Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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May 28, 2002

DENNIS R. HUGHES
202-419-2448

Internet
Address: drhughes@hklaw.com

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D.C. OFFICE OF ZONING
2002 MAY 28 PM 3:02

Hand Delivery

Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: BZA Application No. 16881

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on June 11, 2002.

Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: Donald Deutsch
Steven Mordfin, Office of Planning
Phil Esocoff

BZA
Case No. 16881
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16881
EXHIBIT NO.25A1

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
Greystar Atlantic Company

BZA Application No. 16881
Public Hearing: June 11, 2002
ANC 2C

RECEIVED
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STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR §3103.2, for variance from the percentage of lot occupancy restriction under §772, and pursuant to 11 DCMR §3104, for special exception from the roof structures provisions under §411.11, to allow construction of a 13-story apartment house with ground floor retail in the DD/C-2-C District at premises 400 Massachusetts Avenue, NW (Square 517, Lots 40, 41, 47, 48, 803-805, 808, 809, 811-817, 854, 855, 857-863, 868-870)(the "Subject Property"). Please note that the Application originally contained an additional request for variance relief from §775, from the side yard requirement. After further study and design, the Applicant has been successful in complying with the dimensional requirements for the side yard. As a result, the Applicant withdraws the request for variance relief from §775.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested variance and special exception relief pursuant to §§3103.2 and 3104 of the Zoning Regulations.

III.
BACKGROUND OF THE CASE

A. Site and Vicinity Characteristics

1) The Subject Property:

The Subject Property is located in the eastern portion of Square 517, a roughly triangular-shaped Square bounded by Massachusetts Avenue, NW, and I Street, NW, to the north, 5th Street, NW, to the west, H Street, NW, to the south and 4th Street, NW, to the east.(Exhibits A and B). Comprising approximately 27,150 square feet of total lot area, the Subject Property is vacant and unimproved, excepting a small one-story commercial building on Lot 870 that was formerly occupied as a restaurant. The Subject Property is currently utilized for surface parking.

The Subject Property, like Square 537, is largely triangular in shape, with the eastern property line of Lot 49 forming the western boundary of the site and with the northern and southern lines framed by the street lines of H Street, NW, and Massachusetts Avenue, NW, respectively, which meet at an extremely acute angle at its eastern end along 4th Street, NW. Along the Massachusetts Avenue frontage, the Subject Property excludes Lot 856, with approximately 30.6 feet of street frontage and 2,085 square feet of lot area, and which is improved with the vacant former Old

Engine Company No. 6 firehouse, a designated District of Columbia landmark building.

The Subject Property is zoned C-2-C and is located within the Downtown Development District ("DD"), in Housing Priority Area B. (Exhibit C). The Subject Property is defined as a corner lot for zoning purposes, with frontages on Massachusetts Avenue, 4th and H Streets, NW.

2) Square 517:

In addition to the Subject Property and the Old Engine Company No. 6 firehouse, Square 517 contains the Judiciary House Apartments at 461 H Street, NW, small office buildings along the north side of H Street, NW, at the intersection with 5th Street, NW, and a building site at 450 Massachusetts Avenue which is under construction as an apartment house. The apartment house at 450 Massachusetts Avenue also received variance relief from this Board from the floor area ratio, rear yard and residential recreation space requirements, in order to be constructed. (Please see BZA Order No. 16603, attached as Exhibit M).

Immediately south across H Street, NW, from Square 517 is the headquarters building for the General Accounting Office, with premises address of 535 G Street, NW. To the east are Federal Reservations No. 75 and No. 76 and a complex of intersections among H Street, Massachusetts Avenue, 3rd and 4th Streets, NW. North of Square 517, across Massachusetts Avenue, are a variety of older, smaller scale commercial buildings. West of Square 517, across 5th Street, NW, are the Corinthian Baptist Church, at 600 I Street, NW, an apartment house

at 808 5th Street, NW, and various smaller scale commercial buildings located along the intersection of 5th and H Streets, NW.

3) Ownership and Development History:

The Applicant is the contract purchaser of the Subject Property from current owners Jemal's Barton LLC and Jemal's Golub LLC. Under the current ownership, the Subject Property has been designated as an amenity site to a Planned Unit Development ("PUD") approved by the District of Columbia Zoning Commission (the "Zoning Commission") effective May 11, 2001 (Zoning Commission Order No. 940). (Exhibit J). The PUD provides for the rehabilitation and redevelopment of the former Woodward & Lothrop Department Store building, located at 1025 F Street, NW, Lot 805 in Square 346 (the "Woodies Site" or the "PUD Site"). Pursuant to the PUD, the Subject Property and one other amenity site were designated to be developed as substantial residential buildings. To this end, the Zoning Commission required, as a condition to the PUD, that within 30 days of the effective date of Order No. 940, a covenant be entered into for the duration of the PUD on the Woodies Site, restricting development on the Subject Property "of not less than 200,000 and as much as 330,000 square feet of residential type of uses with commercial development to be provided on the ground level and cellar level only, and with no principal office uses permitted."(Exhibit K). This covenant was recorded among the Land Records for the District of Columbia (the "Land Records") on June 7, 2001. The PUD Covenant, requiring the PUD Site, the Subject Property and the second

amenity site to be developed and used in accordance with the PUD Order, was recorded among the Land Records on December 13, 2001.(Exhibit L).

B. **Project Description**

The Subject Property is proposed to be developed as a 13-story, 130 foot tall apartment house with approximately 262 units. The building will contain approximately 329,244 square feet of gross floor area, 316,278 square feet of which will be dedicated to residential use. The project also includes bay area projections on its Massachusetts Avenue and H Street, NW, elevations. All ground floor leasable space in the building that is not otherwise utilized for apartments or support facilities will be devoted to retail use. The building has a leasable efficiency rate of only approximately 80 percent.

The apartment house will provide residential recreation space by means of a sizeable rooftop terrace, a health club, and by utilizing the side yard space created along 4th Street, NW.

Parking will be provided for approximately 197 automobiles on four below-grade levels occupying 95,172 square feet, with street access from Massachusetts Avenue, NW. Loading dock access will be available along H Street, NW, at the west end of the south side of the building.

Pursuant to §772 of the Zoning Regulations, in the C-2-B and C-2-C Districts, no building or portion of a building devoted to a residential use, excluding hotel, is permitted to occupy more than 80 percent of the lot upon which it is located. The Application proposes to occupy 97 percent of the Subject Property.

Development on the Subject Property is subject to design review by the U.S. Commission of Fine Arts ("CFA") under the purview of the Shipstead-Luce Act, (40 USC 121). The Applicant's proposed project was reviewed in concept by CFA in February, 2002, at which time CFA recommended approval of the concept design with no objection to height, massing or setbacks of the design.(Exhibit N). On May 16, 2002, further CFA review and approval was obtained for the design being presented to the Board in the present Application. The project will return to CFA for final design review and selection of materials as the project proceeds. As a result, the Applicant requests that the Board approve the Application and attached architectural plans subject to any minor modifications, as directed by CFA, so long as they do not increase the areas of relief requested.

IV.
EXHIBITS IN SUPPORT OF THE APPLICATION

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	A portion of the Baist Map showing the Subject Property outlined in red ink.
Exhibit B:	A portion of the Sanborn Atlas showing the Subject Property outlined in red ink.
Exhibit C:	A portion of the Zoning Map showing the Subject Square outlined in red ink, with zoning designation of DD/C-2-C.
Exhibit D:	Photographs of the Subject Property and surrounding properties.
Exhibit E:	Outline of testimony of Representative of Greystar Atlantic Company.

Exhibit F:	Outline of testimony of Phil Esocoff, Architect.
Exhibit G:	Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.
Exhibit H:	Outline of testimony of Representative of Construction Contractor.
Exhibit I:	Architectural drawings.
Exhibit J:	Zoning Commission Order No. 940 ("Woodies PUD Order").
Exhibit K:	Declaration of Covenants and Restrictions, dated Feb. 7, 2001, recorded June 7, 2001, Instrument No. 2001051233.
Exhibit L:	Covenant (Planned Unit Development) September 25, 2001, recorded December 13, 2001, Instrument No. 2001120346.
Exhibit M:	BZA Order No. 16603, 450 Massachusetts Avenue, NW.
Exhibit N:	Recommendation Letter from U.S. Commission of Fine Arts, dated February 27, 2002.
Exhibit O:	Letter of support from Advisory Neighborhood Commission 2C dated February 11, 2002.

V.
THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF FROM §772, THE PERCENTAGE OF LOT OCCUPANCY RESTRICTION

The Application seeks variance relief from the restriction of §772 of the Zoning Regulations limiting lot occupancy to a maximum of 80 percent for buildings, or portions thereof, devoted to residential use in C-2-B and C-2-C Districts. As set forth herein and through the testimony to be provided at the

public hearing, the Application meets the burden of proof for variance relief from §772 of the Zoning Regulations.

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Subject 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. District of Columbia Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). As set forth below, the Application meets this three-part test for area variance relief.

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

The Subject Property is confronted with a variety of factors which qualify it for variance relief. These factors include both physical conditions impacting the Subject Property and its unique zoning history.

1) Physical Conditions:

As discussed above, the Subject Property is an exceptionally configured building site located within an unusually shaped and located Square. It is burdened with an extremely acute building line at its east end and the presence of a historic landmark at its west end, resulting in a very inefficient building footprint, especially for residential development.

The Subject Property's location is also exceptional in that it is a corner lot located directly adjacent to, and west of, a complex series of street intersections and Federal park land created by the L'Enfant Plan. The presence of Federal Reservations No. 75 and 76, combined with the intersection of H Street and Massachusetts Avenue between 3rd and 4th Streets, NW, creates an area that is roughly equivalent in size to a typical Square, where no development can occur or would be impacted by the proposed building on the Subject Property.

The site is further burdened with a variety of unusual subsoil conditions affecting development, presenting numerous challenges at the depths anticipated for footings and for underground parking.

2) Zoning History:

The Subject Property is further exceptionally situated in that it is required by recorded covenants to be developed pursuant to certain restrictions established under the PUD approved by the Zoning Commission for the rehabilitation and redevelopment of the Woodward & Lothrop Building. As a result, any building constructed on the Subject Property is required to be a major building devoted substantially to residential uses. Any commercial uses sought for the Subject Property must be of the non-office variety and be located either at the ground level or below grade.

B. The Strict Application of §772 of the Zoning Regulations Would Result in a Practical Difficulty

Given the abovementioned physical and zoning restraints impacting the Subject Property, the Applicant is experiencing great difficulty in developing a marketable downtown apartment house in strict compliance with the Zoning Regulations. As a result, the Applicant requests variance relief from the Board from the percentage of lot occupancy restriction.

The Subject Property has been identified by the Zoning Commission, and restricted by covenant recorded among the Land Records, for development as a major downtown residential building. The Applicant is confronted with this reality as it proceeds with development plans for the site. The Applicant is further confronted with the very inefficient building footprint created from the combination of the acute angle in the eastern portion of the Subject Property and the presence of a historic landmark abutting the northwestern portion of the Subject Property. The area variance herein requested relates directly to the Applicant's attempts to design and construct upon this unusually constrained site a marketable apartment house, in compliance with the PUD Order and related covenants as well as the District's plans to maximize residential use in the Massachusetts Avenue sector of downtown, as established through the Comprehensive Plan and the DD provisions of the Zoning Regulations. The building design must also meet the approval of CFA.

The Applicant is proposing a major residential building for the Subject Property. That is what is required by the Zoning Commission as well as what is envisioned and encouraged by the District through the Comprehensive Plan and the DD provisions of the Zoning Regulations. Through the PUD Order, the Applicant has

been given a substantial "floor" of required residential square footage that it must provide in any development on the site. Of course, any development on the Subject Property must also be cost efficient, that is, fiscally viable, in order to move forward. In the present case, the unusual configuration of the development site further complicates the Applicant's efforts to construct a substantial, and marketable, apartment house on the site. In order to develop a marketable residential project under the constraints impacting the Subject Property, the Applicant needs to expand the building footprint of the proposed project to occupy a greater percentage of the site than would otherwise be allowed under the Regulations absent a variance. The Applicant makes this request for variance relief in order to alleviate the following serious difficulties it faces in proceeding to construction:

1) Inefficient Residential Footprint:

Hypothetically, the most efficient apartment house design is one that is uniform in dimension and centers upon a double–loaded corridor, in other words, a rectangular structure with a spine-like corridor. This approach generally results in individual units with well-proportioned and efficient footprints created from perpendicular lines. In the present case, the Applicant's burden of addressing the very acute angle of the eastern end of the property, coupled with the necessity of building around the landmark firehouse, ensures that the interior layout of the building is far less than a model of efficiency. While the double-hung nature and spine-like corridor of efficient design are present to some extent, the "spine" is crooked, a direct result of the Applicant being forced to mitigate both the contorted

development footprint and mechanical components that form the core of the building. The product is a wide variety in unit footprints, with varying degrees of efficiency. To be sure, efficient use of a significant amount of space is being lost as a result.

2) Increased Costs:

This lost space efficiency translates into a significant loss in cost efficiency for the proposed project. The Applicant simply cannot recoup this loss via increased unit rents and still remain competitive in the growing downtown housing market. And this is not the only inefficiency of the development site that the Applicant must address in its efforts to develop the project. As stated above, although the landmark firehouse is not a part of the development footprint, the Applicant still must include consideration of the firehouse in a number of decisions it makes for the new construction.

Firstly, the firehouse must be protected from lateral movement during the construction of the apartment house. This will necessitate the underpinning of the firehouse on three of its four sides, at significant expense to the Applicant. The Applicant also must underpin the Judiciary House Apartments building to the west of the Subject Property as that property has only a single below-grade level.

Likewise, as a result of the location of the firehouse in the middle of the Square and in the center of the most developable portion of the Subject Property, the resulting parking level footprint is significantly reduced in size and efficiency. As a result, the Applicant is excavating a fourth below-grade level, again at significant expense, to provide additional parking. While the fourth parking level is not required in order to comply with the required parking minimum established in the Zoning Regulations,

the additional parking space is necessary to the marketability of the project. Because of the exceptionally poor soil conditions and the presence of sub-surface water on the site, this fourth parking level also requires the use of a more expensive concrete mat foundation and additional waterproofing efforts. The additional expense for constructing a fourth parking level and the extraordinary construction costs listed above total approximately $1.04 Million.

Thirdly, the Applicant has been keenly sensitive of the firehouse in a number of design decisions made for the project, again resulting in lost use of space and additional cost. Foremost among these is the Applicant's decision to step back, at the fourth floor and above, that small portion of the proposed building located west of the firehouse. While this provides an enhanced visual focus upon the historic building, it further reduces the amount of space on the project site that the Applicant can devote to residential use. Nonetheless, the amount of space that is devoted to open space above the third floor, is counted toward the lot occupancy of the proposed building.

It must be remembered that any development on the Subject Property also is subject to design review by CFA. In the present case, CFA review has resulted both in a further limitation on the configuration of the building as well as a significant expense increase for architectural design, treatment and materials. In communications with the architect, the Commission of Fine Arts has stated its desire that the proposed design "hold" the street line along the three public frontages that form this prominent site. In order for the Applicant to comply with CFA's recommendation as well as the lot occupancy restriction, the Applicant would essentially be forced to create a closed court. For a building measuring 130 feet in

height, a court that is compliant with the Zoning Regulations would need to measure a width of more than 43 feet. Owing to the location of the firehouse landmark, even the location of such a closed court along the western lot line of the Subject Property would be unworkable.

The 43-foot width and depth of the required closed court could not be accommodated anywhere in the development without rendering the building footprint unworkable, especially for residential purposes. Take, for example, the location of this closed court along the western property line, where it would be arguably the least intrusive to the building's footprint. Even in this location, the detrimental effects upon the proposed building are evident, both to the north of the court, where the northwesternmost portion of the building (that portion west of the firehouse) becomes completely isolated, and to the south of the court, along H Street, where the building depth is so little as to render it almost unusable. This pattern of inefficiency is repeated wherever one attempts to relocate such a massive closed court on this exceptionally situated site. Thus, if the Applicant were to follow the CFA recommendation re: street presence and at the same time the Zoning Regulations re: both lot occupancy and courts, the proposed building would be burdened with a court of such great dimension as to render a residential design for the western portion of the site infeasible.

The Commission of Fine Arts has also shown great interest in the materials to be utilized for this prominent development site. The upgraded building systems and façade improvements recommended for this building with multiple public elevations bring an additional cost to the project estimated at $1 Million.

As a result, the construction and design costs in developing this site as an apartment house are approximately $2.04 Million more than a conventional project without these exceptional constraints.

3) Opportunity Costs:

Importantly, the Zoning Regulations only impose lot occupancy restrictions upon buildings with residential components. Thus, if the Subject Property were not burdened with the residential requirement established by the PUD Order and the Applicant were able to provide the DD-mandated residential space for Housing Priority Area B offsite, such as in a combined lot development, the Applicant conceivably could construct a commercial building on the Subject Property with the identical footprint to that which is proposed here and without need for variance relief from the lot occupancy restriction of §772 of the Regulations.

By way of contrast, without the variance relief requested from the lot occupancy restriction, the Applicant would be required to substantially reduce residential building area on the site for no discernable purpose under the Regulations and in contravention to the obvious preferences and ambitions of the District government for increased downtown housing. Lot occupancy restrictions were formulated to prevent reduction in otherwise needed open space between buildings. Here, due to the unusual configuration and location of the Subject Property adjacent to extensive open and undevelopable space and with a building to its west which has no fenestration facing the Subject Property, this situation does not arise. Open space is present

essentially all around the proposed building and the increased lot occupancy does not in any way adversely affect any other property.

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 Applicant proposes to construct the apartment house on the Subject Property with no substantial detriment to the public good and with no impairment to the intent, purpose and integrity of the Zone Plan, as set forth below.

1) Public Good:

Most importantly, the Applicant is seeking to provide a significant addition to the housing stock in the downtown area. The importance of this project to the public good is evident in the importance placed upon it by the Zoning Commission in approving the PUD for the redevelopment of the Woodward & Lothrop Building. Approval of the variance relief requested will allow this important project to reach fruition and to provide a premium of desirable residential units on an exceptionally prominent yet poorly configured development site.

With respect to lot occupancy, the configuration of the Subject Property, combined with the location of the requested relief, ensure that approval of this variance will not cause any public harm as the variance offers no threat of impact upon the light and air of adjacent properties.

As stated above, the requested relief from the lot occupancy restriction poses no harm to the public good or threat to light and air access for adjacent properties.

Given the facts that the Subject Property is a corner lot with development fronting three public rights-of-way, the Subject Property is essentially surrounded with open space – from the exceptional width of Massachusetts Avenue, to the de facto open space to the east created by the side yard, the Federal Reservations and the multiple traffic intersections of the L'Enfant plan, to the significant frontage along H Street, NW, the general protection provided by the lot occupancy rule, namely, the guarantee of access to light and air for residents, is simply not in issue in the present case. Furthermore, the Applicant has proposed a series of bay projections along both Massachusetts Avenue and H Street, adding even greater access to light and air.

The Applicant's proposal provides for significant setbacks at the upper levels and seeks to minimize the impact of larger scale development surrounding the firehouse landmark, including the creation of a terrace setback along Massachusetts Avenue, NW, at the northwesternmost portion of the Subject Property. Additionally, the proposed project will have increased access to light and air for the portions of the project immediately adjacent and to the south and east of the firehouse.

The proposed residential project likewise has the conceptual design approval of the Commission of Fine Arts and the support of ANC 2C, which voted unanimously in support of this Application at its February, 2002 public meeting. (Exhibit O). Further CFA approval was obtained in May, 2002.

2) Zone Plan:

Just as the Application for variance relief ensures that no harm will occur to the public good, it likewise protects the intent and integrity of the Zone Plan. It accomplishes this by furthering the objectives set forth in the Zoning Regulations for increased residential development in the downtown area as well as ensuring that the Subject Property is developed in furtherance of the directive of the Zoning Commission in its PUD Order for the Woodies Site.

Section 1706 of the Zoning Regulations establishes the District's policy emphasizing residential development along Massachusetts Avenue, NW, and at the same time creates a number of mechanisms for accomplishment of these objectives. These efforts are directed at fulfilling the District's goal of a "living downtown." The development proposed by the Applicant, and facilitated by the Board's approval of this Application, is in keeping with the residential focus of the DD and the District's vision for a living downtown.

Furthermore, and even more directly, the Zoning Commission has spoken with respect to the uses contemplated for the Subject Property. The site is to be used primarily for high density residential use. Through approval of the requested variances, the Board is allowing for an appropriate amount of residential use to be provided even given the physical shortcomings of the Subject Property.

For all the above reasons, the Application qualifies for variance relief from §772 of the Zoning Regulations.

VI.
THE APPLICANT MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER §411.11 OF THE ZONING REGULATIONS

In order to proceed with the proposed residential and retail project, special exception relief is required from the provision of the Zoning Regulations regarding roof structures. As the Board is aware, a special exception use is predeemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If an applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973).

Special Exception from §411.11, Roof Structures

Under §411.11 of the Zoning Regulations, the Board of Zoning Adjustment may approve the location, design, number, or any other aspect of a roof structure even if it does not comply with the setback requirements of §770.6, where it would be impractical because of operating difficulties, size of building lot or other conditions relating to the building or surrounding area that would make full compliance unduly restrictive, prohibitively costly or unreasonable. Pursuant to §777.1, the provisions of §411 shall apply to roof structures in the Commercial districts. The Board has the power to approve a roof structure under §411.11, provided that the intent and purpose

of the chapter and title of the Zoning Regulations are not materially impaired by the structure, and the light and air of adjacent buildings are not affected adversely.

In order to accommodate significant rooftop residential recreation space, including a pool, and in order to provide both resident access to the roof deck and utility access to the penthouse mechanical equipment, the Applicant requests special exception approval to provide more than one roof structure and roof structures of varying heights. The exceptional configuration of the Subject Property, such that the footprint of the apartment house forms a U-shape around the historic firehouse building, has further limited the options for placement of the roof structures. Nonetheless, the Applicant has ensured that both roof structures fully comply with the 1:1 setback requirement, pursuant to §770.6(b).

Section 411.3 provides that all penthouses and mechanical equipment shall be placed in one enclosure and shall harmonize with the main structure in architectural material, color and appearance. The Applicant is not reasonably able to comply with the single enclosure restriction as a direct result of Construction Code compliance issues (specifically, the number and amount of distance required between emergency egresses) and design considerations based upon the proposed use of the roof level for residential recreation space.

The additional rooftop stair enclosure is required to be provided for emergency egress. Special exception relief is appropriate in order to ensure the proposed building's compliance with the Construction Code. Furthermore, it is impractical for the Applicant to connect the two enclosures simply to avoid this request for relief. Not only would such an endeavor be a waste of financial resources, it would also obstruct

and diminish the amount of space that the Applicant can provide for rooftop residential recreation space, required by the Zoning Regulations to be provided.

The Applicant also requests special exception relief from the requirement of §411.5 that all enclosing walls of penthouse structures be of equal height. The Applicant is proposing that the larger mechanical enclosure be constructed to a maximum height of 18.5 feet while the additional stair enclosure be constructed only to a height of 12 feet. There is no practical need served in constructing the stair enclosure to a height of 18.5 feet when that additional space is not needed. The additional construction would add unwanted and unneeded mass to the roof and serve as a waste of financial resources. An additional reason for this request is that the Applicant seeks to provide a rooftop pergola for the roof deck and pool area of equivalent height to the stair enclosure, essentially masking this additional enclosure. Were the stair enclosure required to be consistent in height with the mechanical enclosure, the stair enclosure would also not likely not satisfy the 1:1 setback requirement.

The Applicant contends that special exception relief to allow for the proposed increase in the number of allowed roof structures and unequal height of the roof structures shall not materially impair the intent and purpose of the Zoning Regulations and shall not adversely affect the light and air of adjacent buildings.

The Applicant's roof level plan likewise is in harmony with that of neighboring structures and is in keeping with the purpose and intent of the Zoning Regulations. For the above stated reasons, special exception relief from the roof setback requirement of §770.6 is appropriate in the instant case.

VII.
WITNESSES

A. Representative of Greystar Atlantic Company, Applicant.

B. Phil Esocoff, Architect.

C. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

D. Representative of Construction Contractor.

VIII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

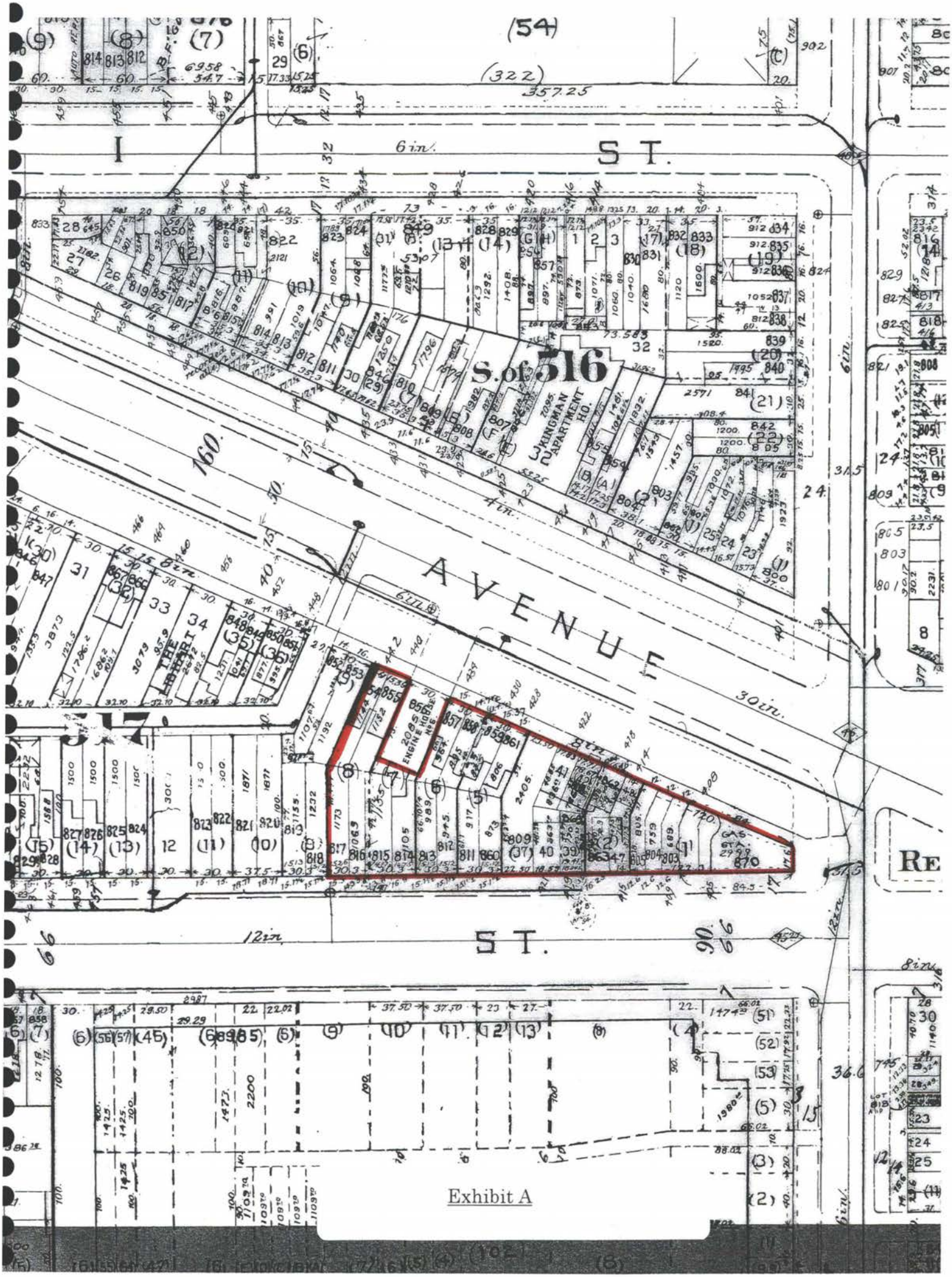
By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

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

May, 2002

A


I ST.
S. of 516
KINGMAN APARTMENT HO.
AVENUE
30th.
ENGINE HOUSE No 6
12th ST.
Exhibit A



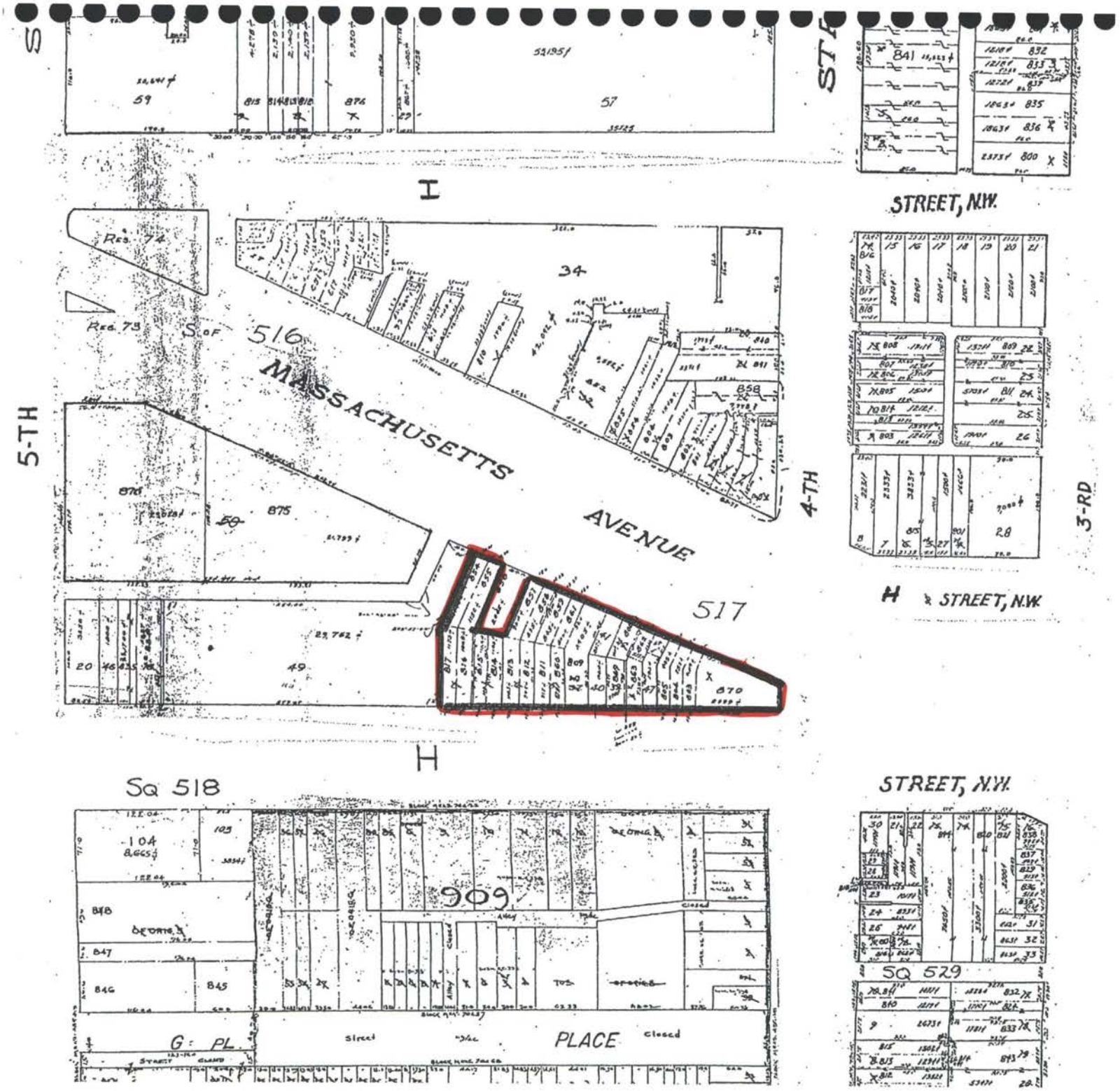
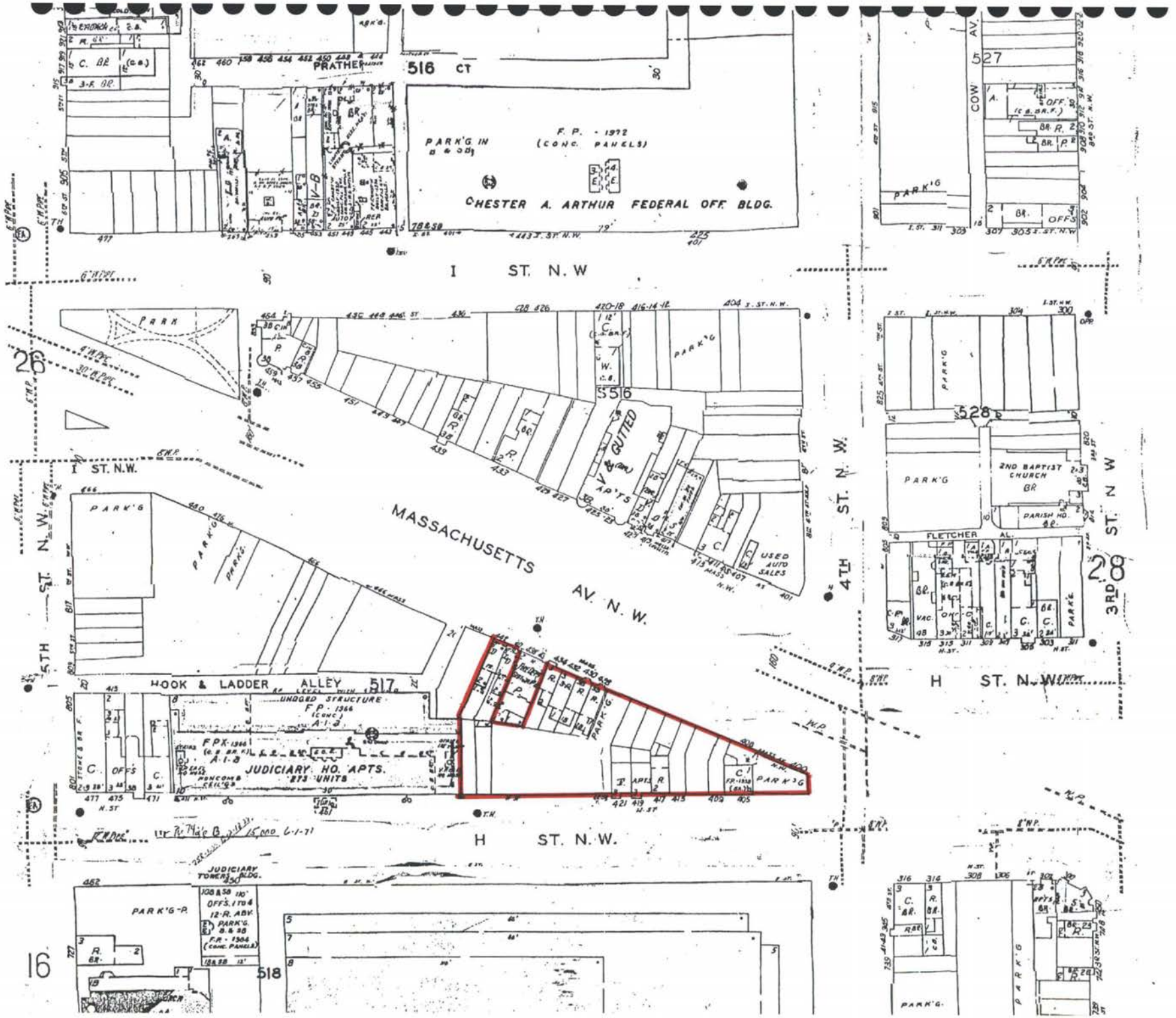

STREET, N.W.
H
MASSACHUSETTS
AVENUE
5-TH
4-TH
3-RD
Reg. 74
Reg. 73
516
517
34
59
57
875
876
49
858
870
Sq 518
909
PLACE
closed
street
G: PL.
104
Sq 529

Exhibit B

Exhibit B


I ST. N.W.
H ST. N.W.
MASSACHUSETTS AV. N.W.
4TH ST. N.W.
15TH ST. N.W.
3RD ST. N.W.
516
517
518
527
528
CHESTER A. ARTHUR FEDERAL OFF. BLDG.
F. P. - 1972 (CONC. PANELS)
PARK'G IN
PRATHER
HOOK & LADDER ALLEY
JUDICIARY HO. APTS.
273 UNITS
JUDICIARY TOWER BLDG.
2ND BAPTIST CHURCH
FLETCHER AL.
USED AUTO SALES
PARK'G
PARK
COW AV.




DD/C-2-C
DD/C-3-C
DD/R-5-B
AVENUE
NEW YORK
DD/C-3-C
DD/C-2-C
C-2-A
R-5-D
DD/C-2
C-2-B
JUDICIARY SQUARE
C-3-C
INDIANA
PENNSYLVANIA
CONSTITUTION
LOUISIANA
MADISON
WASHINGTON
THE ADAMS
JEFFERSON
DRIVE
MALL
U.S. CAPITOL
INDEPENDENCE

Exhibit C





VIEW OF SUBJECT PROPERTY FACING SOUTHEAST
FROM MASSACHUSETTS AVENUE
(General Accounting Office in Background)



VIEW OF SUBJECT PROPERTY FACING WEST FROM FOURTH STREET, NW
(Massachusetts Avenue Visible at Right)



VIEW OF SUBJECT PROPERTY FACING NORTHWEST FROM H STREET, NW
(Old Engine Company No. 6 Firehouse and Massachusetts Avenue Visible in Distance, Judiciary House Apartments Visible at Extreme Left)



OUTLINE OF TESTIMONY
REPRESENTATIVE OF GREYSTAR ATLANTIC COMPANY

I. INTRODUCTION

II. OWNERSHIP HISTORY OF SITE

III. DESCRIPTION OF SITE

IV. DESCRIPTION OF PROPOSED CONSTRUCTION

V. SPECIAL EXCEPTION AND VARIANCE RELIEF IS NEEDED

VI. CONCLUSION

Exhibit E

F

OUTLINE OF TESTIMONY
PHIL ESOCOFF, ARCHITECT

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

- **A. Overview of Site, Vicinity and Land Use/Zoning**
- **B. Site Planning – size, configuration, uniqueness and exceptional situations and conditions**

III. PROJECT DESIGN

- **A. Design Considerations**
  - **- Unusual Configuration of Site**
  - **- Treatment of Abutting Historic Structure**
  - **- Underpinning**
  - **- Soil/subsurface conditions**
  - **- Impact of CFA design review**
  - **- Practical difficulties affecting site**
- **B. Review of Massing of New Construction**
- **C. Floor Plans**

IV. COMMUNITY SUPPORT

- **A. Commission of Fine Arts**
- **B. Advisory Neighborhood Commission 2C**

V. CONCLUSION

OUTLINE OF TESTIMONY
STEVEN E. SHER
DIRECTOR OF LAND USE SERVICES
HOLLAND & KNIGHT LLP

I. SITE LOCATION AND DESCRIPTION

II. DESCRIPTION OF SURROUNDING AREA

III. EXISTING ZONING: DD/C-2-C

- **A. Uses**
- **B. Height**
- **C. Density**
- **D. Lot Occupancy**
- **E. Parking**
- **F. Side and Rear Yard**
- **G. Court**

IV. ZONING HISTORY OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

- **A. PUD Order**
- **B. BZA Approval for Apartment House Design – 450 Massachusetts Ave.**

V. PROPOSED PROJECT

VI. RELIEF REQUIRED

- **A. Variance from §772, Percentage of Lot Occupancy**
- **B. Special Exception from §411.11, Multiple Roof Structures of Varying Heights**

VII. COMPLIANCE WITH STANDARDS FOR VARIANCE AND SPECIAL EXCEPTION RELIEF

VIII. CONCLUSION

H

OUTLINE OF TESTIMONY
OF CONSTRUCTION CONTRACTOR

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. OVERVIEW OF PROPOSED PROJECT

III. OVERVIEW OF CONSTRUCTION COST PREMIUMS

IV. CONCLUSION

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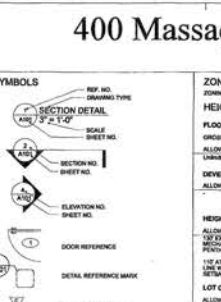
400 Massachusetts Avenue N.W.
WASHINGTON, DC

VICINITY MAP NTS

ABBREVIATIONS LIST

&	And	ID	Inside diameter
@	Angle	INCAN	Incandescent
@	At	INSUL	Insulation
℄	Centerline	INT	Interior
∅	Diameter	INV	Invert
#	Number		
		JAN	Janitor
ABV	Above	JOH	Jamb opening height
ACOUS	Acoustical	JOW	Jamb opening width
AD	Area drain	JST	Joist
ADJ	Adjustable	JNT	Joint
APP	Above finished floor		
AGGR	Aggregate	LB(S)	Pounds
ALUM	Aluminum	LAM	Laminate
ANOD	Anodized	LAV	Lavatory
APPROX	Approximate	LDG	Landing
ARCH	Architect(ed)	LT	Light
ASPH	Asphalt		
		MAS	Masonry
BALC	Balcony	MAX	Maximum
BC	Bottom of curb	MECH	Mechanical
BD	Board	MEMB	Membrane
BET	Between	MTL	Metal
BLDG	Building	MFGR	Manufacturer
BLKG	Blocking	MIN	Minimum
BUR	Built-up	MISC	Miscellaneous
BM	Beam	MO	Masonry opening
BOT	Bottom	MTD	Mounted
BRK	Brick		
BRKT	Bracket	N	North
		NIC	Not in contract
C	Course	NO	Number
CAB	Cabinet	NOM	Nominal
CANT	Cantilever	NTS	Not to scale
CEM	Cement		
CER	Ceramic	OA	Overall
CG	Control guard	OC	On center
CI	Cast iron	OD	Outside diameter
CJ	Control joint	OPG	Opening
CLG	Ceiling	OPNG	Opposite
CLOS	Closet		
CLR	Clear	PCC	Precast concrete
CMU	Concrete masonry unit	PL	Property line
COL	Column	PLAM	Plastic laminate
CONC	Concrete	PLYWD	Plywood
CONT	Continuous	PNT	Paint
CPT	Carpet	PR	Pair
CT	Ceramic tile	PT	Point
CTR	Center	PTD	Painted
		PTN	Partition
DET	Detail		
DIA	Diameter	R	Riser
DN	Downspout	RAD	Radius
DR	Door	RCP	Roof drain
DW	Dishwasher	REF	Reflected
DWG	Drawing	REINF	Reinforce
DWR	Drawer	REQD	Required
		RESID	Resident
E	East	RL	Rain leader
EA	Each	RO	Rough opening
EF'S	Each elevation first floor		
EL	Elevation	S	South
ELEC	Electrical	SEAL	Sealant
ELEV	Elevator or Elevation	SECT	Section
EMER	Emergency	SHTG	Sheathing
ENCL	Enclosure	SHT	Sheet
EQ	Equal	SIM	Similar
EWC	Electric water cooler	SF	Square foot
EXIST	Existing	STD	Standard
EXP	Expansion	STL	Steel
EXP JT	Expansion joint	STOR	Storage
EXT	Exterior	STRUCT	Structural
		SUSP	Suspended
FA	Fire alarm	SYM	Symetrical
FD	Floor drain		
FDN	Foundation	T	Tread
FE	Fire extinguisher	TC	Top of curb
FEC	Fire extinguisher cabinet	TEL	Telephone
FH	Fire hydrant	T&G	Tongue & groove
FIN	Finish	THR	Threshold
FLASH	Flashing	TOW	Top of wall
FLR	Floor	TYP	Typical
FLUOR	Fluorescent		
FND	Found or fnd	UNFIN	Unfinished
FTG	Footing	UON	Unless otherwise noted
FURR	Furring	UTIL	Utility
GA	Gage	VCT	Vinyl composition tile
GAL	Gallon	VERT	Vertical
GALV	Galvanized	VEST	Vestibule
GL	Glass	VIF	Verify in field
GND	Ground	VINC	Vinyl wall covering
GR	Grade		
GYP BD	Gypsum board	W	West
		WH	With
H/B	Hose bibb	WC	Water closet
HC	Handicapped	WD	Wood
HDW	Hardware	WHTR	Water heater
HGT	Height	WO	Without
H/M	Hollow metal	WP	Waterproof
HORIZ	Horizontal	WT	Weight
HR	Hour		

SYMBOLS



MATERIALS

BRICK
CONCRETE IN SECTION
PAVING IN ELEVATION
CONCRETE MASONRY UNIT
CONTINUOUS WOOD BLOCKING & FURRING
DISCONTINUOUS WOOD BLOCKING & FURRING
EARTH
FIREPROOFING
GLASS
GYPSUM BOARD
METAL IN SMALL SECTION
PRECAST CONCRETE (PCC)
RIGID INSULATION
WATERPROOFING MEMBRANE

APPLICABLE CODES:

BUILDING CODES: BOCA NATIONAL BUILDING CODE..... 1996 EDITION
TITLE 12 DCMR, D.C. CONSTRUCTION CODES SUPPLEMENT..... 1999 EDITION

MECHANICAL: INTERNATIONAL MECHANICAL CODE..... 1996 EDITION

PLUMBING: INTERNATIONAL PLUMBING CODE..... 1995 EDITION

ELECTRICAL: NFPA NATIONAL ELECTRICAL CODE..... 1996 EDITION

FIRE PREVENTION: BOCA FIRE PREVENTION CODE..... 1996 EDITION

ACCESSIBILITY: ANSI A117..... 1992 REVISION

SITE DESCRIPTION

SITE DESCRIPTION:	SQUARE 517 LOTS 43, 47, 47, 48, 803-805, 808, 836, 811-817, 854, 855, 857-863, 868-870
PROPOSED: 1090 OF SITE:	NEW APARTMENT BUILDING WITH GROUND FLOOR RETAIL
ADJACENT STREET FACADES:	Massachusetts Ave 330'-0" H Street 334'-0" Fourth Street 18'-0"
TYPE OF LOT:	THROUGH
TOTAL LOT AREA:	27,190 SF

ZONING

ZONING CLASSIFICATION: CD/C-3-C

HEIGHT, AREA & DENSITY

FLOOR AREA RATIO (FAR)

GROSS FLOOR AREA:	339,344 SF
ALLOWED: Unlimited	PROPOSED: 11.8 FAR

DEVELOPMENT AREA

ALLOWED	PROPOSED
-	-

HEIGHT

ALLOWED	PROPOSED
130' ETC/3.5 AT ROOF MECHANICAL PENTHOUSE:	130' T.C.O.S AT ROOF
1:1/2' AT PROPERTY LINE WITH 1:1 SETBACK ABOVE	106'-6" AT PROPERTY LINE WITH 1:1 SETBACK ABOVE

LOT OCCUPANCY

ALLOWED	PROPOSED
80%	81%

REAR YARD(S):

REQUIRED	PROPOSED
15'	49' FROM CENTER OF H STREET

SIDE YARD(S):

REQUIRED	PROPOSED
0'-0"	0'-0"

OPEN COURT

REQUIRED	PROPOSED
29'-6"	30'

RESIDENTIAL RECREATIONAL SPACE REQUIREMENTS

(TITLE 11 SECTION 330)

REQUIRED	PROVIDED
5% OF RESIDENTIAL GFA (WITH DEFINED EXCLUSIONS) 518,278 x 5% = 15,913 SF	17,146 SF RESIDENTIAL RECREATIONAL SPACE
50% OF RESIDENTIAL RECREATIONAL SPACE MUST BE EXTERIOR 15,913 x 50% = 7,957	16,948 SF OF EXTERIOR RESIDENTIAL RECREATIONAL SPACE

PARKING/LOADING REQUIREMENTS

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, CHAPTER 21

REQUIRED	PROVIDED
1 PARKING SPACE REQ'D PER 4 DWELLING UNITS 2040 / 4.00 SPACES	221 SPACES (3.36 SPACES PER 4 DWELLING UNITS
10% OF REQUIRED PARKING TO BE ACCESSIBLE 66 X 0.1% = 6.6 SPACES	10 ACCESSIBLE SPACES PROVIDED
FULL SIZE SPACES 40% OF 66 = 40	74 ACCESSIBLE SPACES
BICYCLE PARKING REQ'D TO EQUAL 5% OF PARKING SPACES 5% OF 66 = 4	30 SPACES (16.3% OF TOTAL PARKING)

Parking Level	Accessible Spaces	Full Spaces	Compact Spaces	Tandem Spaces	Total Parking	Bike Spaces
P1	4	17	29	4	50	19
P2	3	19	32	4	57	8
P3	2	18	32	4	57	3
P4	2	19	32	4	57	0
TOTAL	10	74	121	16	221	11

RESIDENTIAL OFFSTREET LOADING

PER DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS, CHAPTER 23

REQUIRED	PROVIDED
1 (WITH @ 55 FEET DEEP; 1 LOADING PLATFORM @ 200 SF 1 DELIVERY SPACE @ 55 FEET DEEP	1 (WITH @ 55 FEET DEEP; 1 LOADING PLATFORM @ 200 SF 1 DELIVERY SPACE @ 55 FEET DEEP

DESIGN REVIEW (COMMISSION OF FINE ARTS)

BUILDING HEIGHT, MASSING, SETBACKS, AND FACADE MATERIALS ARE SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS

BUILDING CODE

USE GROUP CLASSIFICATION:	SECTION 310	R-2 (RESIDENTIAL)
ACCESSORY AREAS	SECTION 306.1.2	FIRE SEPARATION ASSEMBLY NOT REQ'D WHERE AGGREGATE AREAS DO NOT OCCUPY MORE THAN 10 PERCENT OF FIRES AREA & DOES NOT EXCEED 10 PERCENT OF BUILDING AREA.
PARKING GARAGE USE GROUP:	SECTION 406	GROUP 2 USE GROUP S-2
TYPE OF CONSTRUCTION:	TABLE 602	TYPE I-B NONCOMBUSTIBLE; HEIGHT & AREA NOT LIMITED
HIGH RISE BUILDING:	SECTION 403.1 & 403.2	AUTO. SPRINKLER REQ'D
FIRE RESISTANCE RATING REQUIREMENTS BETWEEN USE GROUPS:	SECTION 313.1.2	2 HR RATING
EXTERIOR WALLS:	SECTION 705.2.1	2 HR FIRE RESIST. RATING REDUCED TO 1 HR W/ AUTO SPRINKLER
FIRE WALLS/ PARTY WALLS:	TABLE 107.1	2 HR FIRE RESISTANCE
FIRE ENCLOSURE OF EXITS:	TABLE 602	2 HR RATING
SHAFTS:	TABLE 710	2 HR RATING
ELEVATORS & SHAFTS:	SECTION 710	2 HR RATING
CORRIDORS:	TABLE 1017.4	1 HR FIRE RATING W/ AUTO. SPRINKLER
DWELLING SEPARATION:	SECTION 717	1 HR FIRE RATING
STRUCTURAL MEMBERS:	TABLE 602	2 HR FIRE RATING
FLOOR CONSTRUCTION:	TABLE 602	2 HR FIRE RATING
ROOF CONSTRUCTION:	TABLE 602 & SECTION 715	UNRATED--20 FEET OR MORE IN HEIGHT TO LOWEST MEMBER 1 HR--MORE THAN 15' BUT LESS THAN 20 FEET TO LOWEST MEMBER 1 1/2 HR--15' OR LESS IN HEIGHT TO LOWEST MEMBER

OCCUPANCY/EGRESS

RESIDENTIAL OCCUPANCY: TABLE 1004.1.2: 200 SF GROSS
SECTION 1003.1 EGRESS WIDTH

FLR	GFA:	OCCUPANCY	STAIR WIDTH	DOORS, CORRIDORS WIDTH	PROVIDED REQ'D
R	15,330/200	78	15.3	11.4	44" MIN. PROVIDED AT EACH STAIR & CORRIDOR.
13	20,309/200	104	20.8	15.6	
12	23,464/200	117	23.4	17.6	
11	26,320/200	131	26.2	19.7	
10	26,120/200	130	26.0	19.5	TWO EXITS REQUIRED FROM EACH FLOOR
9	26,830/200	134	26.8	20.1	
8	26,830/200	134	26.8	20.1	
7	26,830/200	134	26.8	20.1	
6	26,830/200	134	26.8	20.1	
5	26,830/200	134	26.8	20.1	
4	26,830/200	134	26.8	20.1	EGRESS DOORS 32" MIN. CLEAR WIDTH
3	26,136/200	131	26.2	19.7	
2	26,810/200	134	26.8	20.1	
G	13,372/200	66	13.3	9.9	
		1,693			

GARAGE OCCUPANCY: 66,172/200 = 476

TABLE 1004.1.2
200 SF GROSS
SECTION 1005.1
EGRESS WIDTH

- 119 OCCUPANTS PER GARAGE LEVEL
- 44" MIN. PROVIDED AT EACH STAIR & CORRIDOR.
- TWO EXITS REQ'D FROM EACH LEVEL.
- EGRESS DOORS 32" MIN. CLEAR WIDTH.

MAX LENGTH OF TRAVEL FOR USE GROUP R-2: 200 FT W/ AUTO. SPRINKLER

DRAWING LIST

ARCHITECTURAL

T-100	COVER SHEET
A-101	ARCHITECTURAL SITE PLAN
A-200	PARKING GARAGE LEVEL P-4
A-201	PARKING GARAGE LEVEL P-3
A-202	PARKING GARAGE LEVEL P-2
A-203	PARKING GARAGE LEVEL P-1
A-204	GROUND FLOOR
A-205	SECOND FLOOR
A-206	THIRD FLOOR
A-207	FOURTH FLOOR
A-208	FIFTH FLOOR
A-209	SIXTH FLOOR
A-210	SEVENTH FLOOR
A-211	EIGHTH FLOOR
A-212	NINTH FLOOR
A-213	TENTH FLOOR
A-214	ELEVENTH FLOOR
A-215	TWELFTH FLOOR
A-216	THIRTEENTH FLOOR
A-217	ROOF PLAN
A-301	EXTERIOR ELEVATION - MASSACHUSETTS AVE.
A-302	EXTERIOR ELEVATION - H STREET
A-303	EXTERIOR ELEVATIONS - FOURTH STREET AND WEST

ENSCOTT & ASSOCIATES Limited

Bill Engleberg - Radar Center Advisors
1140 Spring Street, Suite 200
Silver Spring, MD 20910
301-587-1820
Fax 301-589-1980
bengleberg@aol.com

Nick Machalinski, Inc.
9301 Snowden Oaks Road
P.O. Drawer 7101
Metairie, LA 70010
504-835-6001
Fax 504-831-4795
jmorris@nmgroup.com

R. MORTON THOMAS & ASSOCIATES
1420 Spring Hill Road, Suite 600
MCLEAN, VA 22102
301-881-2500
Fax 301-881-3010
rthomas@rmthomasinc.com

4	50% APPLICATION	06/15/2006
3	50% APPLICATION	04/14/2006
2	50% APPLICATION	02/10/2006
1	PRELIMINARY REVIEW	12/16/2005
NO.	REVISION/ISSUE	DATE

PROJECT ARCHITECT
PROJECT MANAGER
DRAWN BY
APPROVED BY

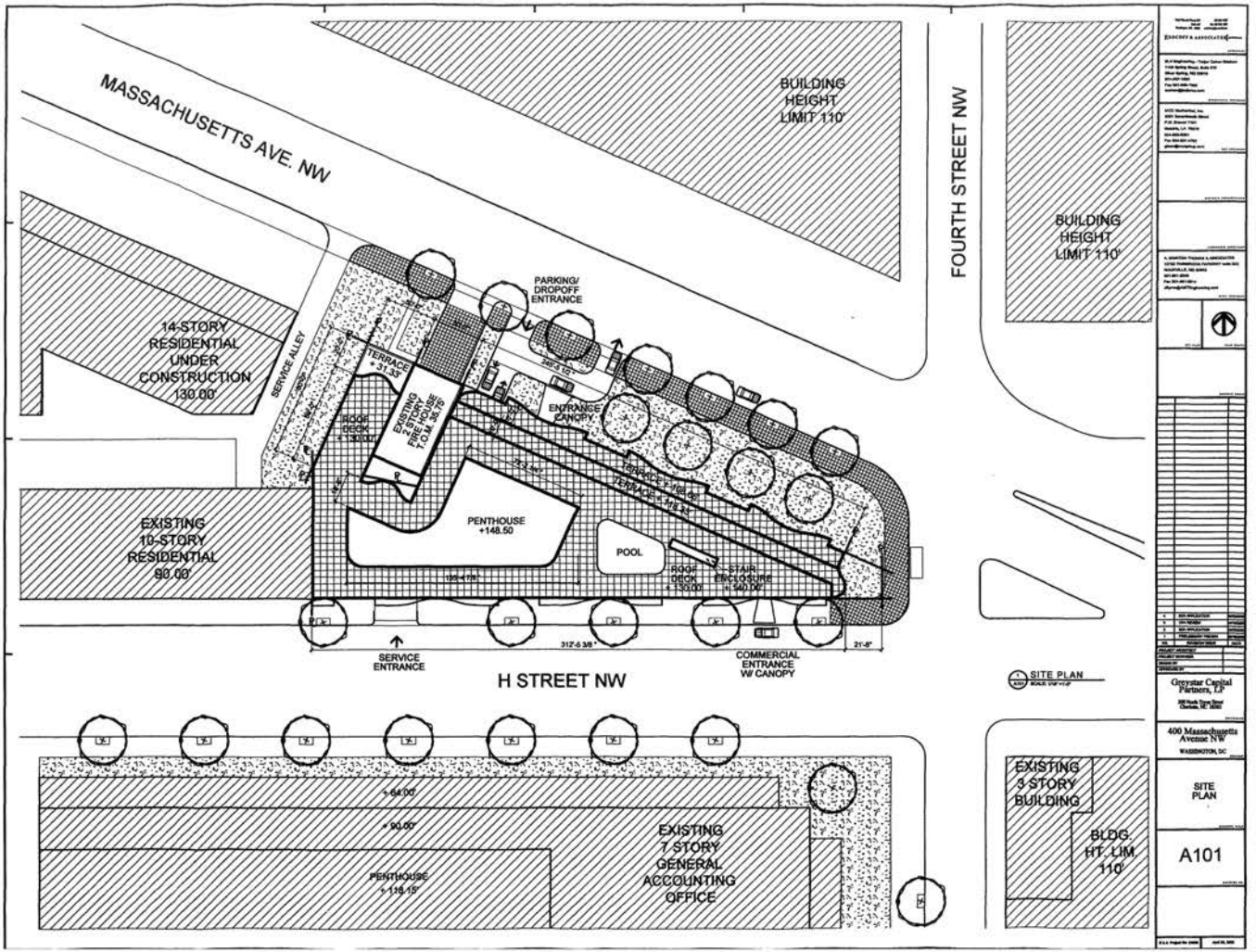
Greystar Capital Partners, LP
990 North Point Street
Charlotte, NC 28202

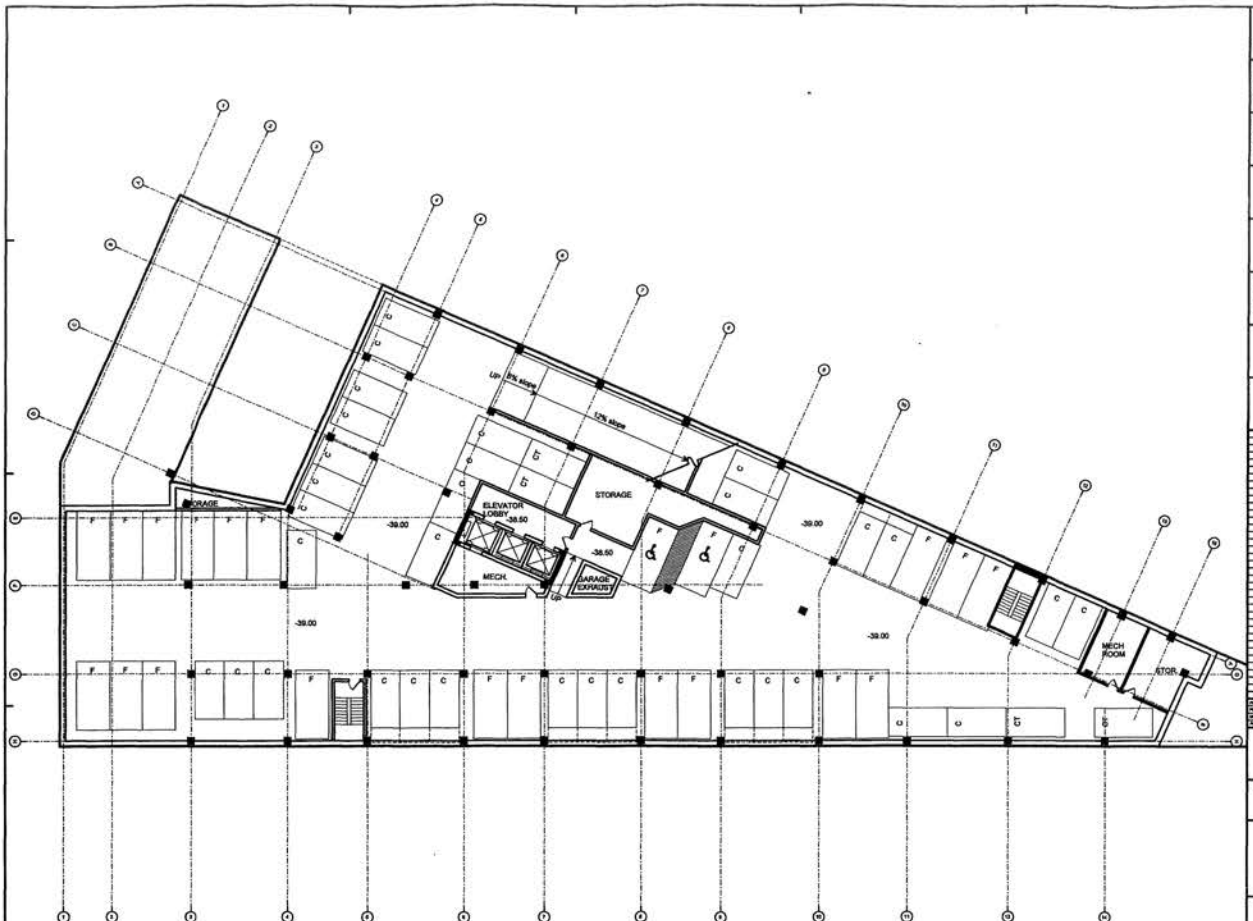
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WASHINGTON, DC

COVER SHEET

T100

E.S.A. Project No. 2-006 — April 20, 2006


MASSACHUSETTS AVE. NW
BUILDING HEIGHT LIMIT 110'
FOURTH STREET NW
BUILDING HEIGHT LIMIT 110'
14-STORY RESIDENTIAL UNDER CONSTRUCTION 130.00'
SERVICE ALLEY
PARKING/ DROPOFF ENTRANCE
TERRACE +37.33
EXISTING 3-STORY FIRE HOUSE T.O.M. 35.75
ROOF DECK +130.00
ENTRANCE CANOPY
EXISTING 10-STORY RESIDENTIAL 90.00'
PENTHOUSE +148.50
POOL
ROOF DECK +130.00
STAIR ENCLOSURE H. 140.00'
312'-6 3/8"
21'-8"
SERVICE ENTRANCE
COMMERCIAL ENTRANCE W/ CANOPY
H STREET NW
SITE PLAN
+64.00'
+90.00'
PENTHOUSE +118.15'
EXISTING 7 STORY GENERAL ACCOUNTING OFFICE
EXISTING 3 STORY BUILDING
BLDG. HT. LIM. 110'
Gerrstar Capital Partners, LP
400 Massachusetts Avenue NW
WASHINGTON, DC
SITE PLAN
A101



P-4 FLOOR PLAN

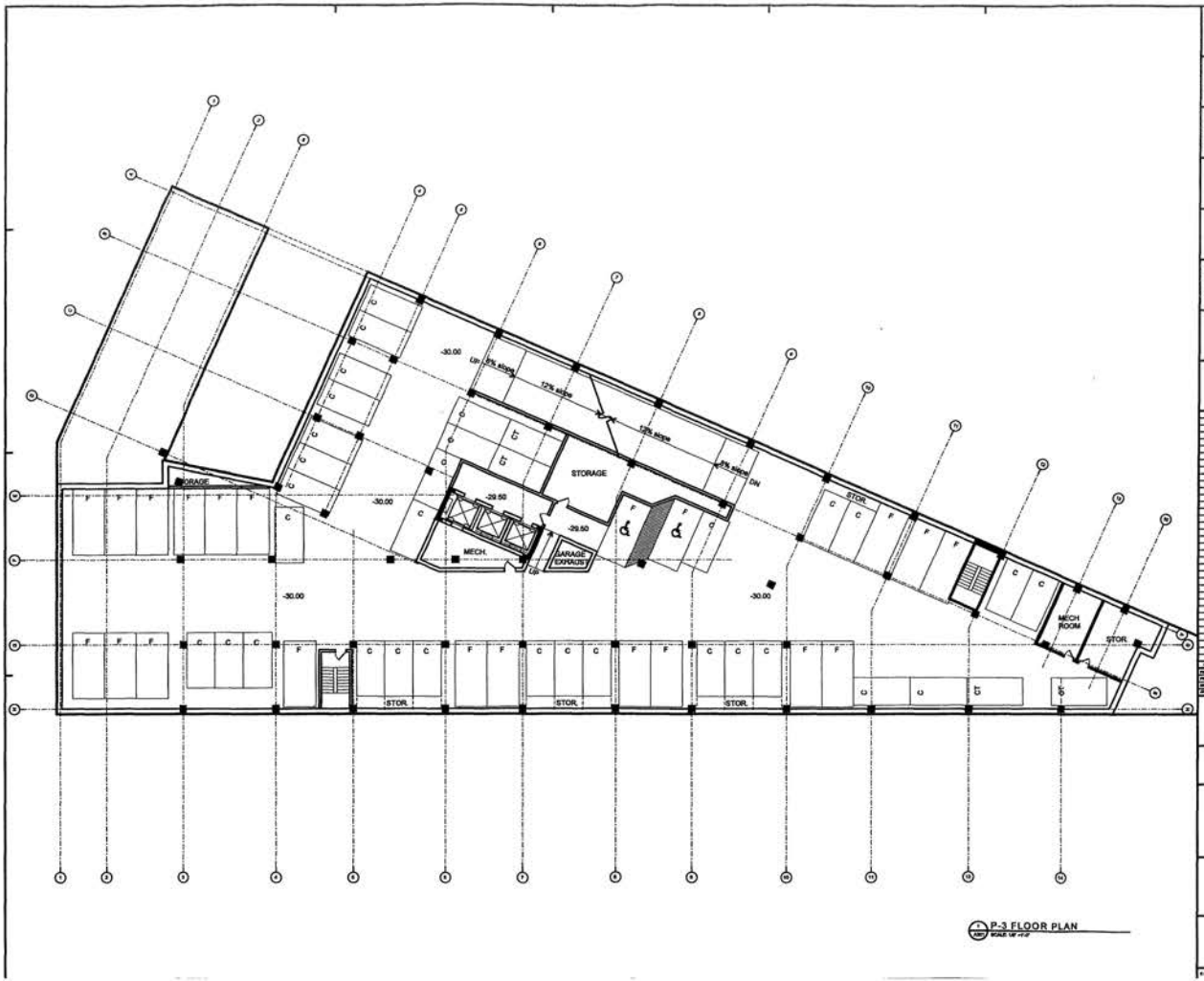
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P-4 FLOOR PLAN

A200



P-3 FLOOR PLAN

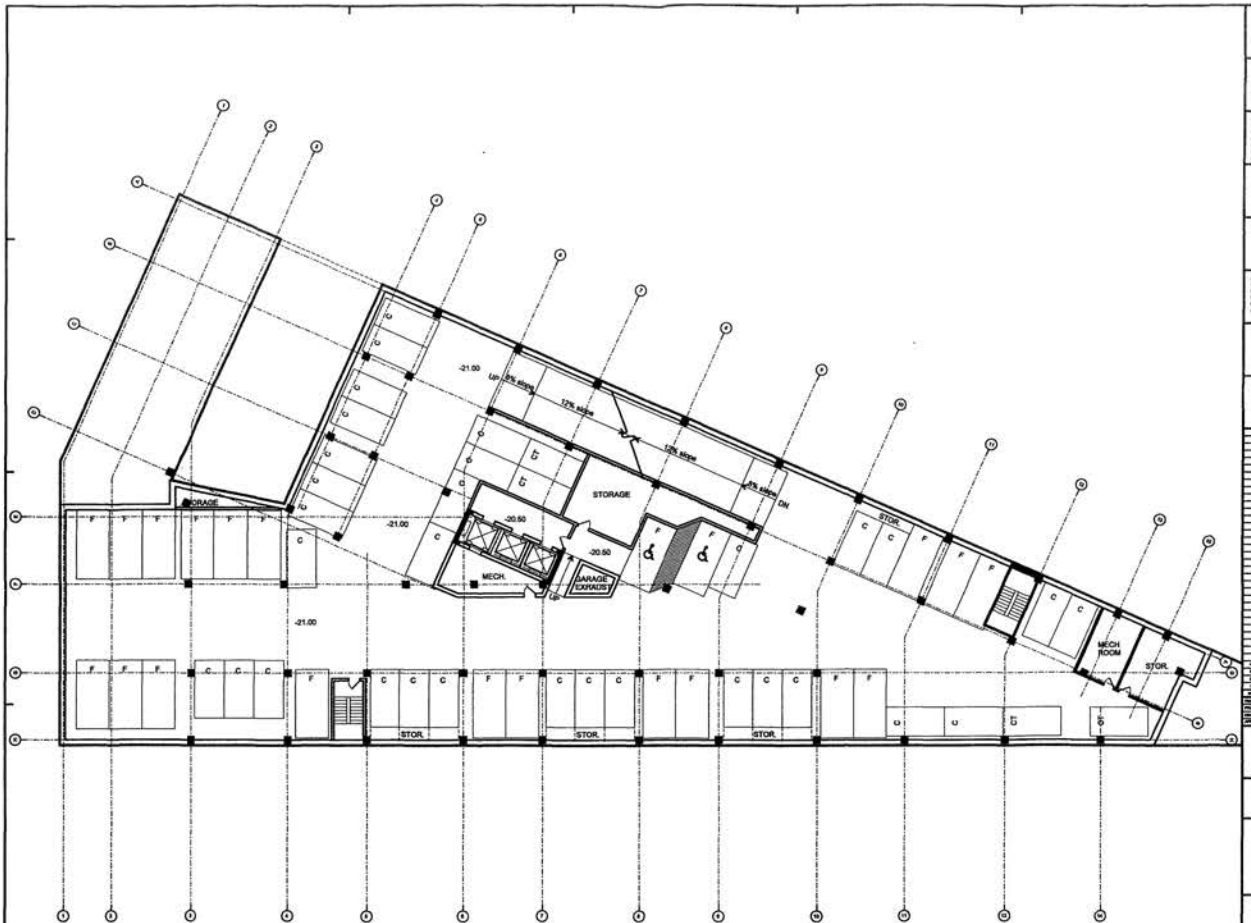
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P-3 FLOOR PLAN

A201



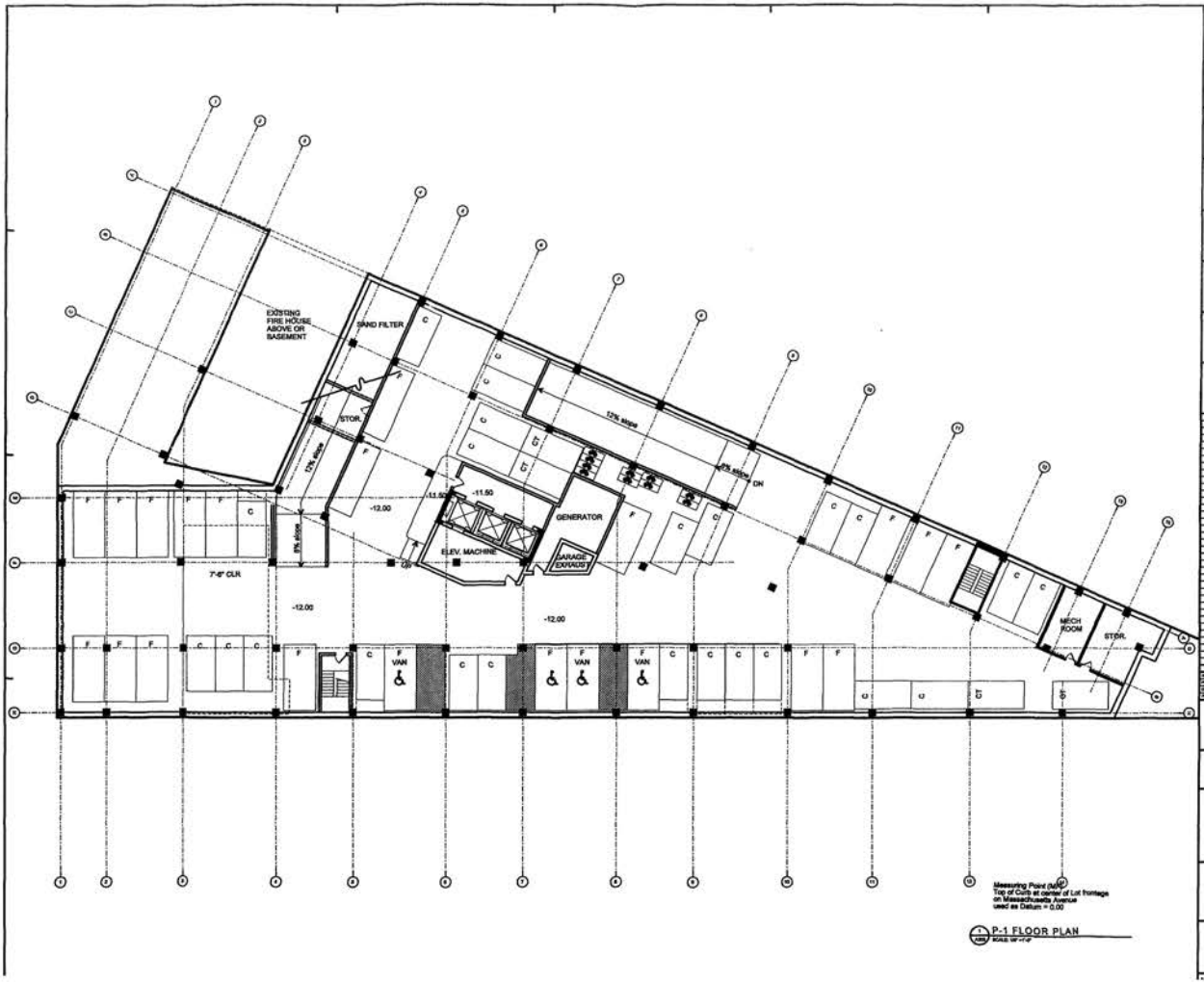
P-2 FLOOR PLAN
SCALE: 1/8" = 1'-0"

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P-2
FLOOR PLAN

A202

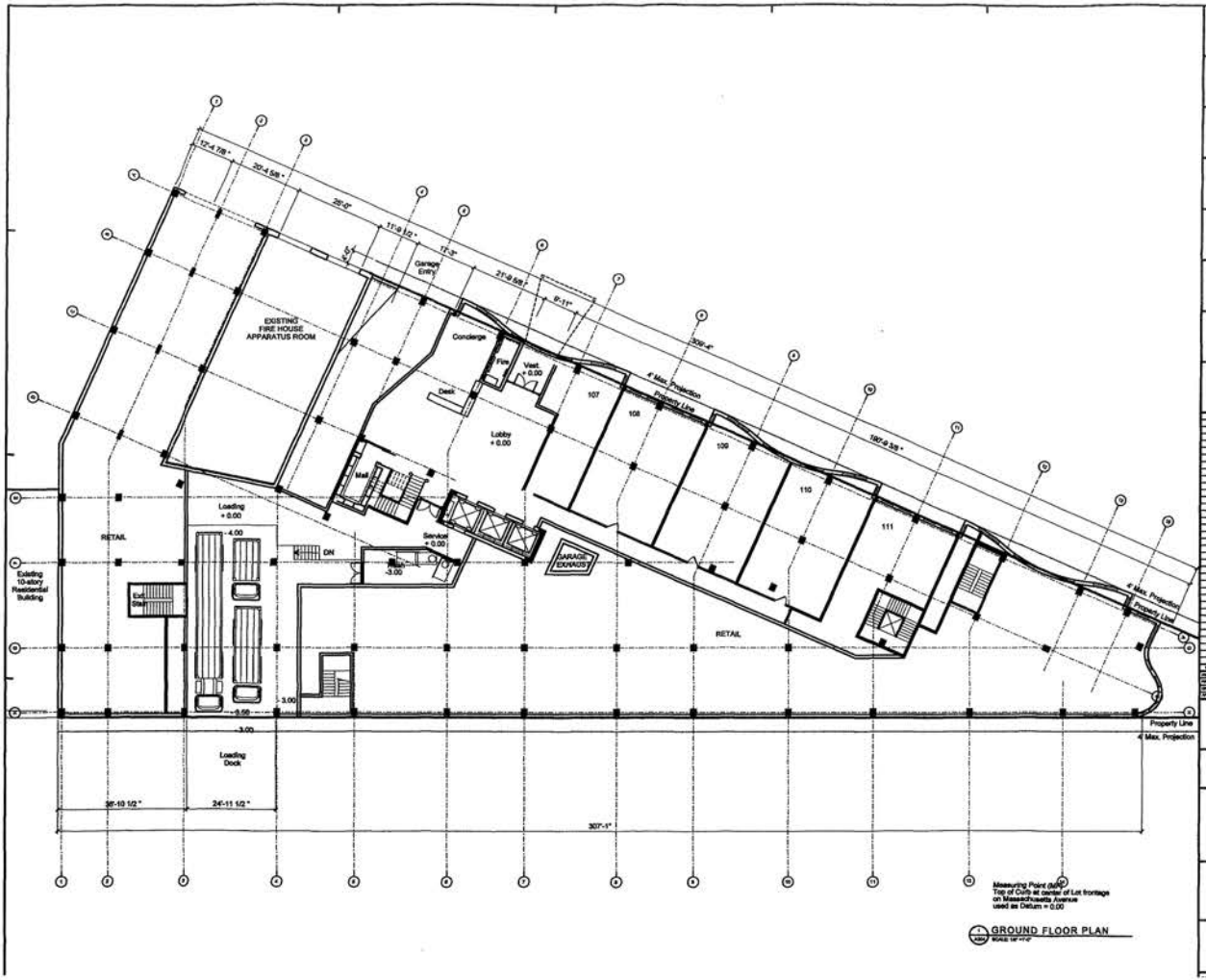


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P-1
FLOOR PLAN

A203



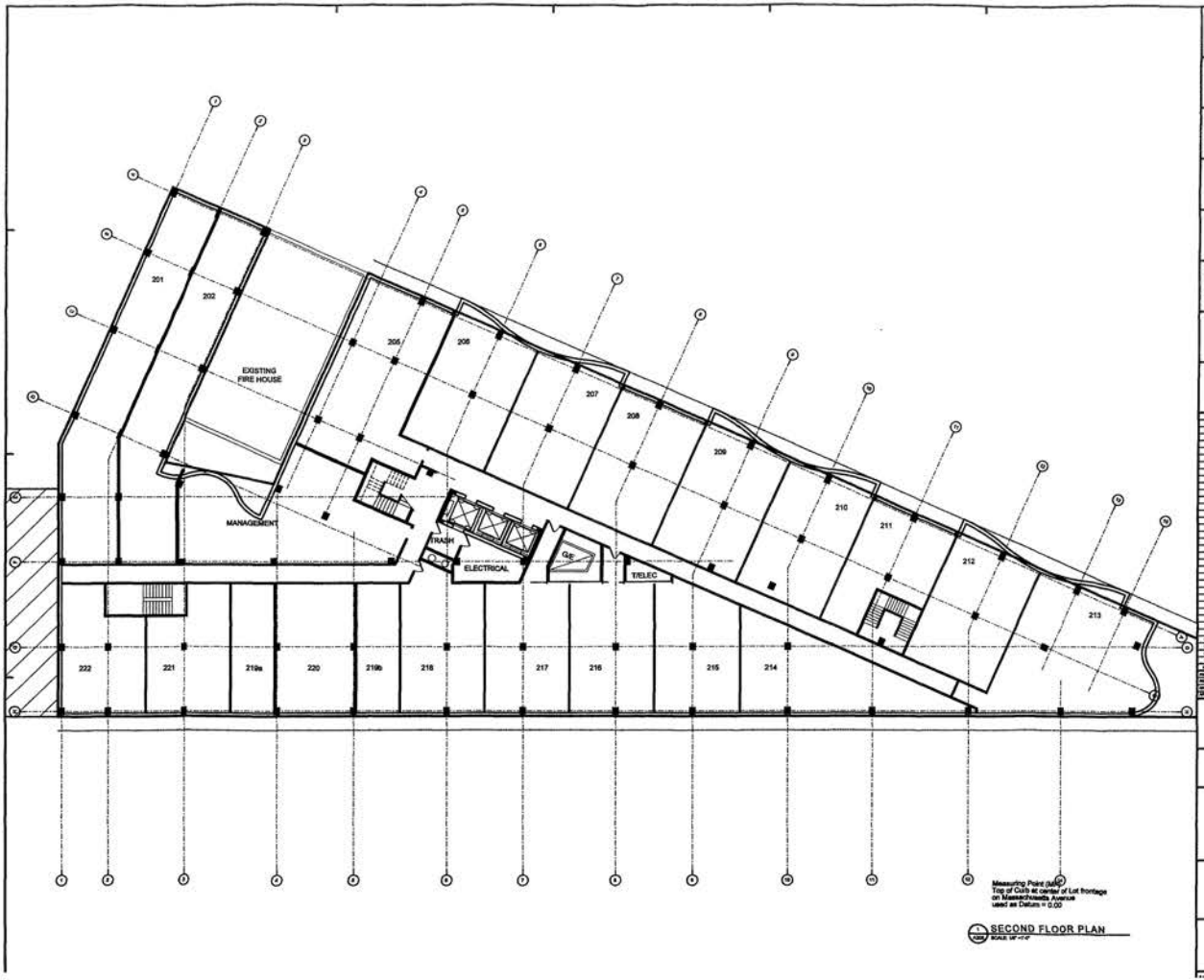
Greystar Capital Partners, LP

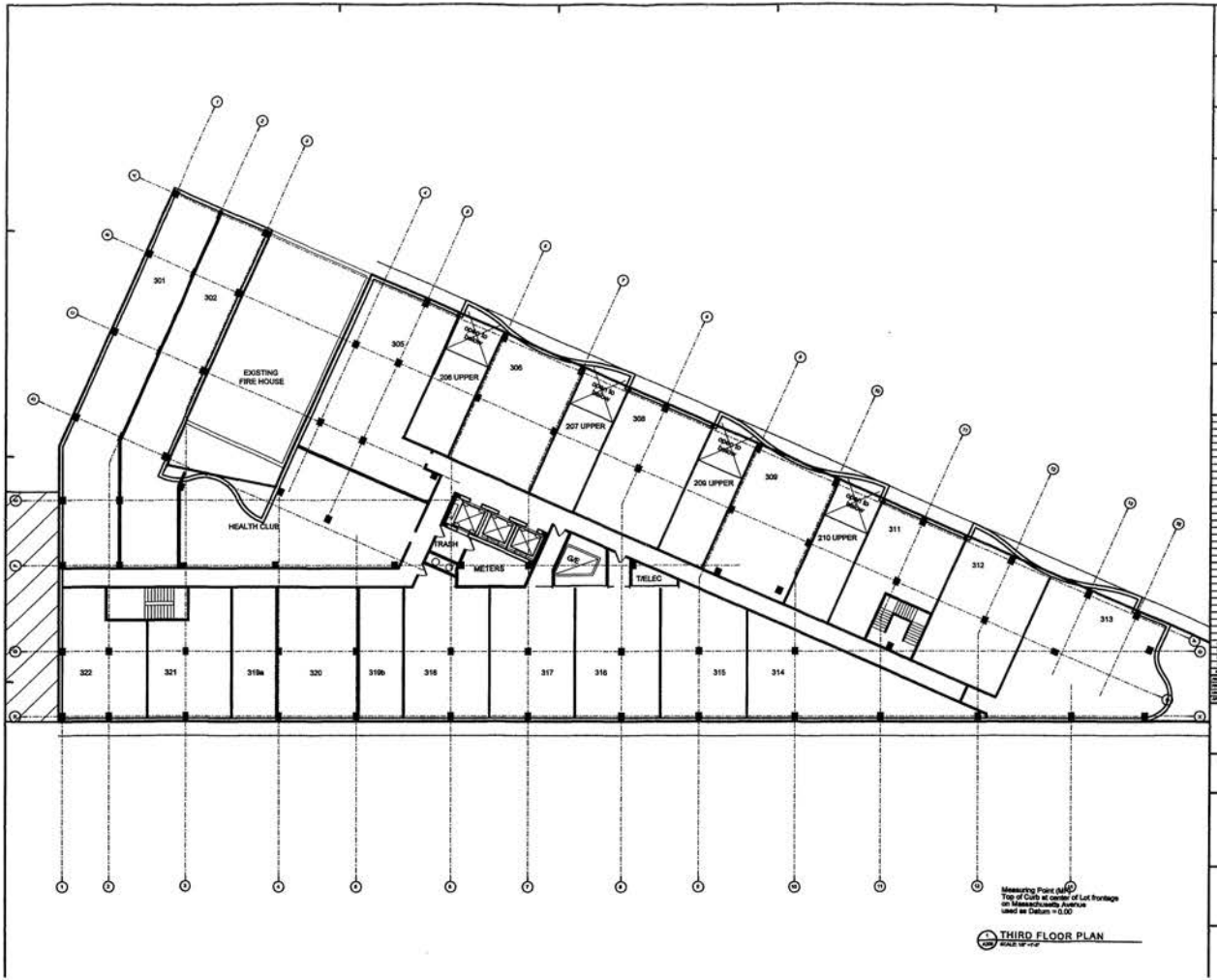
400 Massachusetts Avenue NW

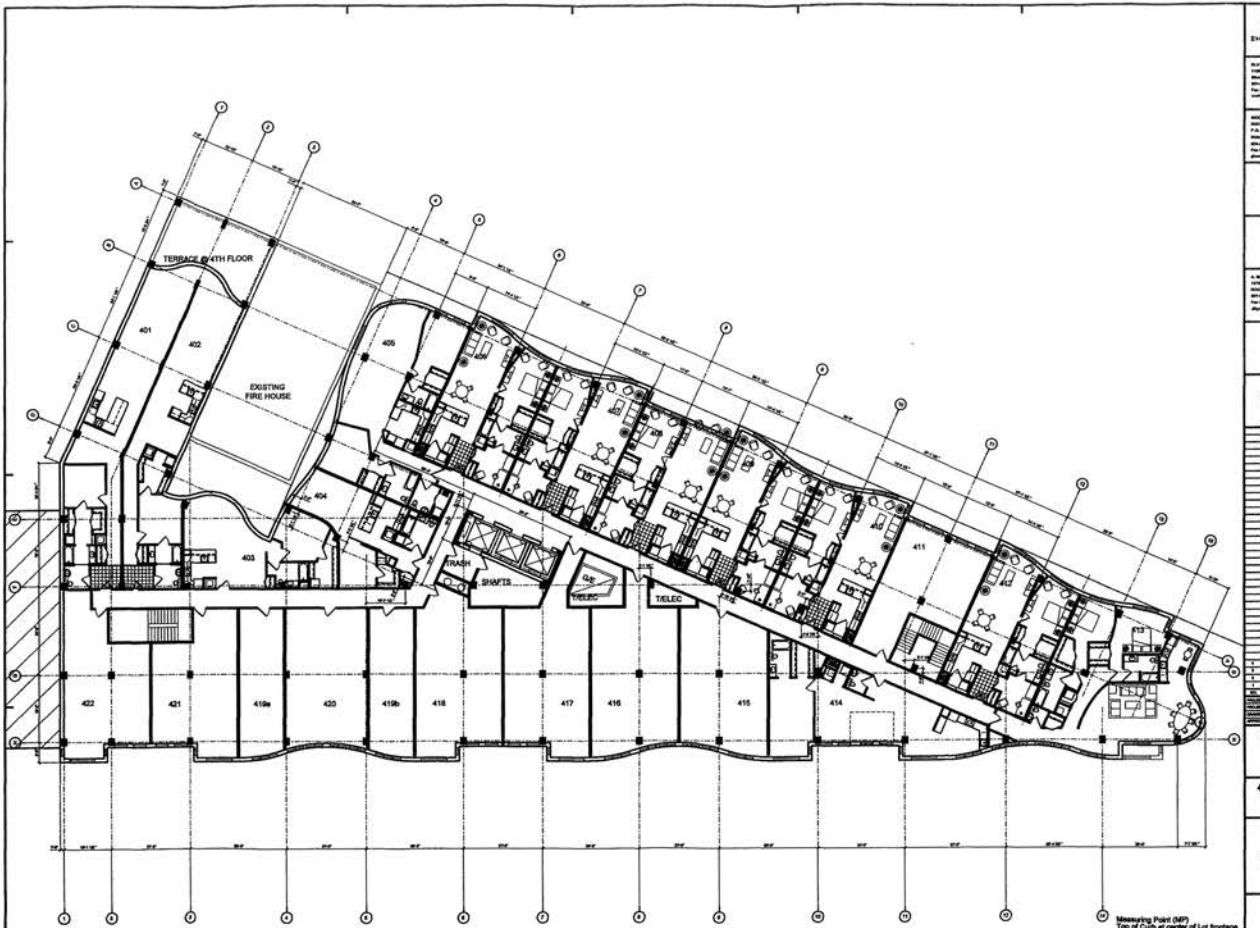
WASHINGTON, DC

GROUND FLOOR PLAN

A204


201
202
EXISTING
FIRE HOUSE
205
206
207
208
209
210
211
212
213
MANAGEMENT
TRASH
ELECTRICAL
G.C.
T/ELEC
222
221
219a
220
219b
218
217
216
215
214
Measuring Point (MP)
Top of Curb at center of Lot frontage
on Massachusetts Avenue
used as Datum = 0.00
SECOND FLOOR PLAN
Greystar Capital
Partners, LP
400 Massachusetts
Avenue NW
WASHINGTON, DC
SECOND
FLOOR PLAN
A205


EXISTING FIRE HOUSE
HEALTH CLUB
TRASH
METERS
GR
T/ELEC
301
302
305
306
307 UPPER
308
309
311
312
313
322
321
319a
320
319b
318
317
316
315
314
Greystar Capital Partners, LP
400 Massachusetts Avenue NW
WASHINGTON, DC
THIRD FLOOR PLAN
A206
Measuring Point (MP) Top of Curb at center of Lot frontage on Massachusetts Avenue used as Datum = 0.00
THIRD FLOOR PLAN



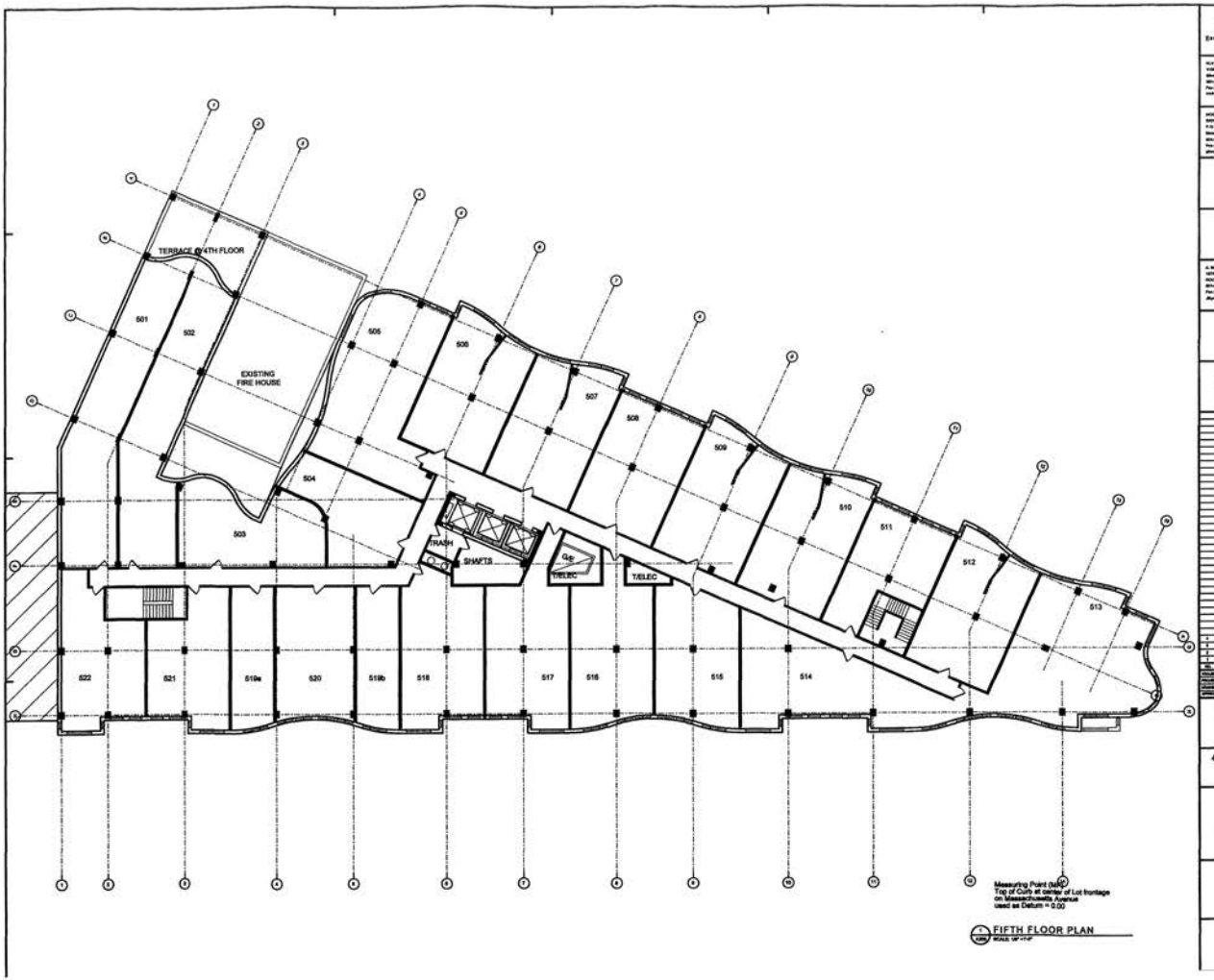
FOURTH FLOOR PLAN

Greystar Capital Partners, LP

400 Massachusetts Avenue NW
WASHINGTON, DC

FOURTH FLOOR PLAN

A207

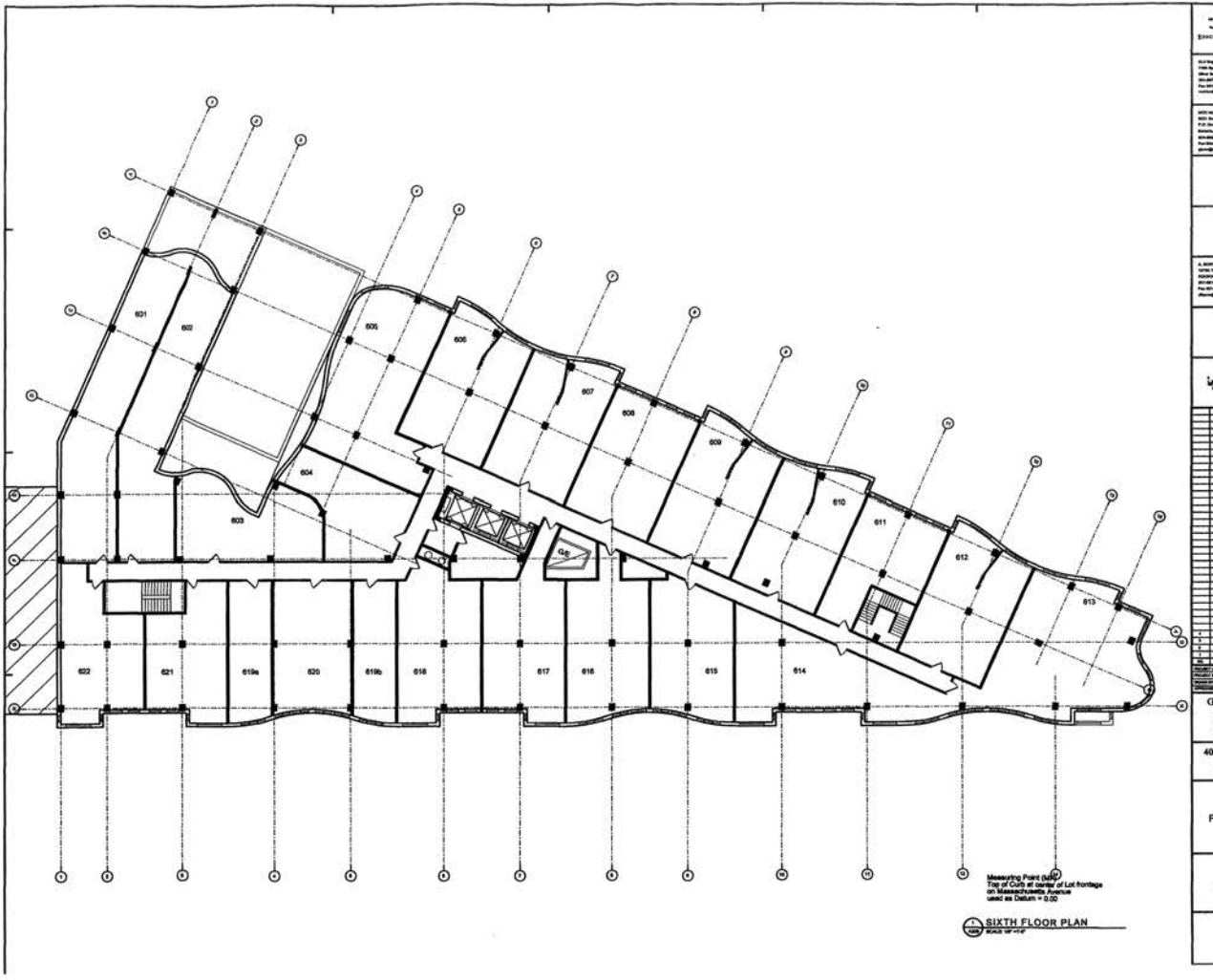


Greystar Capital Partners, LP

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WASHINGTON, DC

FIFTH FLOOR PLAN

A208



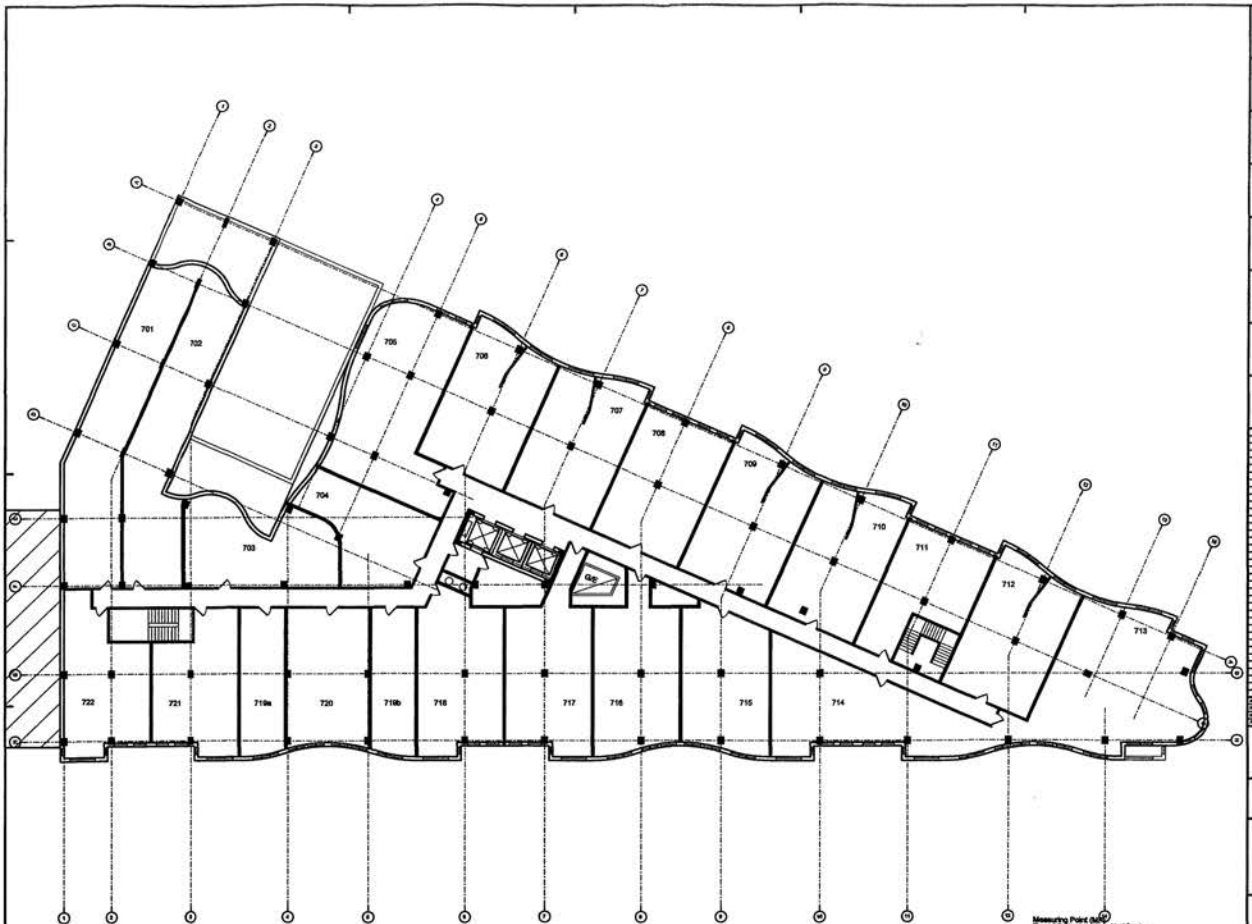
1 SIXTH FLOOR PLAN

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SIXTH FLOOR PLAN

A209



SEVENTH FLOOR PLAN

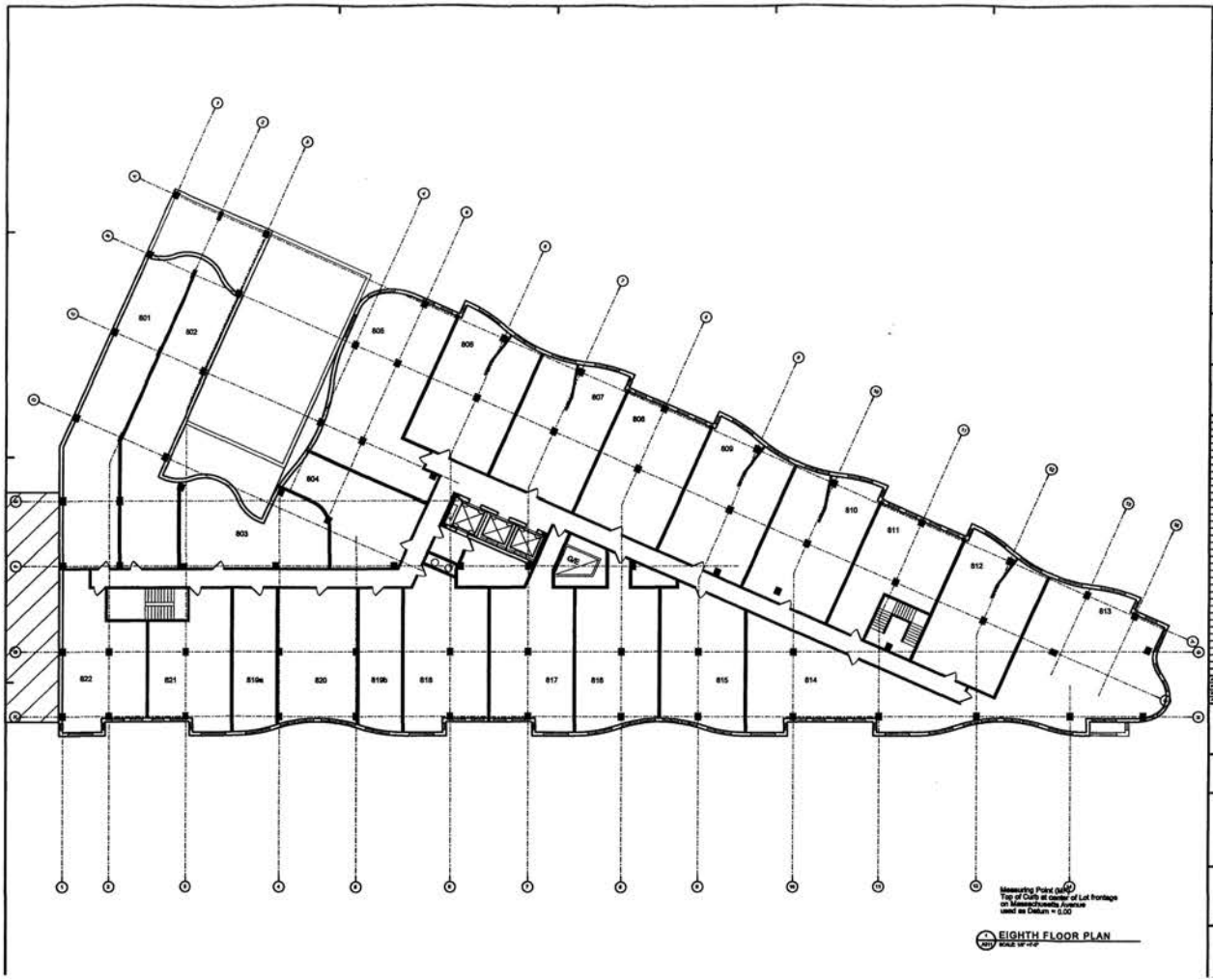
Gerrymar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

SEVENTH FLOOR PLAN

A210



EIGHTH FLOOR PLAN

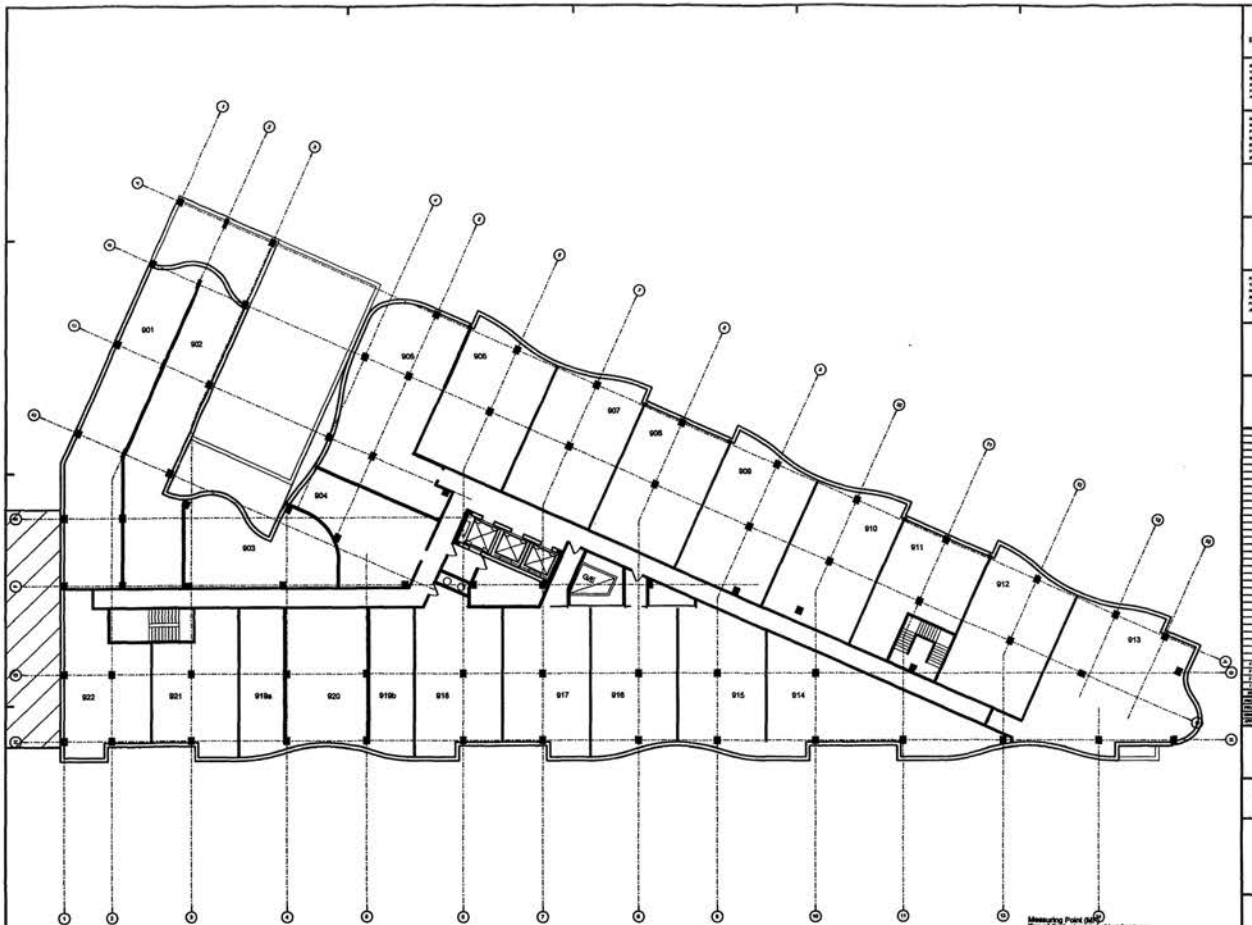
Greystar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

EIGHTH FLOOR PLAN

A211



NINTH FLOOR PLAN

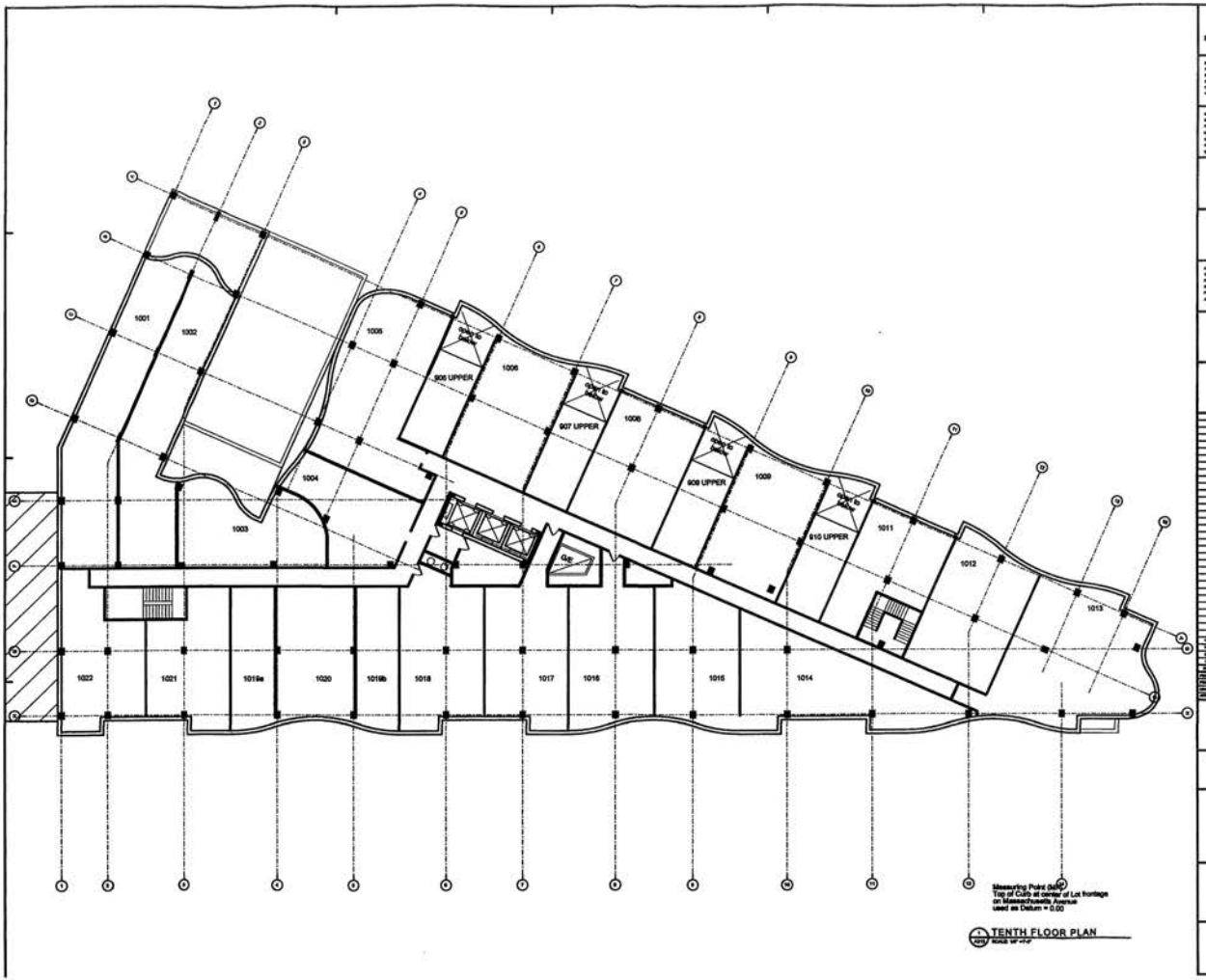
Greystar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

NINTH FLOOR PLAN

A212



TENTH FLOOR PLAN

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

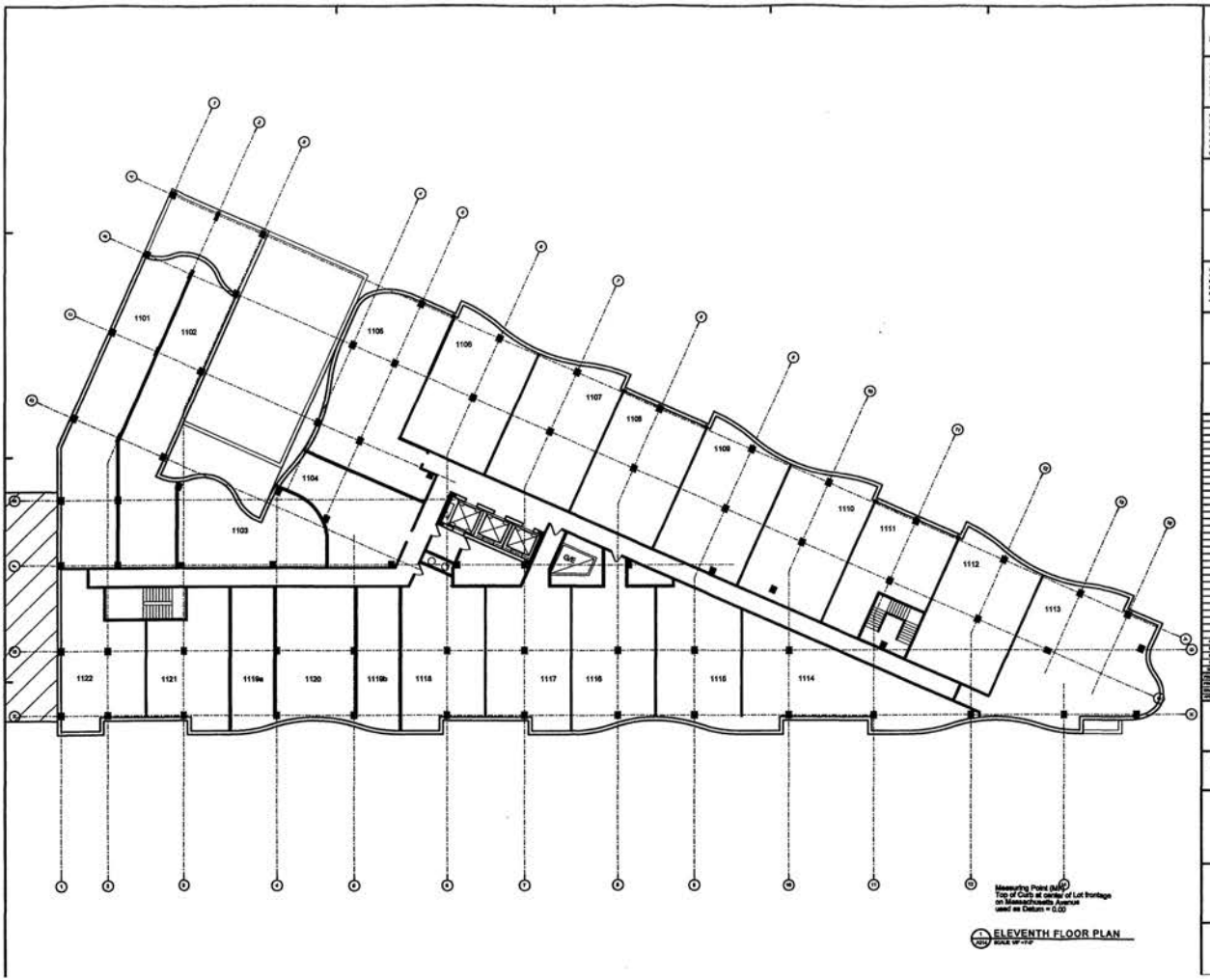
Greystar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

TENTH FLOOR PLAN

A213



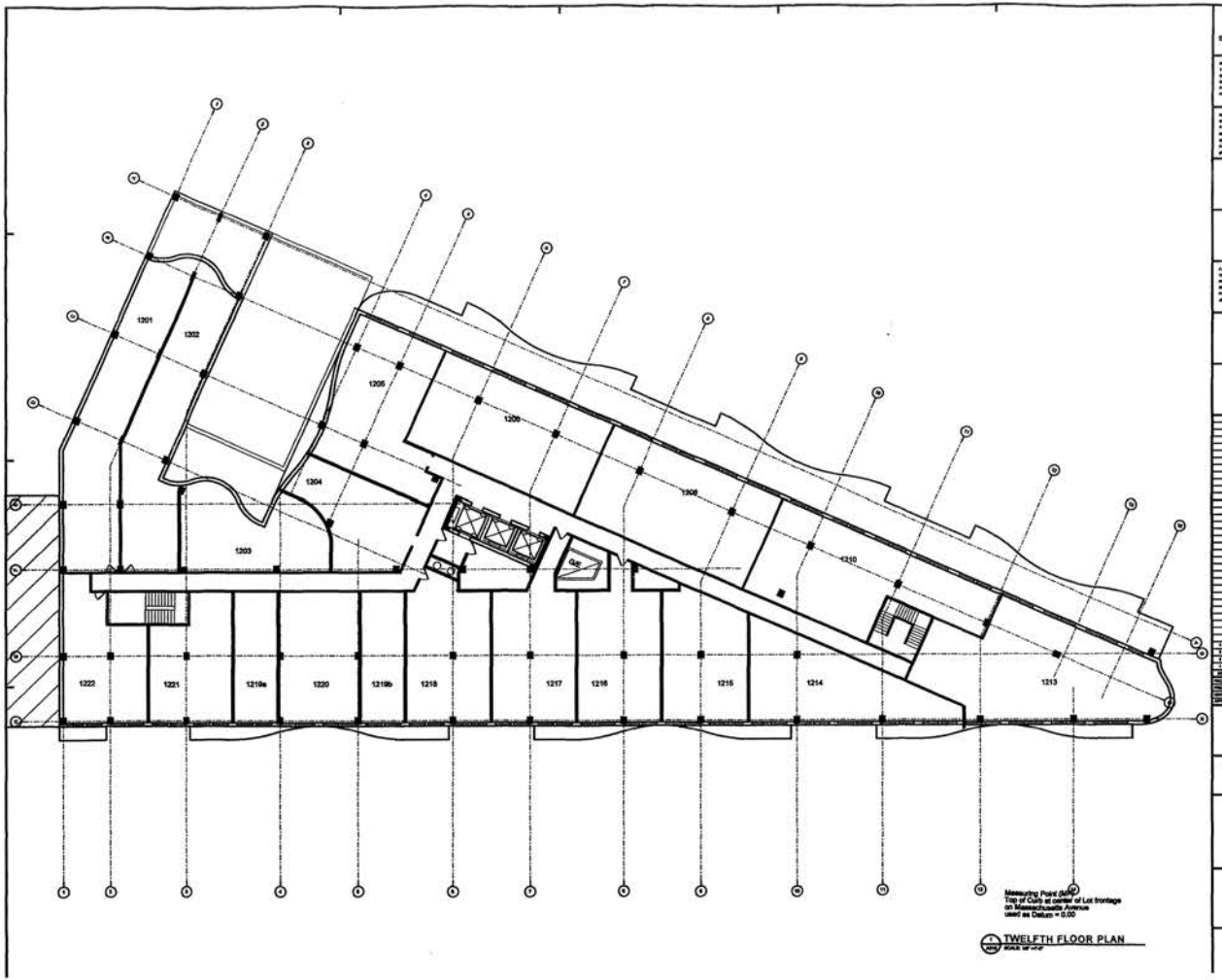
1 ELEVENTH FLOOR PLAN
SCALE: 1/8"=1'-0"

Greystar Capital Partners, LP

400 Massachusetts Avenue NW
WASHINGTON, DC

ELEVENTH FLOOR PLAN

A214



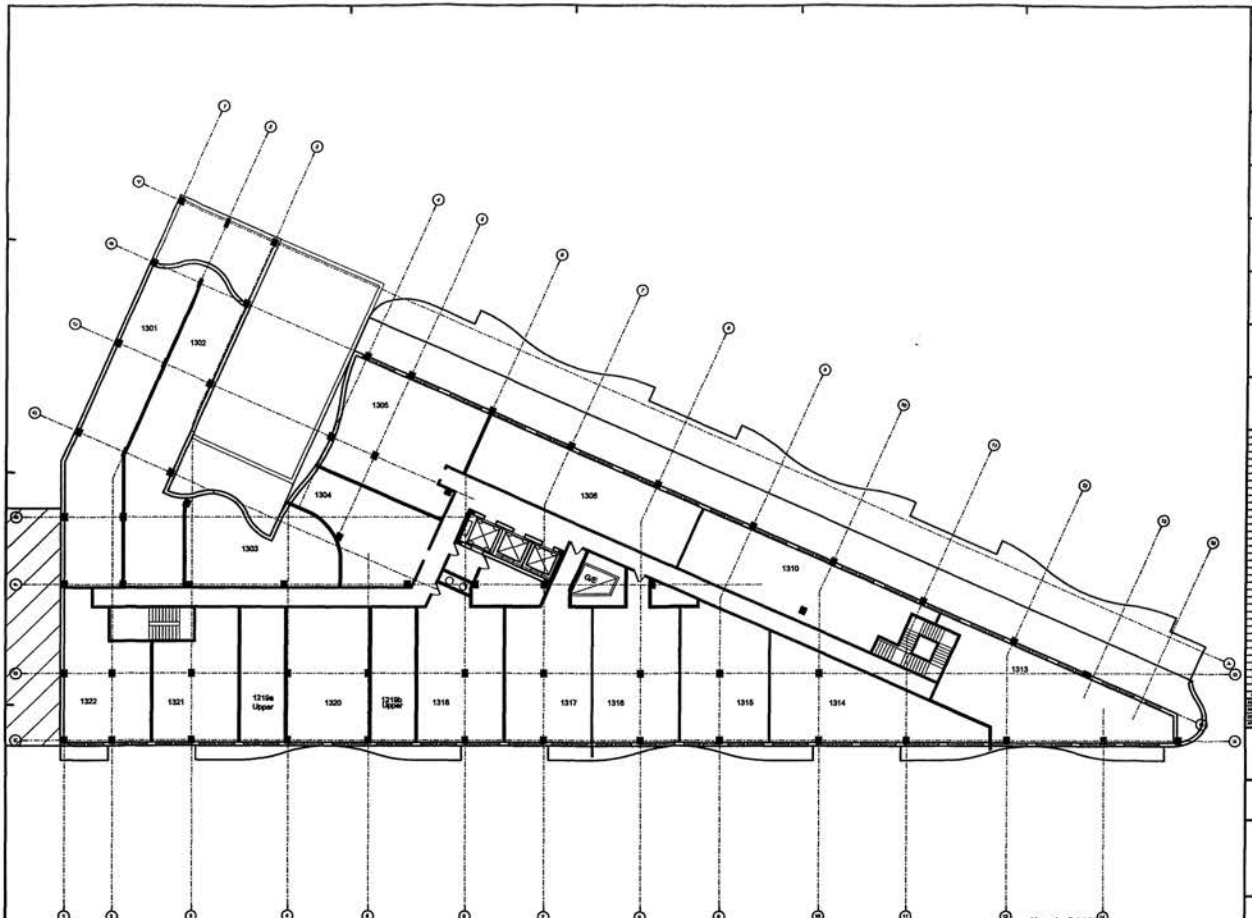
Greystar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

TWELFTH FLOOR PLAN

A215



PENTHOUSE FLOOR PLAN

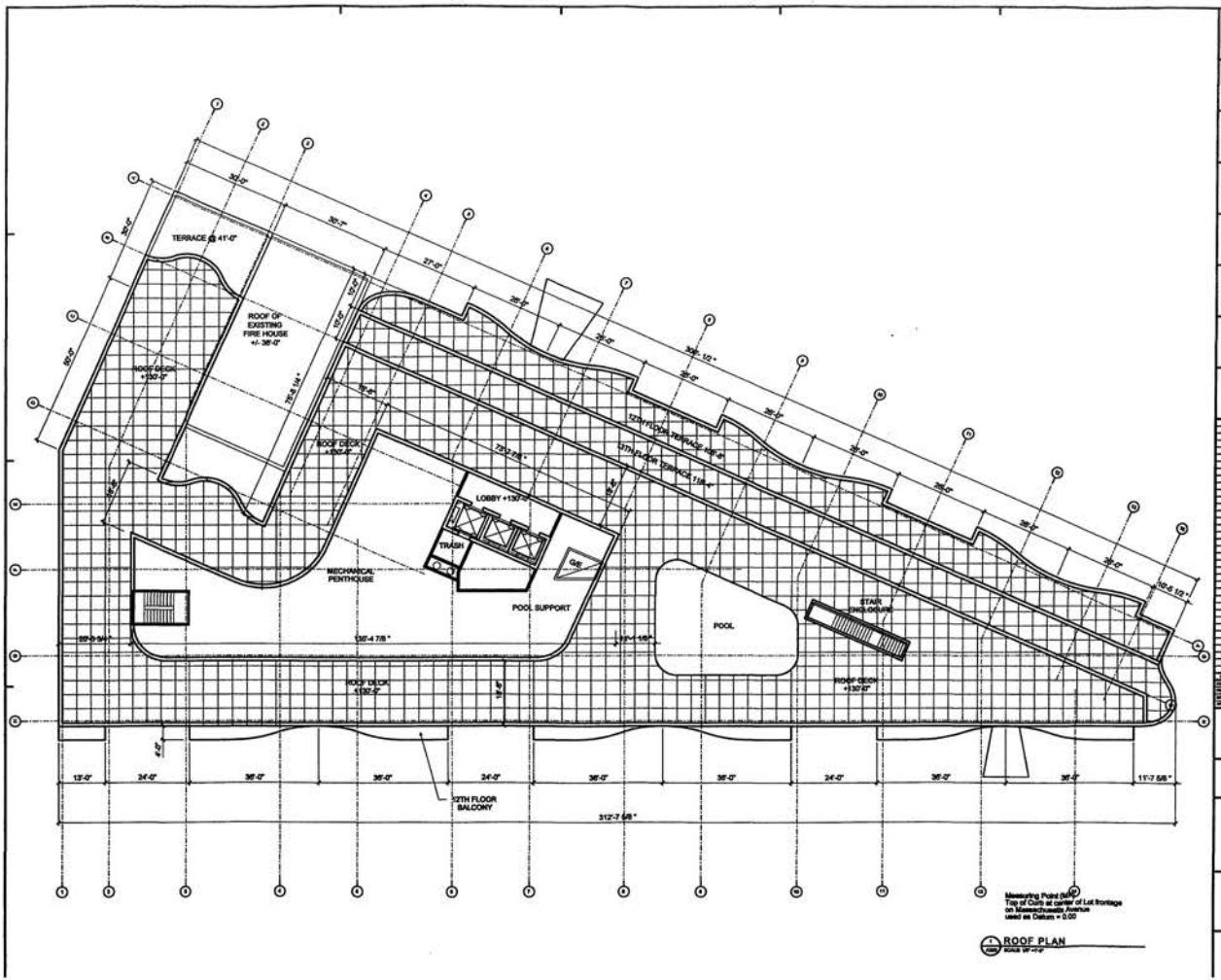
Greystar Capital Partners, LP

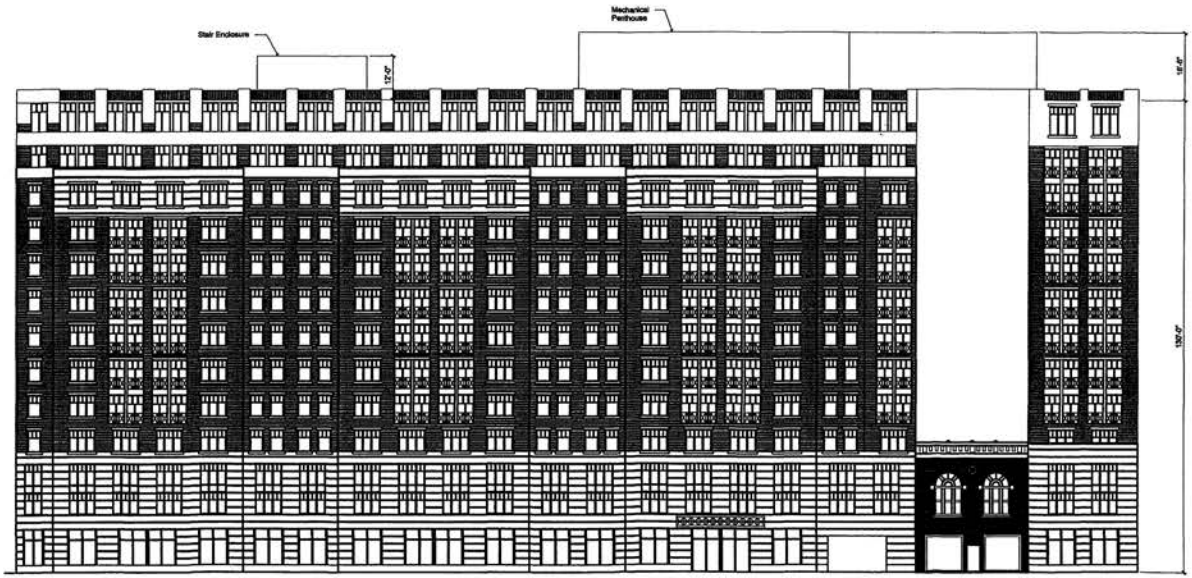
400 Massachusetts Avenue NW

WASHINGTON, DC

PENTHOUSE FLOOR PLAN

A216


TERRACE @ 41'-0"
ROOF OF EXISTING FIRE HOUSE +/- 38'-0"
ROOF DECK +130'-0"
ROOF DECK +130'-0"
LOBBY +130'-0"
TRASH
GAS
MECHANICAL PENTHOUSE
POOL SUPPORT
POOL
STAIR ENCLOSURE
ROOF DECK +130'-0"
ROOF DECK +130'-0"
12TH FLOOR BALCONY
13'-0"
24'-0"
36'-0"
36'-0"
24'-0"
36'-0"
36'-0"
24'-0"
36'-0"
36'-0"
11'-7 5/8"
312'-7 1/8"
Measuring Point (MP)
Top of Curb at center of Lot frontage on Massachusetts Avenue used as Datum = 0.00
ROOF PLAN
Greystar Capital Partners, LP
400 Massachusetts Avenue NW
WASHINGTON, DC
ROOF PLAN
A217



Measuring Point (MP)
Top of Curb at center of Lot frontage on Massachusetts Avenue
used as Datum = 0.00

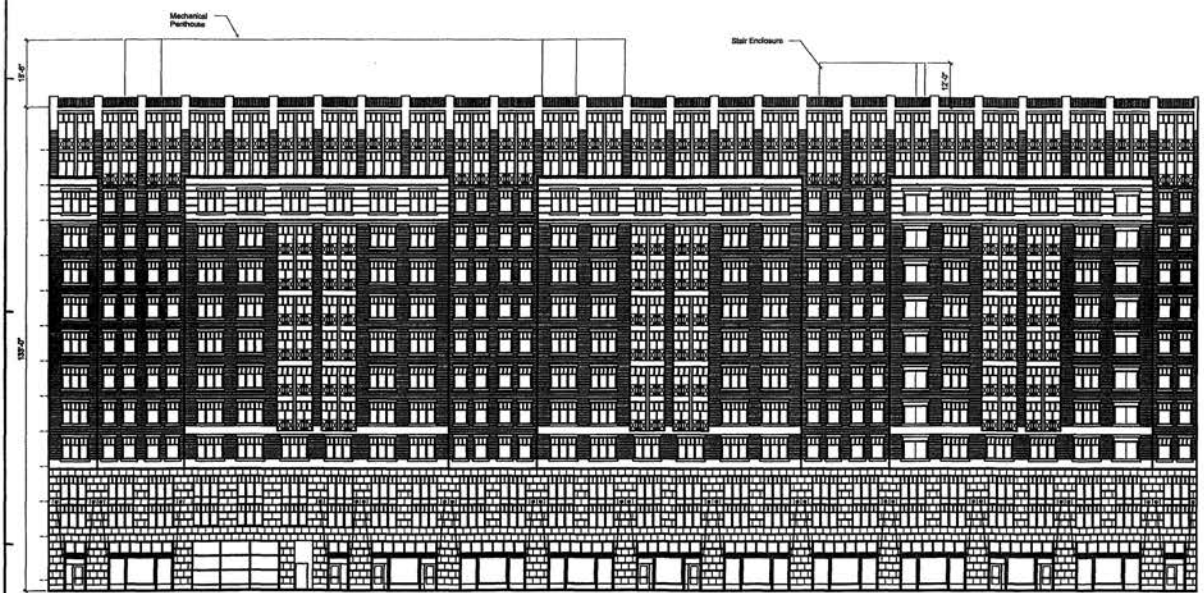
MASS. AVE. ELEVATION

Greystar Capital Partners, LP

400 Massachusetts Avenue NW
WASHINGTON, DC

BUILDING ELEVATION

A301



Measuring Point (MP)
Top of Curb at center of Lot frontage on Massachusetts Avenue
used as Datum = 0.00

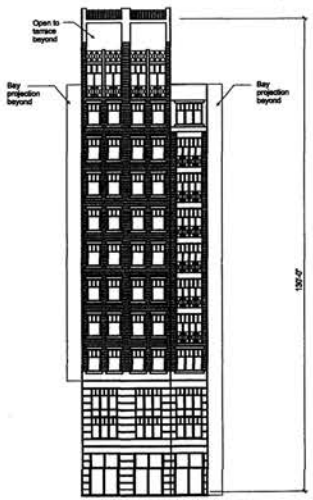
H STREET ELEVATION

Greystar Capital Partners, IP

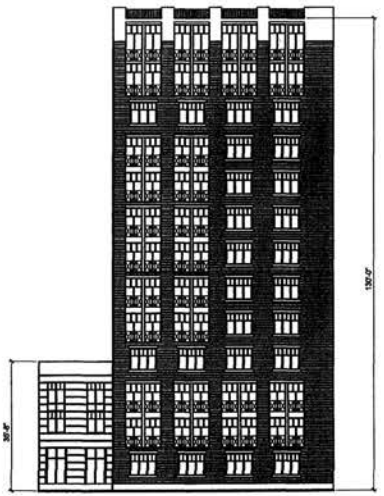
400 Massachusetts Avenue NW
WASHINGTON, DC

BUILDING ELEVATION

A302



1/A303 4TH STREET ELEVATION
SCALE: 1/8" = 1'-0"



1/A303 WEST (ALLEY) ELEVATION
SCALE: 1/8" = 1'-0"

Measuring Point (MP)
Top of Curb at center of Lot frontage on Massachusetts Avenue
used as Datum = 0.00

Greystar Capital Partners, LP

400 Massachusetts Avenue NW

WASHINGTON, DC

BUILDING ELEVATIONS

A303

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Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 940
CASE NO. 00-33C
(PUD and Related Map Amendment, Square 346, Lot 805 – Woodies)
April 16, 2001

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on February 8, 2001. At that hearing session, the Zoning Commission considered an application from Jemal's Cayre Woodies, LLC, for consolidated review and approval of its planned unit development ("PUD") application pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022, and the Zoning Commission took proposed action to approve the PUD application at its February 15, 2001 public meeting.

