Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Atlanta
Boston
Bradenton
Chicago
Fort Lauderdale
Jacksonville
Lakeland
Los Angeles
Melbourne
Miami
New York
Northern Virginia
Orlando
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
Washington, D.C.
West Palm Beach

International Offices:
Buenos Aires*
Mexico City
Rio de Janeiro
São Paulo
Tel Aviv*
Tokyo

* Representative Offices

March 15, 2001

MARY CAROLYN BROWN
202-862-5990

Internet Address:
mcbrown@hklaw.com

D.C. OFFICE OF ZONING
RECEIVED
2001 MAR 15 AM 11:14

VIA HAND DELIVERY

Sheri M. Pruitt, Secretary
Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Case No. 16641
1210 Massachusetts Ave., N.W.

Dear Ms. Pruitt:

Enclosed please find a draft summary order for the above-referenced case reflecting the bench decision rendered by the Board of Zoning Adjustment at its February 28, 2001, hearing approving the application. As requested by the Board members at the conclusion of the hearing, we are also enclosing a site plan and landscape plan for inclusion in the record.

Should you have any questions regarding these materials, please do not hesitate to call me at (202) 862-5990.

Very truly yours,

Carolyn Brown

Enclosures

cc: Stewart Bartley
Chris Todd
George Dove
Steven E. Sher
Whayne S. Quin

BZA
Case No. 16641
Exhibit No. 51

WAS1 #925230 v1

Board of Zoning Adjustment
District of Columbia
CASE NO.16641
EXHIBIT NO.51

DRAFT

Application No. 16641 of JBG/Twelfth and Massachusetts, L.L.C., pursuant to 11 DCMR 3104.1 for a special exception from the roof structure requirements of Section 411, and 11 DCMR 3103.2 for variances from the residential recreation space requirements of Subsection 773.3, the court width requirements of Subsection 776.3, the closed court area requirements of Subsection 776.4, to allow construction of an apartment house of 145 units and with retail space in a DD/C-2-C District at premises 1210-1216 Massachusetts Avenue, N.W. (Square 283, Lot 50).

HEARING DATE: February 27, 2001
DECISION DATE: February 27, 2001 (Bench Decision)

SUMMARY ORDER

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

The site of the application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to the application, filed a written statement, dated February 13, 2001, in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR § 411 and a variance from the strict application of the requirements of 11 DCMR §§ 773.3, 776.3 and 776.4. No person or entity appeared at the public hearing in opposition to the application. Peter N. Schwartz withdrew as a party in opposition by letter dated February 22, 2001. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the hearing, except to allow the applicant to submit the following materials: (1) a conceptual landscape plan; and (2) a site plan. The Board received those materials by letter dated March 2, 2001.

Based upon the record before the Board, the Board concludes that the applicant has met its burden of proof pursuant to 11 DCMR §§ 3104.1, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board also concludes that the applicant has met its burden of proof pursuant to 11 DCMR § 3103.2, 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 the application is GRANTED, subject to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit __ of the record.

2. The building shall meet the setback at the 110 foot level, as shown as Exhibit __ of the record; provided, however, that the cornice shall not extend beyond the line of the 1:1 setback at 110 feet as required by 11 DCMR § 1701.7.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0-1 (Sheila Cross Reid, Susan Hinton, and Anthony Hood to approve; Anne M. Renshaw abstaining)

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

ATTESTED BY:_____
Jerrily R. Kress, FAIA
Director
Office of Zoning

FINAL DATE OF ORDER: _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), 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 IT BECOMES 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.

WAS1 #921368 v1

EXHIBIT 51

FROM

CASE 16641

HAS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE