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June 19, 2002

CHRISTOPHER H. COLLINS
202-457-7841

Internet Address:
ccollins@hklaw.com

VIA HAND DELIVERY

RECEIVED
D.C. OFFICE OF ZONING
2002 JUN 19 PM 3:33

Board of Zoning Adjustment
441 Fourth Street, N. W.
Room 220 South
Washington, D.C. 20001

Re: BZA Application No. 16625 – Modification of Plans

Honorable Members of the Board:

Attached is a Request for Modification of Plans in the above-referenced case. Pursuant to 11 DCMR Section 3180.1(f), the required filing fee is 20% of the original filing fee. The original filing fee in this case was $1,600.00. Accordingly, the filing fee for this Modification is $320.00. Enclosed please find a check payable to D.C. Treasurer in the amount of $320.00.

Thank you.

Respectfully submitted,

HOLLAND & KNIGHT LLP

Christopher H. Collins

CHC/skp
Enclosure

WAS1 #1074746 v2

BZA
Case No. 16625
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16625
EXHIBIT NO.31

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Board of Zoning Adjustment
441 Fourth Street, N. W.
Room 220 South
Washington, D.C. 20001

Re: BZA Application No. 16625 – Request for Modification of Plans

Honorable Members of the Board:

Pursuant to 11 DCMR Section 3129, the purpose of this letter is to request a modification of the approved plans in the above-referenced Application, to eliminate from the plans the striping of non-required parking spaces in a valet-operated parking garage in the DD/C-4 zone. As further set forth below, this request meets the requirement of Section 3129.7, in that requests for modifications "shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the Application." Attached as Exhibit A is a copy of the Board's Summary Order in the subject Application. Attached as Exhibit B are copies of the plans approved by the Board in this Application (marked in red "BZA Approved Plans"), together with substituted copies of the modified plans, with the areas of modification highlighted (marked in red "BZA Modified Plans"). The only difference between the two sets is that the striping of the parking spaces has been eliminated.

The subject of this Application is a new office building in the DD/C-4 zone, to be constructed on top of the existing Hecht Company Department Store at 12th, 13th and G Streets, N. W. In Application No. 16625, the Board unanimously granted the following relief:

1) a variance to allow above-grade parking to be used for all-day commuter purposes; and

2) a variance from the ground floor retail requirement.

The portion of the new building which is under the jurisdiction of the Board is located within the boundaries of that portion of the lot formerly known as Lot 810 at the northwest corner of the subject site. The remainder of the subject site is known as Urban Renewal Disposition Lot 3 and is governed by the Downtown Urban Renewal Plan. Pursuant to 11 DCMR Section 2102.2, the parking requirements applicable to Disposition Lot 3 are as indicated in the Downtown Urban Renewal Plan.

This request is to eliminate the striping of the parking spaces in the parking garage. The parking garage will operate as a valet-only garage, with access to the parking spaces available only through two car elevators, which are to be operated only by authorized valet personnel. There will be no public access to the parking spaces in the garage, and therefore no need for the striping. Pursuant to Section 2105.1 of the Zoning Regulations, parking is not required for that portion of the new construction under the Board's jurisdiction by virtue of the building's direct connection to the Metrorail system at Metro Center.

It is the Applicant's position that the parking spaces, which are non-required parking spaces, are not required to be striped under the Zoning Regulations. The striping requirement applies only to required parking spaces. Section 2115.1 of the Zoning Regulations states that ". . . a required automobile parking space . . . shall be striped according to the requirements of Section 2117.2 (sic)." (Emphasis added). Section 2117.3 of the Zoning Regulations states that "all required parking spaces shall be clearly striped and lined according to the dimensions specified in Section 2115." (Emphasis added). There is no similar striping requirement for non-required parking spaces.

The Applicant's architect noted during the course of the Application that the striped parking space layout on the plans was intended merely to indicate the typical layout using a valet operation, and to show how many cars could be accommodated. The Applicant also notes that, under the Zoning Regulations, the striping requirement is waived for valet-operated parking garages in the C-4 zone, where at least 75 parking spaces are required. See Sections 2115.9 through 2115.18. Even though there are more than 75 spaces shown in the portion of the garage under the Board's jurisdiction in this case, that waiver provision is not available to the Applicant, because the parking spaces in the subject garage are not required spaces.

The Applicant reviewed this matter with the Acting Zoning Administrator in April of this year. He has ruled that, notwithstanding the provision of Sections 2115.1 and 2117.3 of the Zoning Regulations, set forth above, he is not authorized to approve the removal of the striping, because pursuant to Section 3125.7, approval of the BZA Application includes approval of the plans submitted with the Application, and the plans show the striping.

The only parking variance issue before the Board in this case was whether to allow above-grade parking for all-day commuter use. The presence or absence of striping was not an issue, nor was it a material fact the Board relied upon in approving the Application. The only party to this Application was Advisory Neighborhood Commission 2C. ANC 2C submitted a letter of support for the original Application. A copy of this letter is being sent to ANC 2C.

The Applicant respectfully requests a waiver from 11 DCMR Section 3129.3, to allow this request to be filed more than six months after the final date of the final Order approving the Application. The Summary Order is dated December 15, 2000. The Applicant was only recently made aware of the Zoning Administrator's position in this matter. Therefore, this request only became ripe for consideration at that time.

For all of the above reasons, the Applicant respectfully requests approval of a modification of plans to allow elimination of the striping of the parking spaces, as well as a waiver from the six-month limitation to allow this request to be considered at this time.

Thank you for your consideration.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Christopher H. Collins

CHC/skp

cc: Advisory Neighborhood Commission 2C, w/enclosures

WAS1 #1074725 v2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16625 of The May Department Stores Company, pursuant to 11 DCMR 3103.2 for variances from the requirements of the Downtown Development (DD) District to construct an office building, also under Subsections 1702.7 (c) and 1703.3 from the parking requirements to provide all-day commuter parking, and to provide ground floor leasable space for certain retail and personal service uses in a DD/C-4 District at premises 719 13th Street, N.W. (Square 288, Lot 810).

HEARING DATE: November 14, 2000
DECISION DATE: November 14, 2000 (Bench Decision)

SUMMARY ORDER

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to this application, submitted a written statement in support of the application (Exhibit No. 24).

As directed by 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsection 3103.2. No person or entity appearing as a party to this case testified in opposition to the 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR Subsections 3103.2, 1702.7 (c) and 1703.3 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested 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. It is therefore **ORDERED** that this application be **GRANTED.**

Pursuant to 11 DCMR 3101.6, the Board waived the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5 to 0 (Rodney Moulden, Anne Renshaw, Sheila Cross Reid, Robert Sockwell and Kwasi Holman to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 15 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER HAVING BECOME FINAL PURSUANT TO § 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

BAB/12.14.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

BZA APPLICATION NO. 16625

As Director of the Office of Zoning, I hereby certify and attest that on DEC 15 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Chris Collins, Esquire
Wilkes Artis
1666 K Street, N.W., Suite 300
Washington, DC 20006

