from the maximum permitted height and 3104.1 for a special exception to allow a roof structure under Subsections 840.1 and 411.11 to allow the construction of a 5-story office building in a C-M-1 District at premises 3400 Benning Road, S.E. (Parcel 169/114).

This case is in Advisory Neighborhood Commission 7D. Cases in this area will be heard between 1:00 p.m. and 6:00 p.m. All cases will be heard in the order listed on the public hearing agenda.

PLEASE NOTE THAT A SIGN MUST BE OBTAINED FROM THE OFFICE OF THE BOARD OF ZONING ADJUSTMENT TO BE POSTED ON THE PROPERTY. The Supplemental Rules of Practice and Procedure provide that such a sign must be posted at least 15 days prior to the hearing. The posted notice must also be checked at least once every five days, and replaced when necessary. An affidavit concerning the original posting of the sign must be filed with the Board at least 5 days prior to the hearing. The sign and the affidavit can be picked up from the Office of Zoning, Suite 210, 441 4th Street, N.W.

You should be aware that items may be submitted to the Board by other individuals, organizations and government agencies both in support of and in opposition to your application. Approximately one week prior to the public hearing, you should review the file in your application so that you are prepared to respond to any issues that may be raised regarding your

BZA
Case No.
Exhibit No. 12

application. Further, if you are not clear about what information you must present to the Board in support of your application, please contact the Office of Zoning as soon as possible.

If you have any questions or require any additional information, feel free to call the Office of Zoning at (202) 727-6311.

Sincerely,

JERRILY R. KRESS, FAIA
Director

cc: Applicants

D.C.-44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: Advisory Neighborhood Commission 7D

Department, Agency, Office: BZA

FROM: Jerrily R. Kress, FAIA
Director

Date: DEC 18 1999

SUBJECT: BZA Application No. 16546

In accordance with DCMR 3112.7 and 3113.7, you are hereby advised that the above-numbered application, which falls within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on Dec, 10, 1999 **. A copy of the above-numbered application form is attached for your information and use. This is not a notice of public hearing on the application. You will receive notice of the hearing by mail and through the D.C. Register approximately forty (40) days in advance of the hearing. In accordance with 11 DCMR 3115, the written report of an ANC shall contain certain information specified in that section. A copy of Section 3115 is on the reverse side. If you have any questions, please contact the Office of Zoning at (202) 727-6311.**

APPROXIMATE HEARING DATE: Feb. 2000

referralmemos/kjw

#11

D.C.-44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: **Michael D. Johnson**
Zoning Administrator, DCRA

Department, Agency, Office: OZ/BZA

FROM: **Jerrily R. Kress, FAIA**
Director

Date: DEC 18 1999

SUBJECT: **Application No.** 16546

Attached hereto is a copy of the above-numbered application that was filed directly with The Board of Zoning Adjustment. This application is referred to the Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs for your review and comments. This application was filed on December 10, 1999.

APPROXIMATE HEARING DATE: Feb. 2000

dcraref/LJP

#10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

'99 DEC 10 P1:40

Consideration of your Application No. 16546, **filed on** 12-10-99, Will be governed by the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment, effective on August 27, 1982. *Under these Rules, your application will be* set for public hearing on the first available date. The Board holds at least **TWO HEARINGS** per month. Cases are set for hearing on a first come, first serve basis. **You will be notified of the date of the hearing approximately 40 days in advance.**

When you receive the notice of public hearing, it will then be your responsibility as the applicant to post a notice of the public hearing on the property. You must pick up a posting sign from the Office of Zoning, and place it on each street frontage of the property a **MINIMUM of FIFTEEN (15) DAYS** prior to the date set for public hearing. You must check the sign at least once every five (5) days to be sure that it is in place, and must repost as necessary.

At the time of the initial posting, you must take a photograph of the sign. That photograph must be filed with the Office of Zoning a **MINIMUM of FIVE (5) DAYS** before the date set for public hearing, as an attachment to the affidavit of posting, which the Board will supply.

Please be further advised that it is also the responsibility of the applicant to carry the burden of proof for an application. That means that you should review the Zoning Regulations which apply to your application, as set forth in the notice of public hearing and should be prepared to tell the Board how your application meets the requirements of the Regulations against which it must be judged.

The site of your application is within the jurisdiction of **Advisory Neighborhood Commission (ANC)** _____. If that ANC submits written comments on your application, the Board will give those comments "great weight" in its decision. The Board encourages you to contact the ANC to discuss your application at the earliest practical time. The telephone number of ANC 7D is 399-1036.

You are also advised that if you intend to submit materials in support of the application, any documentary evidence must be filed with the Office of Zoning at least **FOURTEEN (14) DAYS prior to the date of the hearing.** Documentary evidence includes statements, information, briefs, letters, reports, reports of experts and other witnesses, plans and other material.

BZA
Case No. 16546
Exhibit No. 9

Should you have any questions during the period your application is pending before the Board, please call the staff at **(202) 727-6311.**

JERRILY R. KRESS, FAIA
Director

ACKNOWLEDGED: _____

acknowltr/ljp

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006-2897
(202) 457-7800

RIGGS BANK, N.A.
800 17TH STREET, N.W.
WASHINGTON, D.C. 20006
15-3/540 12

CHECK NO. 69373

PAY EXACTLY: *Two Thousand and 00/100 Dollars*

NUMBER	DATE	AMOUNT
000069373	12/10/1999	******2,000.00

PAY TO THE ORDER OF: **D.C. TREASURER**

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006-2897
(202) 457-7800

RIGGS BANK, N.A.
800 17TH STREET, N.W.
WASHINGTON, D.C. 20006
15-3/540 12

CHECK NO. 68934

PAY EXACTLY: *Eight Hundred and No/100 Dollars*

NUMBER	DATE	AMOUNT
000068934	11/15/1999	********800.00

PAY TO THE ORDER OF: **D.C. TREASURER**

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

D.C. OFFICE OF ZONING

BOARD OF ZONING ADJUSTMENT
WASHINGTON, D.C. 20001

RECEIPT

BZA CASE NO. 16548 (DATE) Dec. 10, 99
Name W H & H Amount $2,800.00
Address

DESCRIPTION

H.H. of Potomac Electric Power Co.
for a Variance for Special Exception
to Construct a fire Station office
bldg at 3400 Benning Road N.E.
Square 169/114 (Parcel)

ZA-0100/9-98 98-0857

BZA
Case No. 16548
Exhibit No. 2

POTOMAC ELECTRIC POWER COMPANY

1900 PENNSYLVANIA AVE., N. W.

WASHINGTON, D. C. 20068

D. B. COLLISON
MANAGER
REAL ESTATE DEPARTMENT

(202) 388-2775
FAX: (202) 388-2648
EMAIL: dbcollison@pepco.com

October 29, 1999

'99 DEC 10 P1:41

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

Re: BZA Application for 3400 Benning Road, N.E., Parcel 169-114

Honorable Members of the Board:

This is to authorize the law firm of Wilkes, Artis, Hedrick & Lane, Chartered to represent us in all proceedings before the Board of Zoning Adjustment concerning the above-referenced application.

Sincerely,

POTOMAC ELECTRIC
POWER COMPANY

By: D B Collison

Name: Donald B. Collison

Title: Manager, Real Estate

BZA
Case No. 16546
Exhibit No. 7

Statement of Existing and Intended Use

The building site is currently open space located on the PEPCO Plant property currently being used as a parking lot. The applicant intends to construct a five-story office building with a height of fifty-nine feet. The C-M-1 zone permits a height of three stories and 40 feet.

The extra height of the building is necessary due to practical difficulties as a result of the size of the foot print and the total gross area of the site. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

A Special Exception is also necessary to allow roof structures which do not meet the setback requirements of Section 411.

'99 DEC 10 P1:41

DIST.

