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

April 10, 2001

CHRISTINE MOSELEY SHIKER
202-457-7167

Internet Address:
cmshiker@hklaw.com

VIA HAND DELIVERY
Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001
ATTN: Rick Nero

RECEIVED
D.C. OFFICE OF ZONING
2001 APR 10 PM 4:37

Re: BZA Case No. 16687
JBG/JER 2440 M, LLC
Special Exception and Variance Relief

Dear Board Members:

On behalf of JBG/JER 2440 M, LLC, enclosed please find an original and eleven copies of its pre-hearing statement in connection with the above-referenced application for special exception and variance relief. Twelve reduced sets of architectural drawings are also attached as an exhibit to the same.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7167.

Sincerely,

Christine Moseley Shiker*
*Admitted in Texas only

cc: Art Rodgers, Office of Planning
Chris Todd, The JBG Companies
George Dove, Weihe Design
Whayne S. Quin, Esq.
Steven E. Sher, Director of Land Use and Zoning

BZA
Case No. 16687
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16687
EXHIBIT NO.31

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
JBG/JER 2440 M, LLC
2440 M STREET, N.W.

BZA APPLICATION NO. 16687
HEARING DATE: APRIL 24, 2001
ANC 2A

PREHEARING SUBMISSION

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
JBG/JER 2440 M, LLC
2440 M STREET, N.W.

BZA APPLICATION NO. 16687
HEARING DATE: APRIL 24, 2001
ANC 2A

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of JBG/JER 2440 M, LLC ("JBG") in support of its application to the Board of Zoning Adjustment for the following special exception and variance relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3104.1 and 3103.2: (i) a special exception from the roof structure setback requirement of Sections 411.2 and 770.6; (ii) a variance from the residential recreation space requirement of Section 773.3; (iii) a variance from the rear yard requirement of Section 774.1; and (iv) a variance from the floor area ratio ("FAR") requirement of Section 771.2. The relief is requested in order to permit the construction of an 142-unit apartment house on top of an existing structure at 2440 M Street, N.W., Square 25, Lot 19 (the "Subject Property") located in the C-2-C District. This development is the first phase in a two phase project, with the proposed second phase being constructed on the adjacent lot.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("BZA" or "Board") has jurisdiction to grant the special exception and variance relief requested herein pursuant to Sections 3103 and 3104 of the District of Columbia Municipal Regulations ("Zoning Regulations"). 11 DCMR §§3103, 3104.

III.
BACKGROUND

A. Description of the Subject Property

The Subject Property consists of Lot 19 in the northwestern portion of Square 25. Square 25 is bounded by M Street to the north, 24th Street to the east, L Street to the south, and 25th Street to the west. The Subject Property is currently improved with an eight story medical office building and an attached parking garage, both constructed in 1986. The existing office structure is ninety feet in height, and contains approximately 104,923 square feet. The Subject Property is located in the C-2-C District, a community business district designed to provide facilities for shopping and business needs, housing, and mixed uses. *See* 11 DCMR §720. A small portion (less than 2,000 square feet) of the rear yard is zoned R-5-D, in which there will be no new development.

B. Description of Surrounding Area

The Subject Property is located in the area known as the West End, near both Foggy Bottom and Georgetown, and is characterized by commercial, office, and residential uses. The abutting property to the south is improved with the Columbia Hospital for Women (hereinafter, the "Hospital"). The adjacent property to the east

is improved by a surface parking lot and a building owned by the federal government, which is currently vacant.

Residential uses can be found in many areas around the Subject Property, including along 25th Street and Pennsylvania Avenue. Office uses are located to the north and northwest of the Subject Property. To the east and northeast, hotel uses are found, including the Monarch, Westin and Park Hyatt Hotels, all located at the intersection of M and 24th Streets.

C. Project Description

JBG proposes to construct a nine-story apartment house above the existing parking structure. The project will contain approximately 142 units with a mixture of efficiencies, one-bedroom, one-bedroom plus den, two-bedroom units, and two-bedroom plus den units. The two-level, below-grade parking garage will provide 262 parking spaces for the building. The Zoning Regulations require seventy-two parking spaces for the office component of the development, and the proposed development provides 182 parking spaces for the office component, which is more than twice that required. *See* 11 DCMR §2101.1. Similarly, the Zoning Regulations require thirty-six parking spaces for the residential component of the development, and the proposed development provides eighty parking spaces for the residential component, or almost three times that required. *See* 11 DCMR §2101.1.

