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June 5, 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

Re: BZA Case No. 16733
The Salvation Army
Variance Relief

Dear Board Members:

On behalf of CG Investments, Inc. and the Salvation Army, enclosed please find an original and ten copies of the prehearing statement in connection with the above-referenced application for variance relief. Eleven 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 Shiker

Christine Moseley Shiker*
*Admitted in Texas only

cc: George Dove, Weihe Design
Norman M. Glasgow, Jr., Esq.
Steven E. Sher, Director of Land Use and Zoning

BZA
Case No. 16733
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16733
EXHIBIT NO.26

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
THE SALVATION ARMY
525 & 575 Massachusetts Ave., N.W.

BZA APPLICATION NO. 16733
HEARING DATE: JUNE 19, 2001
ANC 2C

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of CG Investments, Inc. and the Salvation Army (collectively, the "Applicant") in support of the application to the Board of Zoning Adjustment for the following variance relief from the requirements of the Zoning Regulations pursuant to 11 DCMR § 3103.2: (i) a variance from the floor area ratio ("FAR") requirement of 1706.4(a); (ii) a variance from the residential recreation space requirement of Section 773.3; and (iii) a variance from the court requirement of Section 776.3. The relief is requested in order to permit the construction of a mixed use development containing a 155-suite hotel and a 200-unit apartment house located at Massachusetts Avenue, I Street, 5th Street, and 6th Street, N.W., (the "Subject Property") located in the DD/C-2-C District. The Zoning Commission has taken preliminary action in Case Number 00-30T to amend the Zoning Regulations which will result in two of the requested variances becoming unnecessary. However, due to the nature of timing within the financing and development markets, the Applicant is proceeding forward with these variances at

this time to take advantage of current conditions which may become more adverse to the project over time.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the variance relief requested herein pursuant to Section 3103 of the District of Columbia Municipal Regulations ("Zoning Regulations"). 11 DCMR §3103.

III.
BACKGROUND

A. Description of the Subject Property

The Subject Property is located at 525 and 575 Massachusetts Avenue, N.W, and consists of Lot 25 in the southern portion of Square 484. Square 484 is bounded by K Street to the north, 5th Street to the east, Massachusetts Avenue to the south, and 6th Street to the west. The Subject Property is currently improved with a surface parking lot. The Subject Property is located in the DD/C-2-C District.

B. Description of Surrounding Area

The area in which the Subject Property is located is on the northeastern edge of Downtown and includes many vacant properties currently used as parking lots and many underdeveloped parcels. As stated, the Subject Property is located north of Massachusetts Avenue and I Street, between 5th and 6th Streets. Across Massachusetts Avenue to the south is a triangular park known as Federal Reservation 72. Square 485 is on the southern side of this Federal Reservation and is improved with the Corinthian Baptist Church, the Gospel Mission Building, a parking lot and low rise residential buildings.

Along the eastern edge of the Subject Property is 5th Street. Immediately to the east of the Subject Property across 5th Street is Square 516. The adjacent portion of Square 516 is vacant, and a mixture of commercial and vacant low rise buildings are located in the northern portion of the square. Diagonally across 5th Street are two triangular parks known as Federal Reservations 73 and 74. To the southeast is Square 517, a portion of which is currently improved with a surface parking lot, with plans for the construction of a fourteen story apartment house. Additional uses within Square 517 include the Judiciary House apartment building, the Blinded Veteran's Association and the D.C. Lung Association. Also to the southeast is Square S516. This square is primarily developed with a commercial surface parking lot, but also contains the three story House of Ruth building, several two and three story, free-standing, vacant row structures, a small one story commercial building and a used car sales lot.

Immediately to the west across 6th Street is Square W484. This square includes a multi-story commercial office building which houses National Public Radio. The northern portion of Square 484 includes commercial uses also in low rise row buildings. Parking lot uses can be found to the southwest of the Subject Property in Square 452, as well as across K Street to the north and northeast.

C. Project Description

The Applicant proposes to construct a mixed-use development within a single building, including a 155-suite hotel and a 200-unit apartment house (the "Project"). The hotel component faces 6th Street, while the residential component fronts on Massachusetts Avenue, with its eastern side along 5th Street. The

components are connected with a link at the first floor level. The residential component includes a three level, below-grade parking garage which will provide fifty parking spaces in accordance with the Zoning Regulations. The hotel component includes a two level, below-grade parking garage which will include ninety-five parking spaces in accordance with the Zoning Regulations. 11 DCMR §2101.1. An additional ninety-five parking spaces will be provided in vault space, of which approximately one-half will be allocated to the residential use and one-half will be allocated to the hotel use.

IV.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES FROM REQUIREMENTS FOR FAR, RESIDENTIAL RECREATIONAL SPACE, AND OPEN COURTS

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 zone plan as embodied in the Zoning Regulations and Map

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 development and the variances requested for the same meet all three prongs of this test.

B. Variance Relief under Section 1706

Section 1706.4 of the Zoning Regulations provides that any structure in the DD/C-2-C District is permitted a maximum FAR of 8.0, of which at least 4.5 FAR shall be used for residential use, provided on-site or provided off-site as part of a combined lot development. Subsection 1706.7 of the Zoning Regulations permits an additional 0.5 FAR, if devoted to residential use, for a total permitted FAR of 8.5. The Project includes a total of approximately 307,100 square feet of gross floor area, or 10.04 FAR. In accordance with the Zoning Regulations, approximately 107,100 square feet are devoted to non-residential use, or 3.5 FAR. Approximately 200,000 square feet of the Project is devoted to residential use, or 6.54 FAR, which is in excess of that currently permitted. Accordingly, the Applicant requests an area variance of 1.54 FAR.

1. The Property is Affected by an Exceptional Situation or Condition

The Subject Property has several unique conditions which give rise to an exceptional situation. First, the Subject Property is located in the easternmost section of the Downtown Development District, north of Massachusetts Avenue, which is an area in which residential development is strongly encouraged, yet still remains an economic gamble due to the current conditions in the area, including numerous vacant buildings and many parking lots. If the goal of a living downtown is to be accomplished by private, unsubsidized development, a critical mass of

housing is needed to give private interests the incentive to invest in such an endeavor. If the desire of the District is to get the private market to respond to such opportunities, this critical mass of housing must exist. It is therefore important to provide a significant number of residential units in this Project to begin to achieve economic viability for the Project and to achieve the critical mass of housing in the area. Similarly, at this location north of Massachusetts Avenue and near the new convention center, the hotel is a necessary component for the economic feasibility of the Project. Therefore, the Applicant faces a practical difficulty in achieving the required mass for viability of the Project as well as for the area without receiving the FAR variance.

Furthermore, to support the District's objective of housing in the Downtown Development District, the Zoning Commission has taken preliminary action to remove the residential use FAR limitation in the Downtown Development District, as mentioned previously. The imposition of these Zoning Regulations also creates an exceptional condition.

Finally, the unique shape of the Subject Property has an impact on the configuration of the residential component such that the additional residential FAR is necessary to allow the developer to produce the number of units needed to make the Project economically viable. Specifically, Massachusetts Avenue cuts diagonally through the front portion of the Subject Property, a public alley creates an uneven rear property line, and alley easements affect the layout of the site. Therefore, the configuration of the hotel and residential components are affected, creating an exceptional condition.

2. A Strict Application of the Zoning Regulations Would Impose a Peculiar and Exceptional Practical Difficulty on the Applicant

This specific area of the Downtown Development District, included in Housing Priority Area A (11 DCMR 1706.8(a)), is particularly in need of a critical mass of housing. The Subject Property, as well as significant areas in surrounding squares, have remained vacant despite housing incentives created by the establishment of the Downtown Development District. The Subject Property and many surrounding squares continue as parking lots, and many, including the Subject Property, have experienced expired or long-pending PUDs for mixed-use developments. Significant residential development in this area has not yet been undertaken. A strict application of the Zoning Regulations will reduce the possibility of creating a critical mass of housing needed to make the Project viable on the Subject Property. Therefore, the threatened viability of a residential project in this part of the Downtown and the shape of the Subject Property have created an exceptional practical difficulty for the Applicant, requiring greater density which this FAR variance will provide. Lastly, in an area where the Zoning Commission and Office of Planning have publicly stated that the residential FAR limitations can be removed creates another practical difficulty to hold the Applicant to such a standard in a volatile market.

3. Relief Can Be Granted Without Substantial Detriment to the Public and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as Embodied in the Zoning Regulations and Map

An FAR variance of 1.54 for residential use, and consistent with recent action of the Zoning Commission, can be granted without substantial detriment to the

public and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. While the residential FAR would be increased to 6.54, increasing the total FAR to 10.04, the non-residential FAR would be 3.5, which is in accordance with the Zoning Regulations. In addition, the lot occupancy will be within the maximum permitted percentage of eighty percent, and the height of the structure will be in accordance with the Zoning Regulations and the Height Act of 1910. The external structure of the Project will not be affected by the increased residential FAR, thereby having no adverse impact on the surrounding area. In fact, the addition of these apartment units will have a significant positive effect on the area and on producing the critical mass of housing desired in the Downtown area, as embodied in the Zoning Regulations and in the Comprehensive Plan.

Furthermore, as referenced above, the Zoning Commission recently issued a Notice of Proposed Rulemaking which would make this variance request unnecessary. The Zoning Commission has initially approved text amendments which remove maximum FAR limitations for any building that is devoted to residential use, provided that the building complies with the height limitations and the lot occupancy and yard requirements. Under this amendment, residential use would have no limit on its FAR. A copy of the Notice of Proposed Rulemaking dated May 11, 2001, is attached hereto as Exhibit F. If the amendments are adopted, the residential portion of the Project would be in compliance with the provisions of Section 1706.

C. Variance from the Residential Recreational Space Requirement

Section 773.3 of the Zoning Regulations requires that residential development in the DD/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 200,000 square feet of residential gross floor area proposed, the Project must include 30,000 square feet of residential recreation space (or 15%). The total amount of recreation space proposed is 10,000 square feet (or 5%). Because the residential recreation space requirement of fifteen percent cannot be met on the Subject Property, the Applicant requests a variance from the residential recreation space requirement of Section 773.3. As is the case of the FAR limitation, the Zoning Commission has also taken proposed action to reduce the residential recreation space requirements to five percent in Zoning Case Number 00-30T. The Project is in accordance with these proposed regulations.

1. The Subject Property is Affected by an Exceptional Situation or Condition

The Subject Property is affected by exceptional conditions involving its location, size, and shape. The Subject Property is situated in a square that is among a number of squares designated by the Zoning Commission to be included in the Downtown Development District. Further, of those designated squares, the Subject Property is located in an exceptionally appropriate location for high-density residential.

In addition, the Subject Property is an unusually shaped property. Due to its unique shape and the resulting configuration of the residential component, it is

practically difficult to include any additional residential recreation space than that included. Although the size of the lot is 30,600 square feet, only a portion of the lot is devoted to residential use. As a result, the required recreation space of 30,000 square feet is greater than the portion of the lot on which the residential component sits.

2. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

The Applicant proposes to devote approximately 10,000 square feet of gross floor area and exterior open space to residential recreation space. As proposed, the residential recreation space is provided in numerous ways: Outdoor Entrance Court (approximately 3,905 square feet), Outdoor Rear Garden Plaza (approximately 3,687 square feet)[1], Club/Party Room (approximately 2,500 square feet), Fitness Center (approximately 1,000 square feet), Business Center (approximately 750 square feet) and Lounge/Sitting Area (approximately 750 square feet). The Applicant has no other opportunities to incorporate additional residential recreation space. The square footage on the ground-level is limited based on the relatively compact area devoted to residential use and the importance of incorporating the hotel as a basis for the economic viability of the Project. Furthermore, a significant amount of space within the building has been devoted to residential recreation space. Finally, residential recreation space cannot be provided on the roof as a result of the width of the apartment house and the mechanical penthouse. The

[1] The portions of the Rear Court that are within the alley easement and the loading area have not been included in the calculation of the residential recreation space requirement. Accordingly, the total outdoor square footage allocated to residential recreation space is approximately 5,000 square feet.