PRELIMINARY MATTERS

Pursuant to its authority set forth in § 3000.8 of the Zoning Regulations, the Commission approved the Applicant's request for a waiver from the posting notice requirements set forth in §§ 3015.4 and 3015.7 of the Commission's rules of procedure. Notice in the D.C. Register and a general circulation newspaper as well as notice of the hearing mailed to property owners within 200 feet of the subject property was provided in a timely fashion. In addition, the Applicant appeared before the potentially affected Advisory Neighborhood Commission ("ANC") on at least three occasions. The Commission found that the waiver did not prejudice the rights of any party and was not otherwise prohibited by law.

The application, as filed, included a request for an amendment to the Zoning Map to rezone the subject property from the DD/C-4 Zone to the C-4 Zone. At the public hearing, the Applicant withdrew the request for a map amendment.

FINDINGS OF FACT

1. On November 28, 2000, the Applicant filed an application for consolidated review and approval of a PUD to facilitate the rehabilitation of the former Woodward & Lothrop ("Woodies") department store building at 1025 F Street, N.W., Lot 805 in Square 346.

2. The subject property comprises all of Square 346 except one lot, consisting of approximately 50,280 square feet of land area bounded by F, G, 10th, and 11th Streets, N.W. The site is improved with the former flagship store of the Woodward & Lothrop chain, which formerly contained approximately 268,000 square feet of retail space and

more than 260,000 square feet of office space. The building is a designated landmark included on the District of Columbia's Inventory of Historic Sites and is located within the boundaries of the Downtown Historic District. After the department store closed in 1995, the building was purchased by the Washington Opera in 1996, and by the Applicant in 1998.

3. The site of the proposed PUD is zoned DD/C-4. The C-4 district is designed for the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area, and is intended to provide an adequate area for a variety of commercial, retail, and business uses. *See* 11 DCMR §§ 750.1 and 750.2. The purposes of the Downtown Development (DD) district include (a) to create a balanced mixture of uses by means of incentives and requirements for critically important land uses identified in the Comprehensive Plan; (b) to guide and regulate office development so as to further land use objectives for retail, hotel, residential, entertainment, and arts and cultural uses; and (c) to protect historic buildings and places while permitting sensitive and compatible new developments subject to the historic preservation review process of D.C. Law 2-144. 11 DCMR § 1700.3.

4. The PUD site is located in the high-density commercial land use category shown on the Generalized Land Use Map of the Comprehensive Plan. The immediately surrounding area is developed with office buildings, hotels, retail, and institutional uses.

5. The PUD application proposes to retain and redevelop the former Woodies building so to provide a combination of retail space for new department or anchor stores and new office space. Redevelopment of the building, including the proposed removal and reconstruction of its two top floors, would be undertaken subject to review by the Historic Preservation Review Board ("HPRB"). Amenities offered in support of the application include new residential developments on two nearby sites.

6. As proposed, the cellar, first, and second levels of the PUD building would be devoted to a combination of preferred retail, service, and arts-related uses listed in 11 DCMR §§ 1710 and 1711 (except for loading, lobby, and elevator access on the first floor). The total space devoted to preferred uses would be approximately 134,900 square feet, representing the equivalent floor area ratio ("FAR") of 2.68 of the PUD building. With the inclusion of the approximately 21,500 square feet of cellar space located in vaults and in the Metrorail mezzanine level, the area of proposed retail space would be 156,490 square feet, or the equivalent of 3.11 FAR.

7. The Applicant also proposes to construct new or reconfigured space to replace the existing 9th and 10th stories of the building, to be utilized for any purpose permitted in the C-4 zone, including general office use. The Applicant testified that the existing 9th and 10th stories are not considered contributing to the historic character of the building and would be replaced by sympathetic new construction, subject to HPRB review. Exterior rehabilitation work undertaken by the Applicant on the PUD building is also subject to HPRB review.

8. The Applicant requests relief from the matter-of-right standards and requirements that would otherwise apply to property located in the Downtown Development district. Pursuant to 11 DCMR § 1702.5, a department store may not be converted, in whole or in part, to another use without the approval of the Board of Zoning Adjustment, unless the entirety of the gross floor area is converted to any combination of preferred retail, service, and arts-related uses. The property is not subject to residential requirements otherwise applicable in the DD district because the site is restricted to a maximum development of 6.0 FAR. 11 DCMR §§ 1706.20, 1707.4. However, the FAR of the existing building is 8.84, and after the proposed construction of new 9th and 10th floors, its FAR would be 10.0.

9. The PUD application offers certain amenities within the same ANC, in this case ANC 2C. The Applicant proposed to construct housing and ground-level retail in Square 377, Lots 828, 829, 847, and 848, providing the equivalent amount of residential space as would be occupied by 1.75 FAR on the subject site (a minimum of 88,000 square feet). The proposed development on Square 377 would preserve significant portions of three contributing buildings to the Downtown Historic District, namely 910, 912, and 914 F Street (Lots 829, 847, and 848). According to the Applicant, the HPRB has found that the building on Lot 828 (916 F Street) is not a contributing building to the Downtown Historic District.

10. The PUD application also offers an amenity in the form of a development site for housing in Square 517, Lots 40, 41, 47, 48, 803-805, 808, 809, 811-817, 833, 854, 855, 857-863, and 868-870, as well as lot 856 if acquired from the District. Lot 856 is improved with the Old Engine Company No. 6 Firehouse, which is listed in the District of Columbia Inventory of Historic Sites. The Square 517 property is zoned DD/C-2-C and is included in Housing Priority Area B. The combined land area is approximately 29,481 square feet (27,396 square feet if Lot 856 is not acquired) and could provide at least 233,000 square feet of housing under applicable Zoning Regulations. The Applicant stated that, with certain zoning relief, the site could be developed to offer as much as 150,000 square feet of residential space in excess of the amount that would be otherwise be required for new construction on the property.

11. The proposed PUD exhibits several public benefits and project amenities enumerated in the categories set forth in 11 DCMR § 2403.9. In addition to the proposed housing developments on Squares 377 and 517, the proposed benefits and amenities include the following.

    a) Urban design, architecture, and historic preservation of private structures: The application includes significant historic preservation components at the PUD site.

    b) Transportation: The PUD site is located above the Metro Center Metrorail station, served by three subway lines, and a short walking distance from the Gallery Place/Chinatown station, served by two other subway lines, and is served by

numerous Metrobus routes. The Applicant testified that at least 1,350 parking spaces are located in 19 garages and lots within a two-block radius of the PUD site. As a historic landmark located in a historic district, the PUD site is not subject to otherwise applicable parking and loading requirements. *See* 11 DCMR §§ 2403.9 (c); 2100.5, 2200.5.

c) Employment and training opportunities: The Applicant stated its intent to enter into an agreement to participate in the Department of Employment Services (DOES) First Source Employment Program to encourage the hiring of District of Columbia residents. The Applicant also stated its intent to enter into a Memorandum of Understanding with the Local Business Opportunity Commission to use its resources to utilize minority business enterprises in the development of the PUD project. *See* 11 DCMR § 2403.9 (e).

d) Uses of special value: The PUD application offers a viable opportunity to return a landmark building in a central downtown location to active use as retail, service, arts-related, and office space. Amenities associated with the proposal include new mixed retail and residential development incorporating three smaller landmark buildings on Square 377, and property in Square 517 for development of residential space in Housing Priority Area B. *See* 11 DCMR § 2403.9 (i).

e) Comprehensive Plan: The proposed PUD site has been vacant and underutilized since the former department store closed in 1995. Its redevelopment with the proposed combination of preferred uses and office space, and the associated residential development on nearby sites, will advance the major themes and other policies and objectives of the Downtown Element of the Comprehensive Plan. *See* 10 DCMR § 900 and 11 DCMR § 2403.9 (j).

12. By memoranda dated February 7 and 15, 2001, and through testimony offered at the public hearing, the Office of Planning asserted that the proposed development would further the goals of the Comprehensive Plan. OP recommended approval of the application subject to conditions intended to ensure that all components of the proposed development would occur in a timely fashion. According to OP, the application "is consistent with the regulations, is acceptable in all categories, and more than acceptable in several," noting especially the proposal's historic and architectural preservation, the provision of housing opportunities and additional large-scale retail uses, and the addition to employment opportunities in Downtown. Transcript, February 8, 2001 at 55-58.

13. By letter dated December 7, 2000, ANC 2A expressed its unanimous support for the PUD application.

14. Three persons testified in support of the PUD, including Charles Docter of the Downtown Housing Now Committee and Terrance Lynch of the Downtown Cluster of Congregations. There was no testimony offered in opposition to the application.

15. The application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Home Rule Act. The NCPC, by report dated April 12, 2001, found that the proposed PUD would not adversely affect the Federal interest in the National Capital or be inconsistent with the Comprehensive Plan.

CONCLUSIONS OF LAW

1. Section 5-413 of the D.C. Code establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia."

2. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.

3. The development of this PUD project would carry out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, and yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

5. The Commission concludes that, under the particular circumstances of this case, the PUD application was appropriately processed as a one-stage application despite the absence of a detailed site plan review. The Commission notes that the application called for no major alterations to the exterior of the existing building or new construction except for the replacement of the two top floors. Further, all new development undertaken at the PUD site and on Square 377 (and potentially Square 517) is subject to design review and approval by the Historic Preservation Review Board, and the Applicant has adequately identified the size and uses for the proposed residential developments on Squares 377 and 517.

6. The subject site satisfies the applicable minimum area requirement for a planned unit development in a commercial zone. *See* 11 DCMR § 2401.1(c).

7. The Commission concludes that approval of the application is consistent with the purpose of the PUD process to encourage high-quality developments that provide public benefits. Approval of the PUD application would further the policies and objectives of the Comprehensive Plan, in part by returning a historic landmark building to productive use

in a high-density commercial location that is readily accessible by public transportation. The amenities offered in conjunction with the PUD request, especially the two proposed residential developments, would also further the policies and objectives of the Comprehensive Plan through historic preservation and by increasing opportunities for downtown housing. The PUD project and amenities are consistent with the designation of the subject property in the Land Use Element for high-density commercial use and with provisions of in the Downtown Element that encourage housing and retail along with office development in the Retail Core.

8. The impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities will not be unacceptable, but, subject to compliance with the development conditions stated in this Order, will instead be favorable and acceptable given the quality of the public benefits of the project. Development of the PUD will return an underutilized property to productive use, adding employment opportunities and other economic benefits in a central downtown location readily accessible by public transportation. The PUD project will also provide significant benefits and amenities, especially with respect to housing and historic preservation.

9. The Commission gives great weight to the issues and concerns of OP, which recommended conditional approval of the application based on its findings that the PUD would further the goals of the Comprehensive Plan and offered many significant benefits and amenities. The Commission also gives great weight to the issues and concerns of ANC 2C, which recommended approval of the application.

10. Approval of the application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map.

DECISION

In consideration of the Findings of Fact and Conclusions of Law set forth in this Order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of this Application for consolidated review of a planned unit development for Lot 805 in Square 346. The approval of this PUD is subject to the following conditions:

1. The PUD shall be developed as a mixed-use building with a maximum height not to exceed 130 feet. One roof structure shall be permitted, no greater than 18 feet, six inches in height above the roof and meeting all setback requirements provided by the Zoning Regulations.

2. The PUD shall have a maximum density not to exceed 10.0 FAR.

3. The permitted uses on the cellar level, vaults, and first two floors of the PUD building shall be limited to those preferred uses listed in §§ 1710 and 1711 of the Zoning

Regulations as more specifically referenced in Condition No. 5, below. The remainder of the building may be used for any use permitted in the DD/C-4 district.

4. The Applicant may make exterior alterations to the building and may remove and replace or otherwise reconfigure the 9th and 10th floors of the building, subject to design approval by the Historic Preservation Review Board and, if required, the Mayor's Agent pursuant to D.C. Law 2-144.

5. The Applicant shall receive a letter of core completion from the Department of Consumer and Regulatory Affairs for the basement (cellar), vaults, and first two floors (at a minimum), for the following uses:

   a) A department store with a floor area equal to or greater than 90,000 square feet of gross leasable area;

   b) One anchor retail use with a floor area equal to or greater than 60,000 square feet of gross leasable area, and any combination of "preferred" retail, service, and arts-related uses; or

   c) Two anchor retail uses, each with a minimum floor area of 25,000 square feet and totaling a combination of at least 60,000 square feet of gross leasable area, and any combination of "preferred" retail, service, and arts-related uses; or

   d) Any combination of (a), (b), and (c).

6. Once the letter of core completion specified in Condition No. 5 has been issued, the Applicant may:

   a) Obtain certificates of occupancy to utilize the balance of existing floor area in the building for any use permitted in the DD/C-4 district; and

   b) Obtain certificates of occupancy for additional floor area constructed on the PUD site for any use permitted in the DD/C-4 district to a maximum 10.0 FAR.

7. Any bonus density generated by bonus uses in the PUD building may be transferred in accordance with § 1709 of the Zoning Regulations, except that any transferable development rights (TDRs) generated at the building shall vest in a receiving site only after a certificate of occupancy has been issued for all bonus uses at the PUD building.

8. With regard to the associated development on Square 377:

   a) The Applicant shall provide at least 88,000 square feet of residential gross floor area.

b) The Applicant shall apply for building permits for the residential construction within one year of the effective date of this Order.

c) The Applicant shall provide a bond to assure construction of the residential space, in an amount not less than $18 million or any contract awarded for the residential construction, whichever amount is greater, within 30 days of the date that building permits are issued for the development, naming the Office of Planning (OP) and the Downtown Housing Now Committee as beneficiaries. The bond shall be structured so that, if the residential construction is not completed within three years of the date of issuance, the bond can be executed by OP and the property entered to complete residential construction at the direction of OP, to the extent permitted by law. Otherwise, the bond may be terminated when all applicable certificates of occupancy are issued for the residential development.

d) Certificates of occupancy for the residential development must be obtained within three years of the date that a certificate of occupancy is first issued for any office space in the PUD building not associated with a preferred retail, service, or arts-related use or any floor area addition.

9. With regard to the associated development on Square 517:

a) No office uses shall be permitted, except for accessory offices to other permitted residential, retail, and service uses.

b) Development shall be limited to residential uses with retail and service uses allowed on the ground floor and cellar level.

c) Within thirty (30) days of the effective date of this Order, the Applicant shall enter into a covenant for the duration of the PUD on Square 346 restricting development on the Square 517 property to:

i) at least 200,000 square feet of residential use;

ii) commercial development provided on the ground floor and cellar level only; and

iii) no principal office uses.

d) In order to utilize the combined-lot development incentives set forth in Chapter 17 of the Zoning Regulations, the Applicant must commence development on the Square 517 property within six (6) years of the effective date of this Order, unless the Commission authorizes an extension.

10. The first 100,560 square feet (*i.e.*, the equivalent of 2.0 FAR of the PUD building) of residential uses developed by the Applicant on the Square 377 and Square 517 properties

shall be made part of the PUD process and shall not be available for combined lot development pursuant to 11 DCMR § 1708. The 100,560 square feet of residential use included in the PUD process shall be as follows: (a) all of the residential FAR developed as part of the PUD process in Square 377; and (b) in Square 517, the amount in excess of the 4.5 minimum residential FAR requirement applicable in Housing Priority Area B necessary to total 100,560 square feet (approximately 12,000 square feet). Any residential square footage in excess of 100,560 square feet, up to the 8.5 FAR currently permitted, shall be available for combined lot development.

11. The Applicant shall enter into a Memorandum of Understanding with the District of Columbia Local Business Opportunity Commission with a goal of achieving, at a minimum, 35 percent participation by small, local, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for PUD project and the associated developments.

12. The Applicant shall comply with the terms of the First Source Employment Agreement with the Department of Employment Services with a goal of employing District of Columbia residents for at least 51 percent of the jobs created by the PUD project.

13. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs until the Applicant has filed with the records of the Zoning Commission a certified copy of the covenant required pursuant to 11 DCMR § 2409.3.

Vote of the Commission taken at the regular monthly meeting on February 15, 2001 by a vote of 5-0-0: (Kwasi Holman, Herbert M. Franklin, Carol J. Mitten, John G. Parsons and Anthony J. Hood (by proxy) to **APPROVE**).

This order was adopted by the Zoning Commission at its regular monthly meeting on April 16, 2001 by a vote of 5-0-0: (John G. Parsons, Anthony J. Hood and Carol J. Mitten to adopt as amended; Herbert M. Franklin and Kwasi Holman to adopt by proxy).

In accordance with 11 DCMR § 3028, this Order is final and effective upon publication in the *D.C. Register*, that is on MAY 11 2001.

Carol J. Mitten
CAROL J. MITTEN
Chairperson
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning

PURSUANT TO 11 DCMR § 2408.8, THE FINAL PLANNED UNIT DEVELOPMENT APPROVED BY THE ZONING COMMISSION SHALL BE VALID FOR A PERIOD OF TWO (2) YEARS, WITHIN WHICH TIME APPLICATION SHALL BE FILED FOR A BUILDING PERMIT, AS SPECIFIED IN 11 DCMR § 2409.1. PURSUANT TO 11 DCMR § 2408.9, CONSTRUCTION SHALL START WITHIN THREE (3) YEARS OF THE DATE OF FINAL APPROVAL.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE I OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.