The primary façade of and main entrance to the building will be newly constructed and located on 25th Street. The new entrance involves the removal of the existing berm along 25th Street, which results in the FAR variance request discussed below. The removal of the berm tremendously enhances the streetscape

by widening the existing sidewalk approximately eighteen feet and by allowing several residential units to be constructed on the ground floor. As a result, the streetscape will be enlivened, and the appearance of the project will be enhanced for the surrounding community.

The design of the building emphasizes the residential aspects of the project while at the same time complements the existing commercial use. Bay windows and balconies enhance the residential façade of the project; the office façade is not altered from its current design. However, the existing architectural features of the office component are incorporated and extended into the residential component, creating a harmonious unit. *See* Exhibit D. An outdoor central courtyard is located in the center of the project. This naturally landscaped area will provide an outdoor space for both the commercial and residential tenants.

IV.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF TO ALLOW ADJUSTMENTS TO THE ROOF STRUCTURE REQUIREMENTS UNDER 11 DCMR § 411.

A. Standard for Approving Special Exception Relief

Due to the existing structure on and characteristics of the Subject Property, the proposed apartment house cannot comply with the setback requirement for roof structures under Section 411.2 of the Zoning Regulations. Accordingly, JBG requests special exception relief to deviate from the strict compliance of Section 411.2 of the Zoning Regulations as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Roof Structure Special Exceptions

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure setback where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

C. Relief from Section 411.2 to Deviate from Roof Structure Setback Requirement

JBG requests relief from the roof structure setback requirement under Section 411.2 of the Zoning Regulations. That section requires roof structures to be set back in accordance with the provisions of the zone district in which the project is located. 11 DCMR §411.2. The C-2-C District requires a roof structure to be set back from the building's walls a distance at least equal to the roof structure's height. 11 DCMR §770.6(b). The height of the penthouse for elevator equipment and stairwell along the southern edge of the proposed apartment house is eighteen feet, six inches. The Zoning Regulations require a setback of the same; however, the penthouse structure, although setback from the rear property line a distance of fifteen feet, is flush with the exterior wall in the proposed project and does not meet this setback requirement.

The configuration of the existing office building and parking garage dictate this outcome. The elevator for the residential component of the property cannot be constructed within the office component, and therefore, there are few options for its placement. The elevator is ideally placed as close to the entrance as possible. To locate the elevator in the northern portion of the entryway is not feasible due to medical offices and operating rooms with sophisticated technical equipment installed in the line of the proposed elevator shaft. Other possible locations result in blocking the entrance ramp to the parking garage or drive aisles within the parking garage. Accordingly, in order to create adequate circulation through the building

and avoid disrupting entrance to and circulation within the parking garage, the elevator must be placed at this location along the southern wall of building.

The proposed elevator penthouse does comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. This purpose is achieved despite the requested special exception. The penthouse is situated at least sixty feet from the edge of the building on the 25th Street façade and at the furthest most point from the M Street façade. Furthermore, the penthouse will not block the light and air to any windows of the adjacent Hospital. A thirty foot driveway exists along the southern edge of the Subject Property, creating a light and air corridor. Furthermore, the emergency entrance is located on the north side of the Hospital. As a result of its location, the height of the Hospital is stepped back from the driveway, which creates additional air and light corridors. Therefore, the Hospital's air and light will not be diminished by the penthouse's location. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.2.

V.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES FROM REQUIREMENTS FOR RESIDENTIAL RECREATIONAL SPACE, THE SETBACK FOR A REAR YARD AND FAR COMPUTATION

A. Standards for Granting Area Variances

Under D.C. Code §5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property is unique because, *inter alia*, of its size, shape or

topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, the proposed apartment house and the variances requested for the same meet all three prongs of this test.

B. Variance from the Residential Recreational Space Requirement

Section 773.3 of the Zoning Regulations require that residential development in the C-2-C District provide not less than fifteen percent of the gross floor area of the building for residential recreation space. Based on the approximately 143,287 square feet of residential gross floor area proposed for the apartment building, the project must include approximately 21,493 square feet of residential recreation space (or 15%). The total amount of recreation space proposed, however, is approximately 14,849 square feet (or 10.36%). Accordingly, JBG requests a variance from the residential recreation space requirement of Section 773.3.