Applicant, however, will comply with the fifty percent outdoor requirement, with approximately 5,000 square feet of its residential recreation space outdoors.

Alternatively, the size of the building could be reduced or several units could be converted to recreation space. Both of these options, however, would reduce the number of dwelling units in the Project and the Downtown core, thereby compromising both the viability of the Project and the housing objectives of the Downtown Development District. Accordingly, the strict application of Section 773.3 would result in a peculiar and exceptional practical difficulty for the Applicant.

Lastly, as discussed above, the Zoning Commission and Office of Planning have publicly recognized the inherent difficulties in meeting the residential recreational objectives in the Downtown Development District and have proposed that the residential recreation space requirement be reduced to five percent, which is what is provided in the proposed Project.

3. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan, as embodied in the Zoning Regulations and Map

Variance relief from the residential recreation space requirement of Section 773.3 can be granted without substantial detriment either to the public good or the Zoning Regulations. As proposed, the Project provides a significant amount of residential recreation space through a variety of very practical and distinct forms, as described above, and provides ample recreation opportunities for residents. In addition to the recreation space provided on site, the Subject Property is close to several public open spaces along the public right-of-way along Massachusetts Avenue as well as numerous green spaces in the adjacent Federal Reservations.

When these areas are considered along with the Subject Property's recreation space, the recreation space available to residents will be more than sufficient.

Furthermore, the goal of the Downtown Development District is the creation of a lively downtown with active pedestrian use. The Downtown area has many recreational and entertainment activities unassociated with residential buildings that are available to residents and that may be used by the residents.

Finally, as mentioned above, the Zoning Commission recently issued a Notice of Proposed Rulemaking which affects the regulations for the Downtown Development District, a copy of which is attached hereto as Exhibit F. In these text amendments, the residential recreation space requirement will be reduced from fifteen to five percent in the DD/C-2-C District when the bonus density permitted under 1706.7 is devoted solely to residential use. The Project proposes residential recreation space of at least five percent of the residential gross floor area. Accordingly, if the amendments are adopted, the Project as proposed would be in full compliance with the Zoning Regulations and no variance relief would be required.

D. Variance from the Open Court Area Requirements

Section 776.3 of the Zoning Regulations states that for any court which is provided for a building, or portion of a building, devoted to residential uses, at any elevation in the court, the width of the court shall be a minimum of four inches per foot of height, measured from the lowest level of the court to that elevation, but at least a minimum of fifteen feet. In the case of a non-rectangular court, the width of the court is the diameter of the largest circle that may be inscribed in a horizontal

plane within the court. 11 DCMR §199.1. Based on this width requirement, the width of each open court in the Project must be no less than 42.9 feet. The Entrance Court exceeds this requirement. However, due to the location of a public alley, the width of the Rear Garden Court ("Rear Court") is only 33.375 feet. Therefore, the Applicant seeks a variance of approximately 9.525 feet from the court width requirement.

1. The Property is Affected by an Exceptional Situation or Condition

The Subject Property has a unique shape and setting which gives rise to an exceptional condition. Specifically, the rear property line is uneven, which impacts the configuration of the Project. In addition, a public alley intersects the rear property line perpendicularly and cuts into the Rear Court. The intersection of the public alley is the sole cause for the reduced width of the Rear Court. Specifically, if this portion of the public alley that cuts into the Rear Court was included as part of the Rear Court for purposes of calculating the width in accordance with the above-referenced formula, a variance would not be needed. Accordingly, the existence of the public alley and the configuration of the structure on the lot constitute an exceptional condition.

2. A Strict Application of the Zoning Regulations Would Impose a Peculiar and Exceptional Practical Difficulty on the Applicant.

Due to the exceptional condition of the Subject Property, the strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant. If the Rear Court must comply with the court width requirement, the footprint of the residential component of the Project would

be reduced and the resulting configuration would be awkward and possibly unmarketable. Accordingly, a strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant.

3. Relief Can Be Granted Without Substantial Detriment to the Public and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan, as Embodied in the Zoning Regulations and Map

The variance will allow the Applicant to provide the most suitable and appropriate configuration for the residential building on this irregularly shaped site without compromising the purpose and intent of the Zoning Regulations or constituting a detriment to the public good. The Rear Court includes total open space (through both private and public space) that exceeds the minimum amount required for a court. Therefore, adequate light and ventilation will be provided for windows in the Project and for adjacent properties. Accordingly, a reduction in the required width of the Rear Court will not compromise the integrity of the Zoning Regulations.

V.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

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: Zoning Commission for the District of Columbia Notice of Proposed Rulemaking, Z.C. Case No. 00-30TA, May 11, 2001;

Exhibit G: Outline of Testimony of Representative of CG Investments, Inc.;

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

Exhibit I: Outline of Testimony of Steven E. Sher, Land Planner.

VI
WITNESSES

A. Representative of CG Investments, Inc.

B. Weihe Design Group, project architects.

C. Steven E. Sher, Land Planner.

VII
CONCLUSION

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

Respectfully submitted,

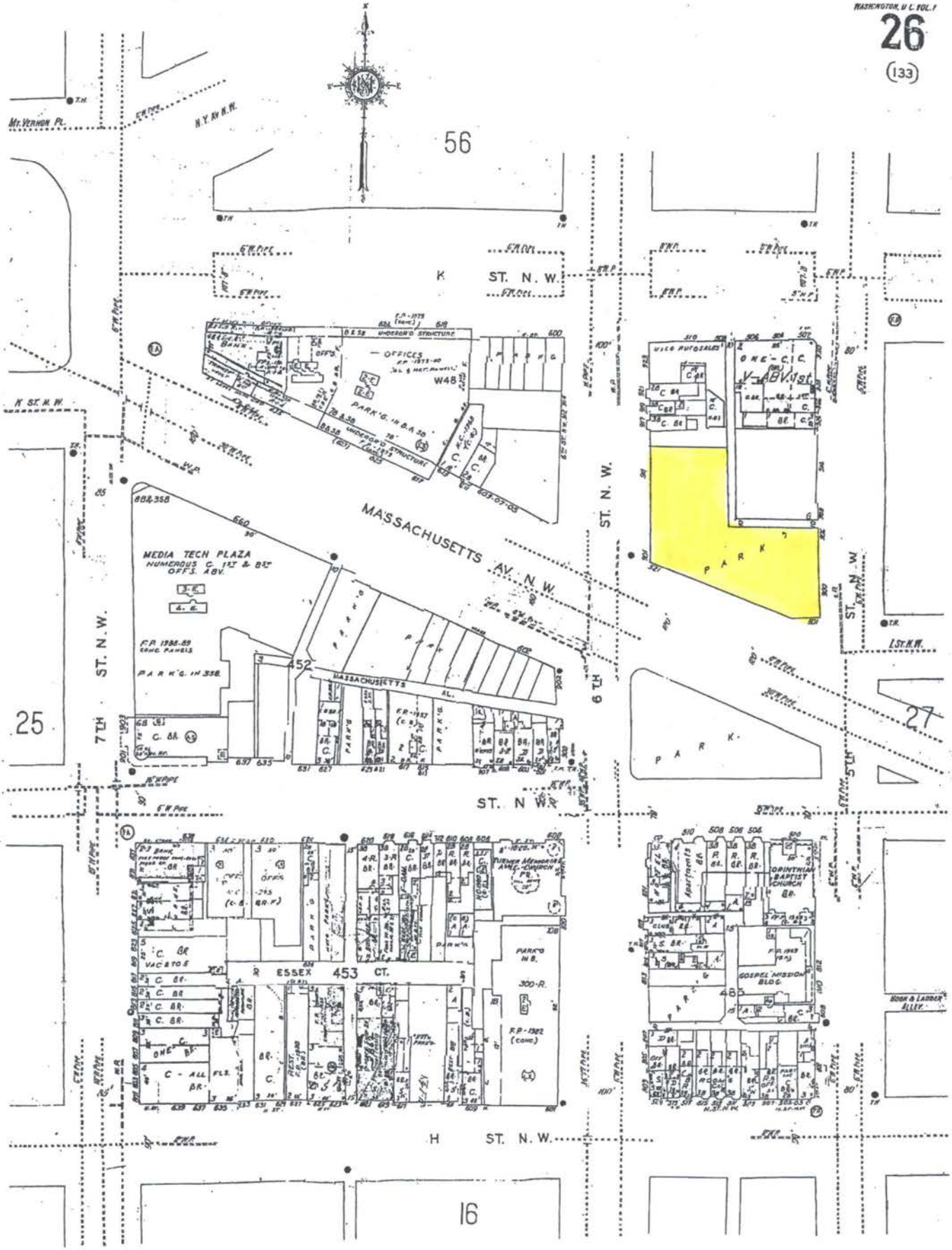
HOLLAND & KNIGHT, LLP

By: _____
Norman M. Glasgow, Jr.

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

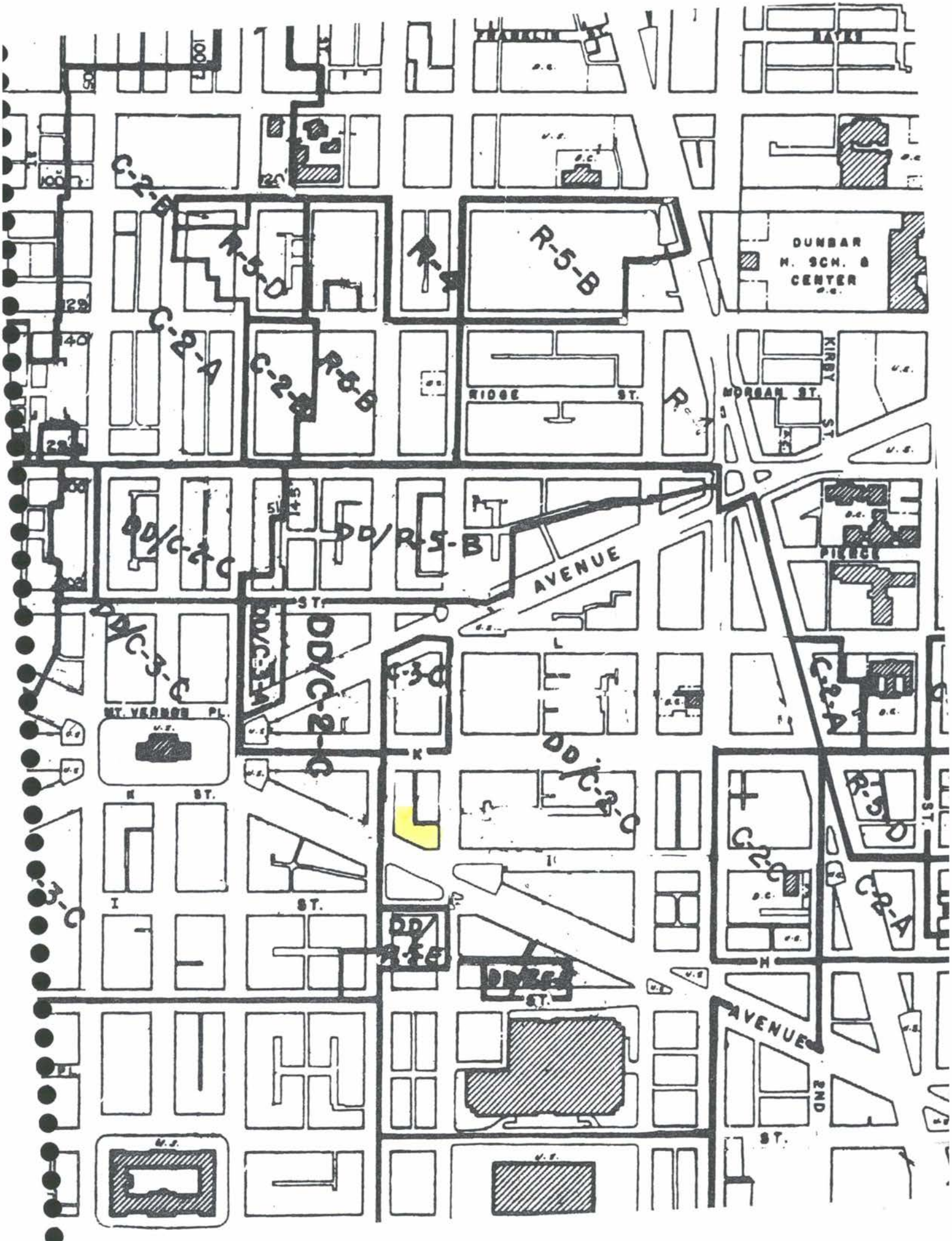
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Suite 100
Washington, D.C. 20006
(202) 955-3000





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R-5-D
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DUNBAR H. SCH. & CENTER
C-2-A
R-6-B
RIDGE ST.
R-5-A
MORGAN ST.
KIRBY ST.
40/C-4-C
50/R-5-B
PIERCE
AVENUE
50/C-3-C
MT. VERNON PL.
50/C-2-C
DD/C-3-C
DD/C-2-C
K ST.
I ST.
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R-3-D
2ND ST.
AVENUE
U.S.

