ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW

ATLANTA
BOSTON
CHICAGO
LOS ANGELES
MINNEAPOLIS
NAPLES
ORANGE COUNTY
SAINT PAUL
WASHINGTON, D.C.

SUITE 1200
1801 K STREET, N.W.
WASHINGTON, D.C. 20006-1301
TELEPHONE (202) 775-0725
FACSIMILE (202) 223-8604
TELEX 4931197 RKMC
www.rkmc.com

JEANNINE RUSTAD ZIGNER
(202) 775-0725

December 12, 2001

BY HAND
Mr. Richard S. Nero, Jr
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: BZA Application No. 16832 of Metropolis Development Company, LLC
2045 14th Street, N.W., Square 236, Lot 17 (formerly lots 54, 61, 812 & alley)

Dear Mr. Nero:

Pursuant to our telephone conference of this afternoon, enclosed you will find a eleven (11) reduced sized plans for the above-referenced application. As we discussed, one set is to replace the full-sized plans submitted with the original application, and the remaining copies for the Office of Zoning's use.

Should you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Jeannine Rustad Zigner

Enclosures (as stated)

BZA
Case No. 16832
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO.16832
EXHIBIT NO.19

November 15, 2001

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: 2045 14th Street, N.W.; Square 236, Lots 54, 61 and 812 (the "Property")

Dear Mr. Griffis:

This letter, on behalf of the Washington Metropolitan Area Transit Authority ("WMATA"), the owner of the above-referenced Property, is to authorize Metropolis Development Company, LLC ("MDC"), the contract purchaser of the above-referenced property, to file and prosecute a BZA Application for the Property. MDC shall be solely responsible for all actions, representations, indemnifications and costs required by the filing of the BZA Application. As such, WMATA hereby authorizes MDC to execute any documents necessary for the filing and prosecuting of a BZA application for the Property.

Sincerely,

Washington Metropolitan Area Transit Authority,

By: _____
Name: Denton U. Kent
Title: Contracting Officer

Washington Metropolitan Area Transit Authority

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—Red, Green and Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6, 70, 71, 80, X2

A District of Columbia, Maryland and Virginia Transit Partnership

metropolis development company, llc

November 26, 2001

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: 2045 14th Street, N.W.; Square 236, Lots 54, 61 and 812 (the "Property")

Dear Mr. Griffis:

This letter, on behalf of the Metropolis Development Company, LLC ("MDC"), the contract purchaser of the above-referenced Property, is to authorize the law firm of Robins, Kaplan, Miller & Ciresi, LLP to file and prosecute a BZA Application for the Property and to act on our behalf and as our agent with respect to this matter. Attached you will find a letter from Washington Metropolitan Area Transit Authority, the owner of the property, authorizing MDC to file and prosecute a BZA Application for the property.

Sincerely,

Metropolis Development Company, LLC,

By: _____

Its: MEMBER - PRESIDENT

Form 1 - BZA Certification - Side 1 (Revised 03/07/00)

ZONING SELF-CERTIFICATION FORM

Date	Project Address(es)			
11/26/01	2045 14th Street, NW			
Square 236	Lot(s) 54,61, 810 and alley	Zone District(s) ARTS/CR	ANC(s)/Single Member District(s) 1B/11	Case No.

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

☐	Use Variance DCMR 11 §3103	☒	Area Variance DCMR 11 §3103	☐	Special Exception DCMR 11 §3104

which is provided for by DCMR Title 11 Section No(s).: 634.1, 633.1, 635 and 2201.1

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia;
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief as a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
	Metropolis Development Company, LLC* By: Its:
Agent's Signature	Agent's Name (Please Print)
	Richard B. Nettler/Jeannine Rustad Zigner

D.C. Bar No.	929471/451110	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA - Director of the Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * www.dcoz.dcgov.org

*contract purchaser by and with the consent of the owner, Washington Metropolitan Transit Authority

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on BZA Certification Form 1. All certification forms must be completely filled out (front **and** back) and be typewritten or legibly printed. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form per each application filed. Present this form with the BZA Form 2 application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING	REQUIRED	ALLOWED	PROVIDED	VARIANCE Deviation/Percent
Lot Area	22,361.25	n/a	n/a	22,361.25	None
Lot Width	120'	n/a	n/a	120'	None
Lot Occupancy	0	n/a	75%	87%	8.6%
Floor Area Ratio (FAR)	0	n/a	6.0	3.74	None
Parking Spaces	0	Res: 26 Retail: 8	n/a	Res: 39 Retail: 8	None
Loading Berths	0	Res: 1 @ 55', 1 service delivery @ 20' Retail: 1 @ 30'	n/a	Res: 1 @ 30', 1 service delivery @ 20' Retail: 1 @ 30'	25' deviation on 55' residential loading berth
Front Yard	0	None	n/	None	None
Rear Yard	0	16'9"	n/a	19'4"	None
Side Yard	0	None	n/a	None	None
Court, Open	0	12'6"	n/a	32'	None
Court, Closed	0	None	n/a	None	None

BZA Form 2
(Revised 7/17/95)

Docket No. _____

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION

NOTE: See reverse side of this form for filing instructions, filing fees and information required by the Board.

DO NOT MAIL **DO NOT MAIL**
TO THE BOARD OF ZONING ADJUSTMENT

Pursuant to Sections 3103.2 of the Zoning Regulations of the District of Columbia, an application is hereby made for the following action: to request area variances from the lot occupancy, public space, residential recreational space and loading berth requirements of Sections 634.1, 633.1, 635 and 2201.1, respectively, which is provided for by Section (s) 3103.2, 634.1, 633.1, 635 and 2201.1, of the Zoning Regulations.

Premises affected are located at 2045 14th Street, NW.

Lot(s) 17 (formerly Lots 54, 61, 812 & Alley), Square(s) 236,

in the District of Columbia, in Zoning District Arts/CR.

Present Use of Property: Vacant.

Proposed Use of Property: Mixed use, residential & retail.

Owner of Property: Metropolis Development Company, LLC, as contract Purchaser from Washington Metro Area Transit Authority.
Address or Owner: P.O. Box 12040, Mid-City Station 243, Wash., DC 20005.

State briefly the bases for action sought:

See attached Statement of Reasons in Support of Application.

Date: 12-5-01 Signature _____
(Applicant)*

***The owner of the property for which application is made or his/her authorized agent may file an application. In the event an authorized agent files an application on behalf of the owner, the notice of application shall be accompanied by a letter signed by the owner authorizing the agent to act on his behalf in this application.**

TO BE NOTIFIED OF HEARING AND DECISION:

Name: Richard B. Nettler, Esquire/Jeannine Rustad Zigner, Esquire
Robins, Kaplan, Miller & Ciresi L.L.P.
Address: 1801 K Street, N.W., Suite 1200

Zip Code 20006 Phone No. (202)736-2720/2718

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

STATEMENT OF REASONS IN SUPPORT OF APPLICATION
FOR VARIANCES FROM THE LOT OCCUPANCY, PUBLIC SPACE,
RESIDENTIAL RECREATION SPACE AND LOADING REQUIREMENTS
OF THE ZONING REGULATIONS TO PERMIT THE CONSTRUCTION OF
A MIXED-USE RESIDENTIAL AND RETAIL PROJECT AT 2045 14th STREET, N.W.;
SQUARE 236, LOT 17 (FORMERLY LOTS 54, 61, 812 & PUBLIC ALLEY)

This Statement of Reasons is submitted on behalf of the applicant, Metropolis Development Company LLC ("Metropolis"), the contract purchaser of the Property from Washington Metropolitan Area Transit Authority ("WMATA").

The Property. The subject property, 2045 14th Street, N.W., Square 236, Lot 17 (formerly Lots 54, 61, 812 and public alley)(the "Property"), is located at the southeast corner of 14th and V Streets, N.W. in the Greater U Street Historic District. A former public alley, running north to south, bifurcates the Property. The site contains 22,631.25 square feet. The western property line runs parallel with 14th Street; the northern property line is along V Street; the eastern property line is adjacent to federal parkland; and the southern property line is contiguous to a row of smaller scale commercial buildings. Directly to the west of the Property, across 14th Street is the large municipal Reeves Center. The Property is located directly above the Metrorail system.

Current Use. The Property is currently vacant and is used as a parking lot.

Proposed Use. The Property is presently owned by WMATA. Through an RFP process, Metropolis was selected to develop the Property. Metropolis, through this application, seeks to build a mixed-use apartment building on the Property named the Langston Hughes Condominiums. The proposed development consists of 7,711 square feet of retail space, 78 condominiums, and below-grade parking. The project will provide much needed housing for middle income families in the District.

By Order dated December 4, 2000, the Mayor's agent approved the project as compatible with the Greater U Street Historic District.[1] At the hearing before the Mayor's agent, the project received support of the affected Advisory Neighborhood Commission ("ANC"), as well as the Downtown Cluster of Congregations, the Development Corporation of Columbia Heights and neighborhood residents.

Zoning. The Property is zoned Arts/CR. The purpose of the CR (mixed use) zone districts is to encourage a diversity of compatible land uses by creating major new residential areas and environments conductive to a higher quality of life and environment for residents. 11

---

[1] Revisions to the building envelope of the project were considered and approved by the Historic Preservation Review Board on November 15, 2001.

DCMR §§ 600.1 & 600.3(a)&(f). Matter of right uses in a CR district include, *inter alia*, multiple dwelling and retail. 11 DCMR § 601.1

The Arts Overlay District is intended to encourage retail and residential uses and to expand the housing supply in the overlay district. 11 DCMR § 1900.2. Retail space must occupy no less than fifty percent (50%) of the ground level of a building which fronts 14th Street. 11 DCMR §1901.1.

Required Variances. To maximize the number of residential units, retail space and parking in the project, the following variances are required:

1. Lot Occupancy. A maximum lot occupancy of seventy-five percent (75%) is permitted for buildings devoted to residential use in the CR zone district. 11 DCMR § 634.1. Because residential use is provided at ground level, lot occupancy must be calculated at ground level. 11 DCMR § 634.2. The applicant is proposing eighty-seven percent (87%) lot occupancy.

2. Public Space. There is a ten percent (10%) public space requirement for new development in the CR zone district. 11 DCMR § 633.1. This area must be located adjacent to the main entrance of the building and is intended to serve as a transitional space between the pedestrian right-of-way and the building. 11 DCMR § 633.2. The required public space for the Property is 2,236 square feet. A complete variance from this requirement is necessary.

3. Residential Recreational Space. The CR zone district requires private recreation space for fifteen percent (15%) of the gross floor area devoted to residential purposes, of which seventy percent (70%) must be located outside of the building. 11 DCMR § 635.2&3. The required residential recreation space for the proposed project is 10,556 square feet. The project provides for 2,700 square feet of recreation space, all of which is located outdoors.

4. Loading Berths. Two loading berths are required for the proposed project: one at thirty feet (1@30') for the retail use and one at fifty-five feet (1@55') for the residential use. 11 DCMR § 2201.1. Additionally, a service/delivery area of twenty feet (20') is required for the residential use. *Id.* The project provides for two loading berths at thirty feet (30') and one service/delivery area at twenty feet (20'). Thus, a variance is needed to reduce the required residential fifty-five foot (55') loading berth to thirty feet (30').

As stated above, these variances are required so as to maximize the amount of retail and, more importantly, residential units provided on the site. The variances are necessitated in large part due to the location of Property over the Metrorail system. In addition to requiring the incorporation of the airshafts of the Metrorail system into the design of the proposed project, the density of the development must be dispersed over the site so as to avoid compromising the structural integrity of the Metrorail tunnels below the Property. Further limitation on the development potential of the Property is presented by the requirement that the portion of the public alley closed so as to allow construction of the project be kept open as an easement upon completion of construction.

The proposed design of the project is the product of extensive study of the Property and development requirements. The proposed project has been designed so as to respond to and

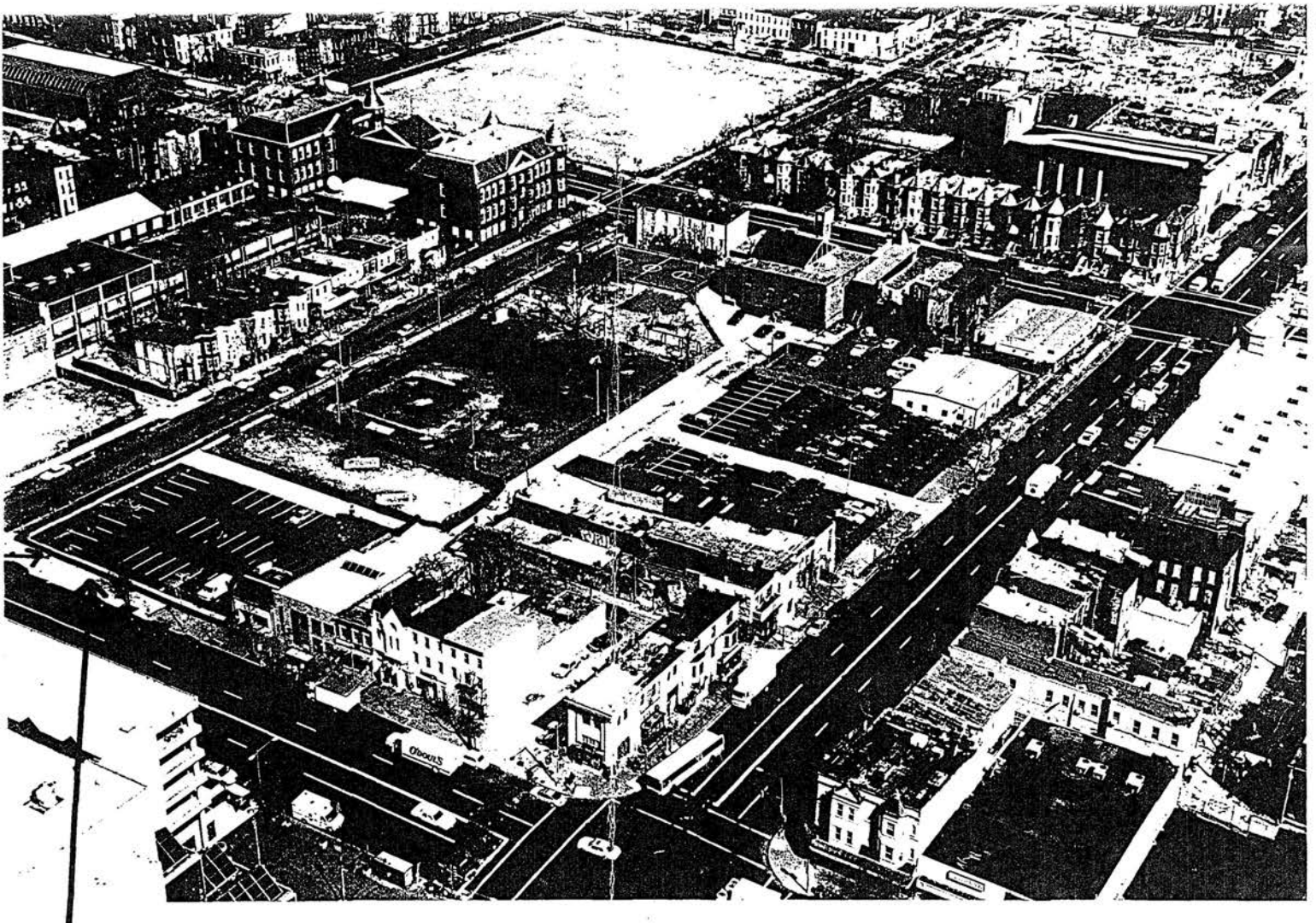
respect the surrounding historic district, the two- and three-story buildings located to the south and along the north side of V Street, and the 100 foot high Reeves Center across 14th Street, N.W. The proposed project resolves the inherent conflicts, challenges and opportunities associated with the Property without substantially impairing the intent, purpose and integrity of the zone plan, as embodied in the Zoning Regulations and Map.