The configuration of the existing office building and parking facility create an exceptional condition on the Subject Property. Due to this configuration, it is practically difficult to include any additional residential recreation space than that

included. As proposed, the residential recreation space is provided in three ways: Entrance Court (1,406.5 square feet), Lobby Amenities, including a meeting room and fitness center (3,600 square feet), and Outside Central Plaza with Landscaping (9,842.5 square feet). The only possible location for additional residential recreation space would be on the roof. The District of Columbia Building Code ("Building Code"), however, contains certain requirements with respect to load bearing standards for a roof deck. The existing columns and support base of the building do not comply with these Building Code provisions, and the difficulty and expense of reinforcing the columns to achieve that compliance is prohibitive. Therefore, because open space cannot be accommodated on the roof, any additional residential recreation space will require interior floor area to be devoted to this use and will severely restrict the layout of the residential component. This would reduce the number of units, contrary to the intent of the Zoning Regulations to encourage higher density residential uses in the C-2-C District. *See* 11 DCMR §720.3. Furthermore, to include the additional recreational space would make development of a residential component on this site more difficult by affecting the critical mass necessary to support the costs of development.

The requested reduction in the amount of residential recreation space can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Regulations. The Subject Property is situated within a block of the Rock Creek Park, a significant amenity for these residents, as well as playing fields less than one block north of the building (just north of 25th and M). In addition, the pocket park at the intersection of

Pennsylvania Avenue, L Street, and 25th Street as well as the nearby Washington Circle provide additional recreational space to the residents. Finally, the proposed apartment house's location near Georgetown, Foggy Bottom and George Washington University provide many recreational, educational and entertainment activities for the residents of the proposed apartment house.

C. **Variance from the Rear Yard Requirement**

Section 774.1 of the Zoning Regulations require that all structures in the C-2-C District must provide a fifteen foot rear yard. 11 DCMR §774.1. The existing structure is set back from the property line exactly fifteen feet, and thus, the rear yard is provided as required. However, as a design feature and enhancement to the façade of the new residential component, the new construction will include bay windows and balconies which will project two feet, six inches into the rear yard, rendering the rear yard only thirteen feet, six inches in some places. The bay windows and balconies are an important architectural feature of the development and help distinguish between the existing office structure and the new residential development. The bay windows and balconies also provide an increased aesthetic benefit to the façade of the structure.

In order to include the bay windows and balconies, JBG must request a variance from the rear yard requirement. The existing structure which is the base of the new residential component sits exactly fifteen feet from the property line and creates an exceptional condition for the Subject Property. It is not feasible to reconstruct the entire southern portion of the structure and parking facility in order to increase the rear yard by the amount of the bay window projection (two feet, six

inches). Accordingly, a variance is requested and is supported by the practical difficulty inherent in the unique situation of the existing structure on the Subject Property.

The proposed variance will trigger significant public good without substantially impairing the intent or purpose of the Zoning Regulations. First, by allowing the bay windows and balconies, the façade of the building is enhanced and the views of the structure from the Hospital and southern approach are improved. Second, the residential component of the structure is emphasized, creating a mixed-use environment in this area as is encouraged for the C-2-C District. *See* 11 DCMR § 720.9. Third, the driveway between the Subject Property and the Hospital effectively creates an additional fifteen feet of rear yard. Fourth, the bay windows and balconies do not infringe on the fifteen foot rear yard requirement as they are located significantly above grade. Finally, the bay windows and balconies comprise only 26.2% of the rear façade; therefore, the impact of the projection is de minimus. Accordingly, the bay window projections will have a positive impact and will not impair the intent or purpose of the Zoning Regulations.

Finally, the Zoning Regulations specifically provide that certain projections are permitted as a matter of right. *See* 11 DCMR §2502. These projections include, among others, a two feet projection for a cornice or eave [§2502.2], a forty inch projection for an awning [§2502.5], a four foot projection for a fire balcony or fire escape [§2502.6], a five square feet projection for a chimney, smokestack or flue [§2502.7], and a two foot projection for a room air conditioner [§2502.8]. The bay window projection is less intrusive and more aesthetically appealing than many of

the projections permitted as a matter of right. Accordingly, the bay window projections into the required rear yard not have an adverse impact and will serve as an amenity to the design of the new structure.

D. FAR Requirements

The C-2-C District permits an FAR of 6.0, with a maximum FAR of 2.0 devoted to commercial use. 11 DCMR §771.2. The proposed project on the Subject Property is well within the permitted FAR of 6.0. Currently, the gross floor area of the structure charged to commercial use is approximately 104,923 square feet. However, after the construction of the apartment house, the area devoted to commercial use will become approximately 109,181 square feet, which is greater than the 2.0 FAR permitted for commercial use. Accordingly, JBG requests a variance from Section 771.2.