BZA
Case No. 16546
Exhibit No. 5

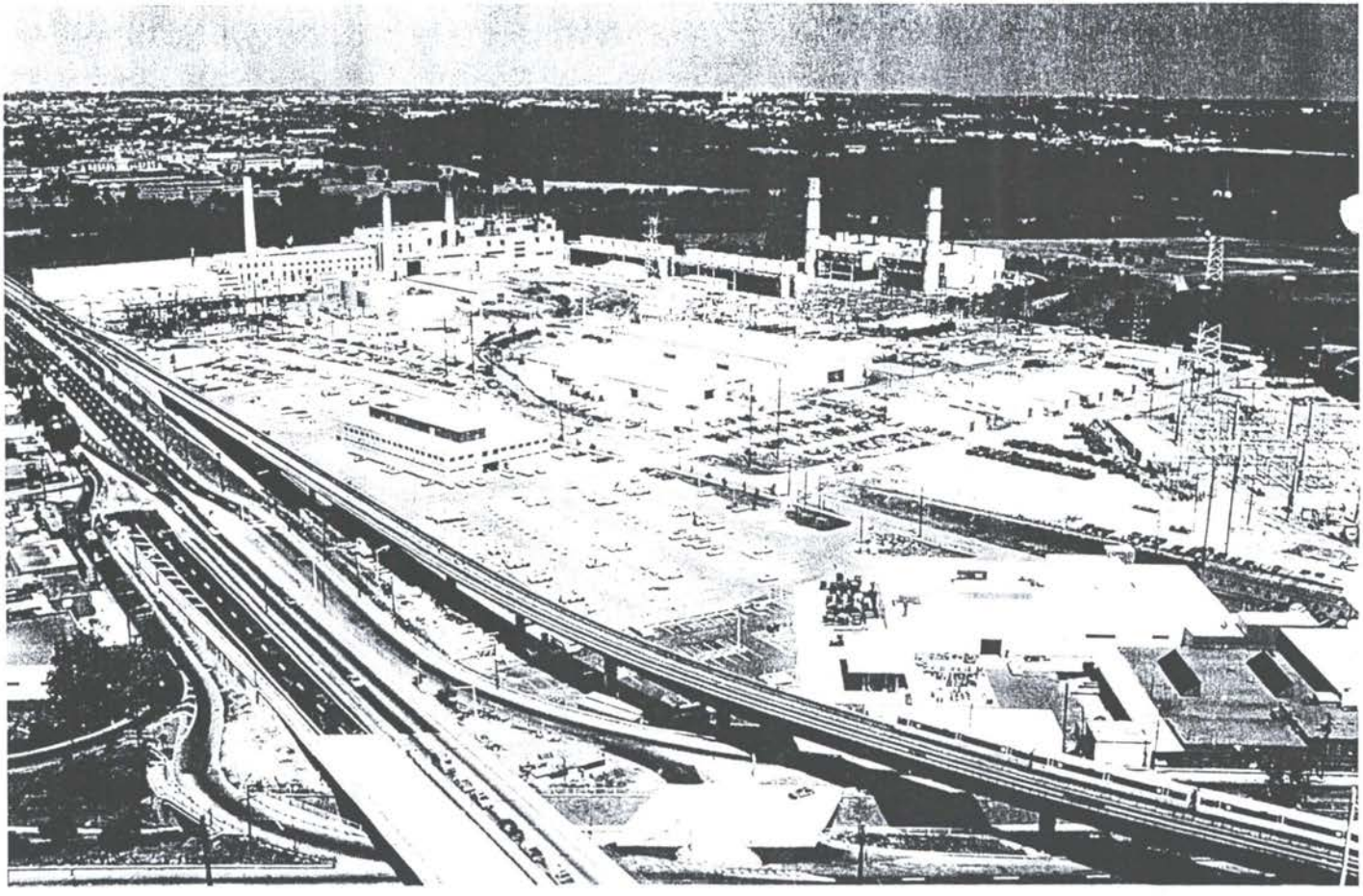
SQUARE	LOT	PREMISES ADDRESS	OWNER AND MAILING ADDRESS
5041	814	Foote Street, NE	Trust for Public Land c/o Telesis Corporation 1101 30th Street, NW Washington, DC 20007
5041	815	Anacostia Avenue, NE	Trust for Public Land c/o Telesis Corporation 1101 30th Street, NW Washington, DC 20007
5041	817	Anacostia Avenue, NE	Trust for Public Land c/o Telesis Corporation 1101 30th Street, NW Washington, DC 20007
5041	818	Foote Street, NE	Trust for Public Land c/o Telesis Corporation 1101 30th Street, NW Washington, DC 20007