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the applicant's proof and all other support of record for the variances requested, such relief be granted.

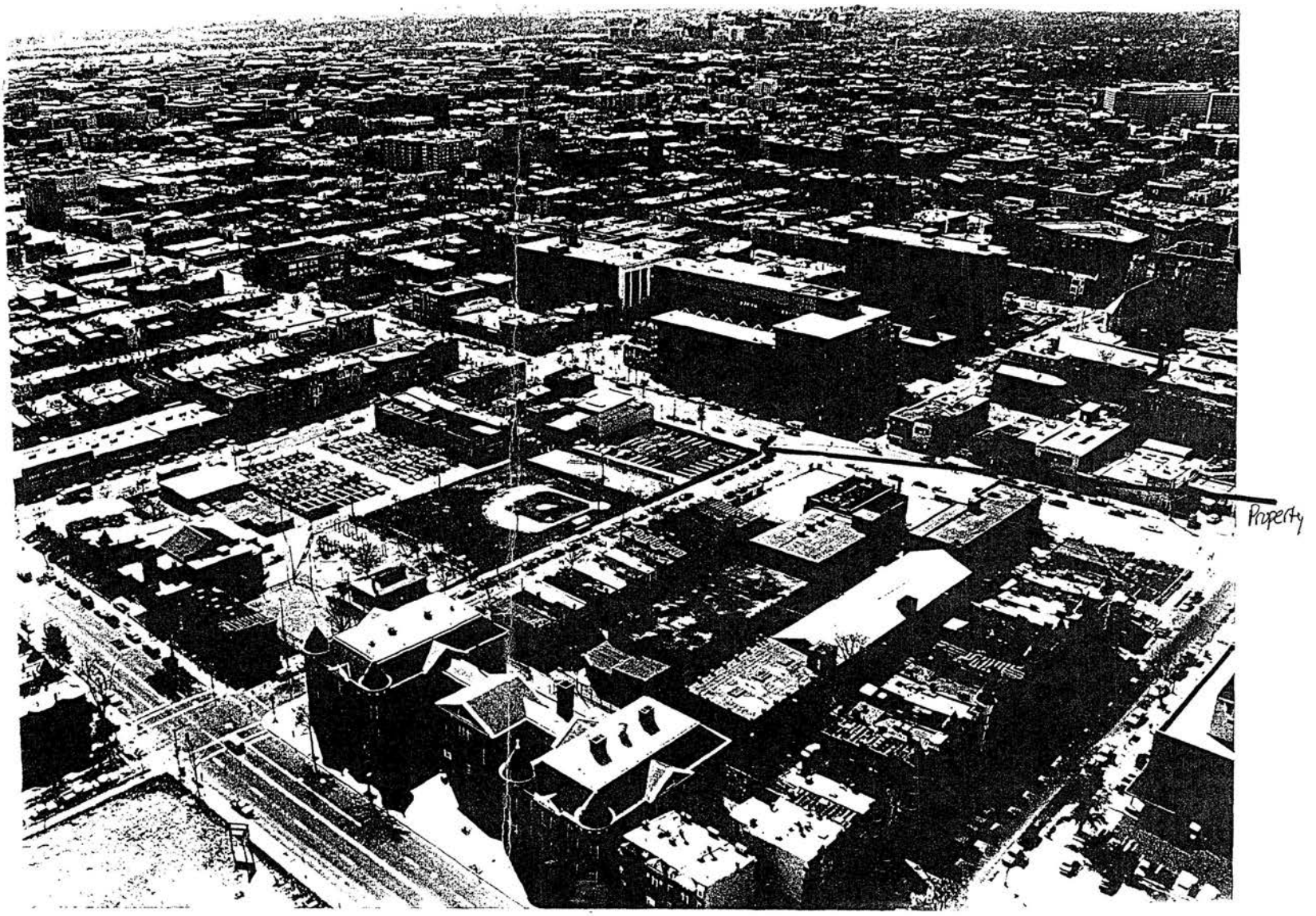
Respectfully submitted,
ROBINS, KAPLAN, MILLER & CIRESI, LLP