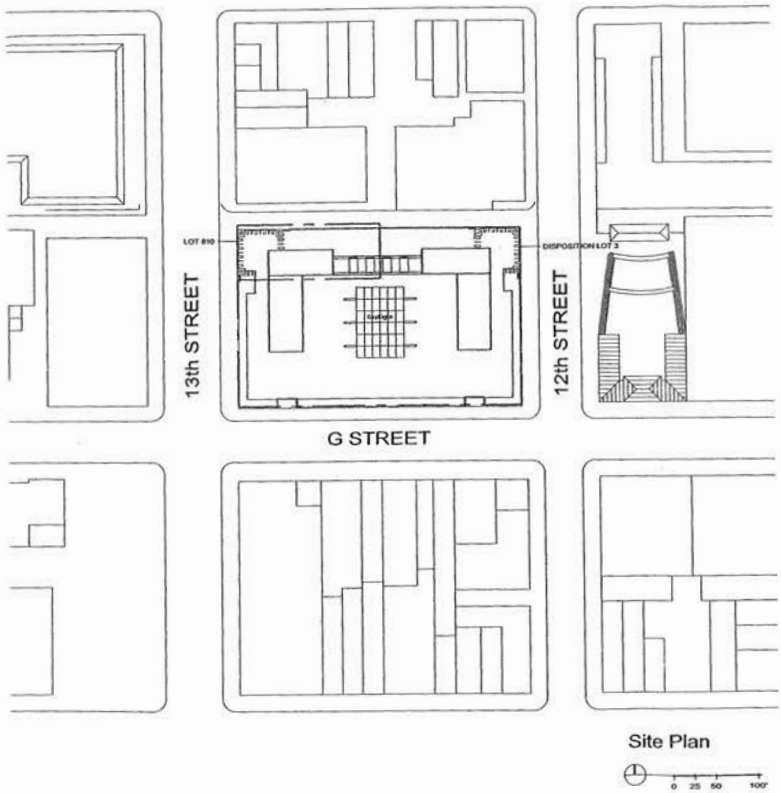
Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
First and Pierce Streets, N.W.
Washington, DC 20001

Doris L. Brooks
SMD Commissioner 2C03
612 Emmanuel Court, N.W., #204
Washington, DC 20001

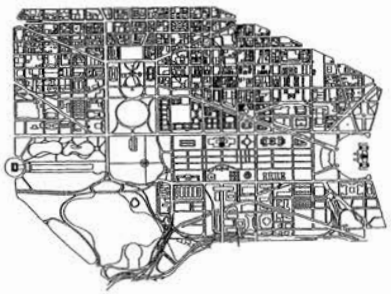
Councilmember Jack Evans
Ward Two
441 4th Street, N.W., Suite 703
Washington, DC 20001