As part of the project design, a newly constructed entrance will be placed on the 25th Street façade. The existing berm will be removed to construct this entrance and to provide additional residential units on the ground floor. As a result of the removal of the berm, portions of the first and second floor that are currently not chargeable to FAR will become chargeable to FAR under the Zoning Regulations. The required method of calculation increases the technical amount of commercial FAR, despite the fact that no additional commercial space is being added to the Subject Property. Therefore, without a variance, it is impossible to resolve this issue without eliminating existing commercial space. JBG, thus, requests a variance of the permitted FAR devoted to commercial use.

The requested variance can be granted without substantial detriment to the

public good and without impairing the intent, purpose and integrity of the Zoning Regulations. The proposed project does not increase floor space devoted to commercial use, does not increase in number or size of any of the windows in the commercial space, and does not increase air or light to the commercial space. The change results from the mathematical formula used to compute FAR.

Specifically, in the case of a building that has a difference in grade, which results in floors that are by definition part basement and part cellar, the "perimeter wall method" is used to calculate FAR. A basement is defined as that portion of a story partly below grade, the ceiling of which is four feet or more above the adjacent finished grade. 11 DCMR §199.1. A cellar, on the other hand, is defined as that portion of a story, the ceiling of which is less than four feet above the finished grade. 11 DCMR §199.1. Gross floor area includes by definition basement areas but does not include cellar areas. 11 DCMR §199.1.

To perform the perimeter wall calculation, the total perimeter of the floor in question is measured. The portion of the perimeter of the floor in which the ceiling is four feet or more above the adjacent finished grade (i.e., basement) is measured. The percentage of the floor area chargeable to gross floor area is then the percentage of basement around the perimeter of the building. In the present case, the perimeter wall method increases the commercial FAR above the permitted 2.0, despite the fact that no additional commercial space has been created and no additional windows have been installed. In this case, the requested FAR variance will not have an adverse impact, as there is not change in the actual amount of commercial space, and, in fact, the removal of the berm will create a positive impact

for the surrounding community.

VI.
ADVISORY NEIGHBORHOOD COMMISSION SUPPORT

On March 21, 2001, JBG and its representatives met with Advisory Neighborhood Commission ("ANC") 2A to review the project as presented. At that same meeting, the ANC voted unanimously to support the project. A copy of its letter in support is attached hereto as Exhibit F.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION REVIEW AND REVISE

Exhibit A: Portions of the Sanborn Atlas showing the Subject Property highlighted in yellow;

Exhibit B: A portion of the Zoning Map showing the Subject Property highlighted in yellow;

Exhibit C: Surveyor's Plat of the Subject Property;

Exhibit D: Architectural Drawings and Elevations;

Exhibit E: Photographs of the Subject Property;

Exhibit F: March 23, 2001, Letter of Support from Advisory Neighborhood Commission 2A;

Exhibit G: Outline of Testimony of Representative of the Applicant JBG/JER 2440 M, LLC;

Exhibit H: Outline of Testimony of Weihe Design Group, project architects; and

VIII.
WITNESSES

A. Representative of JBG/JER 2440 M, LLC.

B. Weihe Design Group, project architects.

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception and area variances under the Zoning Regulations. Accordingly, JBG respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Whayne S. Quin, Esq.