5041	820	Foote Street, NE	Trust for Public Land c/o Telesis Corporation 1101 30th Street, NW Washington, DC 20007
5055	14	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007
5055	15	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007
5055	16	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007
5055	811	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007
5055	812	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007
5055	813	Kenilworth Terrace, NE	The Trustee for Public Land c/o Telesis Corp 5400 1101 30th Street, NW, 4th Fl Washington, DC 20007

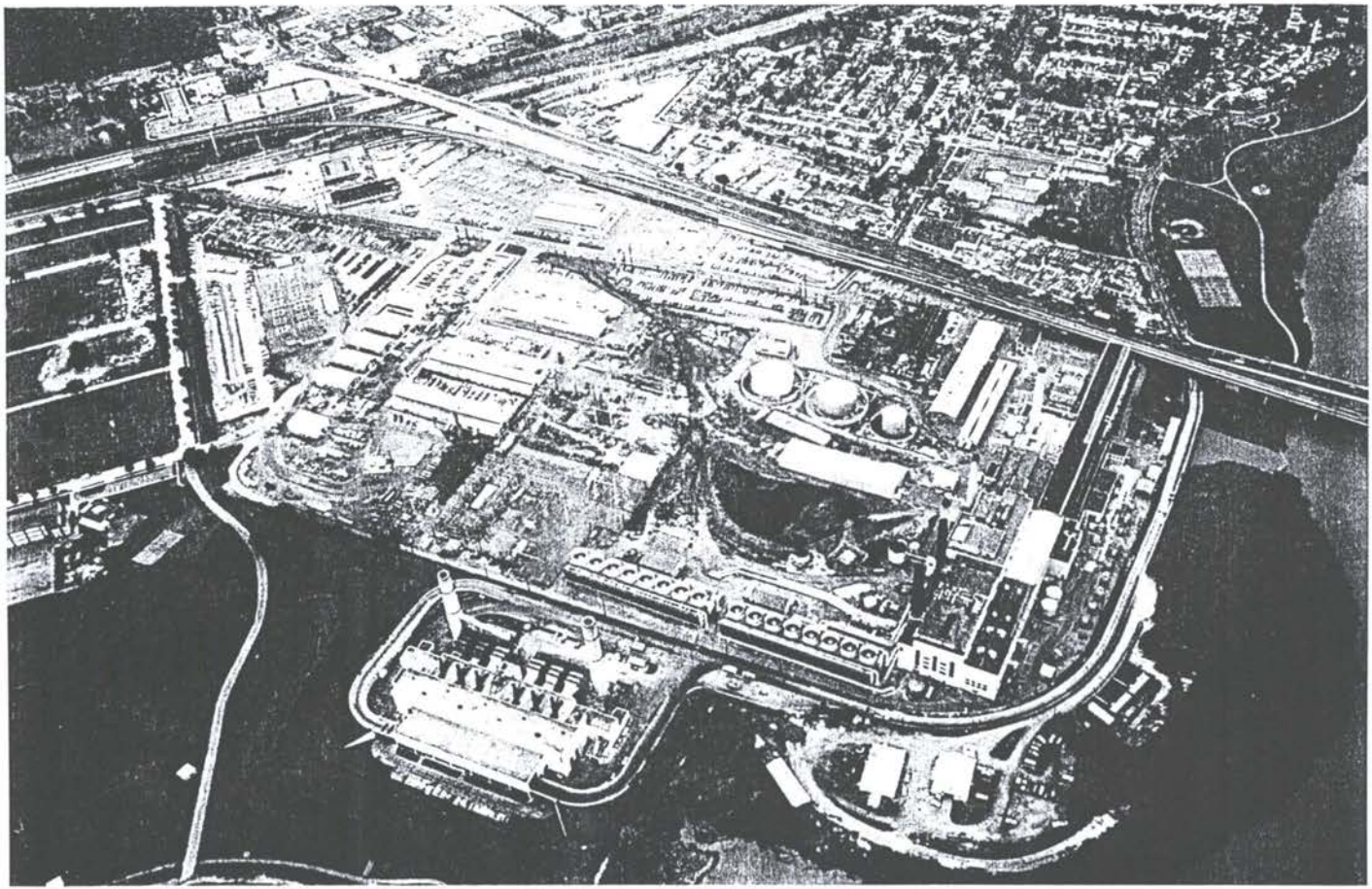
#166125 (labels at #167666)

