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October 1, 2002

CHRISTINE MOSELEY SHIKER
202-457-7167

Internet Address: cmshiker@hklaw.com

VIA HAND DELIVERY
Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Board of Zoning Adjustment Case No. 169267
2400 M Street, N.W.
Prehearing Submission

Dear Board Members:

On behalf of the applicant in the above-referenced case, enclosed please find an original and twenty copies of its prehearing submission in support of the above-referenced application for special exception and variance relief.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7167.

Sincerely,

Christy Shiker

Christine Moseley Shiker

cc: Stephen Cochran, Office of Planning (Via Hand Delivery; w/enclosure)

BZA
Case No. 16926
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16926
EXHIBIT NO.25

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
EQR-JBG 2400 RESIDENTIAL, L.L.C.
2400 M STREET, NW

BZA APPLICATION NO. 16926
HEARING DATE: OCT. 15, 2002
ANC 2A

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of EQR-JBG 2400 Residential, L.L.C.[1], the owner of certain property located at 2400 M Street, N.W., (the "Applicant") in support of the application to the Board of Zoning Adjustment for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1: (i) a variance from the residential recreation space requirements of Section 773; (ii) a variance from the rear yard requirement of Section 774; and (iii) a special exception from the roof structure requirements of Section 411. The Applicant requests this relief in order to construct an apartment house at 2400 M Street, N.W. (the "Site"), located in the C-2-C District. This development is the second phase in a two phase project, with the first phase being constructed on the adjacent lot. Both phases of the development have received support from Advisory Neighborhood Commission 2A.

[1] The Application was originally filed in the name of Columbia 2440 Venture L.L.C.; however, since the application was filed, the property was sold to EQR-JBG 2400 Residential, L.L.C. Therefore, the name of the owner has changed. A letter of authorization from EQR-JBG 2400 Residential, L.L.C. is attached hereto as Exhibit G.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the variance and special exception relief requested herein pursuant to Sections 3103 and 3104 of the District of Columbia Municipal Regulations ("Zoning Regulations"). 11 DCMR §§ 3103 and 3104.

III.
BACKGROUND

A. Description of the Site

The Site is located at 2400 M Street, N.W., and consists of Lot 808 in Square 25. Square 25 is bounded by M Street to the north, 24th Street to the east, L Street to the south, and 25th Street to the west. The Site has a land area of 53,439 square feet and is currently used as a surface parking lot. The Site is located in the C-2-C District, a community business district designed to provide facilities for shopping and business needs, housing, and mixed uses. *See* 11 DCMR §720.

B. Description of Surrounding Area

The Site is located in the area known as the West End, near both Foggy Bottom and Georgetown, and is characterized by office, retail, service, hotel and residential uses. The adjacent property to the east is improved with an eight story medical office building with an attached parking garage, both constructed in 1986, and is being further improved with a residential component. The abutting property to the south is improved with the Columbia Hospital for Women (hereinafter, the "Hospital"), recently sold for future development.

Residential uses exist in many areas around the Site, including along 25th Street and Pennsylvania Avenue. Office uses are located to the north and northwest of the Subject Property. To the east and northeast, hotel uses are found, including the Monarch, Westin and Park Hyatt Hotels, all located at the intersection of M and 24th Streets.

C. Project Description

The Applicant proposes to construct an apartment house with a total of 334 dwelling units and with retail uses on the ground level (the "Project"). The Project constitutes the second phase of a two phase project, with the first phase being constructed on the adjacent lot. The first phase was reviewed and approved by the Board in Case No. 16687. The Project has been designed to relate well to the first phase of this development and adjacent residential buildings as well as the hotels to the north and east of the Site. The Project includes a three-level, below grade parking garage that provides a total of 225 parking spaces for the residential use, which is in excess of eighty-four spaces required. The Project provides an additional thirty spaces devoted to retail use, of which seven are required under the Zoning Regulations. 11 DCMR §2101.1.

IV.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

A. Standards for Granting Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property has unusual or extraordinary conditions affecting its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) these conditions bring about practical difficulties if the zoning regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, the Project and the variances requested for the same meet all three prongs of this test.

B. Variance Relief from Residential Recreation Space Requirement

The Applicant requests a variance from the residential recreation space requirements of Section 773. Section 773.3 requires that residential development in the C-2-C District provide not less than fifteen percent of the gross floor area of the building devoted to residential use for residential recreation space. Based on the proposed 364,995.1 square feet of residential gross floor area, the Project must include 54,749.3 square feet of residential recreation space (or fifteen percent). The Project proposes to devote 38,977 square feet (more than ten percent) to residential recreation space. Because the residential recreation space requirement of fifteen percent cannot be met on the Site, the Applicant requests a variance from the residential recreation space requirement of Section 773.3.

1. Extraordinary or Exceptional Condition

The Site is affected by several extraordinary or exceptional conditions. First, the Site is an exceptionally large residential site, having a lot area of 53,439 square feet or more than one acre. The Project, therefore, requires 54,749.3 square feet of gross floor area (or fifteen percent) to be devoted to residential recreation space. Due to the amount and locations of residential recreation space provided (as discussed below), there is no additional available interior or exterior space to be devoted to residential recreation space. Finally, as evidenced by the letter from the GeoConcepts Engineering, Inc., attached hereto as Exhibit F, the Site suffers from adverse subsurface conditions due to extensive bedrock layers below the Site. The Project includes a three-level, below-grade parking facility; however, the Applicant is unable to feasibly excavate any further for below-grade interior space or parking facilities due to this subsurface condition.

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

Due to the Site's exceptional conditions, it is practically difficult to include any additional residential recreation space. The Applicant proposes to devote 38,997 square feet of gross floor area to residential recreation space, which is more than ten percent of the residential gross floor area. This residential recreation space is provided as follows: a roof deck with a swimming pool, running track, gazebos, and related amenities (25,408 square feet); ground level, landscaped courtyard (9,077 square feet); fitness center (1,507.2 square feet); party/community room (486 square feet); library (415.5 square feet); and lobby amenities (2,083 square feet). As is

evidenced by this listing, the Project incorporates every reasonable type of residential recreation space for an apartment complex of this size.

There is no additional space in which to include more residential recreation space. For exterior space, the roof deck has been maximized to provide significant amenities for the residents, including a swimming pool, running track and multiple gathering areas. The design of the roof deck maximizes the space available; the roof deck cannot be enlarged due to the interior courtyard and the mechanical equipment required to be located both on the roof and within the penthouse. For example, the compressor units have been grouped together to maximize open space while at the same time accessing the required internal systems and minimizing noise to provide the residents with high quality residential recreation space. Similarly, the outdoor space available on the ground floor has been utilized for the internal courtyard; no other exterior, ground-level space is available.

Internally, a significant amount of space has been provided for residential recreation space, including a fitness center, a library, a party room and a substantial lobby. To comply with the residential recreation space requirements, an additional 15,772.3 square feet of area currently devoted to apartment or retail uses must be converted to residential recreation space. Such space is unnecessary and would not likely be used. If the Applicant included this additional interior residential recreation space, the number of residential units would decrease, contrary to the intent of the Zoning Regulations which encourages housing in this area. Alternatively, the elimination of the ground floor retail space would result in the loss of neighborhood serving retail, which the community strongly supports. Thus, the

conversion of interior space to residential recreation space either reduces the number of dwelling units or the amount of retail space provided, both of which compromise the economic viability of the Project and are contrary to the stated purposes of the C-2-C District.

Finally, no residential recreation space can be provided below-grade. Specifically, as indicated in the letter from GeoConcepts Engineering, Inc., the adverse subsurface soil conditions create an unacceptable situation for further below-grade excavation. Although the Project includes three below-grade levels, the Applicant is unable to feasibly excavate an additional level below-grade. Therefore, any residential recreation space provided below-grade level will displace parking, which is extremely important for this area. Accordingly, the strict application of Sections 773.3 results in a peculiar and exceptional practical difficulty for the Applicant.

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

Variance relief from the residential recreation space requirement of Section 773.3 can be granted without substantial detriment either to the public good or the Zoning Regulations. As proposed, the Project provides a significant amount of residential recreation space for residents of this type of building. All types of residential recreation space are included within the building. Because the units provided in this building -- ranging from studios with approximately 500 square feet of living space to two bedroom units with approximately 1,500 square feet of living

space -- are larger than typical residential units in the city, the provided residential recreation space will be more than sufficient as it will have fewer user.

Furthermore, an additional 4,622.5 square feet of private balconies, patios and terraces are incorporated in the Project. Although not permitted within the calculations of residential recreation space, these private recreation areas help off-set the impact, if any, of the requested relief.

In addition to the provided residential recreation space, the Project incorporates approximately 8,000 square feet of retail on the ground level to be devoted to neighborhood serving retail, which is strongly supported by the community. As well, the Site is situated within a block of the Rock Creek Park, a significant amenity for these residents, as well as playing fields approximately one block north of the building (just north of 25th and M). In addition, the pocket park at the intersection of Pennsylvania Avenue, L Street, and 25th Street as well as the nearby Washington Circle provide additional recreational space to the residents. Finally, the proposed apartment house's location near Georgetown, Foggy Bottom and George Washington University provide many recreational, educational and entertainment activities for the residents of the proposed apartment house.

Overall, the Project provides important new residential construction for the area, neighborhood serving retail development and important off-street parking, which all serve to substantially benefit the neighborhood. When this area's many recreational and entertainment activities available are considered along with the Site's provided recreation space, the recreation space available to residents is more

than sufficient. Accordingly, the requested relief will not have an adverse impact on the public or the zone plan.

C. Variance Relief from Rear Yard Requirement

Section 774.1 of the Zoning Regulations requires that all structures in the C-2-C District provide a fifteen foot rear yard. 11 DCMR §774.1. The Project proposes a fifteen foot rear yard in compliance with this requirement. In order to provide an enhanced and more articulated façade and provide more marketable apartment units, however, the Project will include bay windows which will project two feet into the rear yard, rendering the rear yard only thirteen feet in depth in some places. The bay windows are an important architectural feature of the development and provide an increased aesthetic benefit to the façade of the structure.

