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

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April 23, 2001

CHRISTINE MOSELEY SHIKER
202-457-7167
Internet Address:
cmshiker@hklaw.com

Mr. Michael D. Johnson
Zoning Administrator
2nd Floor
441 Fourth Street, N.E.
Washington, D.C. 20002

Re: FAR Variance
Square 25, Lot 20
2440 M Street, N.W.

Dear Mr. Johnson:

This letter is to confirm the following analysis regarding gross floor area devoted to commercial use for the above-referenced property that you discussed with Whayne Quin and George Dove in your meeting on April 19, 2001. The property is located at 2440 M Street, N.W., and constitutes Lot 20 in Square 25 (the "Property"). The Property is currently improved with an office building and parking structure. JBG/JER 2440 M, LLC, the owner of the Property (the "Developer"), intends to construct a residential component on top of the existing parking structure. The construction of the residential component includes the removal of the existing berm along 25th Street. The removal of the berm results in changes to the perimeter walls of Levels 1 and 2 and, therefore, changes to the area chargeable against the floor area ratio ("FAR"). Accordingly, the FAR must be recomputed.

According to the original plans for construction of the office building, the commercial structure was proposed to include 105,500 square feet of gross floor area devoted to commercial use. Included within that number is 6,132.64 square feet of gross floor area on Level 1 and 9,251.83 square feet of gross floor area on Level 2. Therefore, for Levels 1 and 2, a total of 15,384.47 square feet of gross floor area was charged to commercial FAR.

With the construction of the residential component, the floor spaced devoted to gross floor area and the amount charged to commercial use must be

BZA
Case No. 16687
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16687
EXHIBIT NO.36

recalculated in accordance with the perimeter wall method of calculation. Accordingly, the following analysis is used:

LEVEL 1:

On Level 1, the total perimeter is 858.0 feet. The perimeter where the ceiling height is less than four feet above grade is 563.33 feet, and the perimeter where the ceiling height is four feet or more above grade is 294.67 feet. Therefore, the percentage of the perimeter which is four feet or more above grade is 34.3%. Because Level 1 has approximately 45,412 square feet of gross floor area, 15,576.3 square feet of gross floor area is chargeable for FAR.

The chargeable FAR must be allocated between residential and commercial uses. The total floor area of residential use on Level 1 is 36,315.25 square feet, or 80% of Level 1. The total floor area of commercial use on Level 1 is 9,095.9 square feet, or 20% of Level 1. Therefore, the allocation of FAR is as follows: 12,461.04 square feet is charged to residential use (15,576.3 x 80%) and 3,115.26 square feet is charged to commercial use (15,576.3 x 20%). Accordingly, **3,115.26 square feet of gross floor area is charged to commercial use.**

LEVEL 2:

On the Level 2, the total perimeter is 858.0 feet. The perimeter where the ceiling height is less than four feet above grade is 426.17 feet, and the perimeter where the ceiling height is four feet or more above grade is 431.83 feet. Therefore, the percentage of the perimeter which is four feet or more above grade is 50.3%. Because Level 2 has approximately 42,891.5 square feet of gross floor area, 21,574.4 square feet of gross floor area is chargeable for FAR.

The chargeable FAR must be allocated between residential and commercial uses. The total floor area of residential use on Level 2 is 25,539.9 square feet, or 59.5% of Level 2. The total floor area of commercial use on Level 2 is 17,351.6 square feet, or 40.5% of Level 2. Therefore, the allocation of FAR is as follows: 12,836.8 square feet is charged to residential use (21,574.4 x 59.5%) and 8,737.6 square feet is charged to commercial use (21,574.4 x 40.5%). Accordingly, **8,737.6 square feet of gross floor area is charged to commercial use.**

According to these calculations, a total of 11,852.86 square feet of gross floor area on these two levels will now be charged to commercial FAR. This number is less than the 15,384.47 square feet that was originally charged to commercial FAR. The total gross floor area devoted to commercial use is now 101,968.39 square feet. Because this number is less than the existing gross floor area devoted to commercial use and also is less than the permitted 2.0 FAR, no FAR variance is needed for the construction of the residential component.

We would appreciate your confirming this analysis and that no variance is needed by signing a copy of this letter below. Thank you for your consideration and assistance. Should you have any questions, please do not hesitate to call us.

Sincerely,

Christine Shiker

Christine Moseley Shiker*
*Admitted in Texas only

Confirmed as to the analysis and
that no FAR variance is needed
as described above.

Michael D. Johnson
Zoning Administrator

April 23, 2001
Date