By: _____
Steven E. Sher, Director of
Zoning and Land Use Services

By: _____
Christine Moseley Shiker, Esq.*
*Admitted in Texas only

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

WAS1 #921930 v1

A

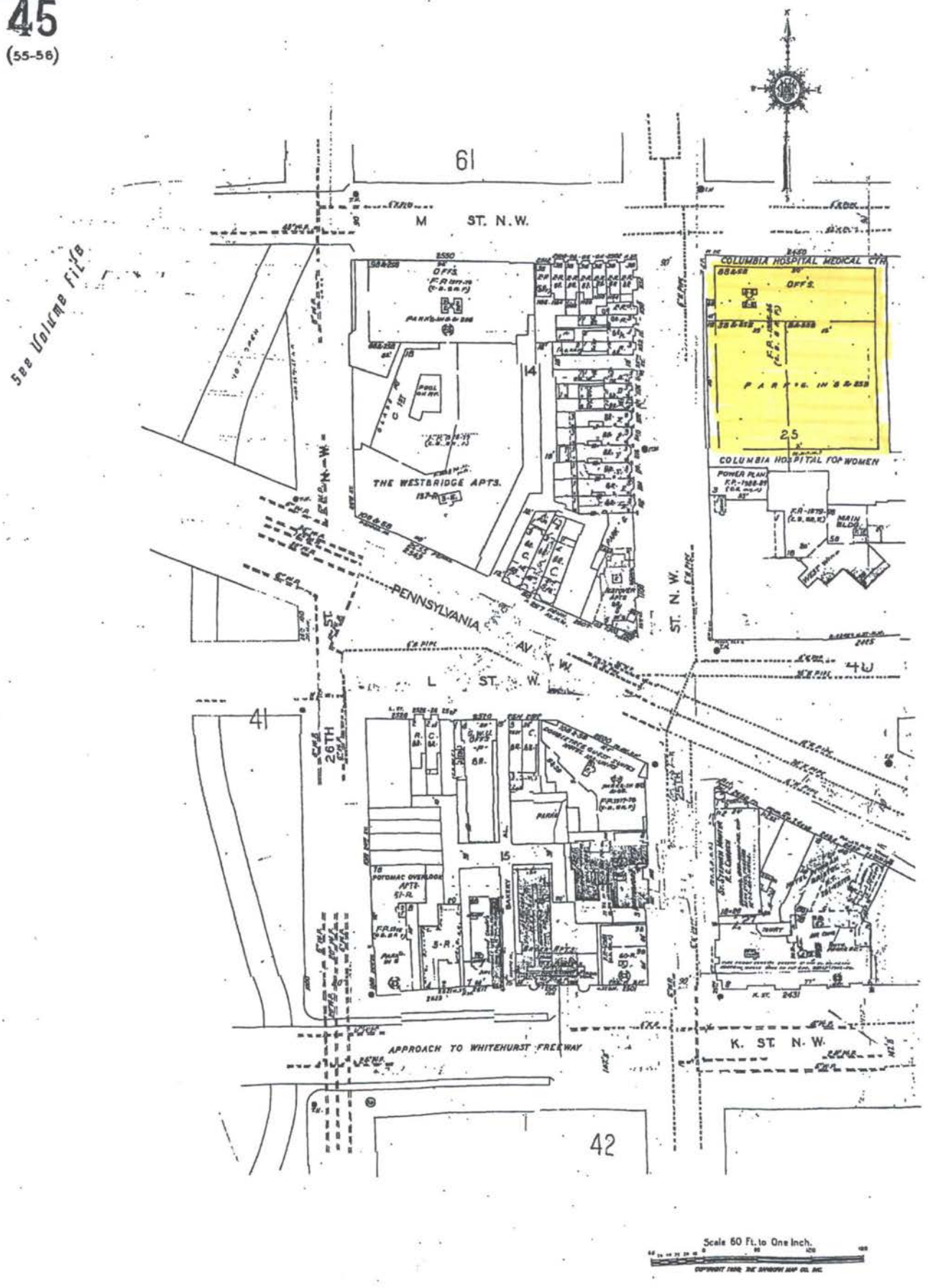
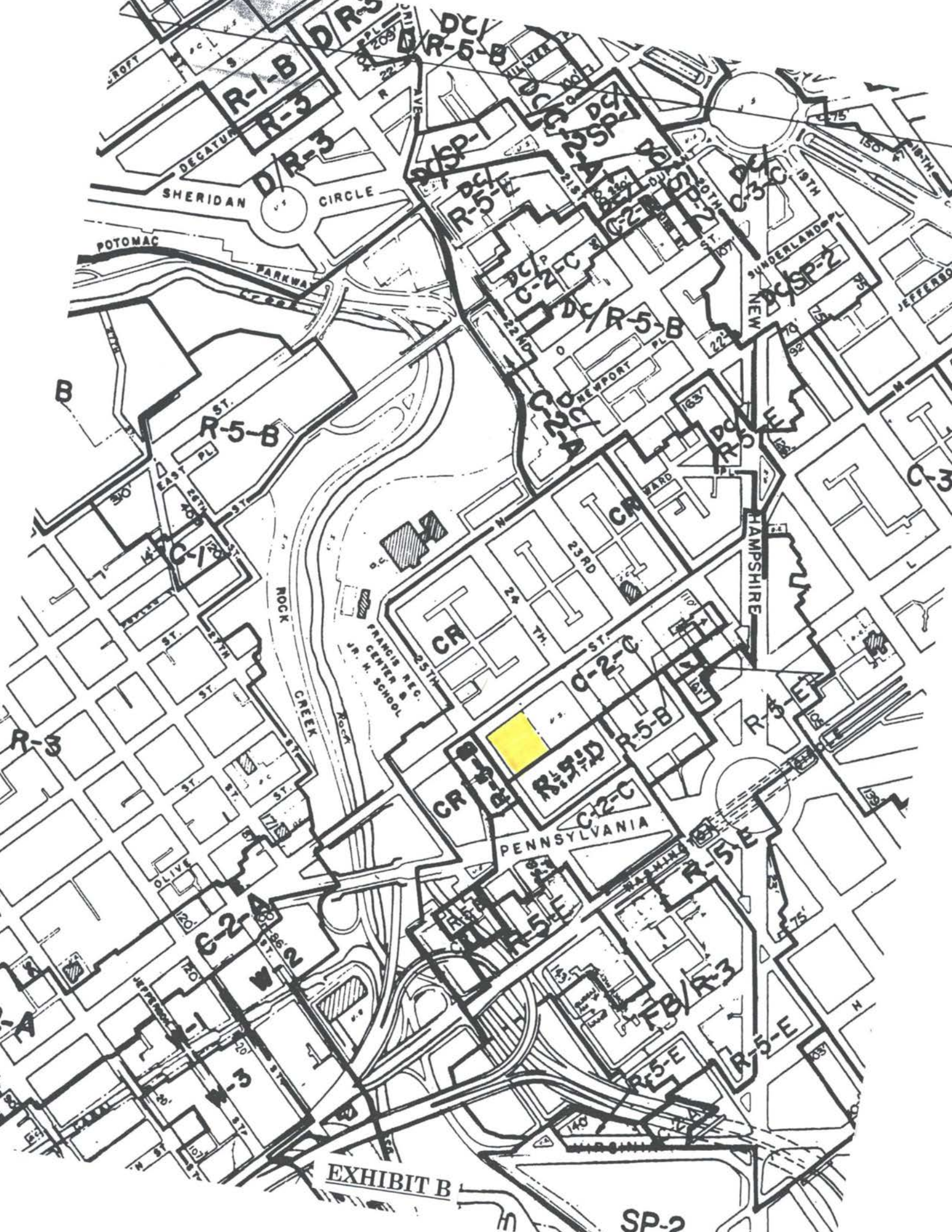