By: _____
Richard B. Nettler

By: _____
Jeannine Rustad Zigner


Property

Property


Property

Seymour Adler & B. Adler
7721 Rocton Avenue
Chevy Chase, MD 20815

Gustavo Cardenas & Belis Cardenas
1034 Park Road, NW
Washington, DC 20010

KMRK & Associates
2011 14th Street, NW
Washington, DC 20009

Henry B. McCall & Lucille McCall
3200 Alabama Avenue SE
Washington, DC 20020

Claven Wood & Calvin Wood
1351 U Street, NW
Washington, DC 20009

WMATA
600 5th Street, NW
Washington, DC 20001

BDP Inc.
c/o Steven D. Spence
250 E 54th Street, #36C
New York, NY 10022

Evans and Joyce Willoughby
9307 Avenue A
Brooklyn, NY 11236

Hashim & Thida Hassan
3516 Georges Lane
Falls Church, VA 22044

Thomas G. Tsianakas
12637 High Meadow Road
Gaithersburg, MD 20878

2007 14th Street Associates
7836 16th Street
Washington, DC 20012

Susan C. & Victor Gayle
3116 North 7th Street
Arlington, VA 2201

Martha's Table
2114 14th Street, NW
Washington, DC 20009

District of Columbia
1133 North Capitol Street, NE
Washington, DC 20002

William H. Ellis & LE Ellis
c/o American Home Funding
3855 Gaskins Road
Richmond, VA 23233

Brian G. Liu
1339 V Street, NW
Washington, DC 20009

Stanley Hill
1341 V Street, NW
Washington, DC 20009

Grey Gardner
1343 V Street, NW
Washington, DC 20009

Kenneth Smith & Debra L. Smith
3400 Forrest Grove Place
Mitchellville, MD 20721

Square 235 Associates LP
c/o George Galich
Somerset Houser 1
5600 Wisconsin Ave #1004
Chevy Chase, MD 20815

George Galich
Somerset Houser 1
5600 Wisconsin Ave #1004
Chevy Chase, MD 20815

Clinton B. Holmes
1327 V Street, NW
Washington, DC 20009

T. Horne & L. Jenkins
1329 V Street, NW
Washington, DC 20009

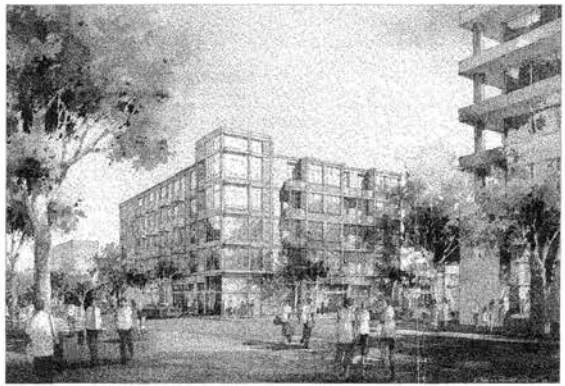
JJ Keyerleber et al
1837 Ingleside Trail, NW
Washington, DC 20010