In order to include the bay windows, JBG must request a variance from the rear yard requirement. In designing the Project, the minimum space requirements for the proposed units, when beginning at M Street and incorporating a significant internal courtyard, result in apartments at the rear of the building with a kitchen to living room dimension of approximately sixteen feet. In order to produce a marketable apartment, the kitchen to living room dimension must be nineteen feet at a minimum. The incorporation of the bay windows provides the an additional two feet which alleviates this situation, although still not reaching the desired minimum dimension.

It is practically difficult to restructure the apartments so that the two feet can be obtained without projecting into the fifteen foot rear yard. First, the internal courtyard could be reduced. However, not only would that option further exacerbate

the residential recreation space variance, but it also creates problems providing appropriate light and air to the apartment units in the corners of the internal courtyard. Second, to pull back the entire rear façade two feet would undermine the Applicant's ability to secure a large scale retail tenant – such as a grocery store – on the ground floor. Specifically, in order to satisfy the loading requirements for such a large scale retail tenant, the structural supports must be located as proposed. Otherwise, issues arise with respect to the location of columns within that loading area.

The proposed variance will trigger significant public good without substantially impairing the intent or purpose of the Zoning Regulations. First, by allowing the bay windows, the façade of the building is enhanced and the views of the structure from the Columbia Hospital for Women (the "Hospital") and 24th Street are significantly improved. Second, the residential nature of the Project is emphasized, creating a mixed-use environment in this area as is encouraged for the C-2-C District. *See* 11 DCMR § 720.9. Similarly, bay windows are incorporated along 24th and M Streets, and no variance is required for these projections because they front on a street.

Third, the bay windows do not practically infringe on the fifteen foot rear yard requirement as they are located above grade. The first projection is located approximately thirteen feet above the ground level behind the Project, and the bay windows comprise a total of only fifty-six percent of the rear façade. Furthermore, the Applicant is working with the contract purchaser of the Hospital site to obtain its support for the Project.

Finally, the Zoning Regulations specifically provide that certain projections are permitted as a matter of right. *See* 11 DCMR §2502. These projections include, among others, a two feet projection for a cornice or eave [§2502.2], a forty inch projection for an awning [§2502.5], a four foot projection for a fire balcony or fire escape [§2502.6], a five square feet projection for a chimney, smokestack or flue [§2502.7], and a two foot projection for a room air conditioner [§2502.8]. The bay window projection is less intrusive and more aesthetically appealing than many of the projections permitted as a matter of right. Moreover, the bay windows are permitted on the north and eastern façades with approval under the Building Code. Accordingly, the bay window projections into the required rear yard will have a positive impact and will not impair the intent or purpose of the Zoning Regulations.

V.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF TO ALLOW ADJUSTMENTS TO THE ROOF STRUCTURE REQUIREMENTS UNDER 11 DCMR § 411.

A. Standard for Approving Special Exception Relief

Due to the exceptional conditions of the Site, the Project cannot comply with Section 411.4 of the Zoning Regulations. Section 411.4 provides that when separate elevator cores are required, there may be one enclosure for each elevator core. The Applicant proposes three penthouses to enclose the three required, separate elevator cores on the roof. However, because one of the additional penthouses encloses a stairwell in addition to the elevator core, the Applicant requests special exception relief to deviate from the strict compliance of Sections 411.4 of the Zoning

Regulations as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Roof Structure Special Exceptions

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

C. Relief from Section 411.4

The Applicant requests relief from Section 411.4 of the Zoning Regulations because one of the additional penthouses permitted to enclose an additional elevator

core also encloses a stairwell. Two means of ingress and egress are required for a roof deck of the proposed size. Therefore, a second stairwell must be incorporated into one of the additional penthouses permitted by Section 411.4. The Applicant proposes penthouses which meet all of the setback requirements.

The proposed elevator penthouse does comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations by ensuring adequate light and air to adjacent property and abutting streets. The inclusion of the stairs within the permitted additional elevator enclosure minimizes the number of enclosures on the roof and does not adversely impact the bulk of the roof structure. Furthermore, all three penthouse structures are setback in excess of the one-to-one ratio required by the Zoning Regulations. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.

VI.
COMMUNITY SUPPORT

The Applicant has received unanimous support from Advisory Neighborhood Commission 2A at its September 18, 2002, regularly scheduled meeting. The Applicant is not aware of any opposition to the application.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A: Portions of the Sanborn Atlas and Assessment Plat showing the Site highlighted in yellow;

Exhibit B: A portion of the Zoning Map showing the Site highlighted in yellow;

Exhibit C: Surveyor's Plat of the Subject Property with the building's perimeter outlined thereon;

Exhibit D: Revised Architectural Plans and Drawings;

Exhibit E: Color Renderings of the Project;

Exhibit F: Letter dated September 24, 2002, from Paul E. Burkart, GeoConcepts Engineering, Inc., regarding the adverse subsurface conditions for the Site;

Exhibit G: Letter of Authorization from EQR-JBG 2400 Residential, L.L.C.;

Exhibit H: Outline of Testimony of Representative of the Applicant;

Exhibit I: Outline of Testimony of WDG Architects, project architect; and

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

VIII.
WITNESSES

A. Representative of the Applicant.

B. WDG Architects, project architects.

C. Steven E. Sher, Land Planner.

IX.
CONCLUSION

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

Respectfully submitted,

HOLLAND & KNIGHT, LLP

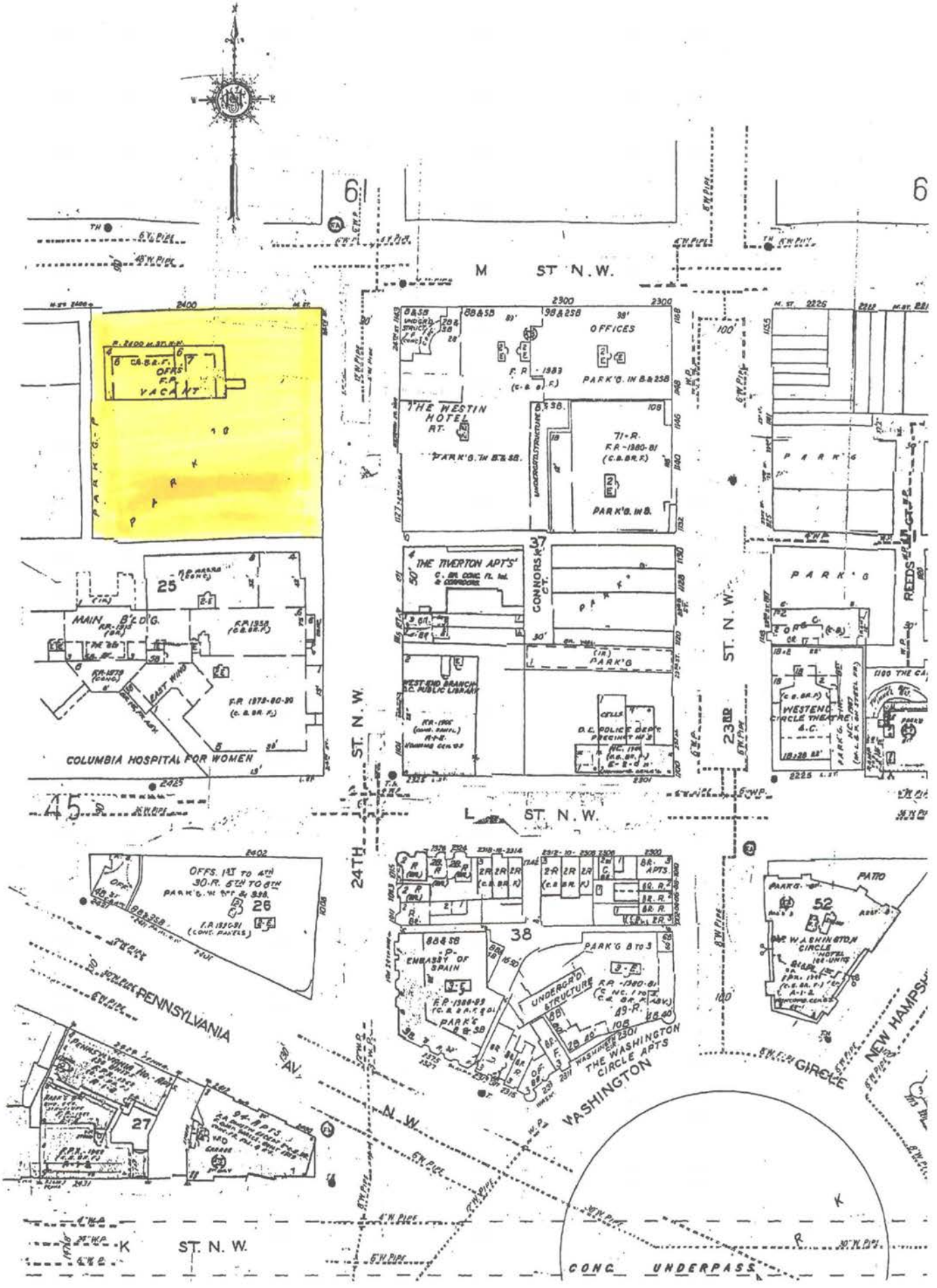
By: _____
Whayne S. Quin, Esq.

By: _____
Christine Moseley Shiker, Esq.