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 10-25, 2000

Plat for Building Permit of SQ 484 LOT 25

Scale: 1 inch = 40 feet · Recorded in Book 192 Page 125

Receipt No. 1029

Furnished to: WILKES ARTIS

Surveyor, D.C.

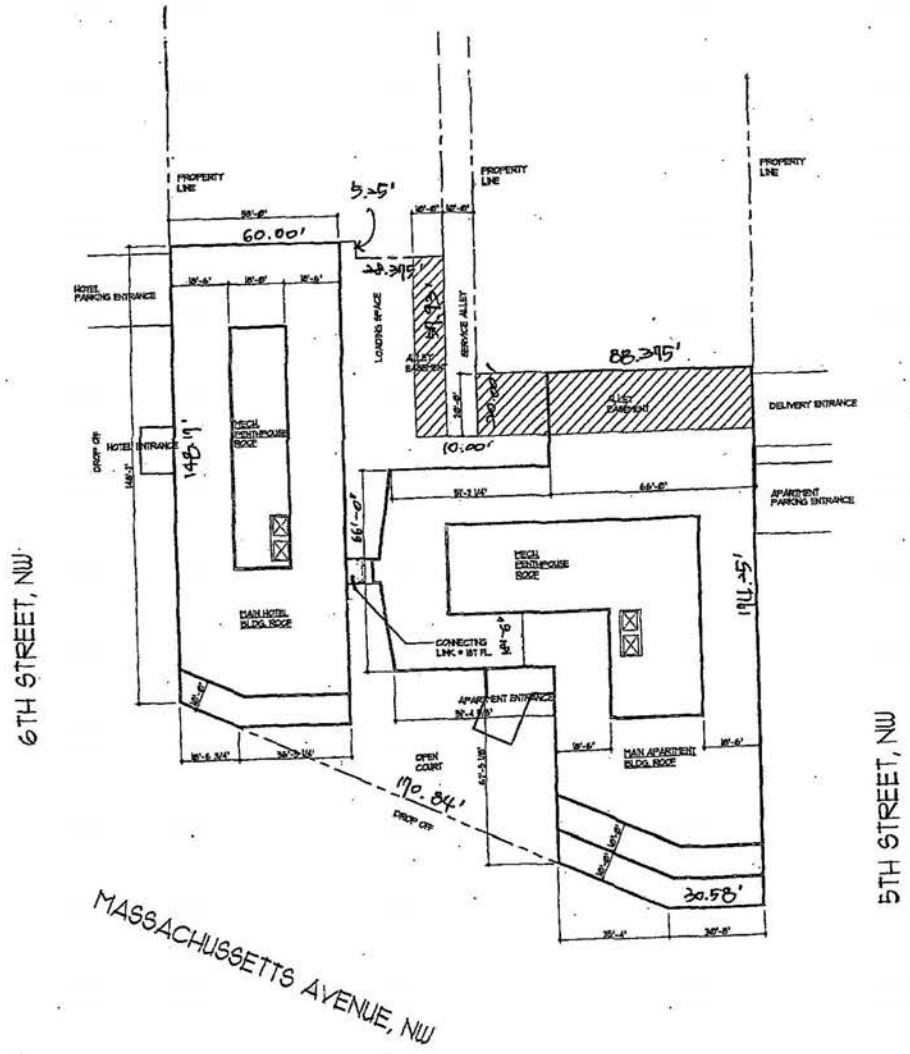
By: DA VM

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.)

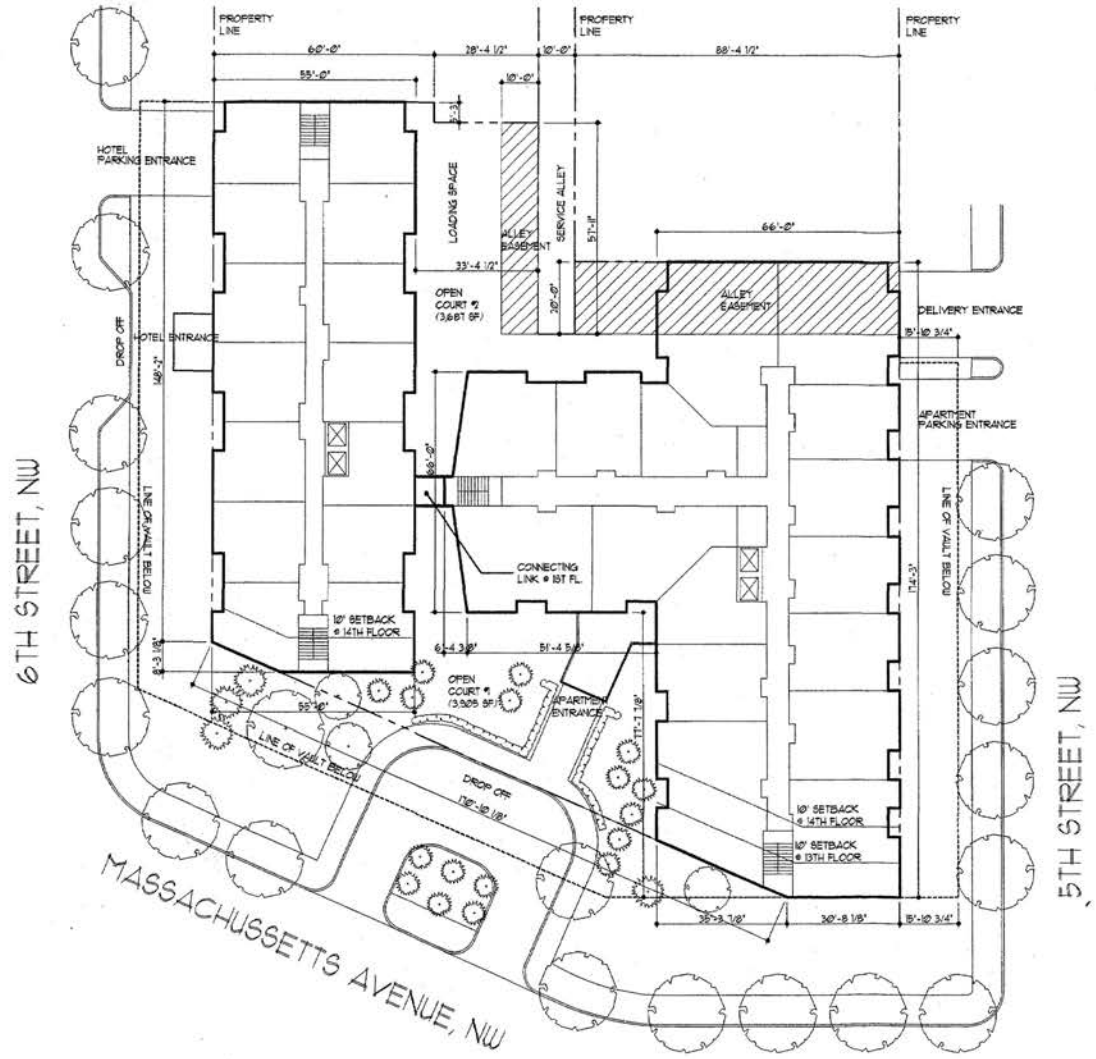
Date: _____

_____
(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.







Compilation for 525 and 575 Massachusetts Avenue, NW

Lot - 25
Square - 484
Zone - DD / C-2-C
Lot Area - 30,600 sf

Matter of Right FAR:
Residential: 8.5 x 30,600 sf = 260,100 sf
Non-residential: 5.00 x 30,600 sf = 153,000 sf
Total = 3.50 x 30,600 sf = 107,100 sf
260,100 sf

Proposed FAR:
Residential: 9.9359 x 30,600 sf = 307,100 sf
Non-residential: 6.54 x 30,600 sf = 200,000 sf
Total = 3.50 x 30,600 sf = 107,100 sf
307,100 sf

Proposed uses:

Hotel: 155 suites (107,100 sf)
Residential: 200 dwelling units (200,000 sf)

Building height allowed: 130' (based on Mass. Ave. width)
Building height provided:
Hotel: 122'-1" (13 stories)
Residential: 130'-0" (14 stories)

Side yard (none required)
Rear yard:
Required = 15'-0"
Provided = 15'-0" (from centerline of 5th Street)

Court required:
*1 : Width = 42.9'
Area = 3,681 sf
*2 : Width = 42.9'
Area = 3,681 sf

Court provided:
*1 : Width = 42.9'
Area = 3,905 sf
*2 : Width = 36.35'
Area = 3,681 sf

Parking required:
Hotel: 1 space for 2 sleeping rooms
(177 sleeping rooms in 155 suites x 5 = 89)
1space/150 sf largest function room
(Function room 900sf/150 = 6)
Subtotal = 95
Residential: 1 space for 4 dwelling units
(200 dwelling units / 4 = 50)

Total required =145

Parking provided:
Hotel: = 95
Residential = 50
Total = 145
* An additional 95 spaces are parked in vault spaces

Loading required:
Hotel:
1 - 30' deep
1 - service delivery 20' deep
Residential:
1 - 55' deep
1 - service delivery 20' deep

Loading provided: As required above

Residential recreation space:
Required: 200,000 sf x 15% = 30,000 sf
Provided: 200,000 sf x 5% = 10,000 sf
5,000 sf exterior
5,000 sf interior
Lot occupancy:
Required: 80% maximum
Provided: 80%

C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

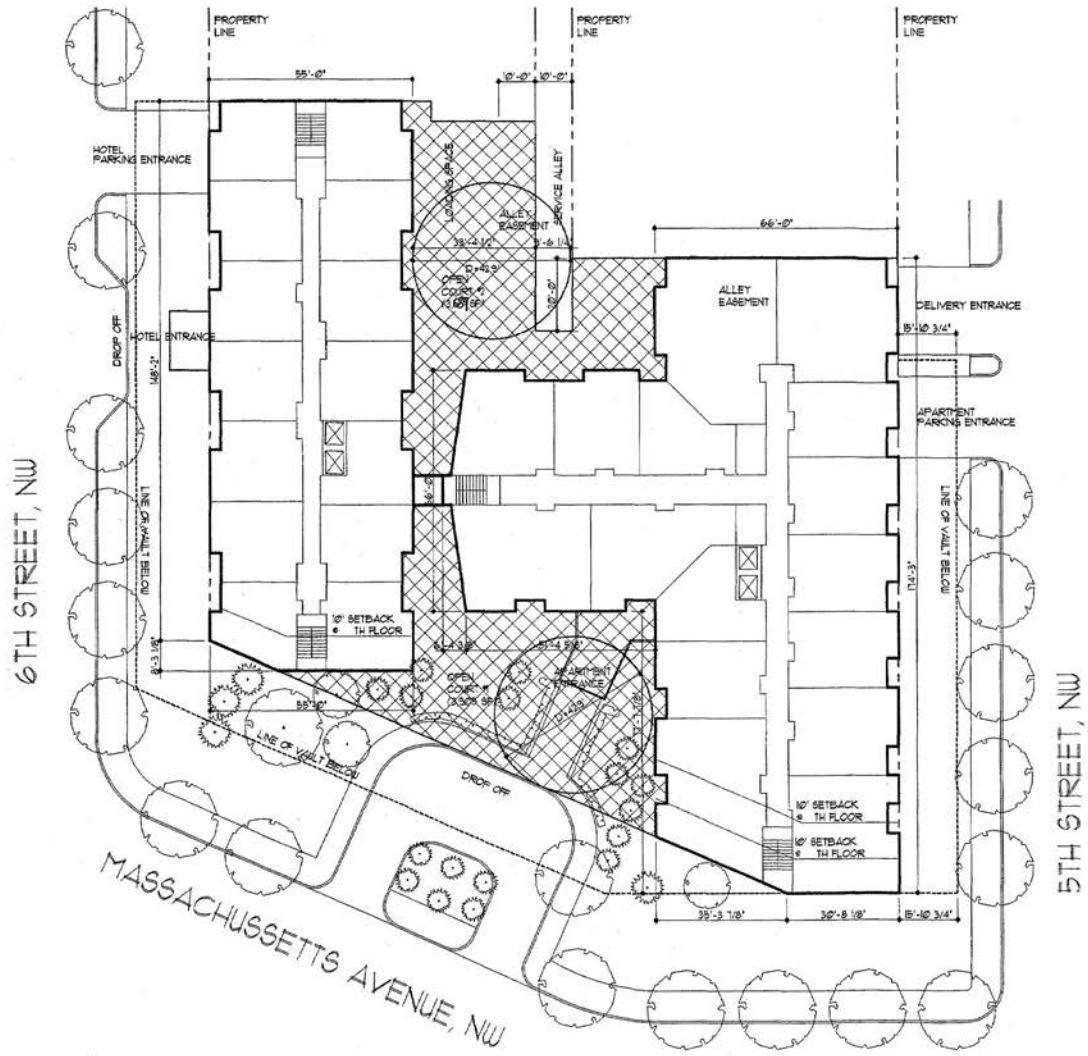
WASHINGTON, DC

SITE LAYOUT/ TYPICAL FLOOR

JUNE 06, 2001
WA01044
Scheme 1

A-1

WDG ARCHITECTURE PLANNING INTERIOR DESIGN



Compilation for 525 and 575 Massachusetts Avenue, NW

Lot - 29
Square - 484
Zone - DD / C-2-C
Lot Area - 30,600 sf

Matter of Right FAR:		
Residential:	5.00 x 30,600 sf =	153,000 sf
Non-residential:	3.50 x 30,600 sf =	107,100 sf
Total =		260,100 sf
Proposed FAR:		
Residential:	6.6594 x 30,600 sf =	307,100 sf
Non-residential:	6.54 x 30,600 sf =	200,000 sf
Total =	3.50 x 30,600 sf =	107,100 sf
		307,100 sf

Proposed uses:

Hotel: 155 suites (107,100 sf)
Residential: 200 dwelling units (200,000 sf)

Building height allowed: 130' (based on Mass. Ave. width)
Building height provided:
Hotel: 122'-1" (13 stories)
Residential: 130'-0" (14 stories)

Side yard (none required)
Rear yard:
Required = 15'-0"
Provided = 15'-0" (from centerline of 5th Street)

Court required:
#1 : Width = 42.9'
Area = 3,681 sf
#2 : Width = 42.9'
Area = 3,681 sf

Court provided:
#1 : Width = 42.8'
Area = 3,925 sf
#2 : Width = 36.35'
Area = 3,687 sf

Parking required:
Hotel: 1 space for 2 sleeping rooms
(177 sleeping rooms in 155 suites x 5 = 885 spaces/BD sf largest function room (Function room 5,904 sf/BD = 6)
Subtotal: = 95
Residential: 1 space for 4 dwelling units
(200 dwelling units / 4 = 50)
Total required = 145

Parking provided:
Hotel: = 95
Residential = 50
Total = 145
* An additional 95 spaces are parked in vault spaces

Loading required:
Hotel:
1 - 30' deep
1 - service delivery 20' deep
Residential:
1 - 55' deep
1 - service delivery 20' deep

Loading provided: As required above

Residential recreation space:
Required: 200,000 sf x 15% = 30,000 sf
Provided: 200,000 sf x 5% = 10,000 sf
5,000 sf exterior
5,000 sf interior
Lot occupancy:
Required: 80% maximum
Provided: 80%

C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

WASHINGTON, DC

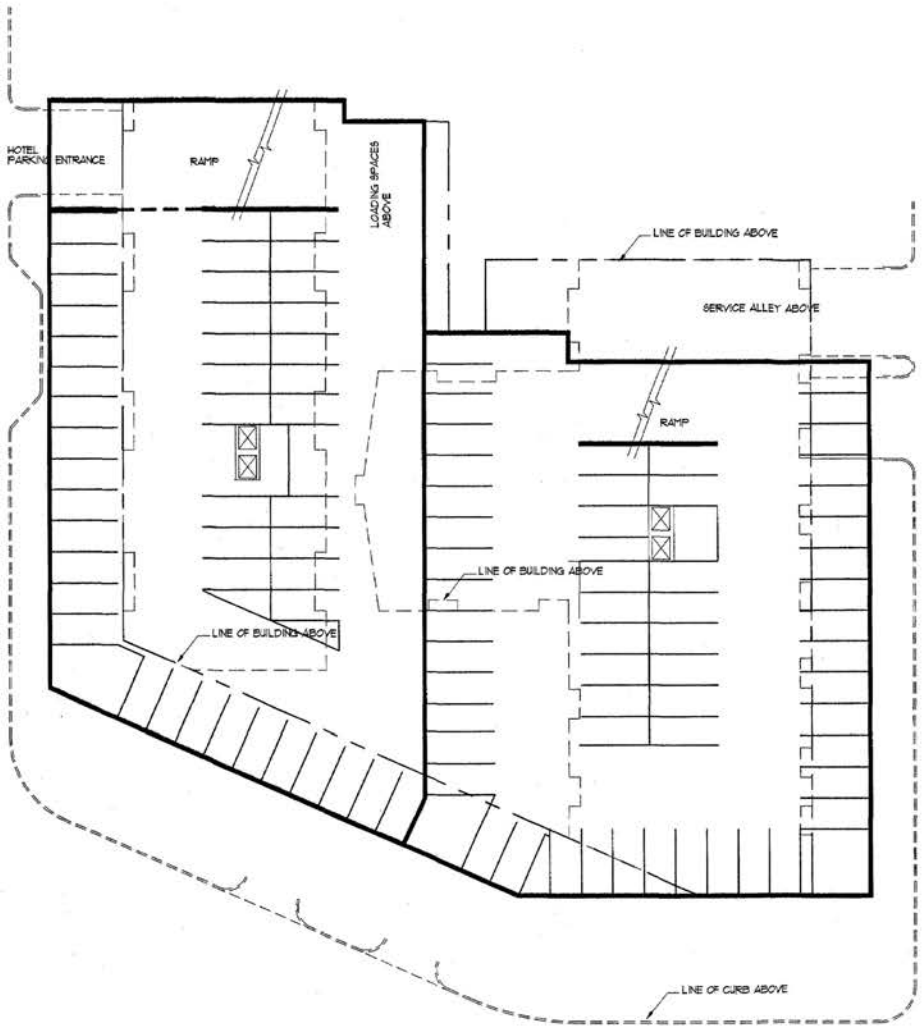
1"=16'

SITE LAYOUT/ TYPICAL FLOOR

June 04, 2001
WADIOM
Scheme 1

A-1

WDG ARCHITECTURE PLANNING INTERIOR DESIGN



C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

WASHINGTON, DC

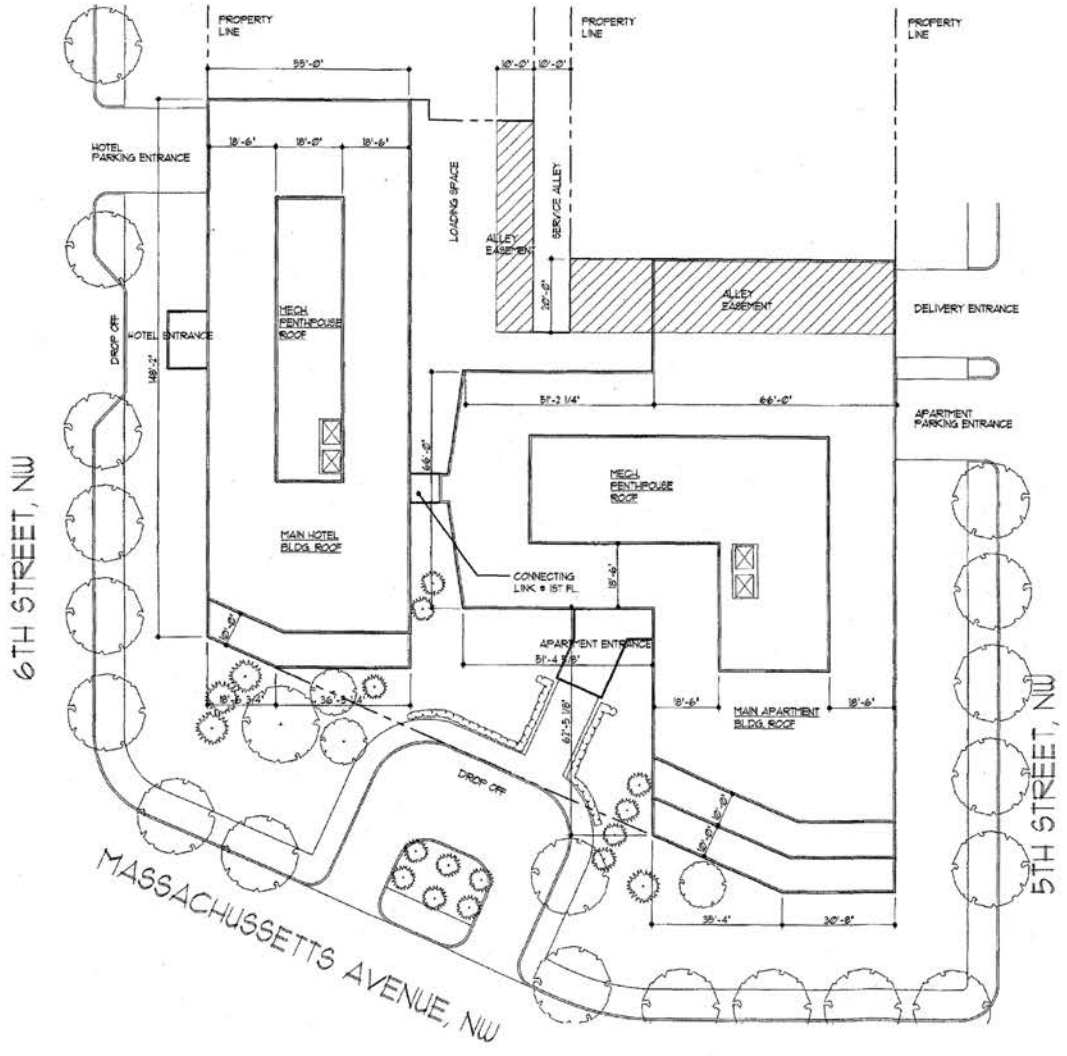
WDG ARCHITECTURE PLANNING INTERIOR DESIGN

1=16'

