ShawPittman LLP

September 12, 2001

By Hand Delivery

Sheila Cross-Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, NW
2nd Floor
Washington, DC 20001

Re: BZA Application No. 16763 - Summit Properties - 900 15th Street, NW
Statement of the Applicant

Dear Chairperson Reid and Members of the Board:

Enclosed please find 12 copies of the above-mentioned Statement of the Applicant. This case is scheduled for a public hearing on September 25, 2001. Due to the tragic events of September 11, 2001 and the closure of the Office of Zoning, the applicant was not able to file the Statement fourteen days in advance of the public hearing. Therefore, the applicant requests that the Board grant a waiver of 11 DCMR 3113.8, if required.

If you have any questions or comments regarding the Statement or the requested waiver, please feel free to call the undersigned at (202) 663-8000.

Sincerely,

John T. Epting

John Epting

Paul A. Tummonds

Paul Tummonds

Enclosures
cc: Doug Damron, ANC 2B
John Moore, Office of Planning

BZA
Case No. 16763
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16763
EXHIBIT NO.20

ORIGINAL

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Summit Properties Partnership LP

BZA Application No. 16763
Hearing Date: September 25, 2001
ANC 2B

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This is an application of Summit Properties Partnership LP ("owner" or "applicant) to allow a minor revision to the enclosed court of the Summit Grand Parc building presently under construction at 900 15th Street, NW, Lot 64, Square 199, (the "subject property"). The Grand Parc building is located on a corner lot in the C-4 Zone District. Therefore, a court may be provided in lieu of a rear yard. The application requests variance approval pursuant to 11 DCMR 3103.2, from the strict application of Section 776.4 of the Zoning Regulations that would require 1,267 square feet of court area. The applicant proposes to construct a court that consists of 1,107.4 square feet.

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Section 3103 of the Zoning Regulations.

III.
Background

A. Description of the Property and Surrounding Area

The subject property is located on the corner of 15th Street and I Streets, N.W. McPherson Square is directly across 15th Street and the Southern Railway Building, located at the intersection of 15th and K Streets, NW abuts the subject property to the north. The subject

property is located in the C-4 Zone District. Copies of a plat depicting the subject property and the Zoning Map are attached as Exhibits A and B.

B. History of the Summit Grand Parc Building

The Summit Grand Parc building is the culmination of the adaptive reuse and historic renovation of the United Mine Workers Building (UMW Building) located at 900 15th Street, NW. The UMW Building was originally constructed in 1912 to house the University Club of Washington. Originally a five-story Italian Renaissance Revival Palazzo building, the design was altered in 1936, by adding a sixth story when the United Mine Workers of America took ownership of the building. The UMW Building was designated as a historic landmark by the District of Columbia Historic Preservation Review Board ("HPRB") on April 22, 1999.

The Summit Grand Parc building consists of the complete renovation of the historic UMW building and the integration of a new solely residential addition to the UMW building. The Applicant believes that it has seamlessly integrated the new residential addition to the UMW building in an appropriate and effective manner.

The applicant received approval of its plans for the renovation of, and addition to, the UMW building from HPRB. The Mayor's Agent for Historic Preservation approved the lot subdivision for the subject property. The proposed renovation and addition will turn the former office building into a predominantly residential building with approximately 115,000 square feet of residential space and approximately15,000 square feet of office use.

C. Design Needs that Require Variance Relief

Initially, the Grand Parc Building was intended to be a matter-of-right project. The applicant filed for and received a building permit to construct the Grand Parc building. This building permit was issued on May 11, 2001. Since this building is located on a corner lot in the C-4 Zone District, a court may be provided in lieu of a rear yard. The Zoning Regulations

calculate the minimum court area required for a building based on the height of the court. The approved matter-of-right project included a court of 69.75 feet in depth, and required a total court area of 1,081.125 square feet. The matter-of-right project included a court with a total area of 1088 square feet.

While the court provided in the matter-of-right project works in terms of zoning, it creates design and technical issues for a predominantly residential building that the applicant believes are better addressed by making changes to the court. The approved court at its lowest level includes an intermediate slab between the second and third floors of the building that posed design and access constraints. The intermediate slab obstructs fenestration details of the historic building, prevents the applicant from having full size windows in the new residential addition and complicates access to the courtyard from the amenity space.