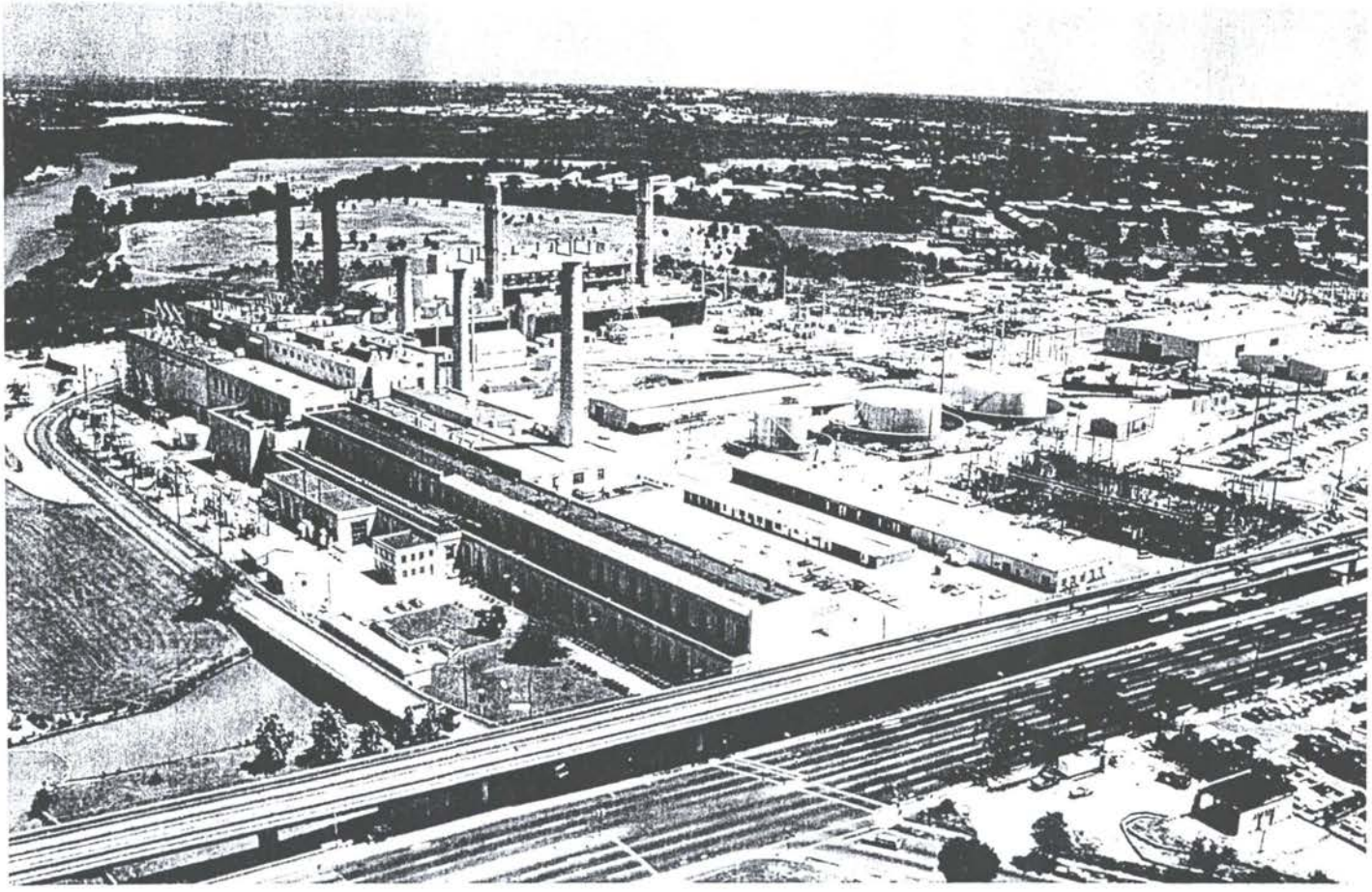
BZA
Case No. 16627
Exhibit No. 1

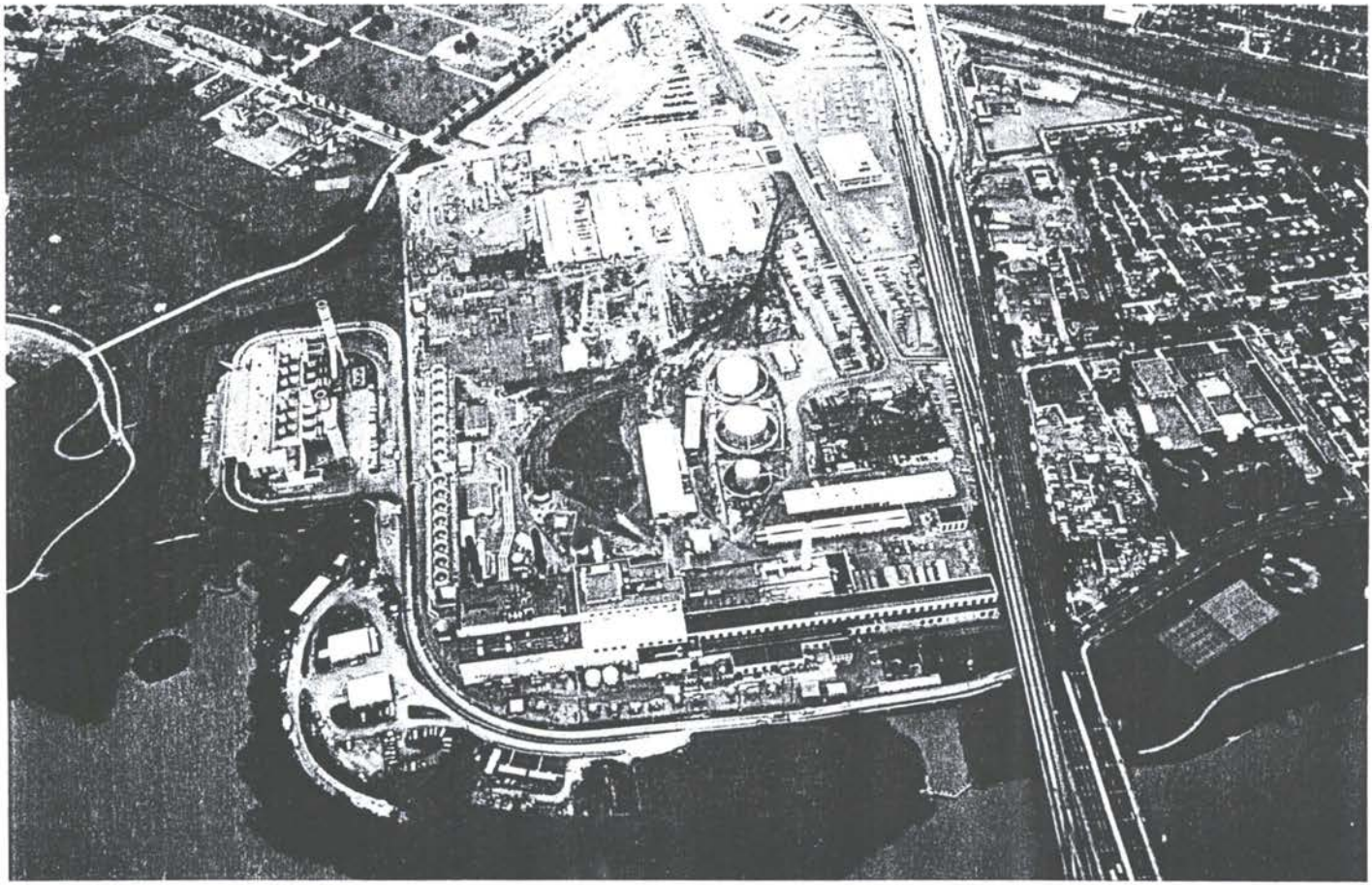
99 DEC 10 P1:41

DISTRICT OF COLUMBIA
99 DEC 10 P1:41









NOTICE

3400 Benning Road, N.E.
Project Address(s)

N/A
Zoning Division Project Number(s)

Parcel 169-114
Square and Lot(s)

C-M-1
Zone District(s)

DATE: _____

At the request of the undersigned owner, the above-referenced project has not been reviewed by the Office of the Zoning Administrator to determine whether or to what extent Board of Zoning Adjustment relief is required in this matter.

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

By: _____
Office of the Zoning Administrator

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter:

XX Special Exception XX Variance

11 DCMR Section No(s). 3104.1; 3103.2; 840.1; 411.11

The undersigned agent and owner do hereby hold the District of Columbia Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment. The undersigned owner does hereby authorize the undersigned agent to act on the owner's behalf in this matter.