Letha Kearney
1333 V Street, NW
Washington, DC 20009

Jerry A. Moore, Jr.
1335 V Street, NW
Washington, DC 20009

WMATA
Somerset Houser 1
5600 Wisconsin Ave #1004
Chevy Chase, MD 20815

TYMark Associates II, Inc.
223 City Hall Avenue
Norfolk, VA 23510



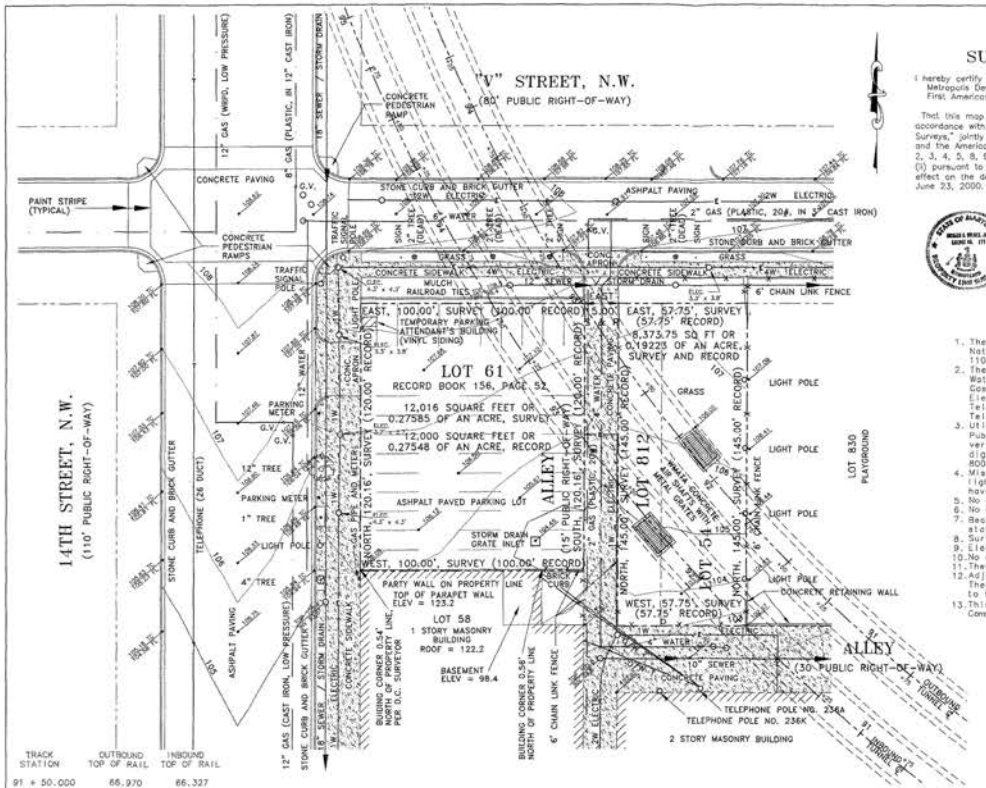
PROJECT: 14TH & V STREETS

DEVELOPER: METROPOLIS DEVELOPMENT COMPANY

ARCHITECT: SHALOM BARANES ASSOCIATES

BZA SET - DECEMBER 4, 2001

BZA
Case No. 16832
Exhibit No. 19A



TRACK STATION	OUTBOUND TOP OF RAIL	INBOUND TOP OF RAIL
91 + 50.000	66.970	66.327
91 + 75.000	67.580	66.911
92 + 00.000	68.190	67.495
92 + 25.000	68.800	68.079
92 + 50.000	69.410	68.664
92 + 75.000	70.020	69.248
93 + 00.000	70.630	69.832
93 + 25.000	71.240	70.416
93 + 50.000	71.850	71.000
93 + 75.000	72.460	71.584
94 + 00.000	73.070	72.169

BOTTOM OF BOX IS 4.49 FEET BELOW TOP OF RAIL ELEVATION;
TOP OF BOX IS 14.75 FEET ABOVE TOP OF RAIL ELEVATION.

TOP OF RAIL ELEVATIONS PER DRAWING E2C-PP-5.
BOX DIMENSIONS PER DRAWING E2C-S-73.

2. 11/8/2000 ADDED TRACK CENTERLINE DATA
1. 9/6/2000 MISCELLANEOUS ADDITIONS
REVISIONS

SURVEYOR'S CERTIFICATION

I hereby certify to:
Metropolis Development Company
First American Title Insurance Company

That this map or plat and the survey on which it is based was made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by the American Land Title Association and the American Congress on Surveying and Mapping in 1999, and includes items 2, 3, 4, 5, 8, 9, 10, 11(a), 11(b), 12, 14, 15, and 16 of Table A, thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification) of an Urban Survey.
June 23, 2000.

RICHARD A. HOLMES, JR.
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND NO. 171

NOTES

1. The subject property does not lie within a 100-Year Flood Plain, according to National Flood Insurance Program, Flood Insurance Rate Map, Community – Panel No. 110001 0020 B, effective date of November 15, 1985.
2. The following Utility Companies or Public Agencies are responsible for utilities:
   Water, Sewer and Storm Drainage —— D.C. Water and Sewer Authority
   Gas —— D.C. Natural Gas
   Electricity —— Potomac Electric Power Company
   Telephone —— Bell Atlantic
   Television —— District Cablevision
3. Utilities shown have been taken from plans obtained from Utility Companies or Public Agencies and/or field location of surface structures. Exact horizontal and vertical location of utilities should be determined by digging test pits. Do not dig, excavate, bore or commence construction without calling MISS UTILITY, at 1 – 800 – 257 – 7777, 48 hours in advance. It is the Law.
4. Miscellaneous appurtenances such as vents, ducts, conduits, cables, wires, piping, lights, downspouts, air conditioning units, water spigots, and the like, may not have been shown.
5. No cemeteries were observed on the subject property.
6. No wetlands were observed on the subject property.
7. Bearings, distances and areas shown are per District of Columbia "Record", unless stated otherwise. This information is shown to coincide with Title information.
8. Survey bearings, distances and areas may vary slightly.
9. Elevations are in the datum of the Washington Metropolitan Area Transit Authority.
10. No evidence was observed of any recent earth moving work or building construction.
11. There are no anticipated Street Right-of-Way widenings.
12. Adjacent sidewalks, curbs, gutters and alleys appear new.
    There was no observed solid waste dump, sump, or sanitary landfill on or adjacent to the subject property.
13. This Survey has been reviewed against First American Title Insurance Company's Commitment for Title Insurance, No. DDO – 3984, effective date of December 30, 1999.



VICINITY MAP
SCALE: 1" = 2000'

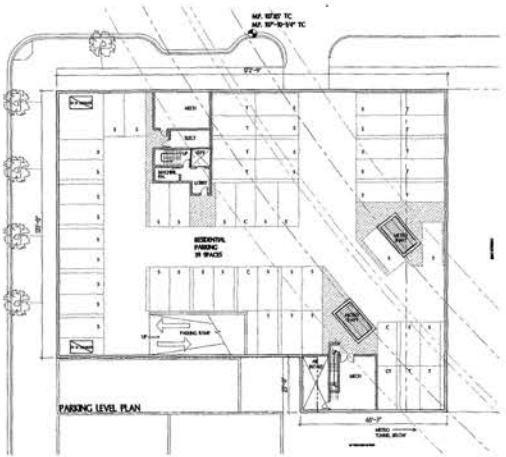
AMERICAN LAND TITLE ASSOCIATION SURVEY
LOTS 54, 61 AND 812

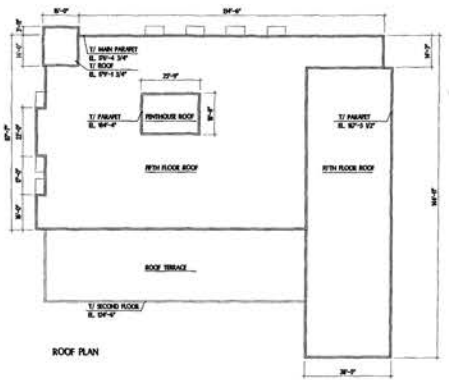
SQUARE 236

14TH AND "V" STREETS, N.W.
WASHINGTON, D.C.