PARKING LEVEL LAYOUT

JUNE 04, 2001
WAS1044
Scheme 1

A-2



C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

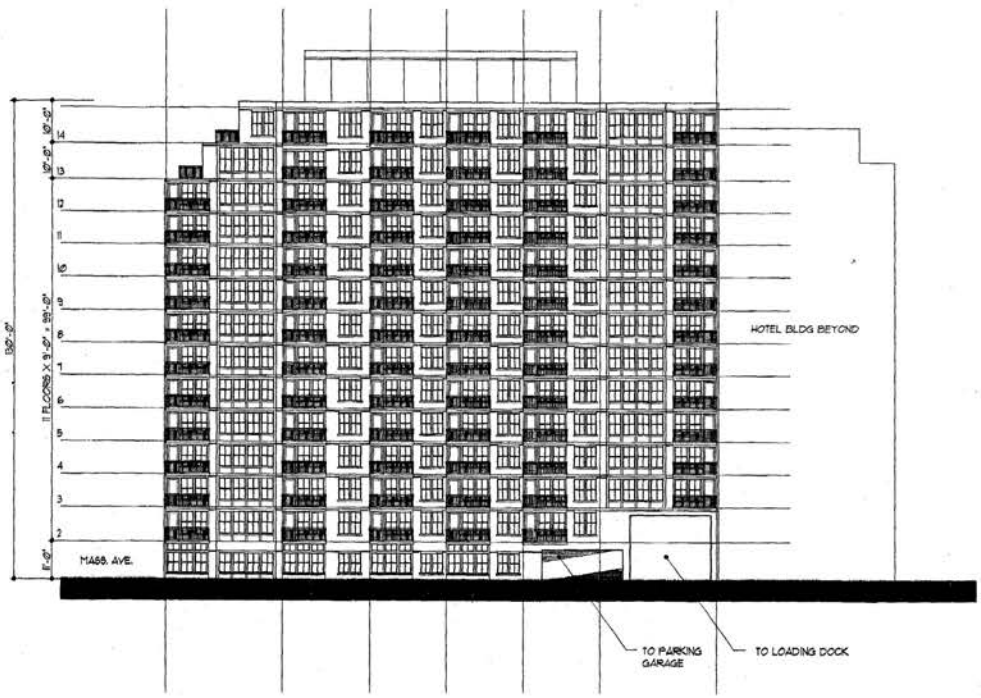
WASHINGTON, DC

ROOF/PENTHOUSE PLAN

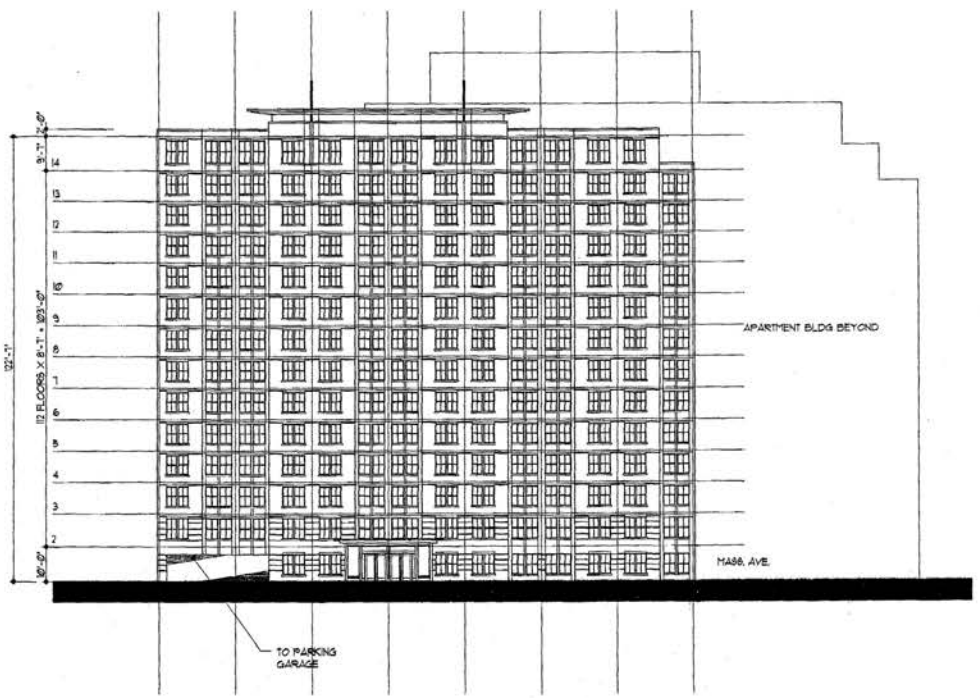
JUNE 04, 2001
WDG1044
Scheme 1

A-3

WDG ARCHITECTURE PLANNING INTERIOR DESIGN



EAST ELEVATION (5TH ST. ELEVATION)



WEST ELEVATION (6TH ST. ELEVATION)

C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

WASHINGTON, DC

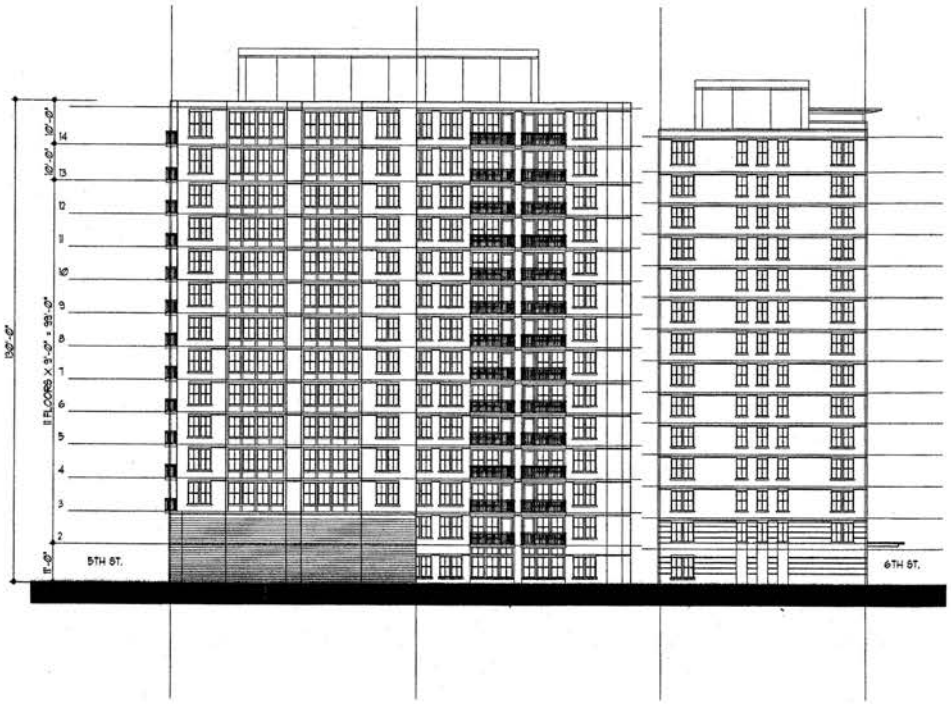
WDG ARCHITECTURE PLANNING INTERIOR DESIGN

1=16'

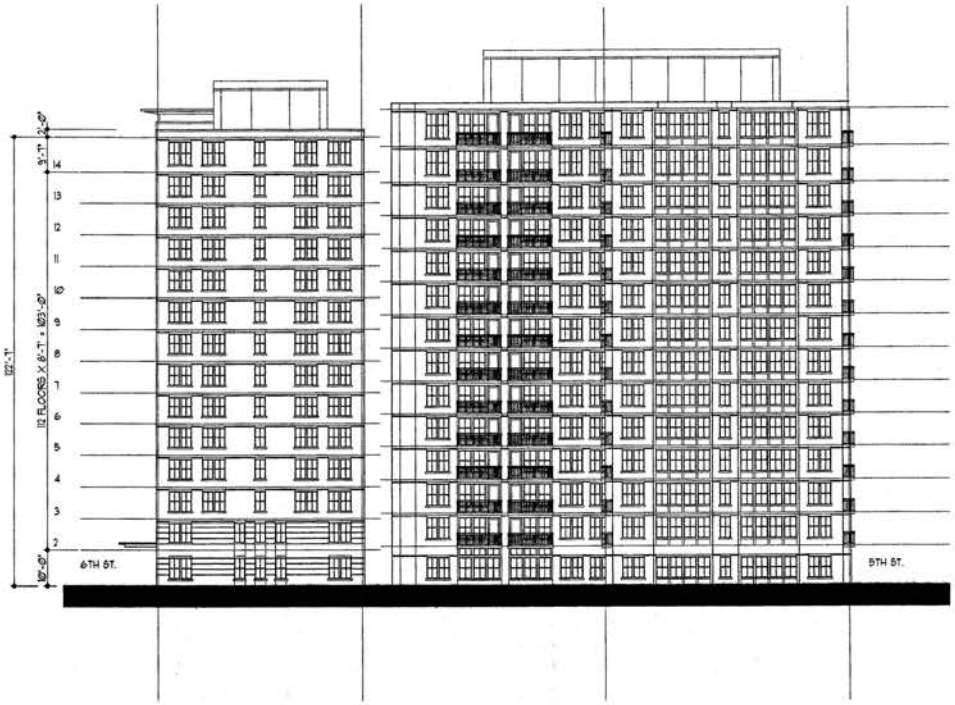
BUILDING ELEVATIONS

JUNE 04, 2001
WA01044
Schema 1

A-4



SOUTH ELEVATION (ALLEY ELEVATION)



NORTH ELEVATION (MASS. AVE. ELEVATION)

C G INVESTMENTS, INC.