WASHINGTON D.C. VOL. I
45
(55-56)
See Volume 1-B
61
M ST. N.W.
COLUMBIA HOSPITAL MEDICAL CTR.
OFFS.
PARKING IN S.E. 25
25
COLUMBIA HOSPITAL FOR WOMEN
POWER PLANT
MAIN BLDG.
THE WESTBRIDGE APTS.
137-R
14
PENNSYLVANIA AV. N.W.
ST. N.W.
L ST. N.W.
41
26TH ST. N.W.
25TH ST. N.W.
15
TO POTOMAC OVERLOOK APTS.
51-R.
3-R
6-R
BAKERY
PARISH
ST. STEPHEN MARTYR R.C. CHURCH
RECTORY
APPROACH TO WHITEHURST FREEWAY
K. ST. N.W.
42
Scale 60 Ft. to One Inch.

EXHIBIT A




SHERIDAN CIRCLE
POTOMAC PARKWAY
DECATUR
R-1-B
R-3
D/R-3
DC/R-5-B
DC/SP-1
DC/SP-2
DC/R-5-E
C-2-C
C-3-C
NEWPORT PL
SUNDERLAND PL
NEW HAMPSHIRE
EAST PL
ROCK CREEK
FRANCIS REC. CENTER & JR. H. SCHOOL
CR
PENNSYLVANIA
OLIVE
R-5-B
R-5-E
FB/R-3
C-2-A
C-1
C-3
EXHIBIT B
SP-2



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 10/16/2000

Plat for Building Permit of SQR 25 LOT 20

Scale: 1 inch = 30 feet Recorded in Book 194 Page 19

Receipt No. 837

Furnished to: WDG / SOCKWELL

Surveyor, D.C.