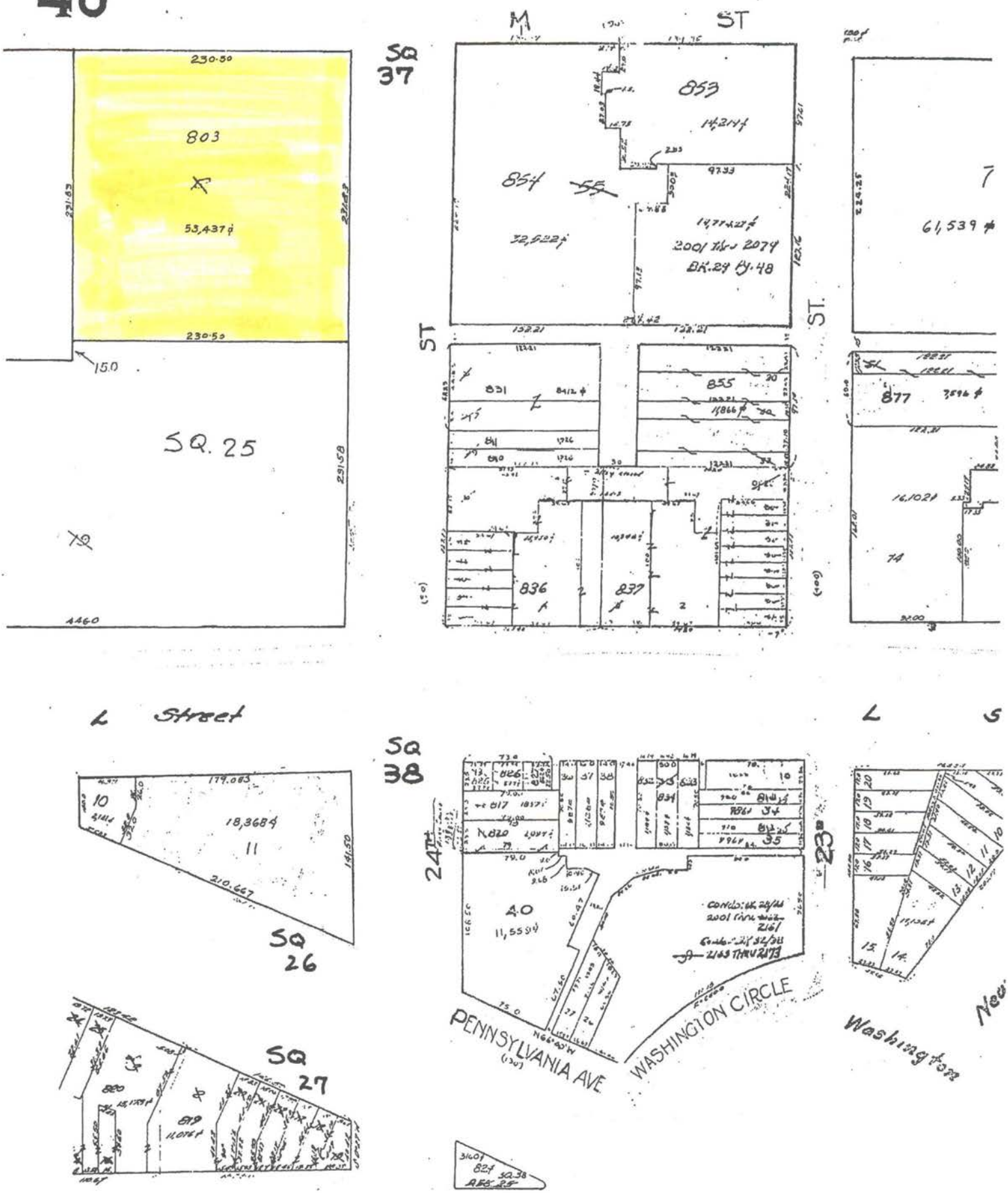
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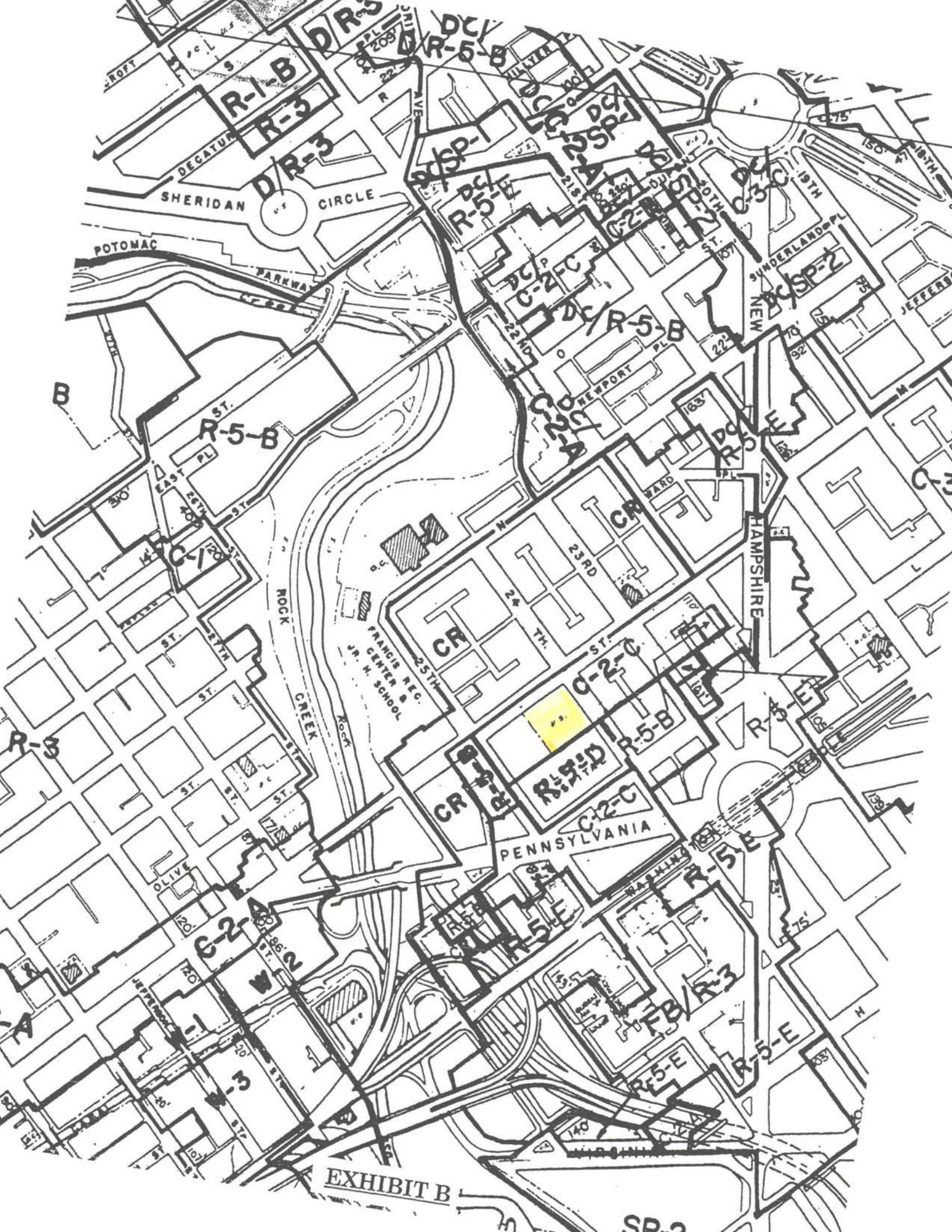
A


M ST N.W.
L ST. N.W.
K ST. N.W.
24TH ST. N.W.
23RD ST. N.W.
CONNORS CT.
REEDS CT.
PARK'G
VACANT
OFFICES
THE WESTIN HOTEL
71+R.
THE TIVERTON APTS
WEST END BRANCH D.C. PUBLIC LIBRARY
D.C. POLICE DEPT. PRECINCT NO 3
WESTEND CIRCLE THEATRE
MAIN BLDG.
EAST WING
COLUMBIA HOSPITAL FOR WOMEN
OFFS. 1ST TO 4TH 30-R. 5TH TO 8TH
EMBASSY OF SPAIN
UNDERG'D STRUCTURE
THE WASHINGTON CIRCLE APTS
WASHINGTON CIRCLE HOTEL 100 UNITS
PATIO
PENNSYLVANIA AV. N.W.
NEW HAMPSHIRE
CONC. UNDERPASS
25
26
27
37
38
45
52

46


SQ 37
M ST
803
53,437 ft
230.50
231.63
231.58
15.0
SQ. 25
853
14,214 ft
854
55
32,522 ft
14,774 ft
2001 Liber 2074
Bk. 24 Fy. 48
855
831
836
837
877
7
61,539 ft
16,102 ft
74
L Street
SQ 38
179.083
18,368 ft
11
210.667
141.50
SQ 26
24th
23rd
40
11,559 ft
PENNSYLVANIA AVE
WASHINGTON CIRCLE
SQ 27
820
819
11,076 ft
Washington




SHERIDAN CIRCLE
DECATUR
POTOMAC PARKWAY
NEWPORT PL
22ND
23RD
24TH ST.
25TH
HAMPSHIRE
SUNDERLAND PL
19TH
ROCK CREEK
FRANCIS REC. CENTER & JR. H. SCHOOL
PENNSYLVANIA
OLIVE
EAST PL
26TH ST.
R-1-B
R-3
R-5-B
R-5-E
C-2-C
C-2-A
C-3-C
CR
FB/R-3
DC/R-5-B
DC/SP-1
DC/SP-2
EXHIBIT B

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 18, 2002

Plat for Building Permit of SQUARE 25 LOT 21

Scale: 1 inch = 60 feet Recorded in Book 194 Page 174

Receipt No. 008296

Furnished to: WEINE/SOCKWELL

Surveyor, D.C.

By: L.E.S.

FS

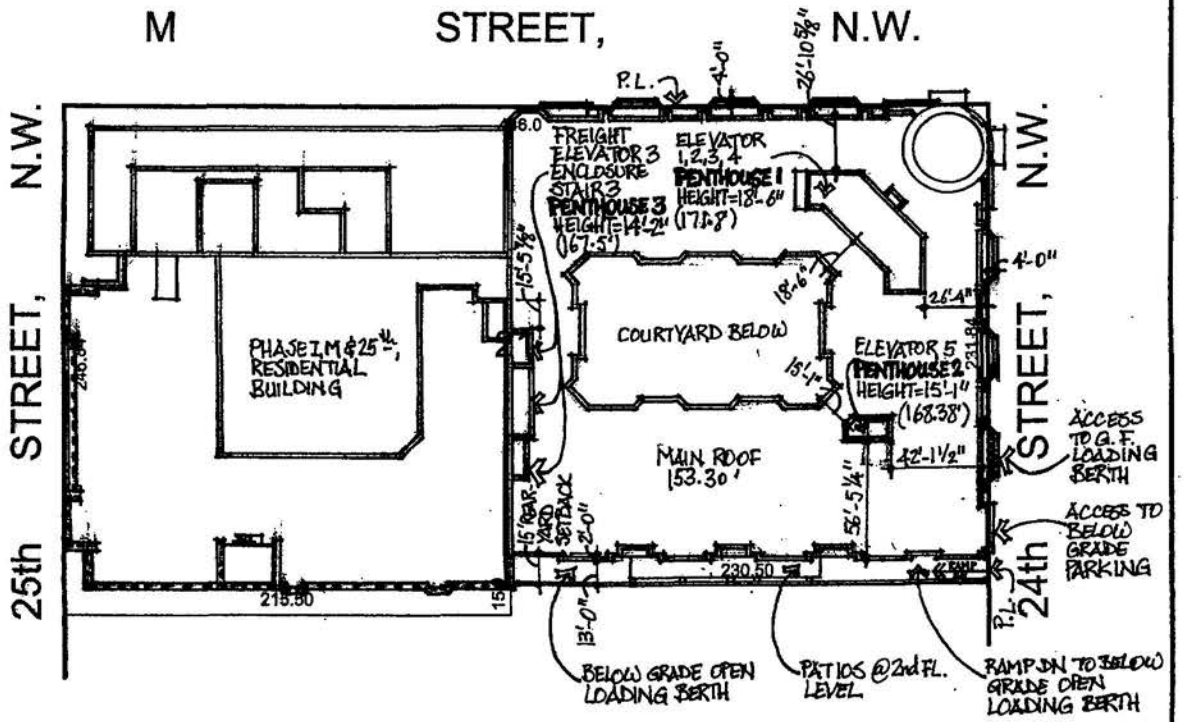
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 6-26-02

M. Durwood Dixi

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.







M AND 24th STREET RESIDENTIAL

WASHINGTON D.C.

BZA APPROVALS SET

10.01.02

WDG

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Architecture
Planning
Interior Design

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e-mail info@wdgdc.com

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Cherry Lane Electrical Services, Inc.

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Laurel, Maryland 20707

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e-mail

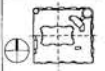
'M' & 24th Street Residential

Washington D.C.

JBG

1101 Wisconsin Ave, NW
Suite 300
Washington D.C. 20007-4492

50% Progress Set	01.04.02
90% Progress Set	01.24.02
Permit Review Set	1.28.02
Pricing Set	1.28.02
BZA submission Set	04.15.02
Bldg. Permit Submission	06.14.02
Permit Set	09.09.02
Bldg. Permit rev1/Bid Set	09.30.02
BZA approval Set Rev 1	09.27.02
BZA approval Set Rev 2	10.01.02



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WDG Project No. WA01209

Cover Sheet

A0.00

M & 24th Street Residential

M Street & 24th Street
Washington D.C.

Project Data

Requirements

Part of Lot 7, Square 25, #Lot No. 808
Lot Area = 53,439.0 sf
Zone: C-2-C
Allowable FAR: Residential C2C: 53,439.0 sf x 6.0 = 320,634.0 sf (GFA)
Transfer FAR Unused from M = 250= 52,340.4 sf
Total Allow. FAR: 52,340.4 + 320,634.1 sf + 372,975.1 sf (GFA)
Total FAR Used: 372,975.1 sf (GFA)
(See detailed FAR calculation on drawing sheet No. A1.02A and A1.02B)
Max. Building Height: 90'-0"
Measuring From: 6333' (24th Street)
Height of Bldg. Provided= 90'-0"
Allowable Lot Coverage on C2C : 80% of lot area = 80% of 53,439.0 sf = 42,751.296 sf
Total covered= 40,386.5 sf

No. of Handicap Dwelling Units: 15% of 334 units = 50.1 = 51 HC units

Use Groups (note addition is separate use)
Residential: R-2
Mercantile: M
Garages: S-2

Construction Type
IB Fired Fast to 3A per BOCA 1996 403.3.3.1
Applicable Codes
BOCA 1996 / DCMR CONSTRUCTION CODES SUPPLEMENT OF 1998
CABO/ANSI A117.1-1992
Fair Housing Accessibility Guidelines 1988
Fire Suppression = Fully Sprinklered
+ Standpipe System

OFF STREET LOADING REQUIREMENTS SUMMARY

USES AND DISTRICTS	APARTMENT BLDG. SPACE (APARTMENT HOUSE OR MULTIPLE DWELLING WITH 50 OR MORE DWELLING UNITS IN ALL DISTRICTS)	COMMERCIAL/RETAIL AREA (WITH MORE THAN 20,000 SF TO 100,000 SF OF GROSS FLOOR AREA)
MINIMUM NUMBER AND SIZE OF LOADING BERTHS REQUIRED	1 @ 55 FEET DEEP	1 @ 30 FEET DEEP 1 @ 55 FEET DEEP
MINIMUM NUMBER AND SIZE OF LOADING PLATFORMS REQUIRED	1 @ 200 SF	1 @ 100 SF 1 @ 200 SF
MINIMUM NUMBER AND SIZE OF SERVICE/DELIVERY SPACES REQUIRED	1 @ 20' FEET DEEP	1 @ 20' FEET DEEP

PHASE II: 'M' & 24TH STREET RESIDENTIAL RECREATION SPACE:

REQUIRED SPACE: 5% OF GROSS RESIDENTIAL AREA.
50% MUST BE OUTDOORS
RECREATION AREA REQUIRED 364,995) SF x 15% =54,749.3 SF

GROUND FLOOR RECREATION AREA	
GYM (IN)	1,507.2 SF
PARTY RM (IN)	486 SF
LIBRARY (IN)	415.5 SF
LOBBY (IN)	2,083 SF
COURTYARD (OUT)	9,077.0 SF

ROOF RECREATION AREA	
POOL/SAZEBO(OUT)	5,413 SF
TRACK (OUT)	7,398 SF
AMENITIES	0,077 SF
TOTAL	38,977.0 SF
88% OUTDOOR AREA PROVIDED	34,485 SF
15 % INDOOR AREA PROVIDED	4,492 SF
10% TOTAL AREA PROVIDED	38,977 SF
APARTMENT UNIT: BALCONIES, PATIOS + TERRACES	4,822.5 SF

A) MIN. RESIDENTIAL ZONE C2-C REQUIREMENTS: 1 PARKING SPACE PER 4 APARTMENTS: 334 APT. UNITS X25 = 83.5 = 84 P.S.

1) MIN HANDICAPPED PARKING SPACES (DC CODE): 15 % OF PARKING SPACES = 84X0.15= 12.6 = 13 P.S.
   a) VAN HANDICAPPED SPACES (DC CODE) VAN SPACE PER 8 HANDICAPPED PARKING SPACE.) 2 P.S.
   b) STANDARD HANDICAPPED SPACES (DC CODE) 11 P.S.
2) MIN STANDARD PARKING SPACES + TOTAL PARKING SPACES - HANDICAPPED PARKING SPACES: 84-13 = 71 P.S.
3) MIN COMPACT PARKING SPACES (DC CODE): 40 % OF STANDARD PARKING SPACES = 71X0.4= 28.4= 29 P.S.

SUBTOTAL MIN RESIDENTIAL REQ'D PARKING SPACES (DC CODE) 84 P.S.

B) MIN. COMMERCIAL ZONE C2-C RETAIL REQUIREMENTS IN EXCESS OF 3000 SF PROVIDE 1 SPACE FOR EACH 750 SF GROSS FLOOR AREA: (25,186 SF-3000 SF) /.750 SF = 29.1 30 P.S.

1) MIN HANDICAPPED PARKING SPACES (DC CODE): 15 % OF PARKING SPACES = 30X0.15= 4.5 = 5 P.S.
   a) VAN HANDICAPPED SPACES (DC CODE) VAN SPACE PER 8 HANDICAPPED PARKING SPACE.) 1 P.S.
   b) STANDARD HANDICAPPED SPACES (DC CODE) 4 P.S.
2) MIN STANDARD PARKING SPACES + TOTAL PARKING SPACES - HANDICAPPED PARKING SPACES: 30-5 = 25 P.S.
3) MIN COMPACT PARKING SPACES (DC CODE): 40 % OF STANDARD PARKING SPACES = 25X0.4= 10 P.S.

SUBTOTAL MIN COMMERCIAL REQ'D PARKING SPACES 30 P.S.

TOTAL REQ'D RESIDENTIAL AND COMMERCIAL PARKING SPACES 114 P.S.

C) MIN REQUIRED PARKING LEVELS SUMMARY

LEVELS	LEVEL P3	LEVEL P2	LEVEL P1	TOTAL
REQ'D RESIDENTIAL/SHARED COMMERCIAL STANDARD PARKING SPACES 9'-0" X 19'-0"	0	0	11	10
REQ'D RESIDENTIAL/SHARED COMMERCIAL COMPACT PARKING SPACE 8'-0" X 16'-0"	0	0	6	7
REQ'D RESIDENTIAL STANDARD PARKING SPACES 9'-0" X 19'-0"	16	19	0	36
REQ'D RESIDENTIAL COMPACT PARKING SPACE 8'-0" X 16'-0"	11	8	0	18
COMMERCIAL STANDARD PARKING SPACE 9'-0" X 19'-0"	0	0	17	15
COMMERCIAL COMPACT PARKING SPACE 8'-0" X 16'-0"	0	0	8	10
REQ'D RESIDENTIAL/SHARED COMMERCIAL H.C. VAN PARKING SPACE 9'-0" X 19'-0" (AISLE 8'-0" WIDE)	0	0	1	1
REQ'D RESIDENTIAL/SHARED COMMERCIAL H.C. STANDARD PARKING SPACE 9'-0" X 19'-0" (AISLE 5'-0" WIDE)	0	0	2	2
REQ'D RESIDENTIAL H.C. VAN PARKING SPACE 9'-0" X 19'-0" (AISLE 8'-0" WIDE)	1	1	0	2
REQ'D RESIDENTIAL H.C. STANDARD PARKING SPACE 9'-0" X 19'-0" (AISLE 5'-0" WIDE)	4	4	0	8
COMMERCIAL H.C. VAN PARKING SPACE 9'-0" X 19'-0" (AISLE 8'-0" WIDE)	0	0	1	1
COMMERCIAL H.C. STANDARD PARKING SPACE 9'-0" X 19'-0" (AISLE 5'-0" WIDE)	0	0	4	4
TOTAL MIN. REQUIRED PARKING SPACES	32	32	50	114

D) EXTRA PARKING SPACES PROVIDED (SEE ARCHITECTURAL DRAWINGS) 129 P.S.