JUNE, 2000 SCALE : 1" = 20'

PRECISION SURVEYING
and
CONSULTING SERVICES, INC.
3033 NUTWOOD LANE, SUITE 102
BOWIE, MARYLAND 20715
TELEPHONE: (301) 390-5610 TELECOPIER: (301) 249-9360





PARKING KEY
S STANDARD SPACE 9'x19'
T TANDEM SPACE 9'x19'
C COMPACT SPACE 8'x16'
CT COMPACT TANDEM SPACE 8'x16'

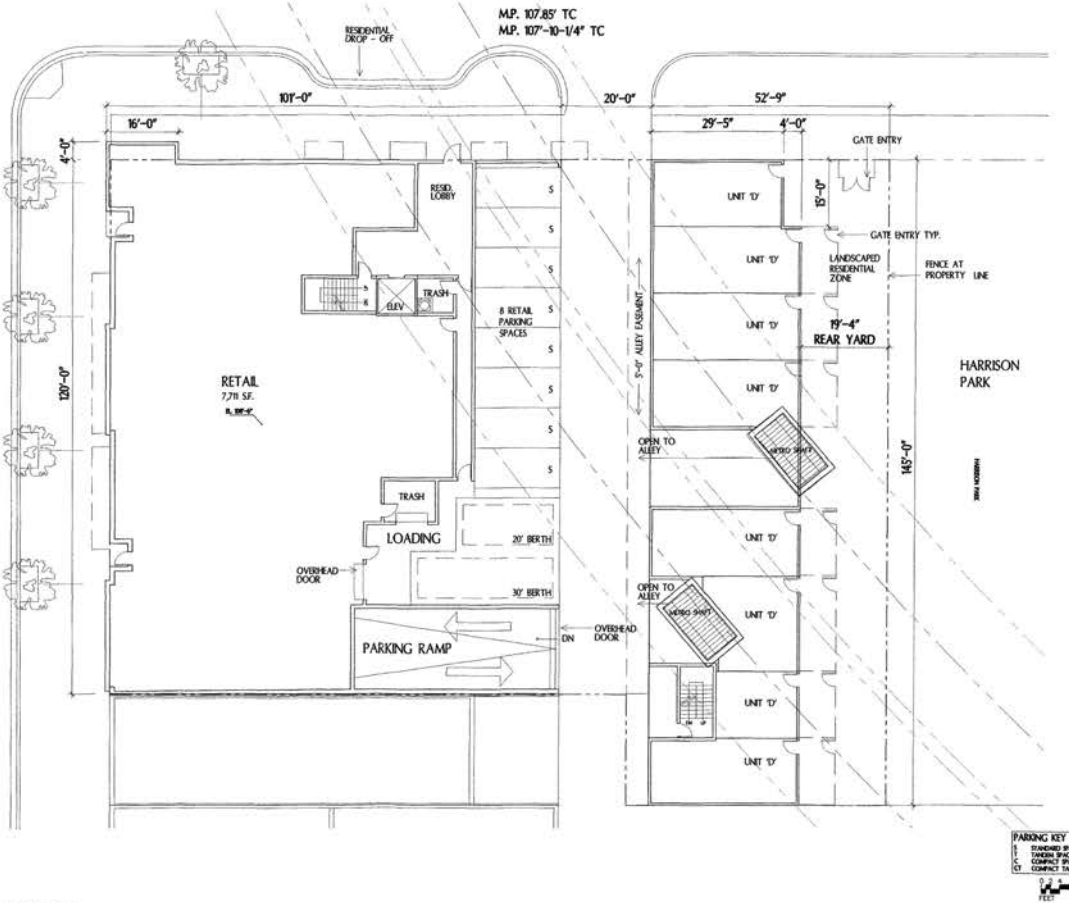
0 4 8 16 32
FEET

14TH & V STREETS
WASHINGTON, D.C.

BASEMENT, ROOF PLAN

BZA SET - DECEMBER 4, 2001

SHALOM BARANES ASSOCIATES
SCALE: 1/16"=1'-0"
A-02



14TH & V STREETS

WASHINGTON, D.C.