525/575 MASSACHUSETTS AVENUE

WASHINGTON, DC

WDG ARCHITECTURE PLANNING INTERIOR DESIGN

BUILDING ELEVATIONS

JUNE 04, 2001
WA01044
Scheme 1

A-5

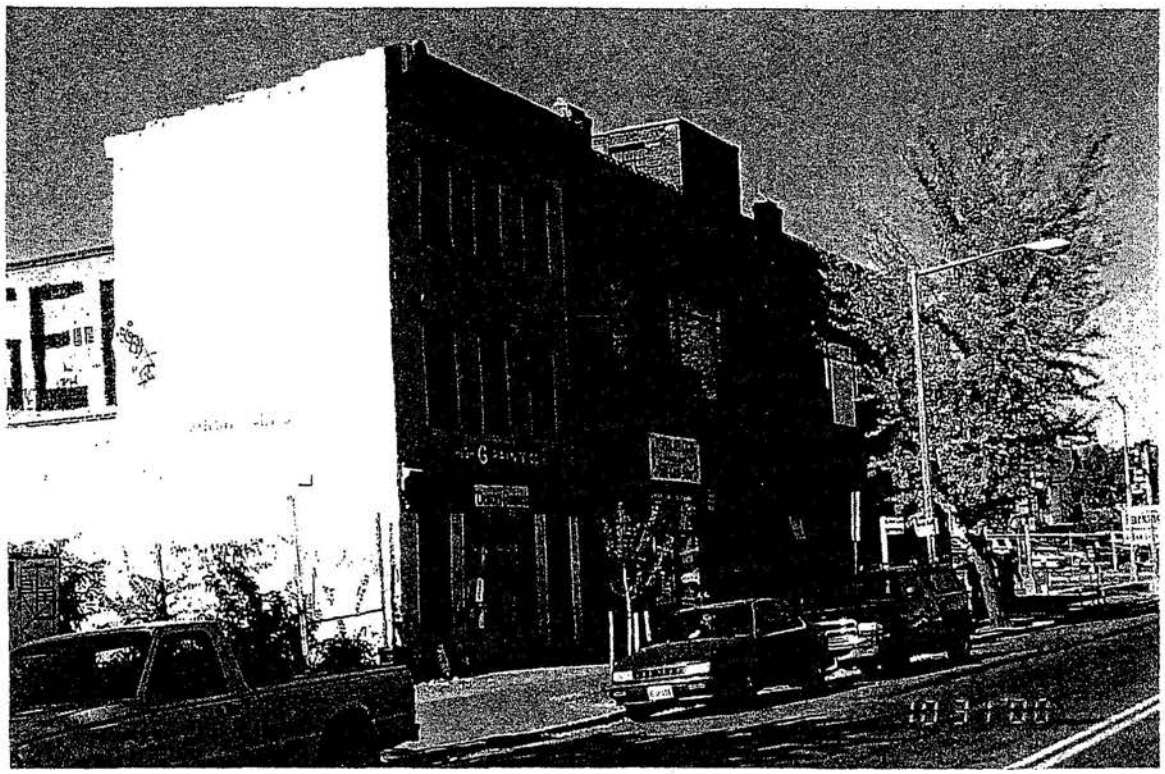




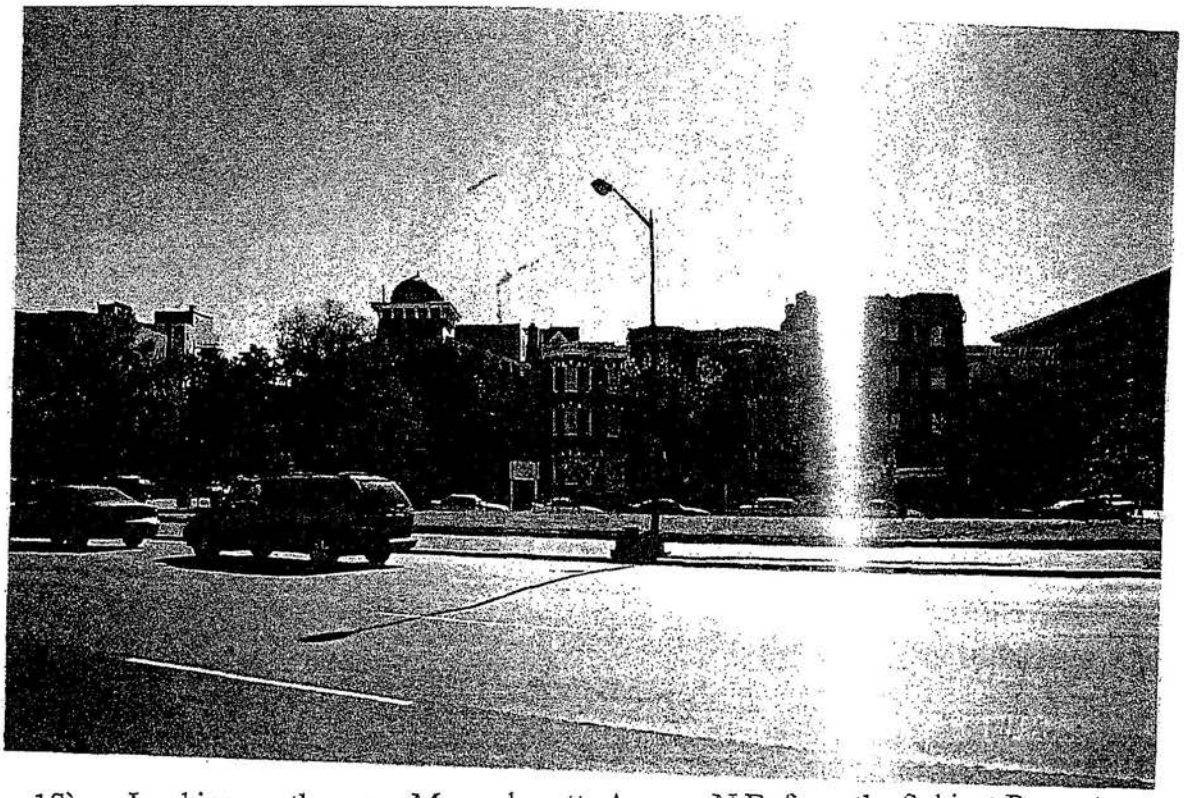
1) Subject Property looking north from the southwest corner of Massachusetts Avenue and 5th Streets, N.E.--surface parking lot.



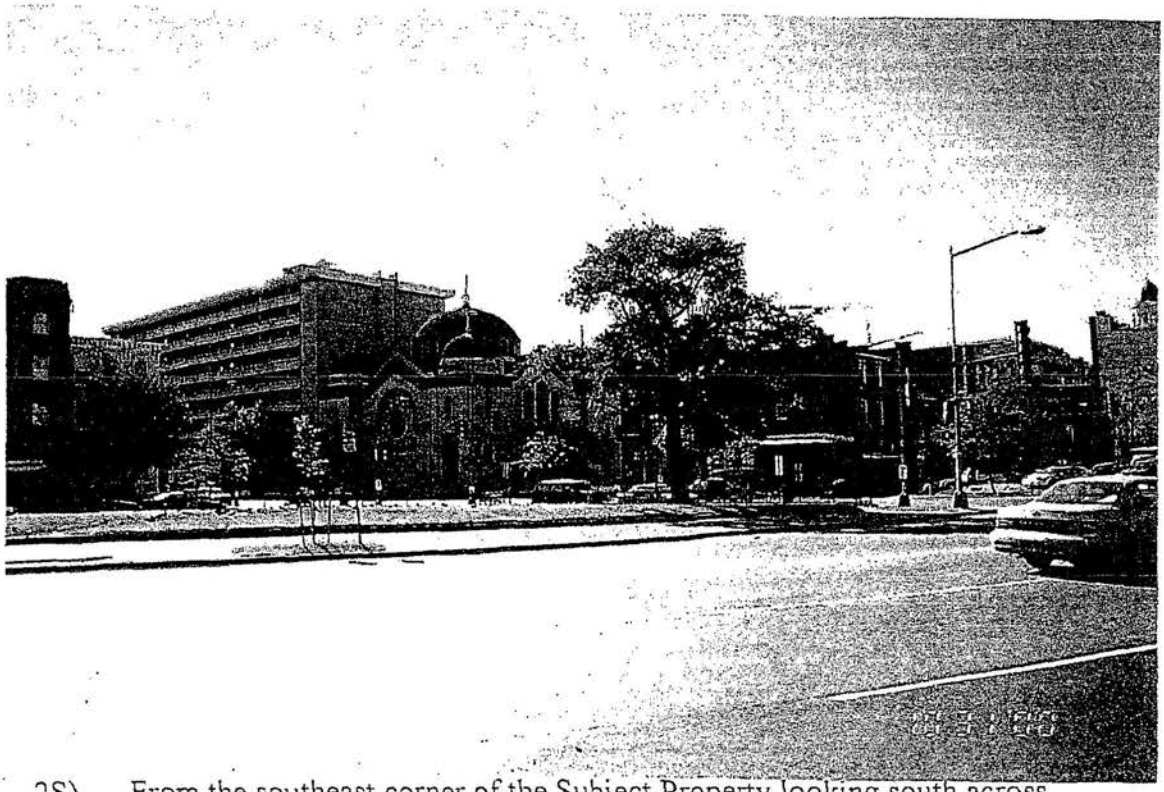
2) Subject Property looking west--surface parking lot.



3) Northeast corner of Square 484 immediately adjacent to Subject Property. Commercial uses include a paint store and a barbershop.



1S) Looking south across Massachusetts Avenue N.E. from the Subject Property across Federal Reservation 72 between 5th and 6th Street N.E. The Corinthian Baptist Church is on the left and the remainder of the block is three and four-story rowhouses and apartments.



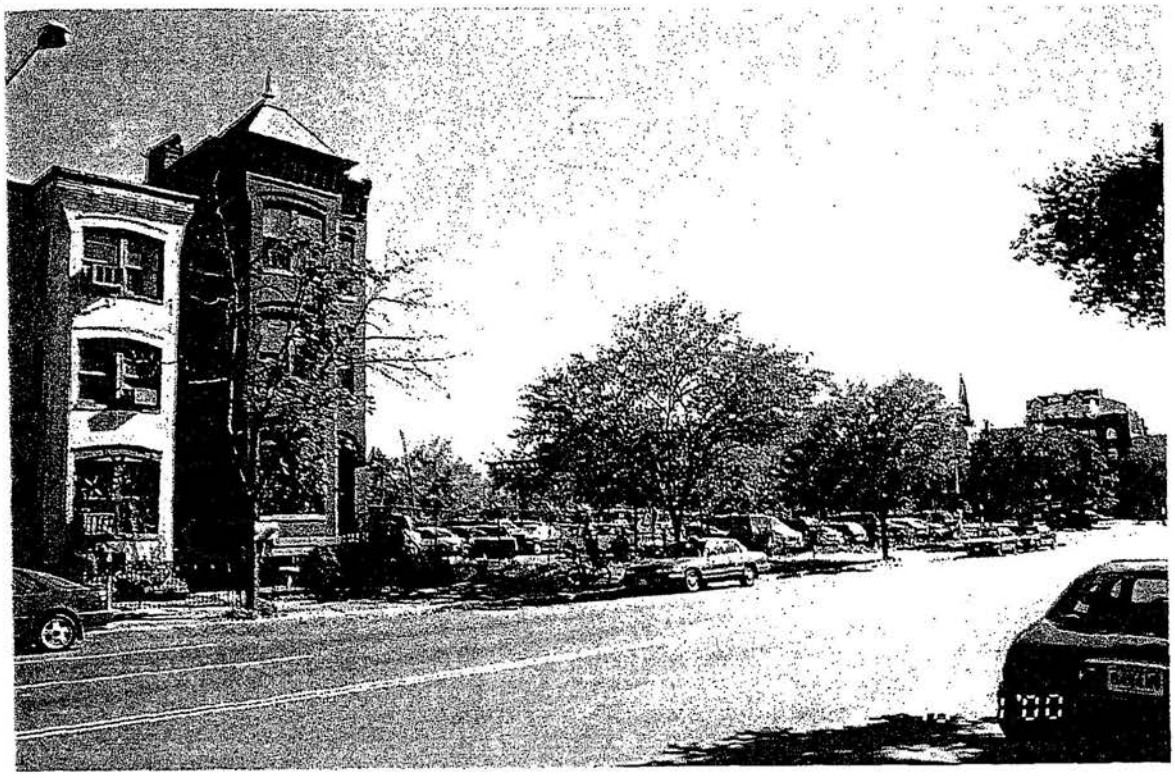
2S) From the southeast corner of the Subject Property looking south across Massachusetts Avenue, N.E.