MIN HANDICAPPED PARKING SPACES (ADA CODE FROM 1991-504P.S.):
   a) VAN HANDICAPPED SPACES (ADA CODE) VAN SPACE PER 8 HANDICAPPED PARKING SPACE.) 1 P.S.
   b) STANDARD HANDICAPPED SPACES (ADA CODE). 4 P.S.

LEVELS	LEVEL P3	LEVEL P2	LEVEL P1	TOTAL
EXTRA STANDARD PARKING SPACE 9'-0" X 19'-0"	48	17	0	65
EXTRA COMPACT PARKING SPACE 8'-0" X 16'-0"	45	19	2	66
EXTRA HANDICAPPED VAN PARKING SPACE 9'-0" X 19'-0" (AISLE 8'-0" WIDE)	1	1	0	2
EXTRA HANDICAPPED STANDARD PARKING SPACE 9'-0" X 19'-0" (AISLE 5'-0" WIDE)	3	1	0	4
TOTAL EXTRA PARKING SPACES	97	38	2	137

D) TOTAL PARKING SPACES PROVIDED

E) TOTAL MIN. REQUIRED AND EXTRA PARKING SPACES | 129 | 70 | 52 | 251

UNIT SUMMARY TABLE

UNIT DESCRIPTION	UNIT TYPE	1st flr	2nd flr	3rd flr	4th flr	5th flr	6th flr	7th flr	8th flr	9th flr	10th flr	Total Apts	Resi. S.F. per Unit	Total Resi. S.F.	Unit Mix %
EFFICIENCY	A1	-	0 (0%)	0	1	1	1	1	1	1	1	9	532 sf	4,788 sf	2.69%
	A2	7	0	0	0	1	1	1	1	1	1	8	619 sf	4,952 sf	2.39%
	A3	-	1 (12%)	0	1	0	0	0	0	0	0	1	581 sf	581 sf	0.30%
	A4	-	0	0	1	0	0	0	0	0	0	1	673 sf	673 sf	0.30%
	Efficiency Subtotal	7	1	0	2	2	2	2	2	2	2	19	**	10,994 sf	5.67%
1 BEDROOM	B1-A	-	3 (10%)	3	3	3	3	3	3	3	3	30	751 sf	22,530 sf	8.98%
	B1-B	-	2 (8%)	2	2	2	2	2	2	2	2	20	730 sf	14,600 sf	5.97%
	B2	-	1 (8%)	1	0	0	0	0	0	0	0	1	773 sf	773 sf	0.30%
	B3	1	1 (8%)	1	0	0	0	0	0	0	0	1	839 sf	839 sf	0.30%
	B4	1	1 (8%)	1	0	0	0	0	0	0	0	1	591 sf	591 sf	0.30%
	1 Bed Subtotal	2	7	7	5	5	5	5	5	5	5	53	2,938 sf	155,834 sf	25.51%
1 BEDROOM + DEN	C1-A	-	3 (8%)	0	0	2	6	6	6	6	6	36	842 sf	31,596 sf	11.34%
	C1-C	4	0	0	0	4	0	0	0	0	0	4	871 sf	3,484 sf	1.19%
	C1-B	15	8 (8%)	0	4	4	4	4	4	0	0	20	858 sf	17,160 sf	5.97%
	C1-C	12	0 (8%)	0	0	0	0	0	4	4	4	16	829 sf	13,264 sf	4.78%
	C2-A	-	10 (8%)	1	1	1	1	1	1	1	1	10	922 sf	9,220 sf	2.99%
	C2-B	-	10 (8%)	1	1	1	1	1	1	1	1	10	957 sf	9,570 sf	2.99%
	C3	-	0	1	1	1	1	1	1	1	1	10	903 sf	9,030 sf	2.99%
	C4	-	0	0	1	0	1	1	1	1	0	7	890 sf	6,230 sf	2.09%
	C5-A	-	2 (8%)	1	1	0	0	0	0	0	0	2	1,279 sf	2,558 sf	0.60%
	C5-B	-	8 (8%)	0	0	1	1	1	1	1	1	8	1,204 sf	9,632 sf	2.39%
	C6	7	0 (8%)	0	0	1	1	1	1	1	1	8	988 sf	7,904 sf	2.39%
	C7-A	1	1 (8%)	1	0	0	0	0	0	0	0	2	1,264 sf	1,264 sf	0.30%
	C7-B	1	1 (8%)	0	1	0	0	0	0	0	0	1	1,231 sf	1,231 sf	0.30%
	C7-C	1	1 (8%)	0	1	0	0	0	0	0	0	1	1,216 sf	1,216 sf	0.30%
	C8-A	-	4 (8%)	0	0	0	0	0	0	0	0	4	969 sf	3,876 sf	1.19%
	C8-B	-	2 (8%)	0	0	0	0	0	0	0	0	2	913 sf	1,826 sf	0.60%
	C8-C	-	1 (8%)	0	0	0	0	0	0	0	0	1	912 sf	912 sf	0.30%
	C9-A	-	10 (8%)	1	1	1	1	1	1	1	1	10	853 sf	8,530 sf	2.99%
	C9-B	-	10 (8%)	1	1	1	1	1	1	1	1	10	857 sf	8,570 sf	2.99%
	C9-C	-	9 (8%)	0	1	1	1	1	1	1	1	9	852 sf	7,668 sf	2.69%
	C10	-	9 (8%)	0	1	1	1	1	1	1	1	9	827 sf	7,443 sf	2.69%
	C11	-	0	0	1	0	0	0	0	0	0	1	1,158 sf	1,158 sf	0.30%
	1 Bed + Den Subtotal	45	89	7	15	20	20	20	20	20	20	182	**	140,182 sf	54.23%
2 Bedroom	D1	-	0	0	0	1	1	1	1	1	1	8	1,502 sf	12,016 sf	2.39%
	D2	-	6 (8%)	0	0	1	1	1	1	1	1	8	1,176 sf	9,408 sf	2.39%
	D3	-	1	0	0	0	0	0	0	0	0	1	1,235 sf	1,235 sf	0.30%
	D4	-	0	0	1	0	0	0	0	0	0	1	1,135 sf	1,135 sf	0.30%
	D5	1	1 (8%)	0	1	0	0	0	0	0	0	1	1,280 sf	1,280 sf	0.30%
	D6	-	1 (8%)	0	0	0	0	0	0	0	1	1	1,702 sf	1,702 sf	0.30%
	2 Bed Subtotal	2	8	1	2	3	2	3	2	2	2	28	**	23,194 sf	5.97%
2 Bedroom + Den	E1	-	0	0	0	1	1	1	1	1	0	6	1,400 sf	9,800 sf	2.09%
	E2-A	-	12 (8%)	0	0	0	2	2	2	2	2	12	1,308 sf	15,696 sf	3.58%
	E2-B	-	5 (8%)	0	1	1	1	1	1	1	0	7	1,307 sf	11,763 sf	2.69%
	E2-C	-	6 (8%)	0	0	1	1	1	1	1	1	7	1,313 sf	9,203 sf	2.09%
	E2-D	2	0 (8%)	0	0	0	0	0	0	0	0	2	1,308 sf	2,616 sf	0.60%
	E3	-	0	0	0	2	2	2	2	2	2	16	1,500 sf	21,840 sf	4.38%
	E4	-	1 (8%)	0	0	0	0	0	0	0	1	1	1,267 sf	1,267 sf	0.30%
	E5	-	2 (8%)	0	0	0	0	0	0	0	0	2	1,450 sf	2,920 sf	0.60%
	2 Bed + Den Subtotal	2	26	0	1	5	7	7	7	7	6	58	**	75,107 sf	16.13%
3 Bedroom	F1	-	1 (8%)	1	1	1	1	1	1	1	1	7	1,387 sf	9,709 sf	2.09%
	3 Bed Subtotal	-	1	1	1	1	1	1	1	1	1	7	**	9,709 sf	2.09%
	Unit Total	58	148	15	26	36	37	37	37	37	37	325	**	321,269	100.00%
													Total SF	321,269 sf	**

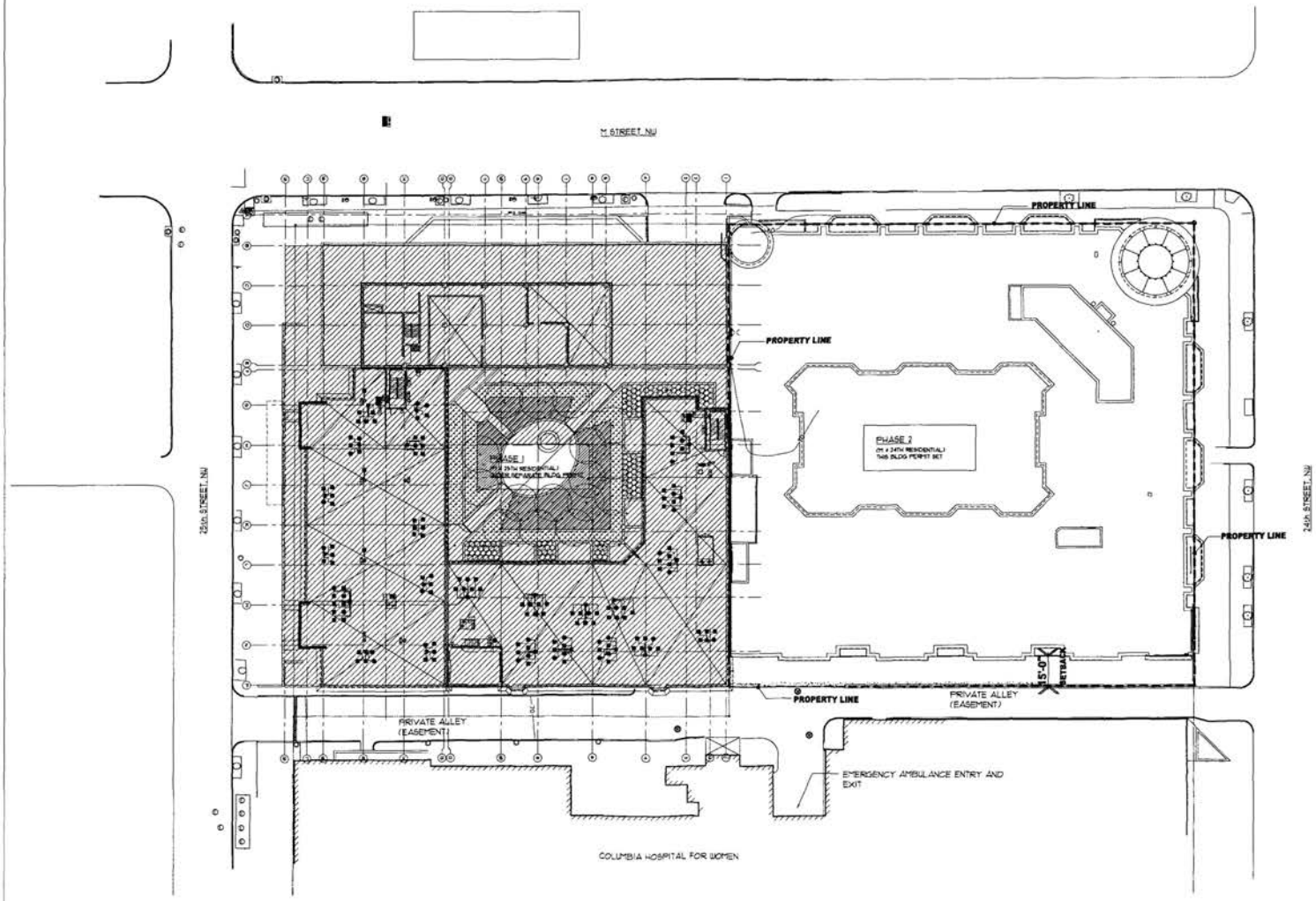
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Mechanical Engineer
Electrical Consultant

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Cover Sheet

A1.01



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Washington, DC 20036

Structural Engineer

Mechanical Engineer

Electrical Consultant

'M' & 24th Street

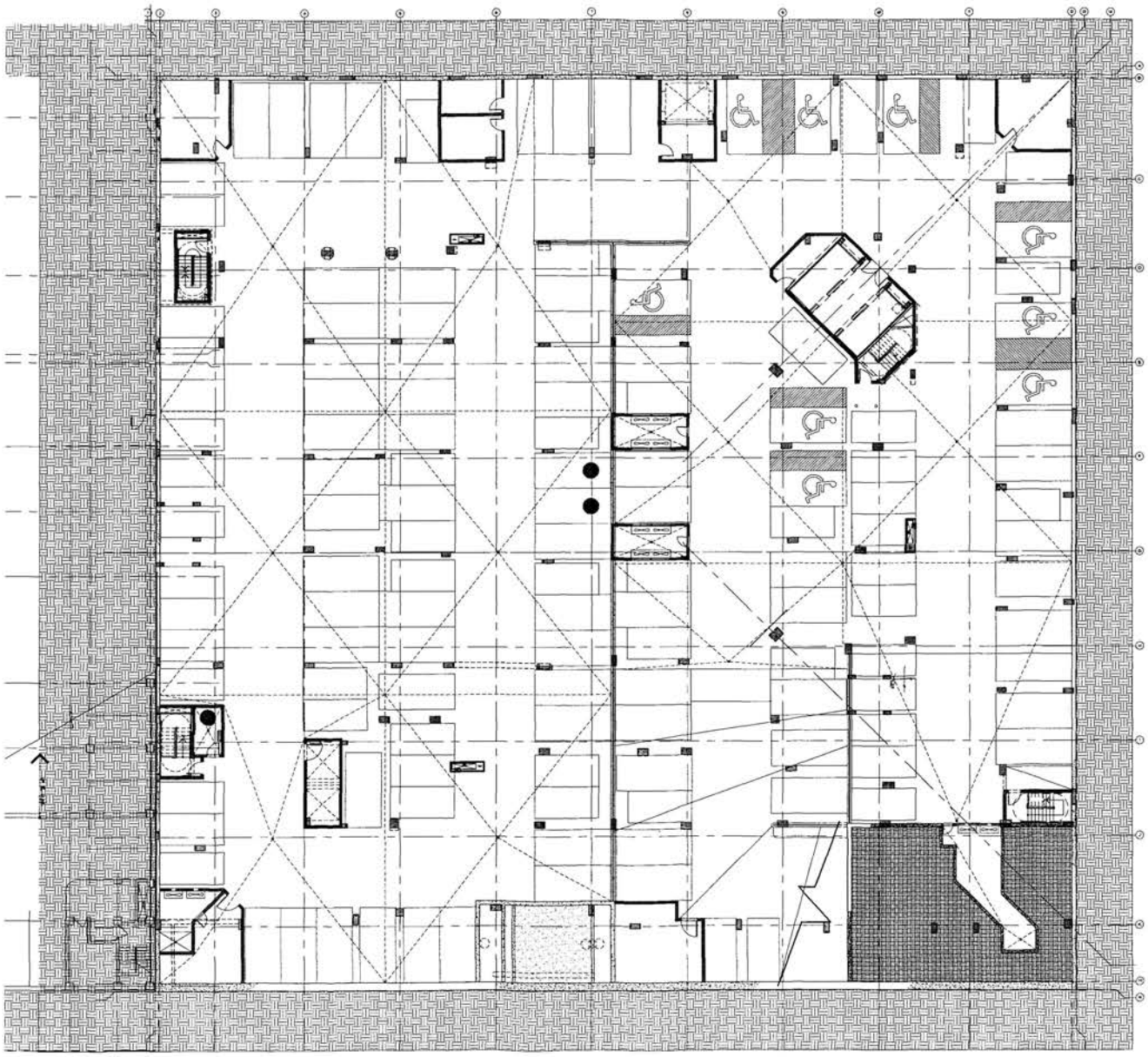
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Illustrative Site Plan

A1.06

Illustrative Site Plan



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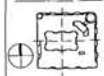
'M' & 24th Street
Residential

Washington D.C.

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730 Wisconsin Ave. NW
Suite 300
Washington, D.C. 20007-3007

50% Progress Set	07.09.07
50% Progress Set	07.16.07
Retail Permit Set	11.09.07
Pricing Set	12.21.07
BZA Approvals Set	03.24.08
Bldg Permit Submission	04.11.08
Progress print	05.29.08
Bldg Permit rev1/Shell Set	06.30.08
BZA Approvals Set Rev 1	07.11.08
BZA Approvals Set Rev 2	07.25.08

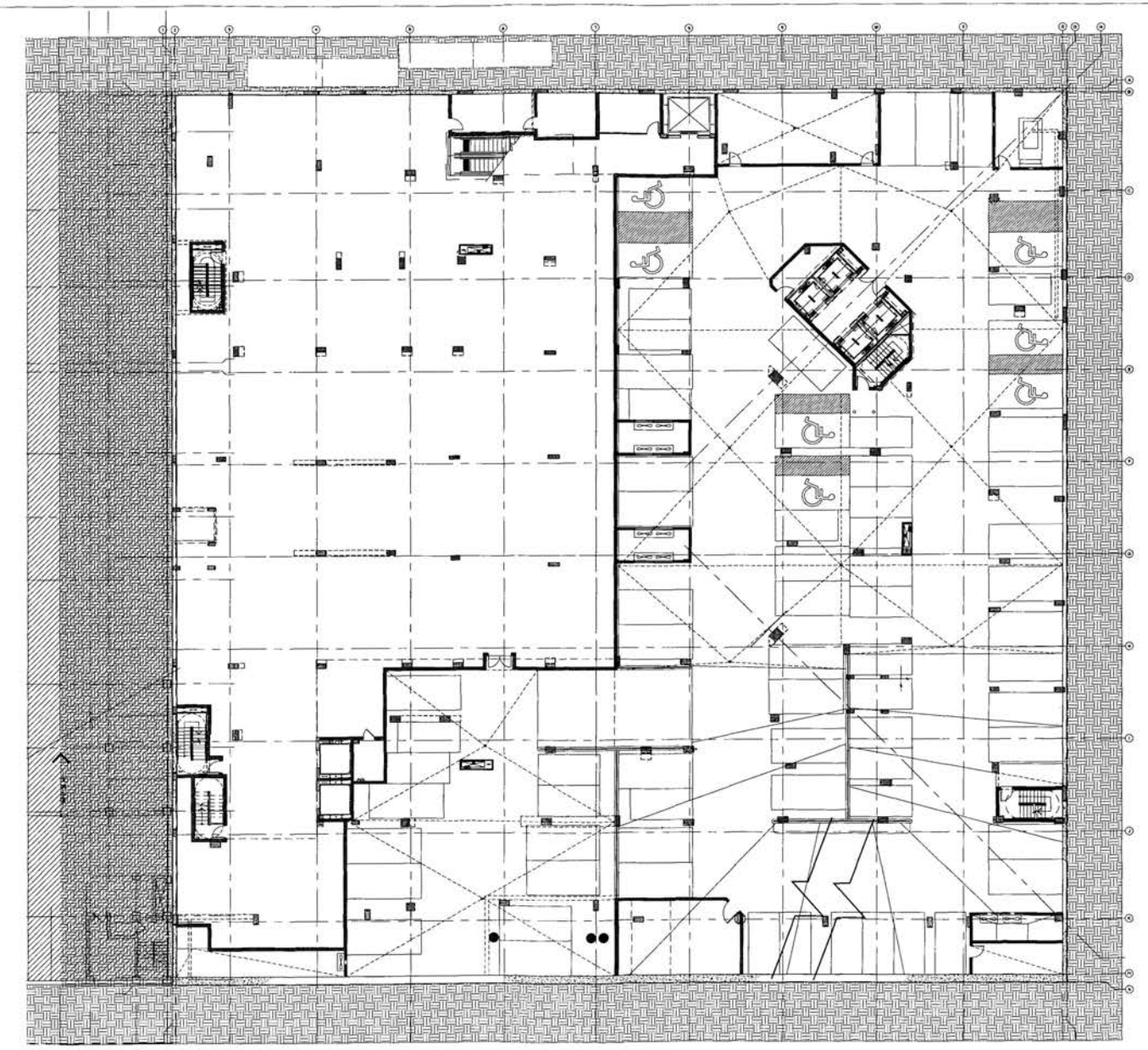


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Parking Level P3

1/8"=1'-0"