Michael Johnson, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

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



Site Plan



Location Plan

SOM

SKIDMORE, OWINGS & MERRILL LLP
ARCHITECTS - ENGINEERS
1401 K STREET, N.W.
WASHINGTON, D.C. 20005

ThehumanSpeyer Properties

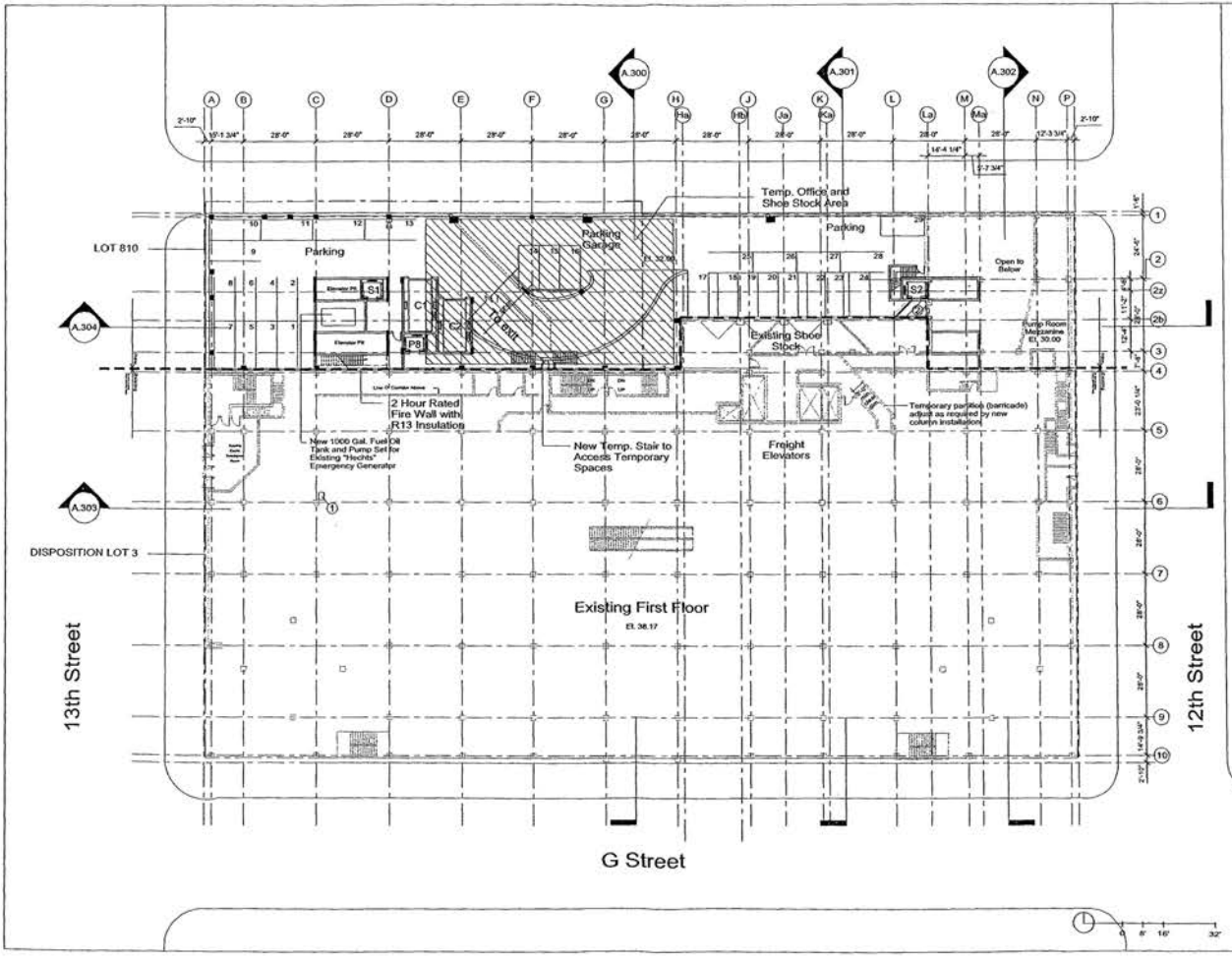
METRO CENTER
12th, 13th and G streets, NW
Washington, DC

Site Plan
BZA Approved Plans

AD98101
10/19/00
1" = 50'-0"