By: RHD JMA

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 12/27/00

Carolyn Brown
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

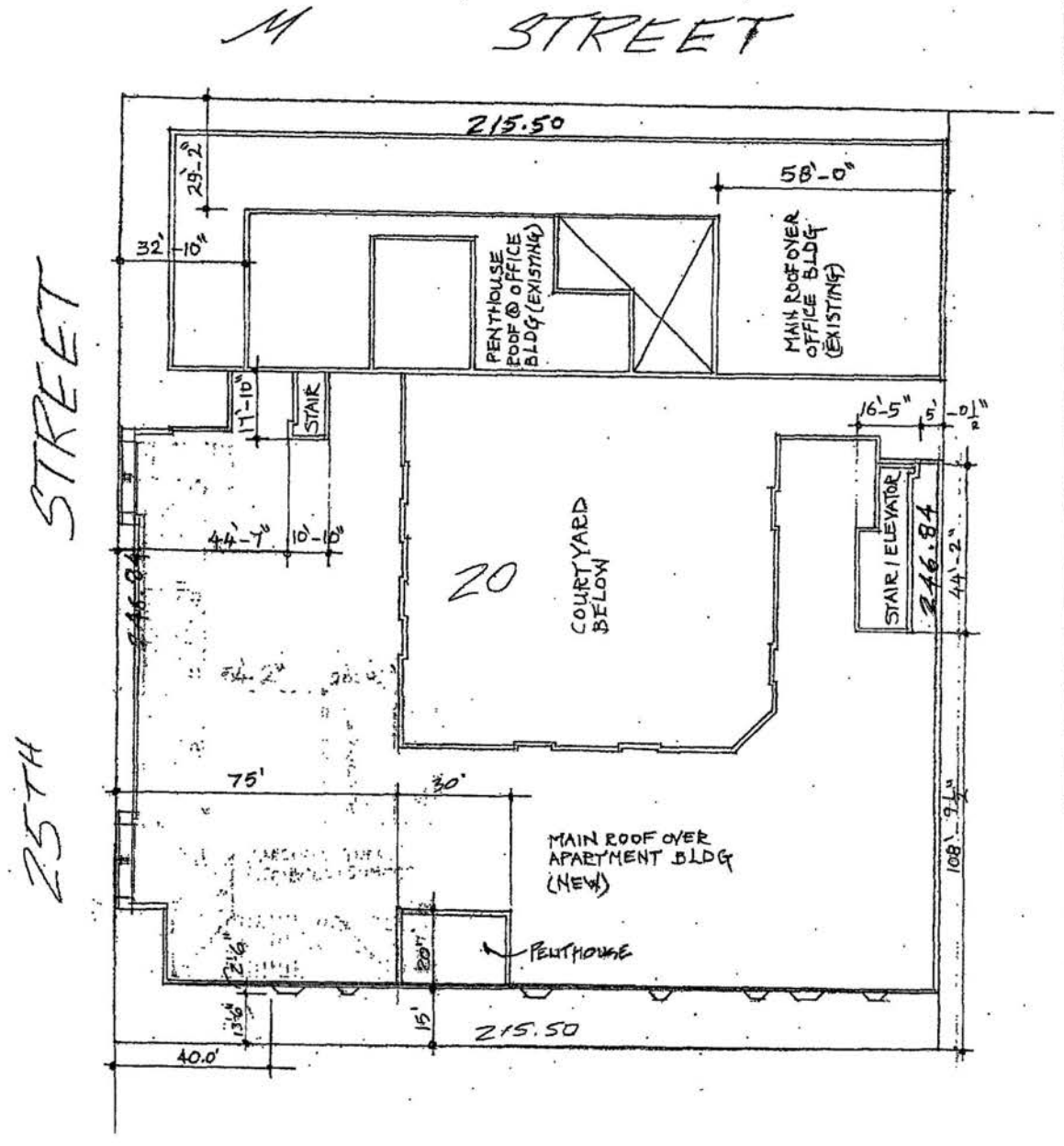


EXHIBIT C



EXHIBIT D

EXHIBIT 31D

FROM

CASE 16687

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE





View of the subject property
From east side of 24th Street
looking west across the parking lot
on the adjoining property

EXHIBIT E



View of the subject property
from the northwest corner
of the intersection of 25th and M Streets, N.W.,
looking southeast



View of the subject property
from the west side of 25th Street
looking northeast

F

Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

March 23, 2001

Mr. Robert Sockwell, Chair,
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2001 MAR 23 AM 11: 19

Re: Resolution in Support of Variances Required for JBG/JER 2440 M Street, NW Apartment Building

Dear Mr. Sockwell and Members of the Board:

At its regularly scheduled monthly public meeting on March 21, 2001, properly noticed and with a quorum of five of the six commissioners present, ANC-2A passed the enclosed Resolution #01-3A6 to support the request for variances and an exception, to build an apartment building of 141 units for permanent residents. The fourth variance, removal of the berm, will increase the commercial space in excess of the allowed amount; but will improve the appearance of the building and the applicants have stated that they will not use this as a precedent for future construction. Therefore ANC-2A supports this request.