Upon further review of this condition, the applicant has determined that it would be beneficial to lower the intermediate concrete slab that serves as the bottom of the enclosed court for the building. This lowering of the concrete slab, will create a more visually appealing courtyard for the occupants of the building allowing for full size windows on the courtyard and direct access from the second floor. However, the lowering of the concrete slab raises the amount of total court area that must be provided in the building. Thus, the applicant filed this application for minor variance relief from the required court area requirements of the Zoning Regulations. The applicant is proposing to create a court that consists of 1,107.4 square feet, only 159.6 square feet less than the required amount of court area. An elevation and plan depicting the approved and proposed court at the second floor level is attached as Exhibit C

IV.
The Application Meets the Requirements for
Variance Relief Under Section 3103.2 of the Zoning Regulations

The burden of proof for variance relief is well established. The applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. Palmer v. BZA, 287 A.2d 535, 541 (D.C. 1972). As set forth below, the application meets the three-part test for area variance relief.

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

The D.C. Court of Appeals held in Clerics of St. Viator v. D.C. Board of Zoning Adjustment, 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that " . . . property generally includes the permanent structures existing on the land [footnote omitted]." *Id.* at 293-294. The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e., the building on the land).

As previously discussed, the subject property is located on a corner lot in the C-4 Zone District. In addition, the subject property is improved with the UMW Building, a historic landmark designated by HPRB. Therefore, any adaptive reuse for residential purposes is constrained by the site's location on a corner lot and the restrictive parameters that are created by the historic landmark designation of the building on the site. Moreover, the integration of the new residential portion of the building to the historic structure creates a unique and exceptional condition. The applicant's architects have continuously wrestled with the problem of aligning

building has floor to ceiling heights that vary from 11 to 14 feet throughout the building. The new residential addition has floor to ceiling heights of 8 feet. The applicant believes that this application for a court variance produces the most visually appealing and effective courtyard for the building and is the optimal solution to this unique and exceptional condition. The applicant fully satisfies the Zoning Regulations requirement for variance relief that the subject property is subject to an exceptional or extraordinary situation.

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

The practical difficulty that results in complying with the Zoning Regulations is clearly evident in Exhibit C. In order to limit the height of the court, and thereby limit the amount of total required court area, the matter-of-right court has its bottom slab at an intermediate floor that actually runs through an existing row of windows on the second floor of the UMW building portion of the project. Given the applicant's desire to develop a first-class project, with a court providing substantial amounts of light and air, as well as significant aesthetic benefits, the matter-of-right court poses substantial difficulties. The true practical difficulty and impact on the project created by the matter-of-right court was not evident until the applicant began construction and could more easily visualize its impact.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The requested variance can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan. The intent, purpose and integrity of the Zone Plan will not be impaired by granting this variance application. The underlying purpose of the court area requirement is to provide an adequate amount of light and air to the residential and office tenants of the building. As discussed, the Summit Grand

Parc building will still provide a large court that is only 10% smaller than required by the Zoning Regulations. The proposed court satisfies the goal of the court area requirements in providing light and air to the tenants of the building. In actuality, by lowering the bottom of the court, more total light and air is provided than in the matter-of-right option since the court now reaches the entire second floor.

The applicant believes that the benefits to the community that result with a more efficient interior layout that will help assure the financial success of this predominantly residential project downtown are sufficient to grant this application. In allowing a minor deviation from the required amount of court area, the Board will allow a more efficient building layout that produces a more attractive interior space for the residential and office tenants of the building. In addition, granting this variance has absolutely no impact on the exterior of the project.

V.
Community Outreach

The applicant has met with the Single Member District ANC Commissioner for the subject property and discussed the application. The applicant will be making a presentation to ANC 2B at its September 12, 2001 public meeting. The applicant has also discussed this case with members of organizations that are encouraging the adaptive reuse of historic buildings for residential use downtown and has received their support.

VI.
Exhibits in Support of Application

Exhibit A: Portion of the Sanborn Map showing the Property outlined in red

Exhibit B: Portion of the Zoning Map showing the Property outlined in red

Exhibit C: Elevation and Plan of the Summit Grand Parc Building Depicting the Proposed Revision to the Enclosed Court

Exhibit D: Photographs of the Project Area and the Surrounding Area

Exhibit E: Outline of Testimony of Adrienne Teleki, Development Manager; Summit Properties

Exhibit F: Outline of Testimony of Gary Martinez, Architect; Martinez & Johnson Architects

VII.
Conclusion

For all of the above reasons, the applicant is entitled to the requested variance relief in this case.