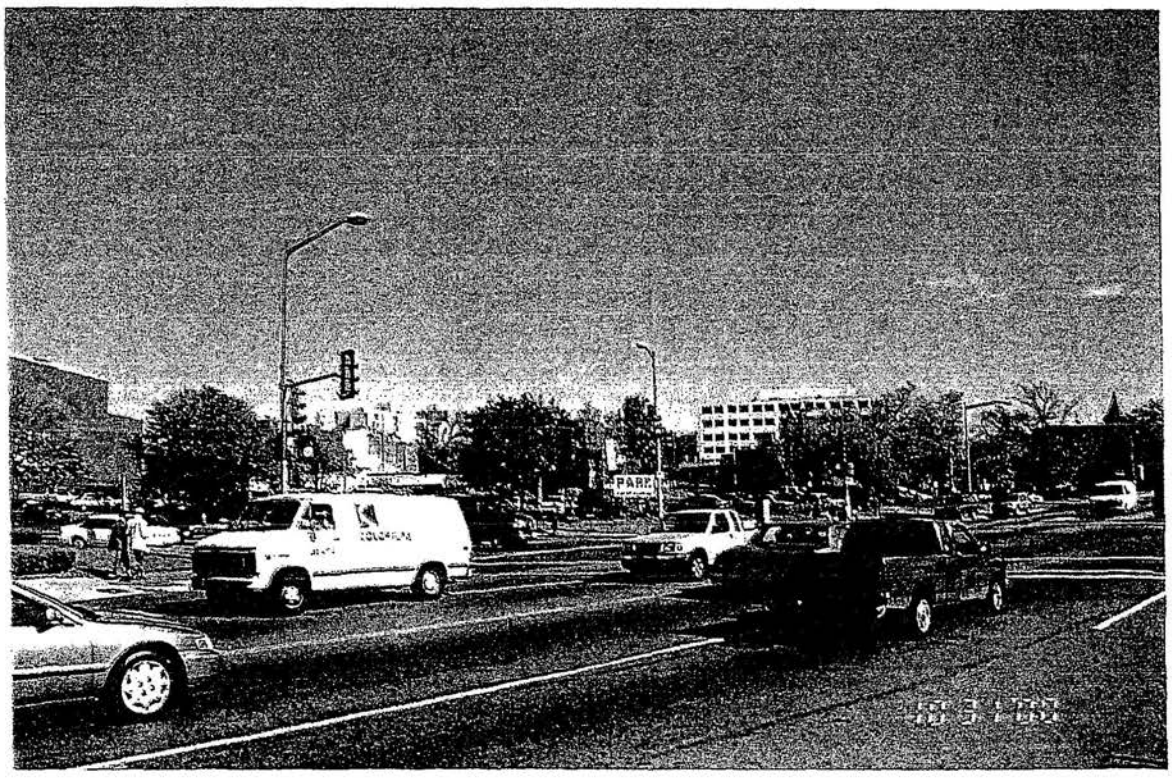
3S) From the southeast corner of the Subject Property, looking southeast across Massachusetts Avenue and 5th Street N.E. View of the back of the Judiciary House apartments.



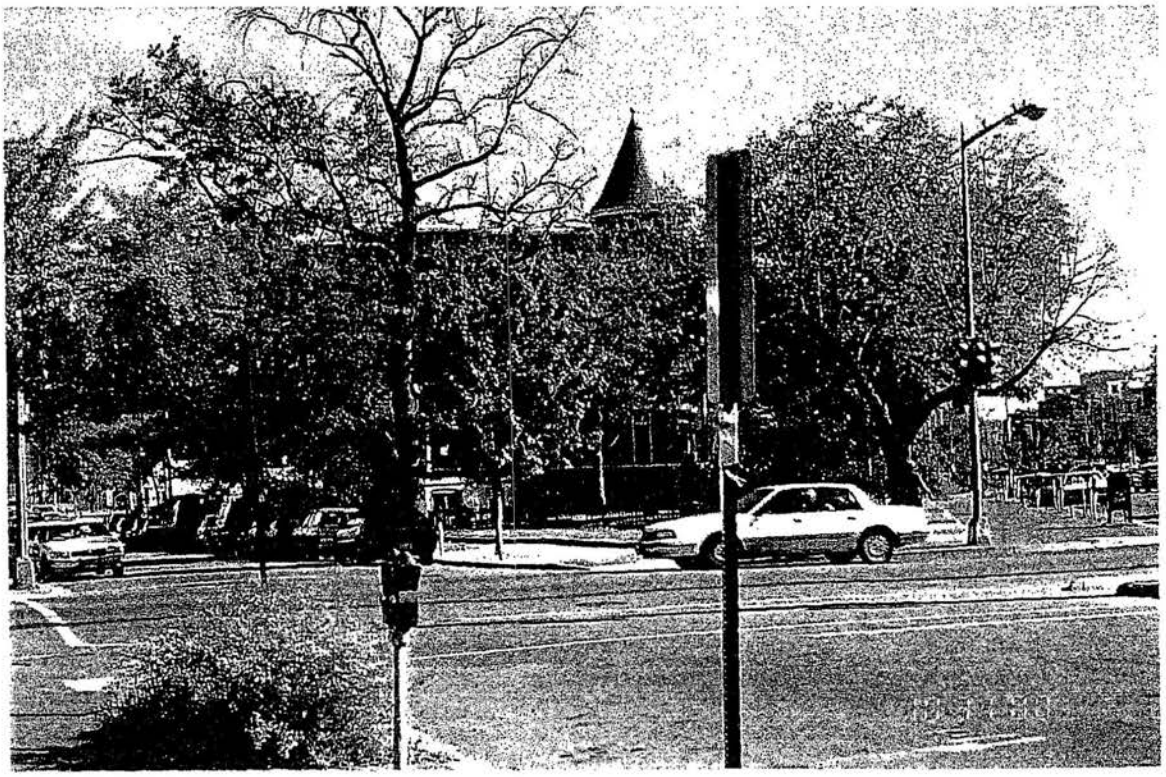
4S) The northern portion of Square 484 looking southeast from the northwest intersection of K Street and 6th Street, N.E. Commercial uses include paint store, used car lot, and real estate office.



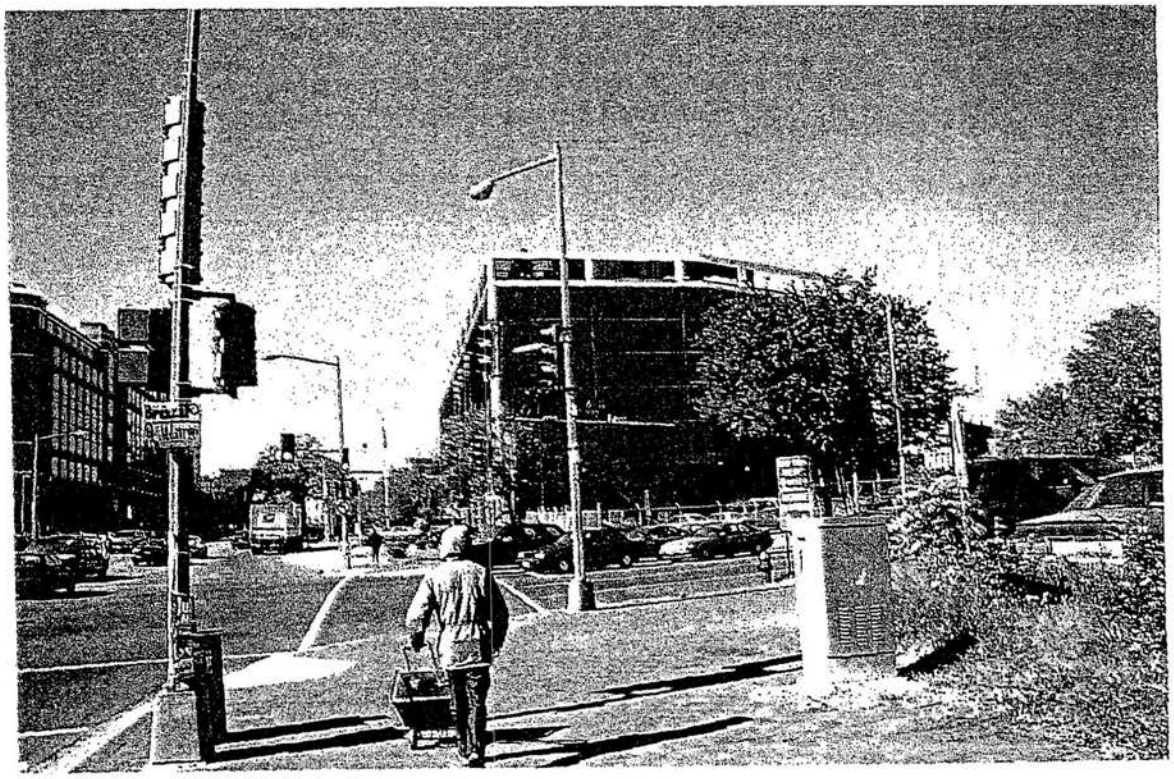
E1) Subject Property looking east from 6th Street, N.E.



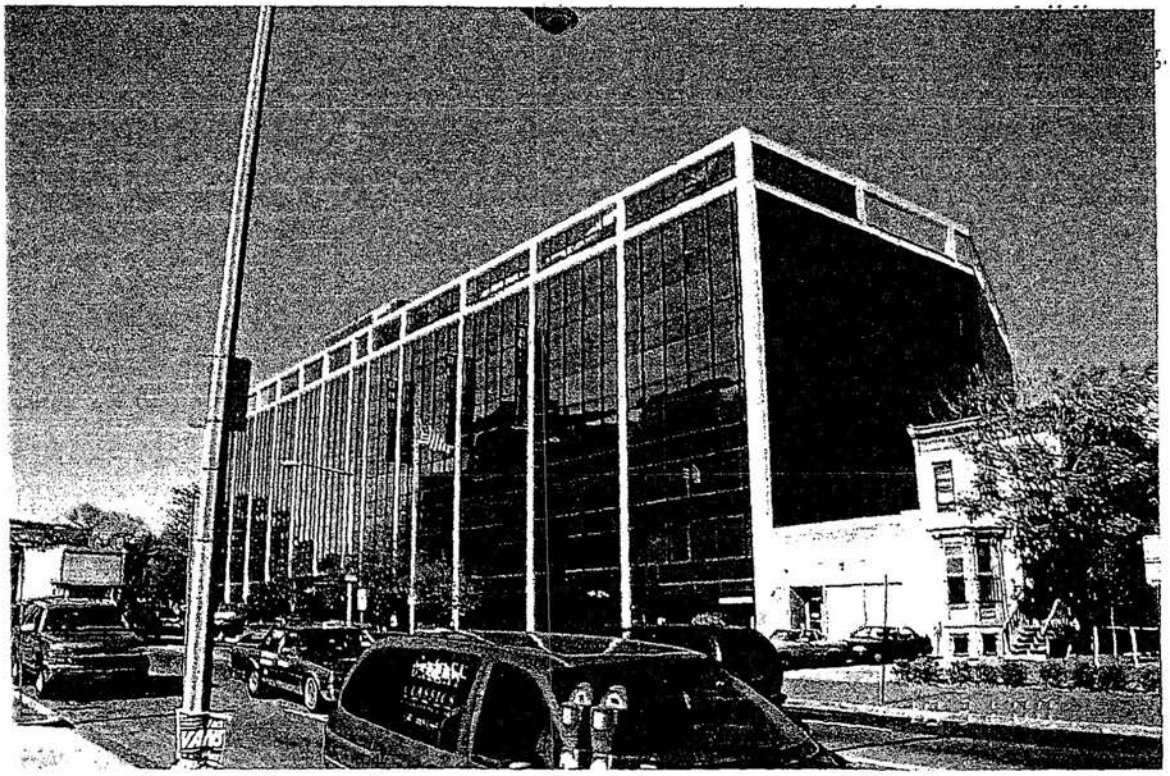
E2) Subject property looking across Massachusetts Avenue and 6th Street, N.E..



E3) Looking east down Eye Street, N.E. from the northwest intersection of 5th and Eye Streets, N.E.