D B Cobleigh
Owner's Signature
Manager, Real Estate Department

Potomac Electric Power Company
Owner's Name (Please Print)

Norman M. Glasgow, Jr.
Agent's Signature

Norman M. Glasgow, Jr.
Agent's Name (Please Print)

D.C. Bar No. or
Architect Registration No.: 957381

DCRA:BLRA:ZD
rev. 2/11/98

BZA
Case No. 16546
Exhibit No. 3

Surveyor's Office
DISTRICT OF COLUMBIA

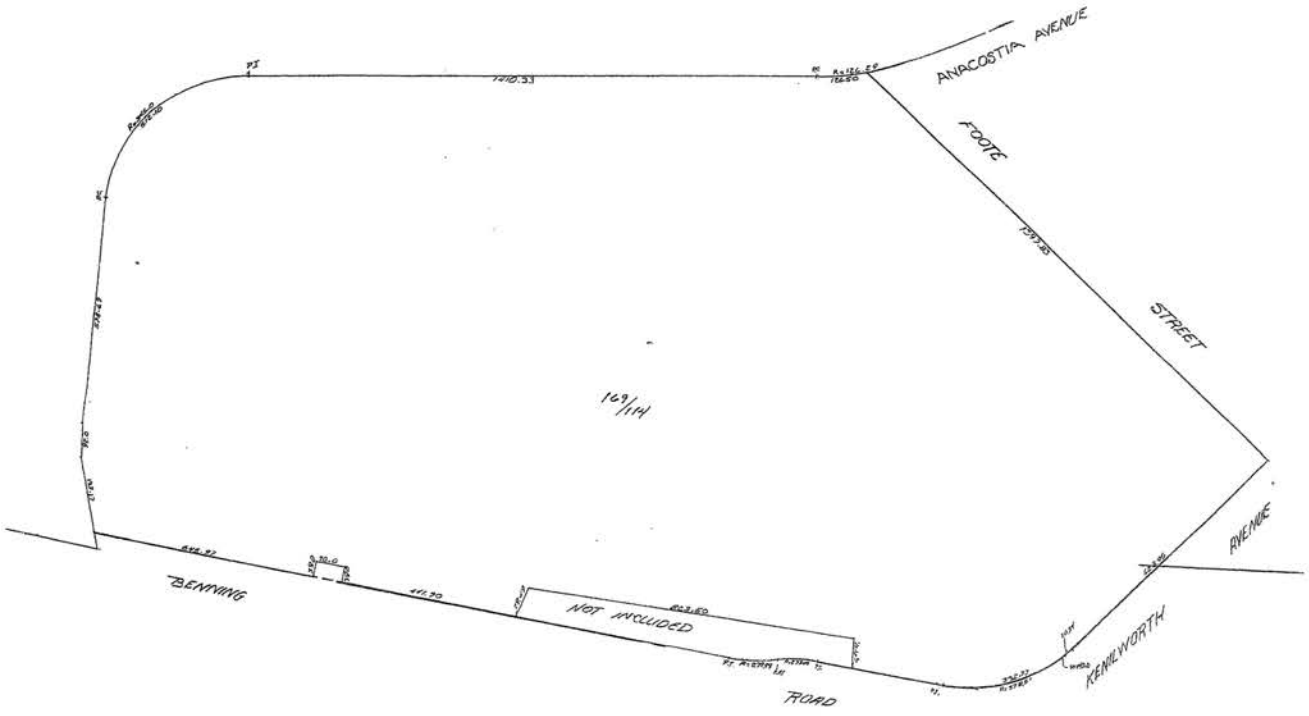
Washington, D. C., 11-23 1999

Plat, for building permit of PAR 114/14 square 5557-79

Recorded in Book M1080 page 7181

Drawn by CCC/bm

Furnished to WILKES, ARTIS, HEDRICK & LANE



BZA
Case No. 16546
Exhibit No. 2

'99 DEC 10 P1:41
OFFICE OF ZONING
DISTRICT OF COLUMBIA

BZA Form 2
(Revised 7/17/95)

Docket No. 16546

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION

NOTE: See reverse side of this form for filing instructions, filing fees and information required by the Board

DO NOT MAIL **DO NOT MAIL**

TO THE BOARD OF ZONING ADJUSTMENT

Pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations of the District of Columbia, an application is hereby made for the following action: variance from the maximum height permitted in a C-M-1 District, and special exception for roof setback, which is provided for by Section(s) 840.1 and 411.11, respectively of the Zoning Regulations.

Premises affected are located at 3400 Benning Road, N.E., (street address)

Parcel(s) 169-114,

in the District of Columbia, in Zoning District C-M-1.

Present use of Property: parking spaces.

Proposed use of Property: five story office building.

Owner of Property: Potomac Electric Power Company.

Address of Owner: 1900 Pennsylvania Ave. N.W., Washington, DC.

State briefly the bases for action sought:

PEPCO requires variance relief from height requirements to construct an office building. The size of the floor plate and the total gross area create a practical difficulty in meeting the C-M-1 height requirements. Special Exception is also necessary to allow a roof structure which does not meet the requirements of Section 411.