A.100

EXHIBIT F



SOM

SKIDMORE, OWINGS & MERRILL LLP
ARCHITECTS · ENGINEERS
1500 K STREET, N.W.
WASHINGTON, D.C. 20005

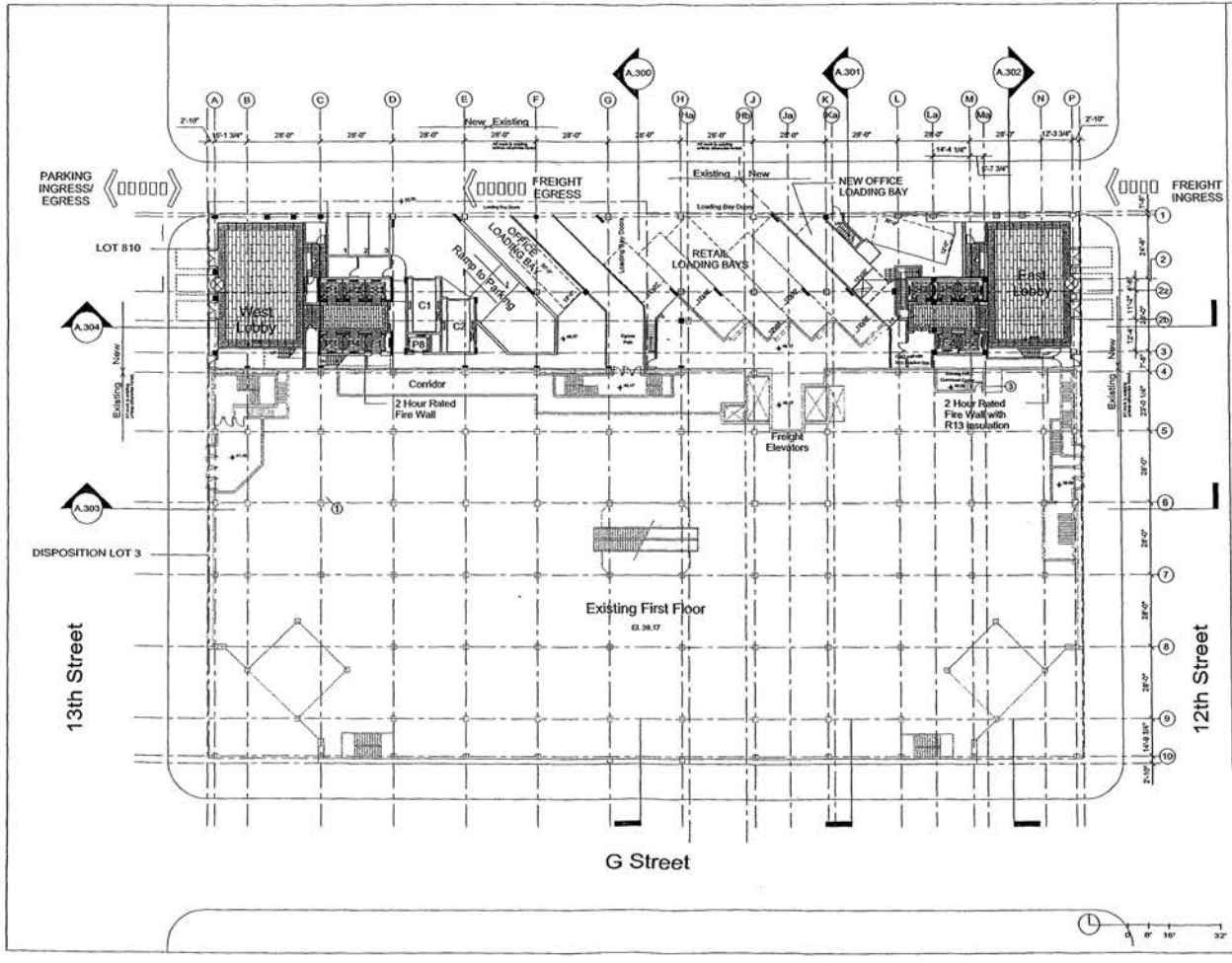
Notes
1. Existing electrical riser
2. Reclaimed Area for New Core

METRO CENTER
12th, 13th and G streets, NW
Washington, DC

Ground Floor Plan
BZA Approved Plans

AD98101
10/19/09
1/16" = 1'-0"

A.202



SOM

SKIDMORE, OWINGS & MERRILL LLP

Tishman Speyer Properties

1. Minor modifications may be required within the Department Store to enable re-roofing of MEP services to the new office building