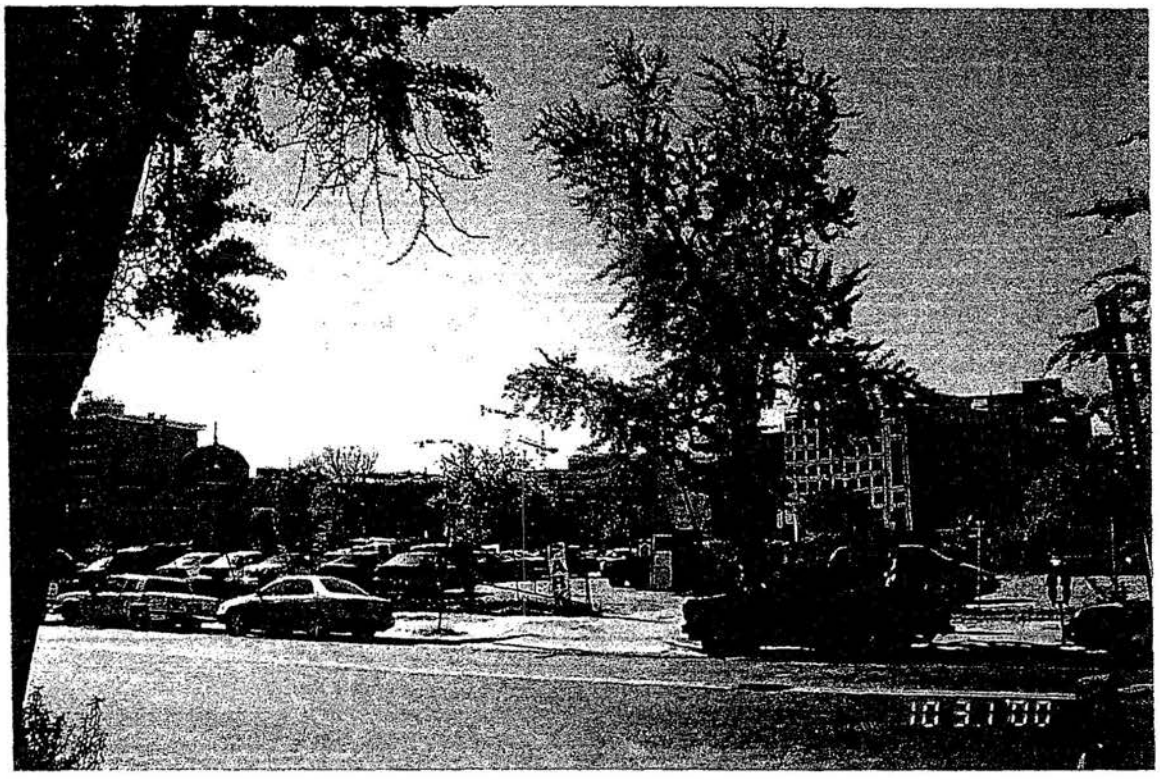
1W) Southeast corner of Subject Property at Massachusetts Avenue and 6th Street, N.E., looking west. On south side of Massachusetts Avenue, N.E., a seven-story office building with retail at ground level. On north side of Massachusetts



2W) Looking northwest across Massachusetts Avenue, N.E. from the southwest corner of Massachusetts Avenue and 6th Street, N.E.--National Public Radio Office Building.



3W) Looking southwest across Massachusetts Avenue from the northwest corner of Massachusetts Avenue and 6th Street, N.E.--seven-story office building with ground floor retail.



4W) Subject Property looking west across 5th Street, N.E.

F

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 00-30TA
(Text Amendment – 11 DCMR)
(Downtown Development Overlay District – Residential and Mixed Use Development, Housing Amendments)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code § 5-413 (1994)), hereby gives notice of its intent to amend § 1706 of the Zoning Regulations, Title 11 DCMR, pertaining to residential and mixed use development in the Downtown Development (DD) Overlay District.

First, the proposed amendments will reduce the residential recreation space requirement in the C-2-C and C-3-C Districts within the DD Overlay District from fifteen percent (15%) and ten percent (10%) respectively to five percent (5%), provided the area made available through this proposed amendment is used exclusively for residential use.

Second, except for historic landmarks and specified properties within the Downtown Historic District, the proposed regulations would relieve residential housing projects in designated Housing Priority Areas in the DD Overlay District of their density restrictions. The residential housing project must comply with maximum permitted height limitations and lot occupancy and yard requirements. Moreover, the increased density may not be used to meet minimum housing requirements, to generate transferable development rights, or to engage in combined lot developments.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

In the following proposed text amendment, deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined:

The following rulemaking action is proposed.

Chapter 17, Downtown Development Overlay District, Section 1706, is amended to read as follows:

1706.3 Each lot in the Housing Priority Area shall provide on-site or account for off-site by combined lot development residential use and development as provided in this section; provided further, that a building or combined lot development that provides new residential uses on-site shall ~~earn~~ **generate** bonus density or transferable development rights as follows:

(a) Residential development north of Massachusetts Avenue shall ~~earn~~ **generate** one **(1)** square foot of bonus density or transferable development rights for each square foot of residential use developed;

(b) Residential development south of Massachusetts Avenue shall ~~earn~~ **generate** two **(2)** square feet of bonus density or transferable development rights for each square foot of residential use developed; and

(c) Residential development that qualifies as affordable dwelling units as defined in ~~Subsection~~ § 1799.1 ~~of this chapter~~ shall ~~earn~~ **generate** two **(2)** square feet of bonus density or transferable development rights for each square foot of affordable housing developed.

(d) The increase in gross floor area provided by § 1706.7(d) shall not be used to generate additional transferable development rights. The residential density achieved by the development used to calculate transferable development rights shall not exceed the FAR listed in the following table:

Zone District	Transferable Development Rights
DD/C-2-C	8.0 FAR
DD/C-3-C	9.5 FAR
DD/C-4	10.0 FAR

1706.4 In the DD/C-2-C Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 8.0 as a matter of right, which FAR may be devoted to all residential use or include commercial or residential uses as provided in this subsection;

(b) Each lot shall provide on-site or account for off-site in a combined development no less than 4.5 FAR of residential use;

(c) On a lot that is south of Massachusetts Avenue, up to 1.8 FAR of this residential requirement may be met by constructing or by financially assisting affordable housing as defined in this chapter and as governed further by this section;

(d) On a lot that is north of Massachusetts Avenue, up to 1.35 FAR of this residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; ~~and~~

(e) If such affordable housing is provided off-site, commercial or residential FAR may be substituted on-site or in a combined lot development by the same amount of gross floor area as the affordable housing up to the maximum limit of 1.8 FAR south of Massachusetts Avenue or 1.35 FAR north of Massachusetts Avenue**; and**

(f) The residential recreation space required in § 773.1 shall be reduced to five percent (5 %) of the gross floor area devoted to residential use, provided the bonus generated by this paragraph shall be used entirely for residential use.

1706.5 In the DD/C-3-C Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 9.5 as a matter of right, which FAR may be devoted to all residential use or may include commercial or residential uses as provided in this subsection;

(b) Each lot shall provide on-site or account for off-site in a combined lot development no less than 3.5 FAR of residential use;

(c) On a lot that is south of Massachusetts Avenue, up to 1.4 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section;

(d) On a lot that is north of Massachusetts Avenue, up to 1.05 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; ~~and~~

(e) If affordable housing is provided off-site pursuant to paragraph (c) or (d) of this subsection, commercial or residential FAR may be substituted on-site, or in a combined lot development, by the same amount of gross floor area as the affordable housing, up to the maximum limit of 1.4 FAR south of Massachusetts Avenue or 1.05 **FAR** north of Massachusetts Avenue; **and**

(f) The residential recreation space required in § 773.1 shall be reduced to five percent (5 %) of the gross floor area devoted to residential use, provided the bonus generated by this paragraph shall be used entirely for residential use.

1706.6 In the DD/C-4 Overlay District, the following residential and mixed use provisions apply:

(a) The maximum FAR shall be 10 as a matter of right, which FAR may be devoted to all residential use or include commercial or residential uses as provided in this subsection;

(b) Each building shall provide on-site or account for off-site in a combined lot development no less than 2.0 FAR of residential use;

(c) Up to 8.0 FAR of this residential development may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by this section; and

(d) If such affordable housing is provided off-site, commercial or residential FAR may be substituted on-site or in a combined lot development by the same amount of gross floor area as the affordable housing up to a maximum limit of 0.8 FAR.

1706.7 The maximum ~~permitted~~ gross floor area **permitted under §§ 1706.4, 1706.5, and 1706.6** may be increased by 0.5 FAR up to a maximum of 8.5 FAR in the DD/C-2-C Overlay District, 10.0 FAR in the DD/C-3-C Overlay District, and 10.5 FAR in the DD/C-4 Overlay District; provided:

(a) The increase in gross floor area may be achieved by receiving transferable development rights as provided in § 1709, which gross floor area may be devoted to any permitted use on the receiving ~~site~~ **lot**;

(b) The increased gross floor area may be entirely devoted to residential use; and

(c) The increase may be earned by constructing or assisting affordable housing as defined in this chapter and as further governed by this section, or by earning retail bonus density as provided in § 1706.16.

(d) Except for historic landmarks and properties listed in § 1707.4 in the Downtown Historic District, the maximum FAR limitations in §§ 1706.4, 1706.5, and 1706.6 shall not apply to any building that is devoted entirely to residential use or to a combination of residential use and the retail, service, arts, and arts-related uses listed in §§ 1710.1 and 1711.1; provided, the building shall comply with the maximum permitted height limitations of §§ 1701.1 and 1706.15 and the lot occupancy and yard requirements of the underlying zone.

(e) The increase in gross floor area provided by § 1706.7(d) shall not be used to meet the minimum residential requirements of §§ 1706.4, 1706.5, and 1706.6 or to engage in a transfer of residential density through combined lot development. The maximum FAR that a residential development may accept through combined lot development is equal to the residential density achieved by the receiving lot minus its minimum residential requirement, but in no case greater than the FAR listed in the following table:

Zone of the Lot Receiving Housing	Allowable Combined Lot Transfer
DD/C-2-C	3.5 FAR
DD/C-3-C	6.0 FAR
DD/C-4	8.0 FAR

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Alberto P. Bastida, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.



OUTLINE OF TESTIMONY
CG INVESTMENTS, INC.

I. Introduction

A. Description of CG Investments, Inc.

B. History and Experience of CG Investments, Inc.

II. Background and Description of Project

III. Variance Relief

A. Relief Necessary to Provide High Quality Residential Development in Targeted Area of the District of Columbia

B. Brief Description of Variance Relief Requested

1. FAR Requirement

2. Residential Recreation Space Requirement

3. Court Requirement

C. Architects to Provide Detailed Description

IV. Conclusion

H

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. Description of Area
B. Description of Building Design
C. Compatibility with Surrounding Area
D. Number and Types of Units
E. Amount of Parking Spaces

III. Variance Relief Requested

A. Deviation from the FAR Limitation

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

B. Deviation from the Required Residential Recreation Space

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

C. Deviation from Width of Court Requirement

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

IV. Conclusions

1

OUTLINE OF TESTIMONY
STEVEN E. SHER, LAND PLANNER

I. Introduction

II. Site Location and Description

III. Description of Surrounding Area

IV. Zoning and Downtown Development District

V. Proposed Development

VI. Variance Relief Requested

A. Proposed Variances

1. FAR Requirement
2. Residential Recreation Space Requirement
3. Court Requirement

B. Standard for Variance

1. Exceptional or Extraordinary Situation or Condition
2. Practical Difficulty
3. No Detriment to Public Good

C. Compliance with Standard

1. FAR Requirement
   a. Exceptional or Extraordinary Situation or Condition
   b. Practical Difficulty
   c. No Detriment to Public Good
2. Residential Recreation Space Requirement
   a. Exceptional or Extraordinary Situation or Condition
   b. Practical Difficulty
   c. No Detriment to Public Good
3. Court Requirement
   a. Exceptional or Extraordinary Situation or Condition
   b. Practical Difficulty
   c. No Detriment to Public Good

VII. Conclusions