Respectfully submitted,

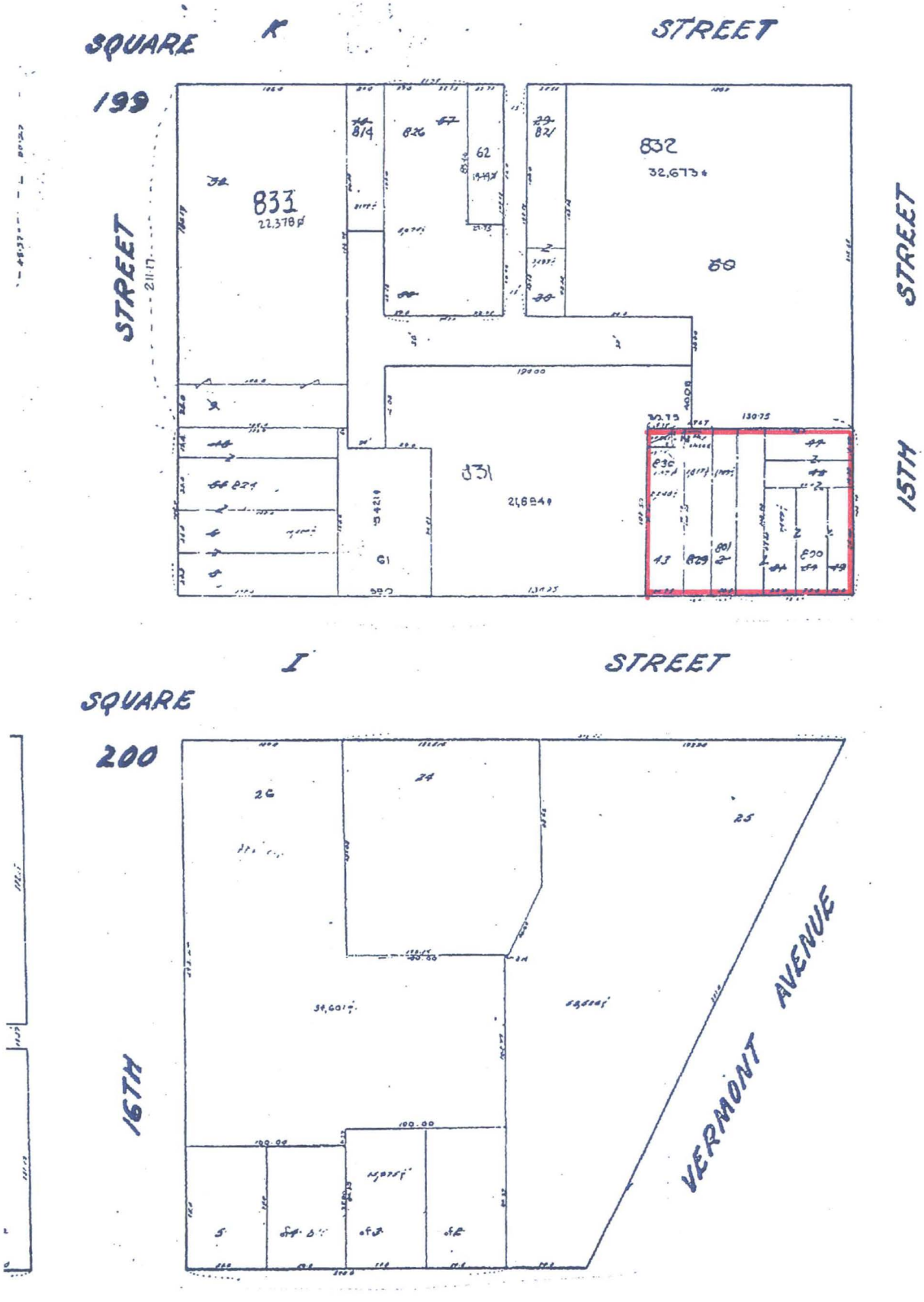
SHAW PITTMAN

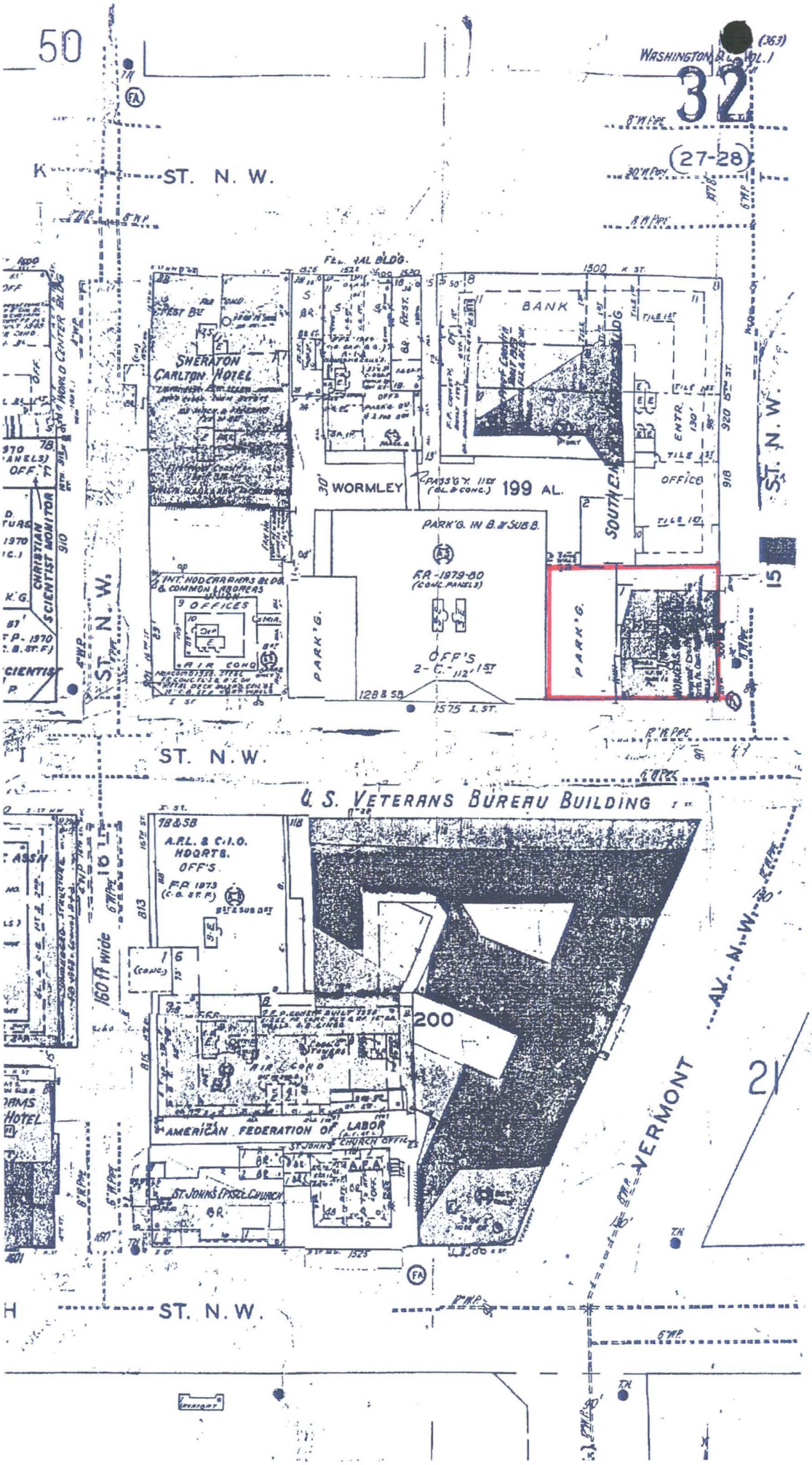
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John T. Epting

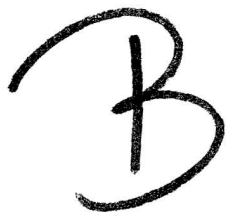
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Paul A. Tummonds, Jr.

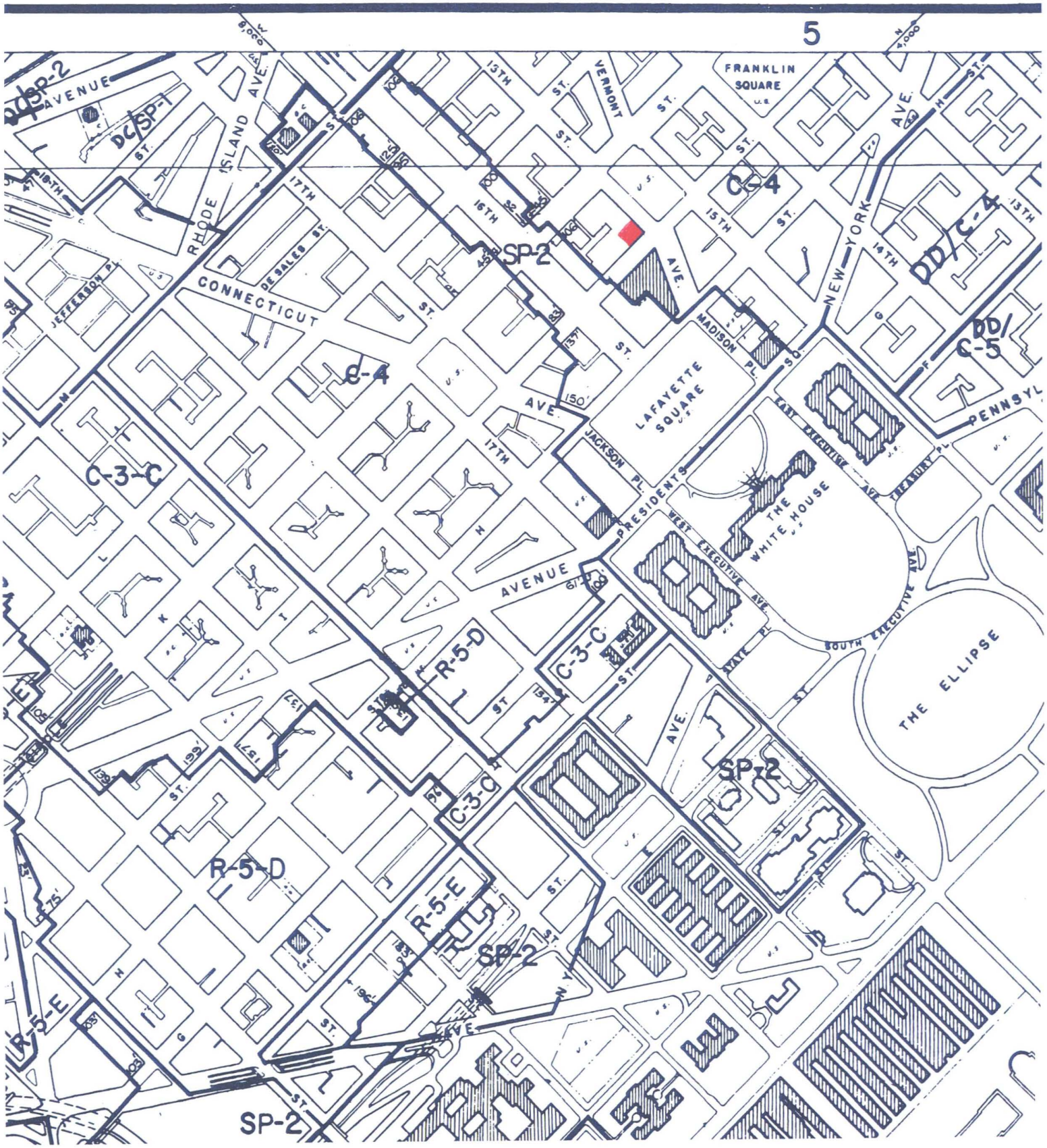
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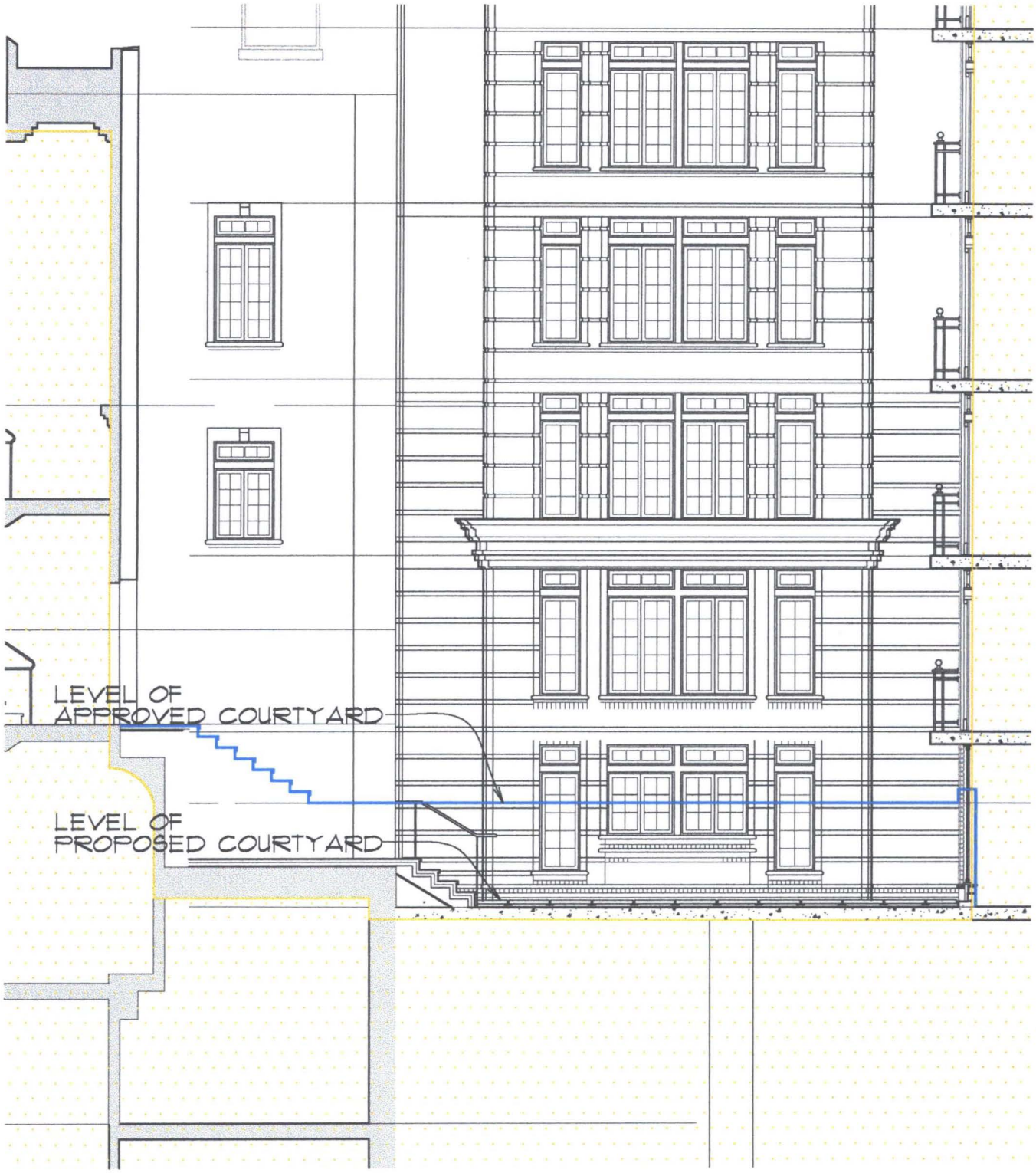

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K STREET
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831
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60
831
21,684 ±
15TH STREET
I STREET
SQUARE 200
16TH
VERMONT AVENUE
100.00


50
32
(27-28)
K ST. N. W.
SHERATON CARLTON HOTEL
BANK
1500 K ST.
WORMLEY
199 AL.
PARK'G. IN B. & SUB B.
F.R.-1979-80
(CONC. PANELS)
OFF'S
2-C.-112
1ST
PARK'G.
PARK'G.
OFFICE
ENTR.
9 OFFICES
AIR COND
1288 SB
1575 I. ST.
ST. N. W.
U. S. VETERANS BUREAU BUILDING
A.F.L. & C.I.O. HDQRTS. OFF'S.
F.R. 1979
160 ft wide
200
AMERICAN FEDERATION OF LABOR
ST. JOHNS EPISC. CHURCH
A.F.A.
VERMONT AV. N.W.
H ST. N. W.




5
FRANKLIN SQUARE
VERMONT AVE.
13TH ST.
NEW YORK AVE.
RHODE ISLAND AVE.
CONNECTICUT AVE.
MADISON PL.
JACKSON PL.
PRESIDENTS PL.
LAFAYETTE SQUARE
THE WHITE HOUSE
WEST EXECUTIVE AVE.
EAST EXECUTIVE AVE.
SOUTH EXECUTIVE AVE.
THE ELLIPSE
PENNSYLVANIA AVE.
17TH ST.
16TH ST.
15TH ST.
14TH ST.
H ST.
G ST.
F ST.
DE SALES ST.
JEFFERSON PL.
C-4
C-3-C
R-5-D
R-5-E
SP-2
DD/C-4
DD/C-5
DC/SP-1
DC/SP-2