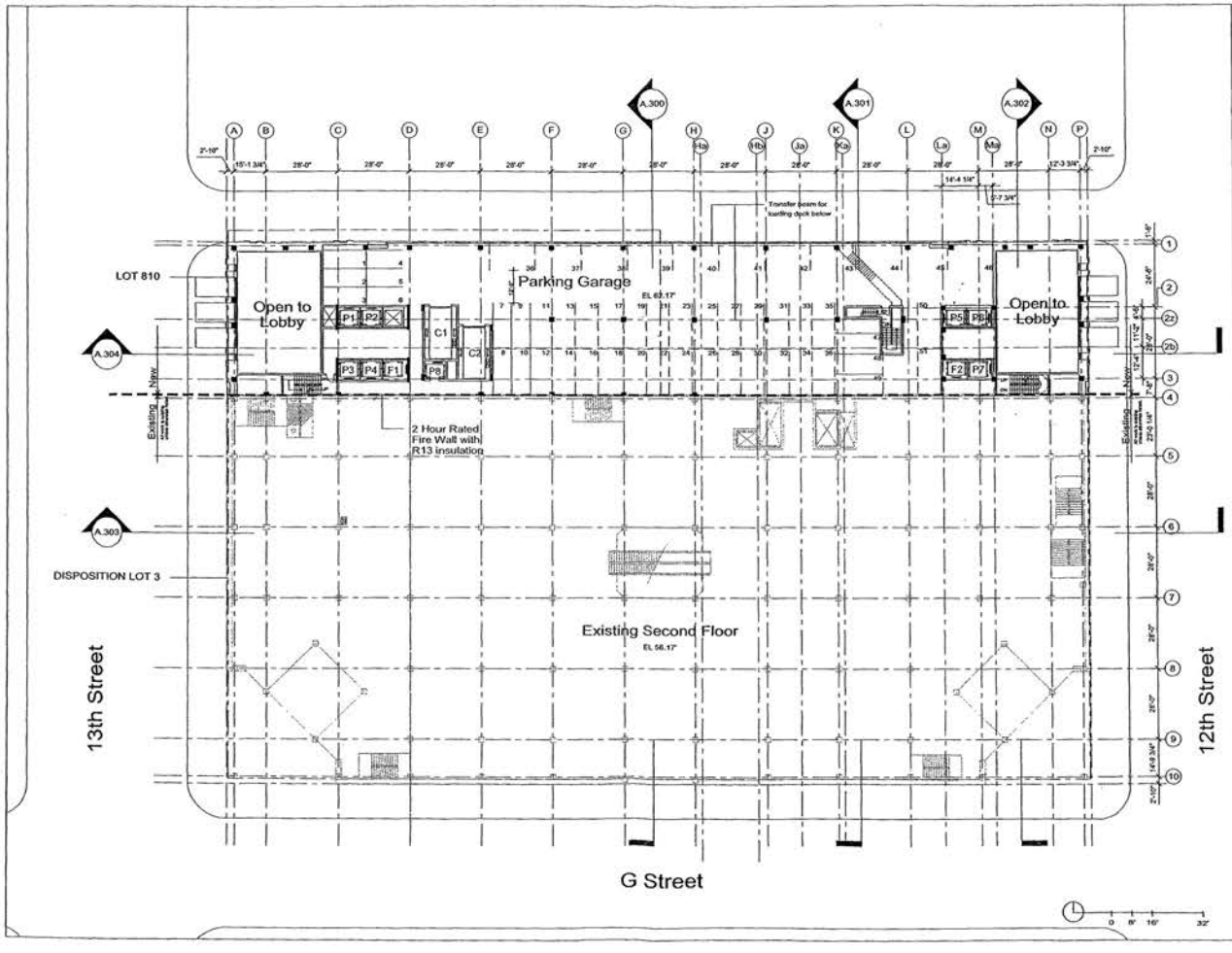
Notes
1. Existing electrical floor
2. Reclaimed Area for New Core

METRO CENTER
12th, 13th and G streets, NW
Washington, DC

Mezzanine Plan
BZA Approved Plans

AD98101
10/13/09
1/16" = 1'-0"

A.203



SOM

SKIDMORE, OWINGS & MERRILL LLP
ARCHITECTS, ENGINEERS
1500 K STREET, NW
WASHINGTON, D.C. 20005

Vishnampet Properties

1. Minor modifications may be required within the Department Store to enable re-routing of MEP services to the new office building