Respectfully submitted.

James E. Patterson

James E. Patterson, Secretary
Advisory Neighborhood Commission 2A

Enclosure (1) Resolution #01-3A6

cc: JBG/JER

BZA Case #16687

EXHIBIT F

THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD COMMISSION (ANC-2A) passed the following Resolution #01-3A6

Resolution in Support of Variances Required for JBG/JER 2440 M Street, NW Apartment Building

WHEREAS, JBG/JER proposes to build an apartment building of approximately 141 units at 2440 M Street, NW; and,

WHEREAS this apartment building will enhance the residential character of Foggy Bottom/West End and bring new permanent residents to our neighborhood; and,

WHEREAS many of these residents will pay District of Columbia income and other taxes, increasing revenues to the District's treasury; and,

WHEREAS JBG/JER requires an exception and two variances from zoning requirements to allow the proposed apartment building to have (1) an elevator penthouse without a setback, (2) balconies and bay windows over an alley, (3) and less residential recreation space than specified in law; and,

WHEREAS plans to remove a berm in front of the 25th Street Side of the existing commercial office building will lead to commercial FAR of 2.3 exceeding the 2.0 allowed for a C-2-C project, thereby requiring another variance; and,

WHEREAS these variances and exception collectively will not have a deleterious impact on the neighborhood and in two instances (the balconies and bay windows and removal of the berm) will actually result in a better design and improved streetscape;

THEREFORE BE IT RESOLVED that ANC-2A supports JBG/JER's request for the aforementioned variances and exception, and

BE IT FURTHER RESOLVED that ANC-2A does not intend by its support for a variance of the commercial FAR for this project that a precedent be established for allowing more commercial FAR than that permitted by law for a C-2-C site.

DATE: March 21, 2001

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 ELLIOTT				✓		
02 PRICE	✓				✓	
03 TYLER	✓					
04 PATTERSON	✓					✓
05 MILLER	✓					
06 MAROOTIAN	✓					

James E. Patterson

~~CHAIRPERSON~~/SECRETARY

6

OUTLINE OF TESTIMONY
JBG/JER 2440 M STREET, LLC

I. Introduction

A. Description of JBG/JER 2440 M Street, LLC

B. History and Experience of JBG in Development of Washington

II. Background and Description of Project

A. The Constricted Housing Market

B. Fulfillment of Comprehensive Plan Housing Objectives

C. Description of Residential Component at 2440 M Street

III. Special Exception and Variance Relief

A. Relief Necessary to Provide High Quality Residential Development

B. Brief Description of Relief Requested

1. Special Exception Relief

a. Roof Structure Setback Requirement

2. Variance Relief

a. Recreational Space Requirement
b. Rear Yard Requirement
c. Commercial FAR Requirement

3. Architects to Provide Detailed Description

IV. Meetings with Community and Government Officials

A. Support from Advisory Neighborhood Commission 2A

B. Consultation with the Office of Planning

C. Meetings and Discussions with Tenants

V. Conclusion

EXHIBIT G



OUTLINE OF TESTIMONY
WEIHE DESIGN GROUP, PROJECT ARCHITECTS

I. Introduction

A. Description of Weihe Design Group

B. History and Experience in Washington

II. Description of Project

A. General Description

1. Description of Area
2. Description of Building Design
3. Compatibility with Surrounding Area
4. Number and Types of Units
5. Amount of Parking Spaces

B. Unusual and Exceptional Conditions Affecting Site

1. Existing Office and Parking Structure
2. Incorporation of New Structure above Existing Structure

III. Special Exception Relief Requested

A. Deviation from Roof Structure Setback Requirement
B. Standard for Special Exception Relief Met

IV. Variance Relief Requested

A. Deviation from the Required Residential Recreation Space
B. Deviation from Rear Yard Requirement
C. Deviation from Commercial FAR Requirement
D. Standard for Variance Relief Met

V. Conclusions

EXHIBIT H