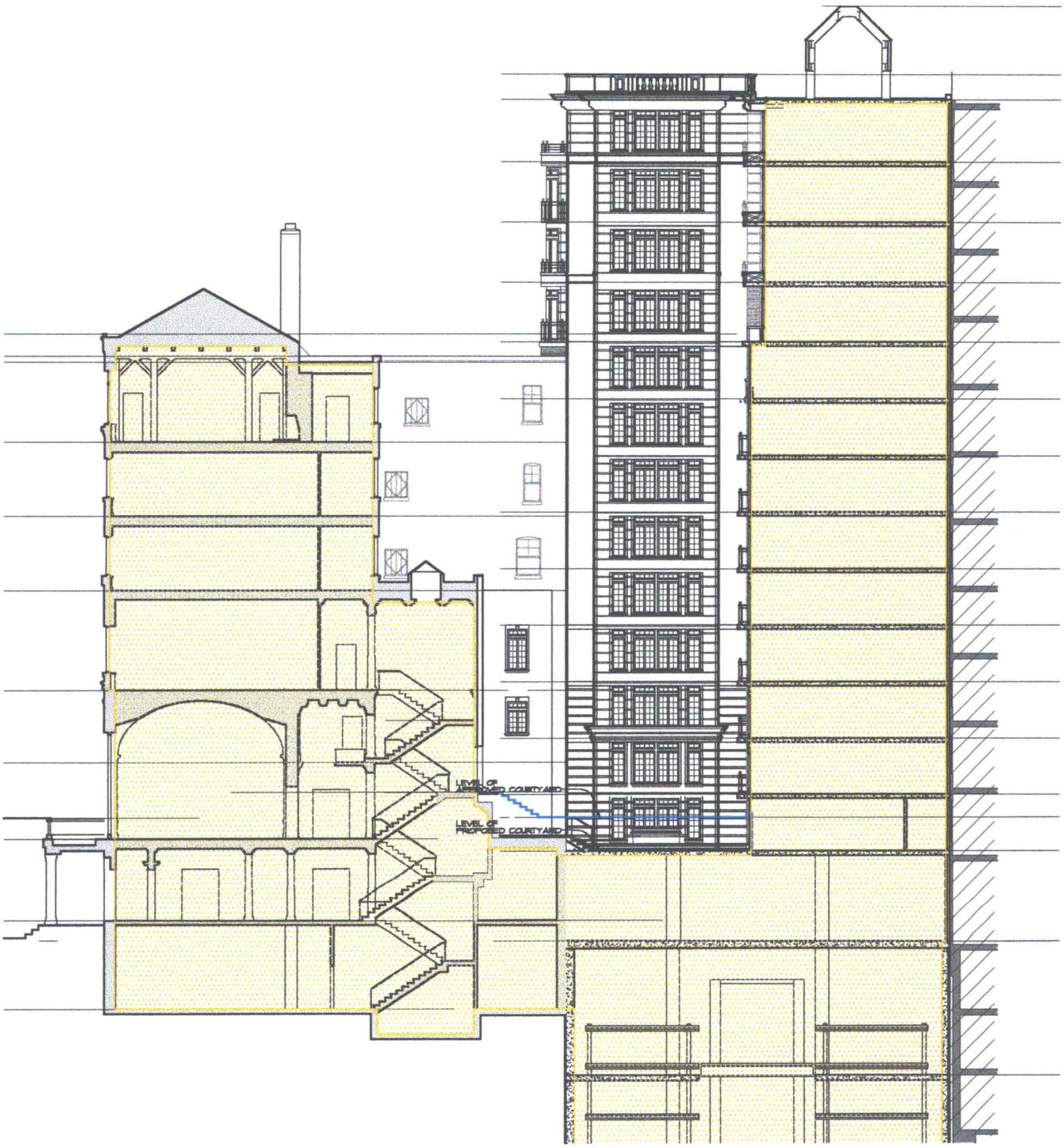
Martinez & Johnson | ARCHITECTURE

SUMMIT GRAND PARC
COURTYARD SOUTH VIEW

ASK- 130.2

N.T.S.