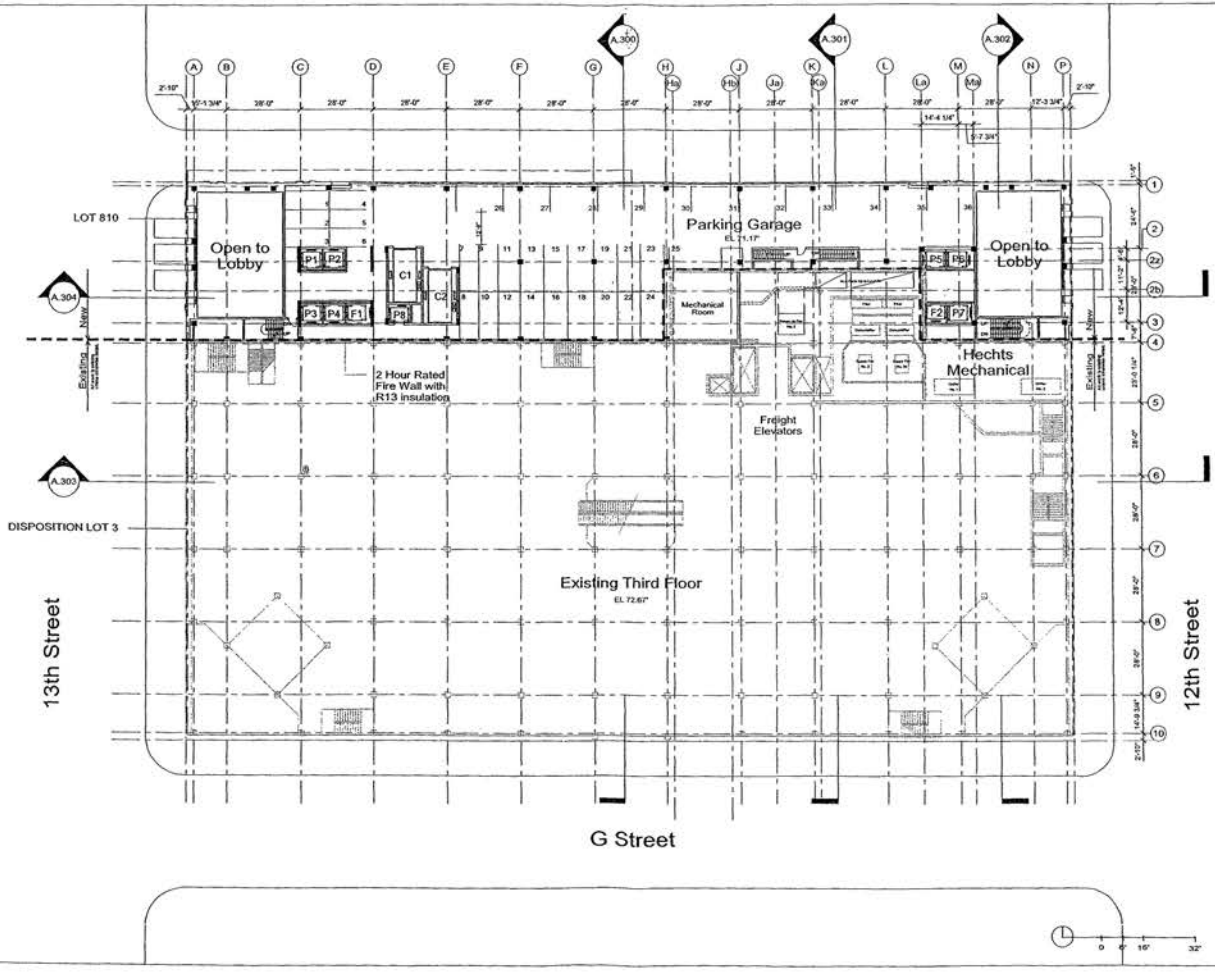
Notes
(E)Existing electrical riser

METRO CENTER
12th, 13th and G streets, NW
Washington, DC

Level 2
Plan
BZA Approved Plans

AD98101
10/19/99
1/16" = 1'-0"

A.204



SOM

SKIDMORE, OWINGS & MERRILL LLP
ARCHITECTS · ENGINEERS
1424 K STREET, N.W.
WASHINGTON, D.C. 20005

TishmanSpeyer Properties

General Notes

1. Minor modifications may be required within the Department Store to enable re-routing of MEP services to the new office building