A2.01



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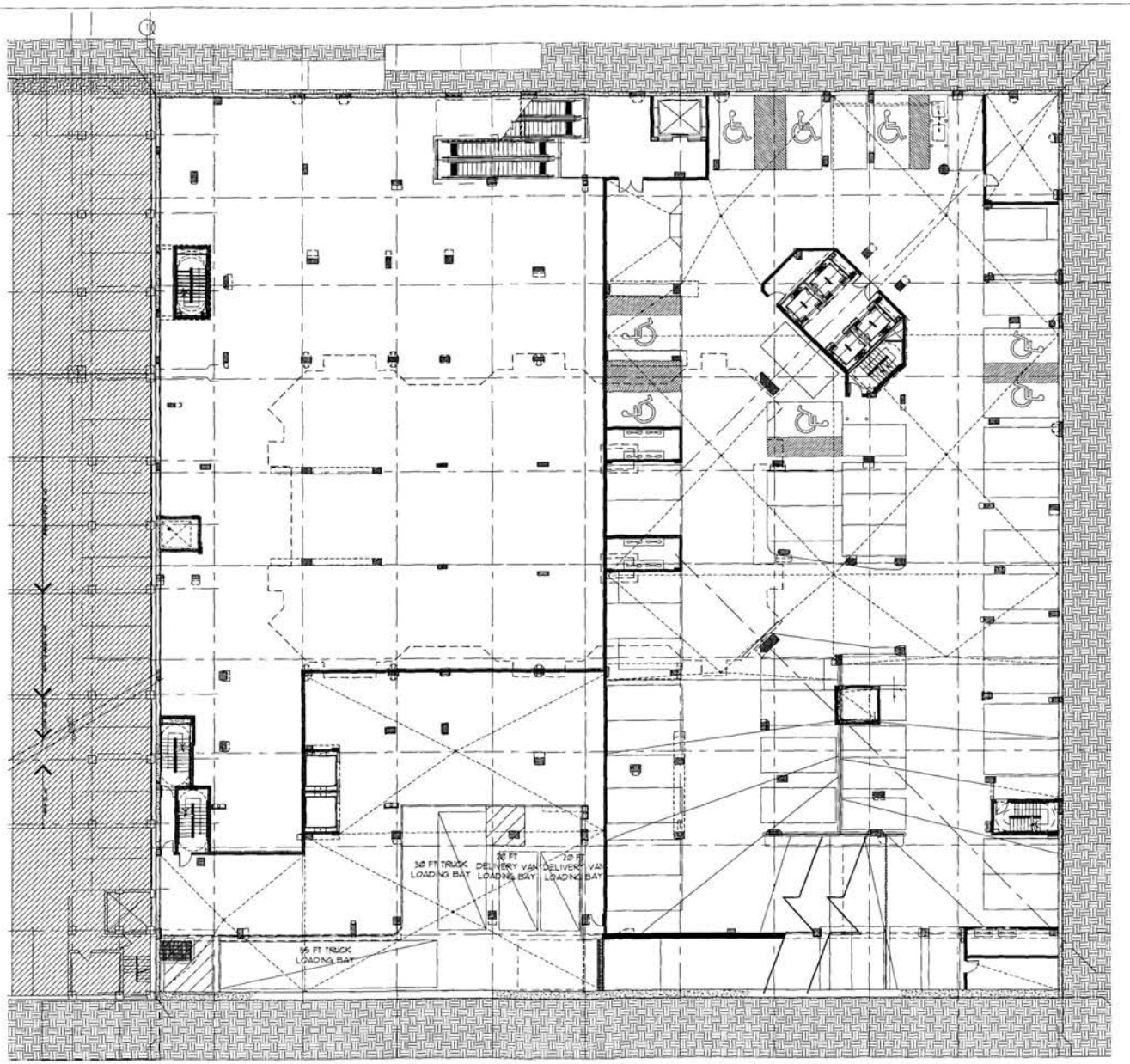
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Parking Level P2

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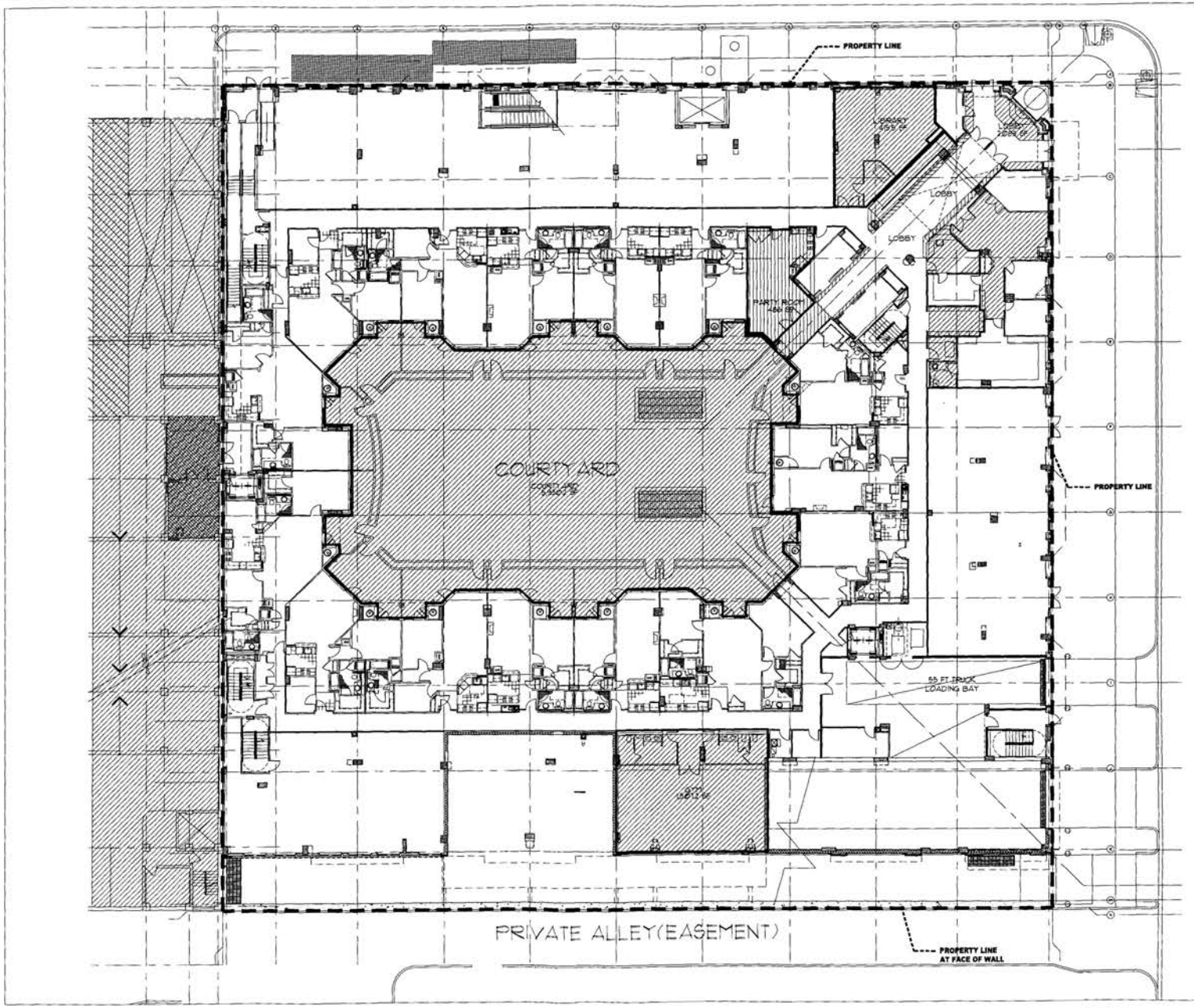
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Parking Level P1