Date: 12/10/99 Signature: Norman M. Glasgow, Jr. (Applicant)*

*The owner of the property for which application is made or his/her authorized agent may file an application. In the event an authorized agent files an application on behalf of the owner, the notice of application shall be accompanied by a letter signed by the owner authorizing the agent to act on his behalf in this appeal.

TO BE NOTIFIED OF HEARING AND DECISION:

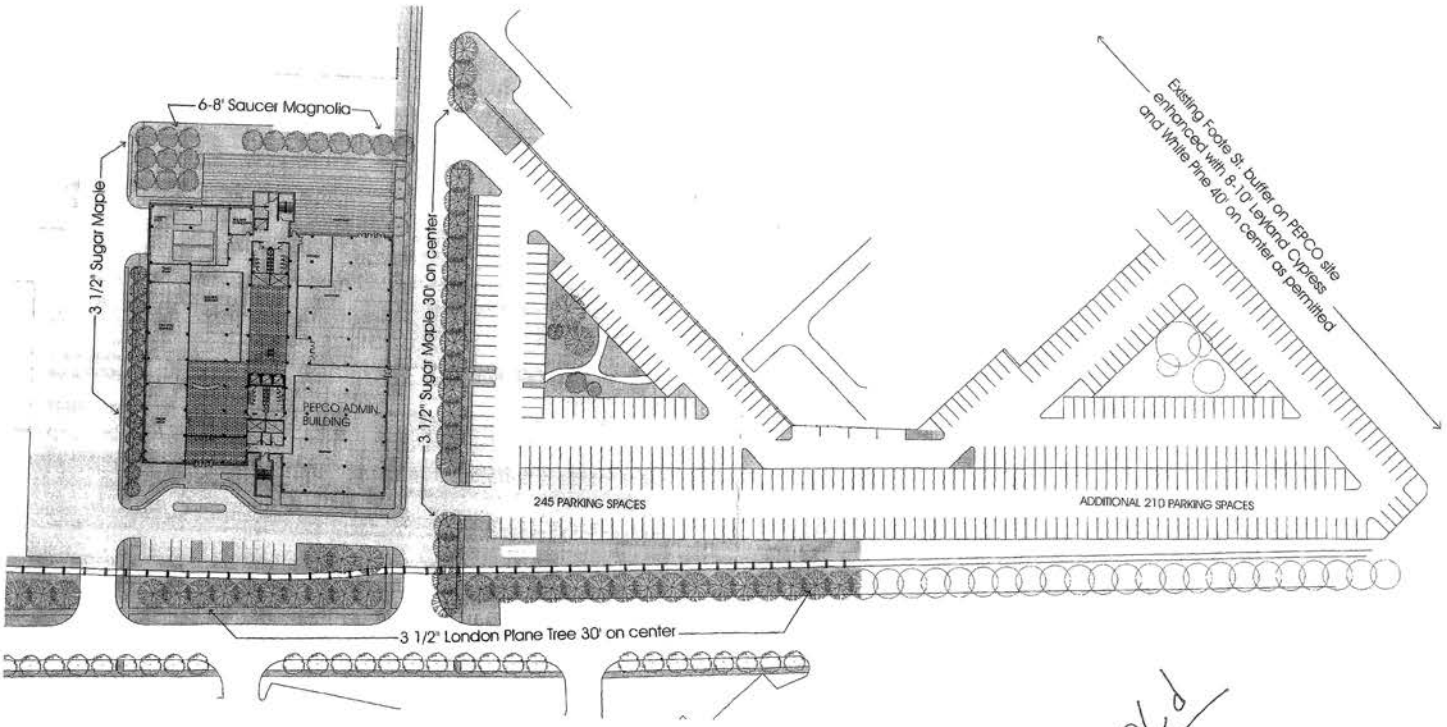
Name: Norman M. Glasgow, Jr.
Wilkes, Artis, Hedrick & Lane

Address: 1666 K Street, N.W., Suite 1100, Washington, D.C.

Zip Code 20006 Phone No. (202) 457-7800

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BZA
Case No. 16546
Exhibit No. 1



LANDSCAPE PLAN

SCALE: 1/32" = 1'-0"

PEPCO ADMINISTRATION BUILDING BENNING ROAD FACILITY, WASHIINGTON D.C.

OLd

KCF-SHG

A SmithGroup Company

Solutions for the natural and built environment

10546

BZA Form 2
(Revised 7/17/95)

Docket No. 16546

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION

NOTE: See reverse side of this form for filing instructions, filing fees and information required by the Board

DO NOT MAIL **DO NOT MAIL**

TO THE BOARD OF ZONING ADJUSTMENT

Pursuant to Sections 3103.2 and 3104.1 of the Zoning Regulations of the District of Columbia, an application is hereby made for the following action: variance from the maximum height permitted in a C-M-1 District, and special exception for roof setback, which is provided for by Section(s) 840.1 and 411.11, respectively of the Zoning Regulations.