11 SEPTEMBER 2001



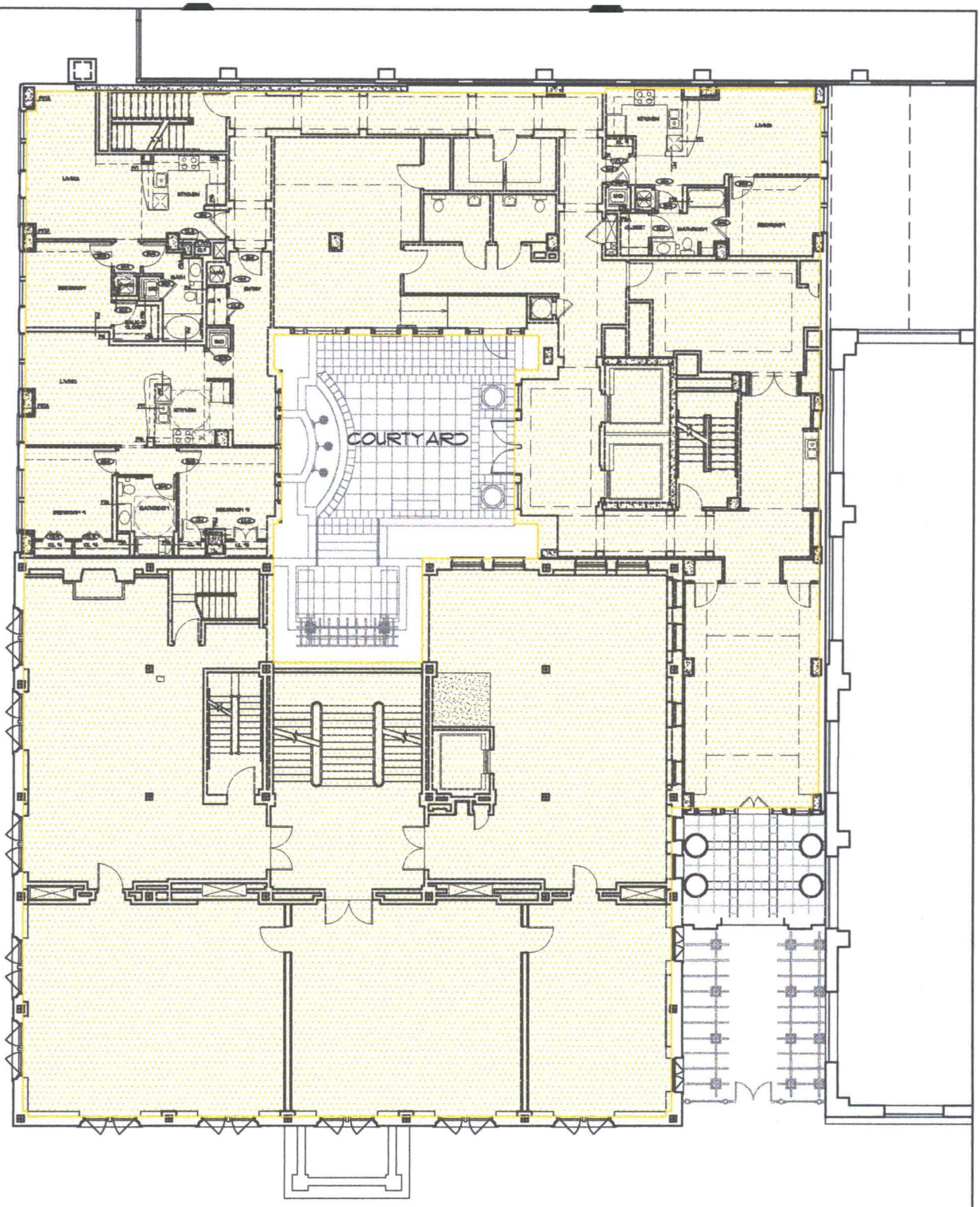
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SUMMIT GRAND PARC
COURTYARD SOUTH VIEW

ASK- 130.4

N.T.S.

11 SEPTEMBER 2001



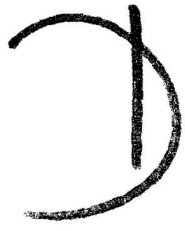
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ASK- 130.1

N.T.S.

SUMMIT GRAND PARC
COURTYARD PLAN

11 SEPTEMBER 2001





VIEW OF SUBJECT PROPERTY ALONG 15TH STREET, N.W.



VIEW OF SUBJECT PROPERTY ALONG "I" STREET, N.W.



OUTLINE OF TESTIMONY OF ADRIENNE TELEKI; DEVELOPMENT MANAGER SUMMIT PROPERTIES PARTNERSHIP LP.

I. Introduction

A. Adrienne Teleki; Development Manager, Summit Properties Partnership LP

A. Responsibilities at Summit Properties Partnership LP

II. Summit Properties

A. History of Summit Properties

B. Other projects in the District of Columbia

C. Summit Properties History with the UMW Building
   a. Description of Renovation of the UMW Building
   b. Goals for Development of the Site

D. Need for Variance Relief

III. Community Outreach

IV. Conclusion

F

OUTLINE OF TESTIMONY OF
GARY MARTINEZ; ARCHITECT
MARTINEZ & JOHNSON ARCHITECTURE

I. Introduction

A. Gary Martinez; Architect; Martinez & Johnson Architecture

B. Experience in the District of Columbia and Surrounding Jurisdictions

II. Summit Grand Parc Project – 900 15th Street, NW

A. Renovation of and Addition to the United Mine Workers' Building

B. Historic Preservation Issues

C. Integration of the Historic Structure with the New Residential Addition

D. Court Requirements for the Project

III. Variance Relief from the Court Area Requirements of 11 DCMR 776.4

A. Exceptional Situation or Condition of the Property

B. Practical Difficulty of Satisfying the Strict Requirements of the Zoning Regulations

C. No Substantial Detriment to the Public Good and No Impairment of the Intent, Purpose or Integrity of the Zone Plan

IV. Conclusion - The Standards for Variance Approval of the Application Have Been Satisfied and the Application Should Be Granted.