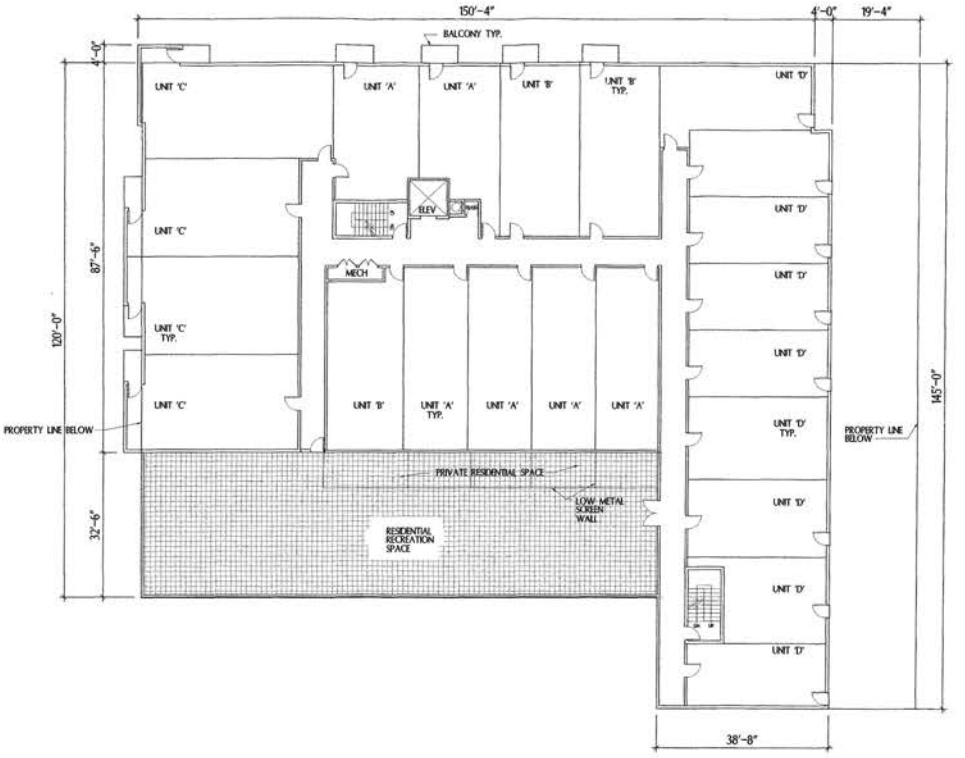
FIRST FLOOR PLAN

BZA SET - DECEMBER 4, 2001

SHALOM BARANES ASSOCIATES

SCALE: 1/8"=1'-0"

A-02.1



14TH & V STREETS

WASHINGTON, D.C.

SECOND FL. PLAN (4TH FL. SIM.)

BZA SET - NOVEMBER 30, 2001

SHALOM BARANES ASSOCIATES

SCALE: 1/8"=1'-0"

A-02.2



V STREET / NORTH ELEVATION



14TH STREET / WEST ELEVATION

14TH & V STREETS

WASHINGTON, D.C.

V AND 14TH ST. ELEVATIONS

BZA SET - DECEMBER 4, 2001

SHALOM BARANES ASSOCIATES

SCALE: 1/8"=1'-0"

A-04



14TH & V STREETS

WASHINGTON, D.C.

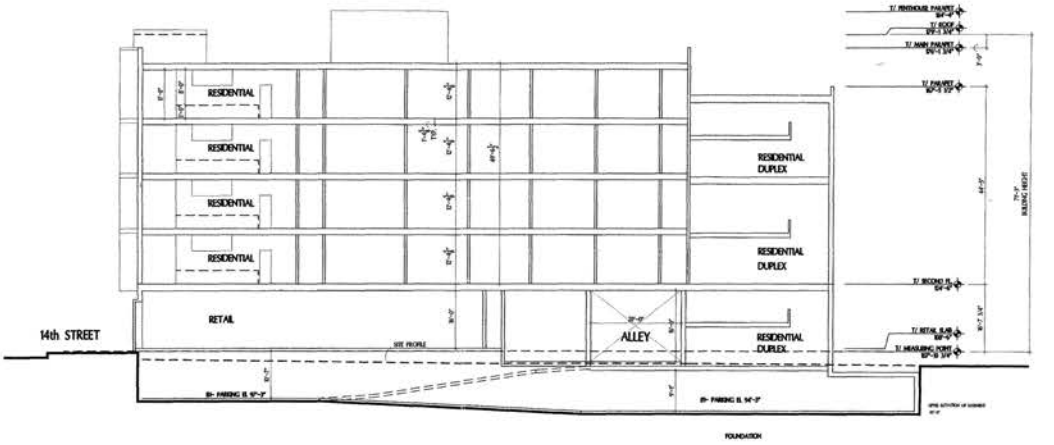
PARK ELEVATION, SOUTH ELEVATION

BZA SET - DECEMBER 4, 2001

SHALOM BARANES ASSOCIATES

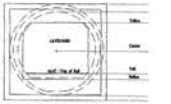
SCALE: 1/8"=1'-0"

A-04.1



14TH & V STREETS
BUILDING SECTION(EAST -WEST)


METRO TUNNEL


METRO TUNNEL

0' 4' 8' 16'
FEET

14TH & V STREETS
WASHINGTON, D.C.

BUILDING SECTION
BZA SET - DECEMBER 4, 2001

SHALOM BARANES ASSOCIATES
SCALE: 1/8"=1'-0"

A-04.2