Notes

1 Existing electrical riser

METRO CENTER
12th, 13th and G streets, NW
Washington, DC

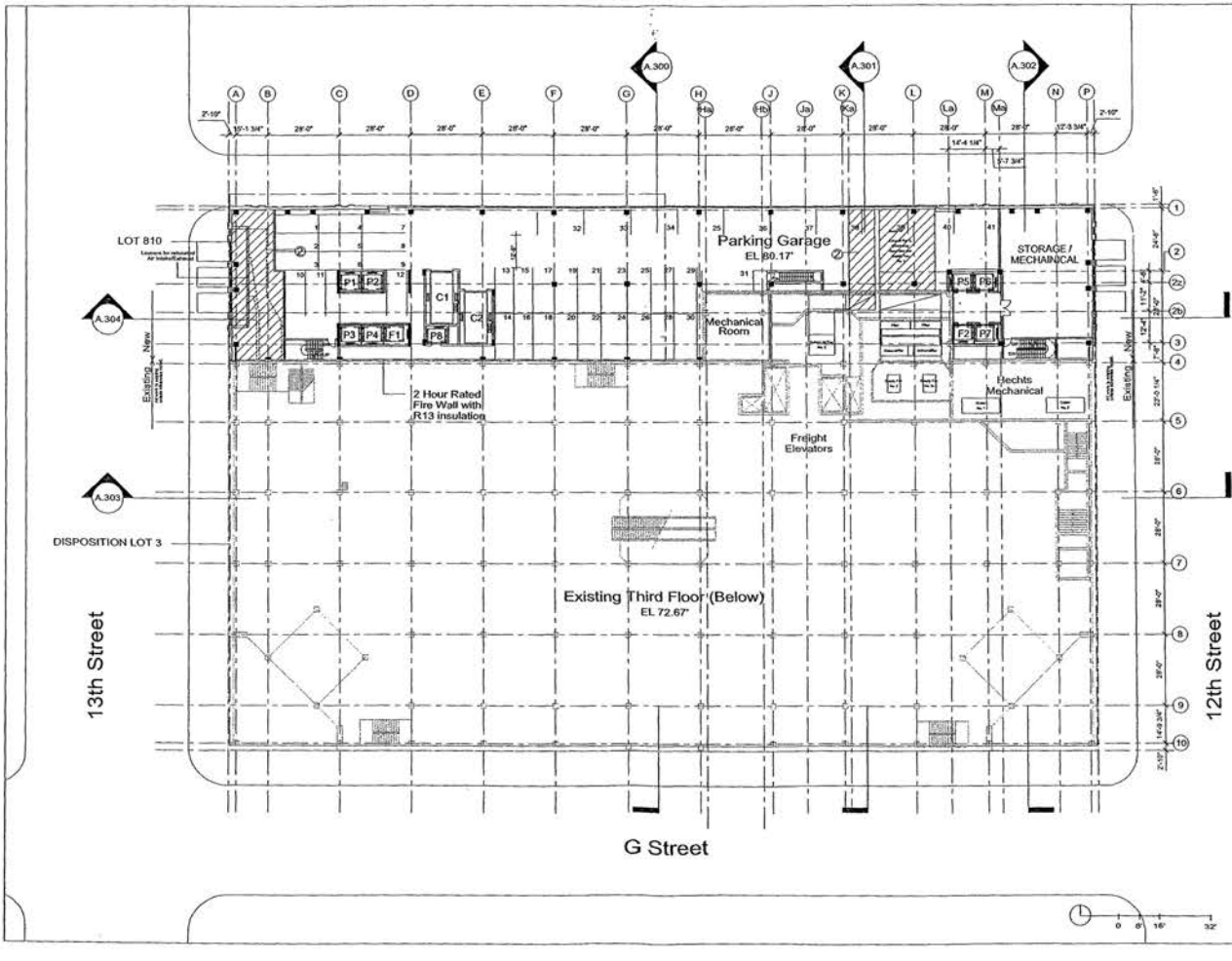
Level 3 Plan
BZA Approved Plans

AD98101

10/19/00

1/16" = 1'-0"

A.205



SOM

SKIDMORE, OWINGS & MERRILL LLP

Lehman Speyer Development

General Notes

1. Minor modifications may be required within the Department Store to enable re-routing of MEP services to the new office building

Notes

1. Existing electrical riser
2. EASEMENT
Area controlled by the "Hecht's Dept. Store" 24 Hour Access is to be Provided. Coordinate with Office Building Personel.

METRO CENTER
12th, 13th and G streets, NW
Washington, DC

Level 3b Plan
BZA Approved Plans

AD98101
10/19/06
1/16" = 1'-0"

A.206