Premises affected are located at 3400 Benning Road, N.E. (street address),

Parcel(s) 169-114,

in the District of Columbia, in Zoning District C-M-1.

Present use of Property: parking spaces.

Proposed use of Property: five story office building.

Owner of Property: Potomac Electric Power Company.

Address of Owner: 1900 Pennsylvania Ave. N.W., Washington, DC.

DEC 10 '99 P1:39

State briefly the bases for action sought:

PEPCO requires variance relief from height requirements to construct an office building. The size of the floor plate and the total gross area create a practical difficulty in meeting the C-M-1 height requirements. Special Exception is also necessary to allow a roof structure which does not meet the requirements of Section 411.

Date: 12/10/99 Signature: Norman M. Glasgow, Jr. (Applicant)*

*The owner of the property for which application is made or his/her authorized agent may file an application. In the event an authorized agent files an application on behalf of the owner, the notice of application shall be accompanied by a letter signed by the owner authorizing the agent to act on his behalf in this appeal.

TO BE NOTIFIED OF HEARING AND DECISION:

Name: Norman M. Glasgow, Jr.
Wilkes, Artis, Hedrick & Lane

Address: 1666 K Street, N.W., Suite 1100, Washington, D.C.

Zip Code 20006 Phone No. (202) 457-7800

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

NOTICE

3400 Benning Road, N.E.
Project Address(s)

N/A
Zoning Division Project Number(s)

Parcel 169-114
Square and Lot(s)

C-M-1
Zone District(s)

DATE: _____

At the request of the undersigned owner, the above-referenced project has not been reviewed by the Office of the Zoning Administrator to determine whether or to what extent Board of Zoning Adjustment relief is required in this matter.

'99 DEC 10 P1:41

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

By: _____
Office of the Zoning Administrator

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter:

XX Special Exception XX Variance

11 DCMR Section No(s). 3104.1; 3103.2; 840.1; 411.11

The undersigned agent and owner do hereby hold the District of Columbia Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment. The undersigned owner does hereby authorize the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature
Manager, Real Estate Department

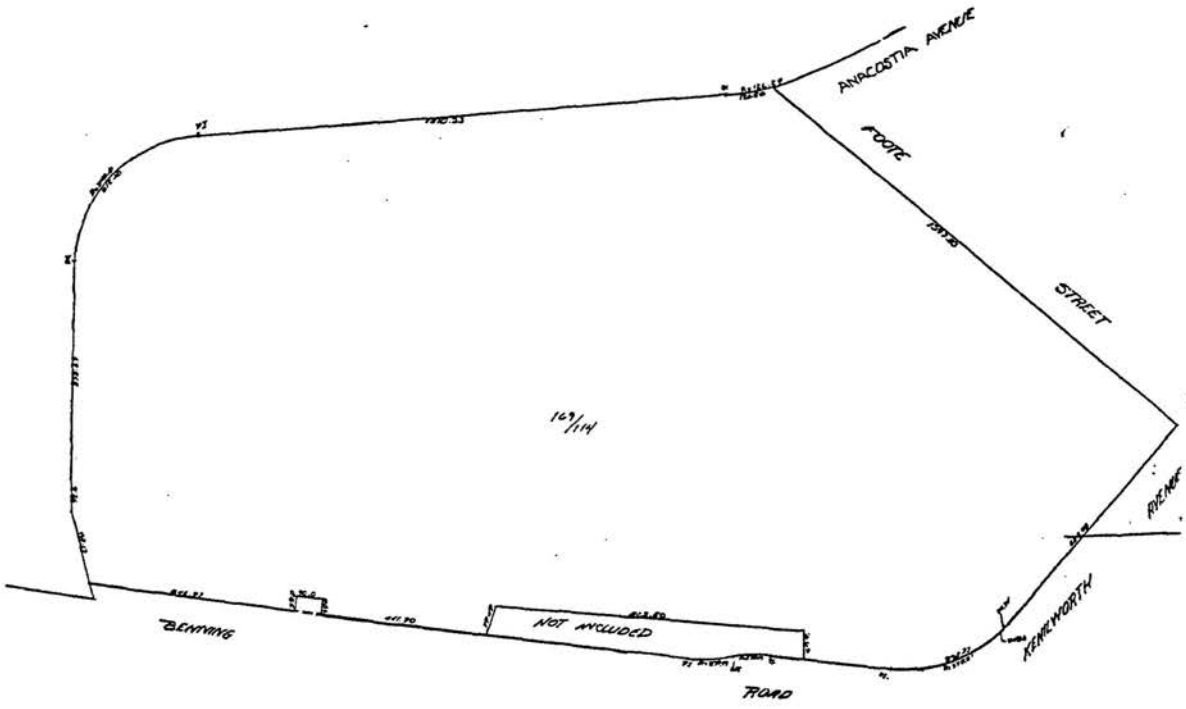
Potomac Electric Power Company
Owner's Name (Please Print)

Agent's Signature

Norman M. Glasgow, Jr.
Agent's Name (Please Print)

D.C. Bar No. or
Architect Registration No.: 957381

DCRA:BLRA:ZD
rev. 2/11/98



'99 DEC 10 P1:41