A2.03



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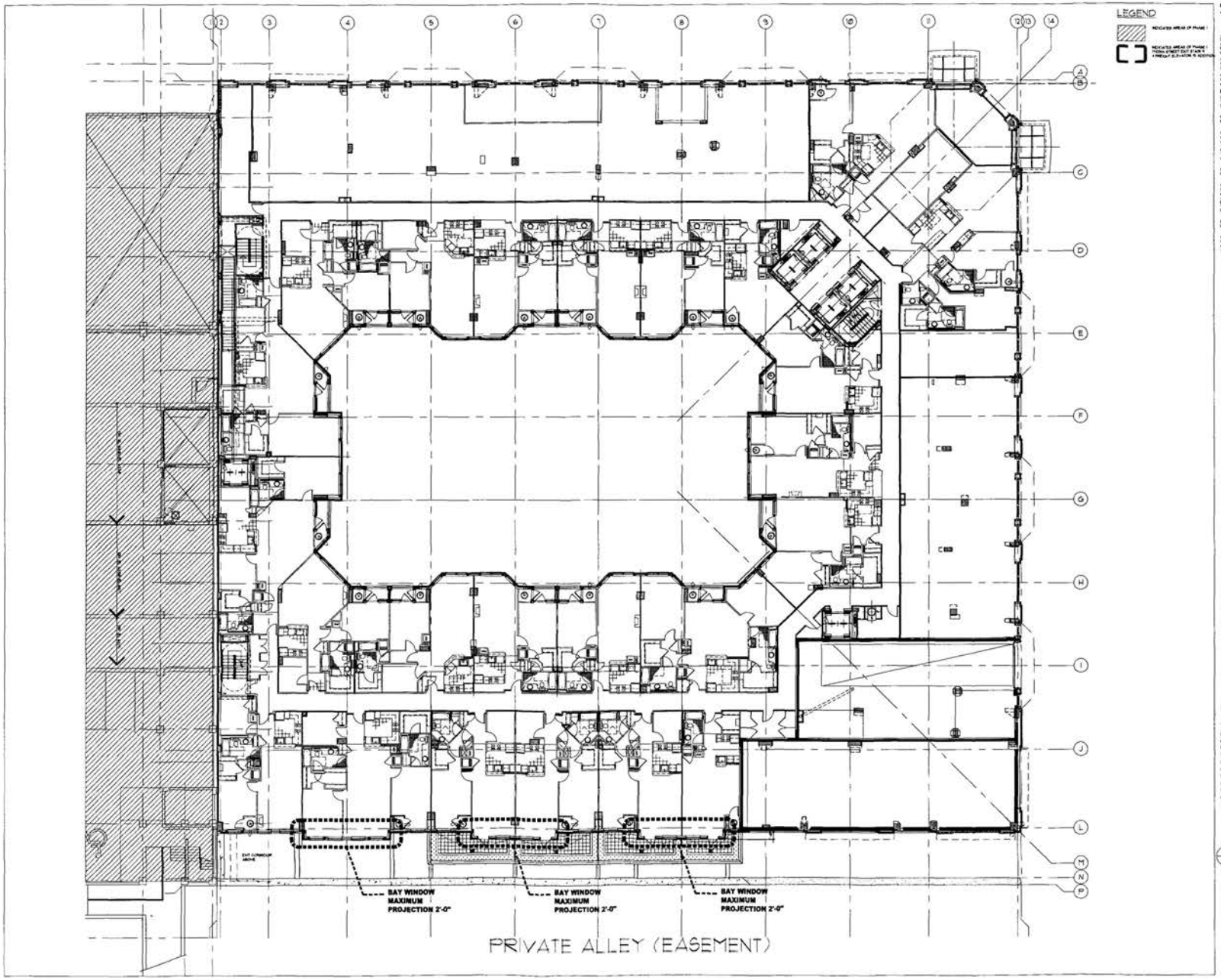
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Lobby Level

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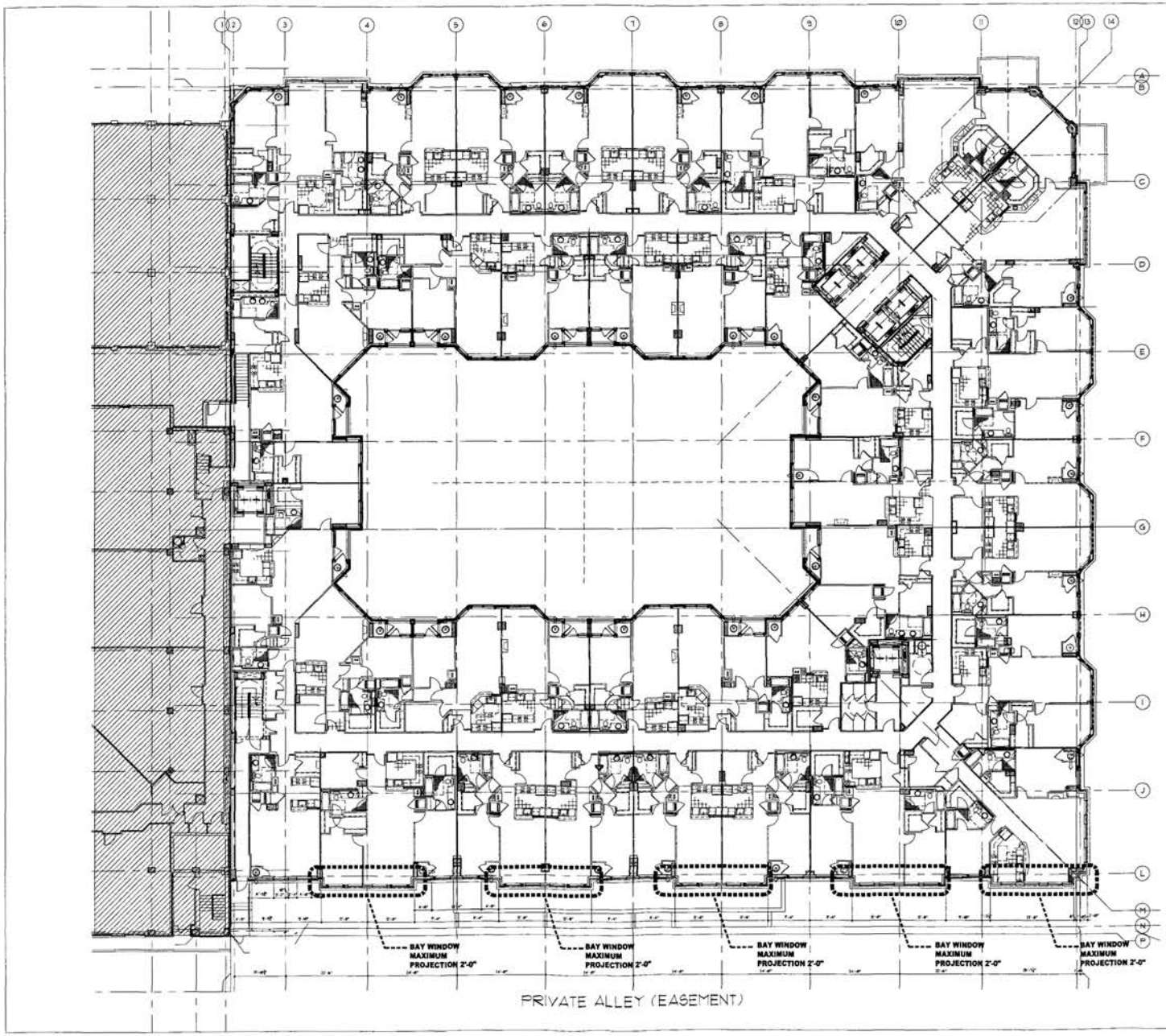
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2nd Floor Level

A2.05



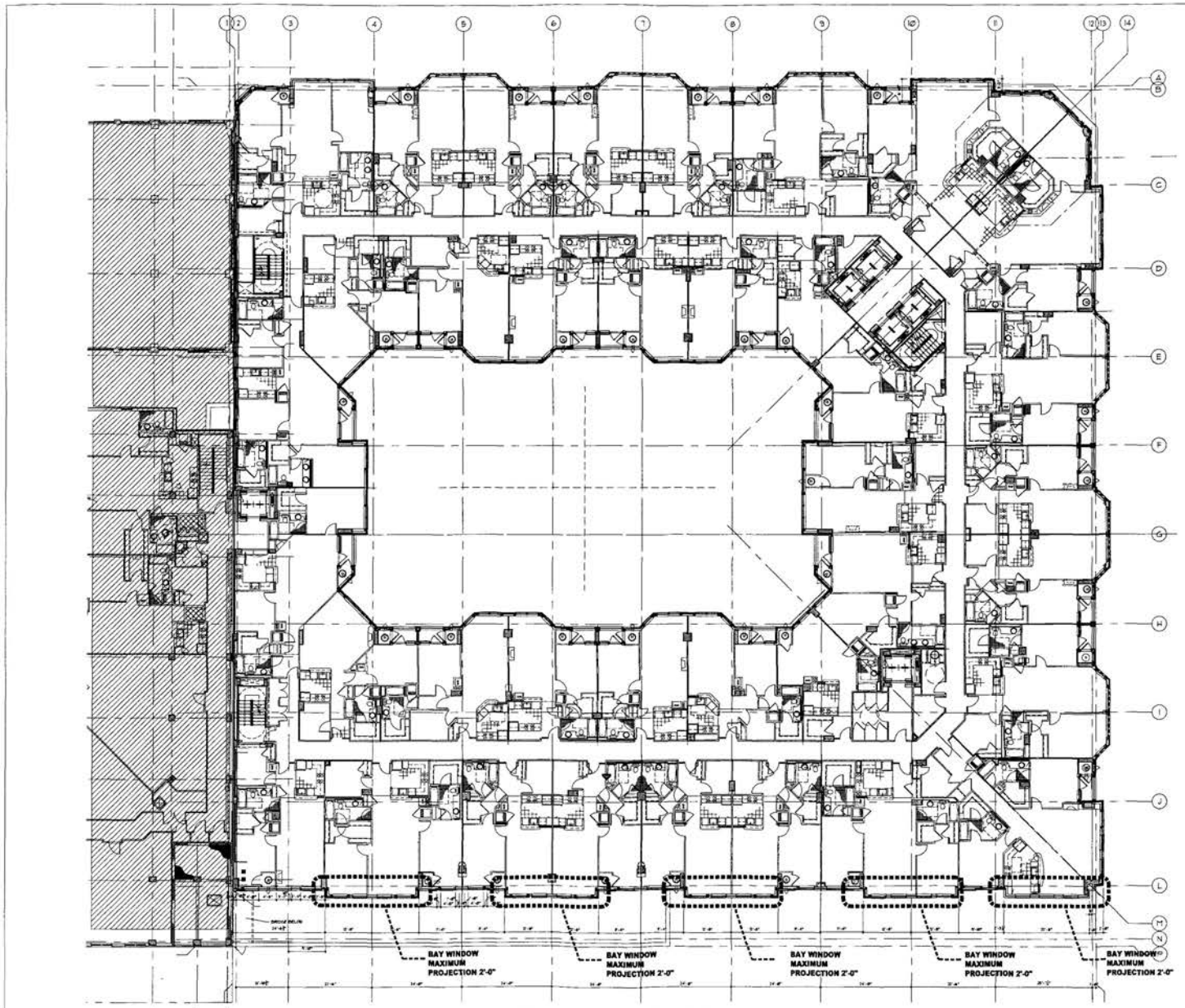
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3rd Floor Level

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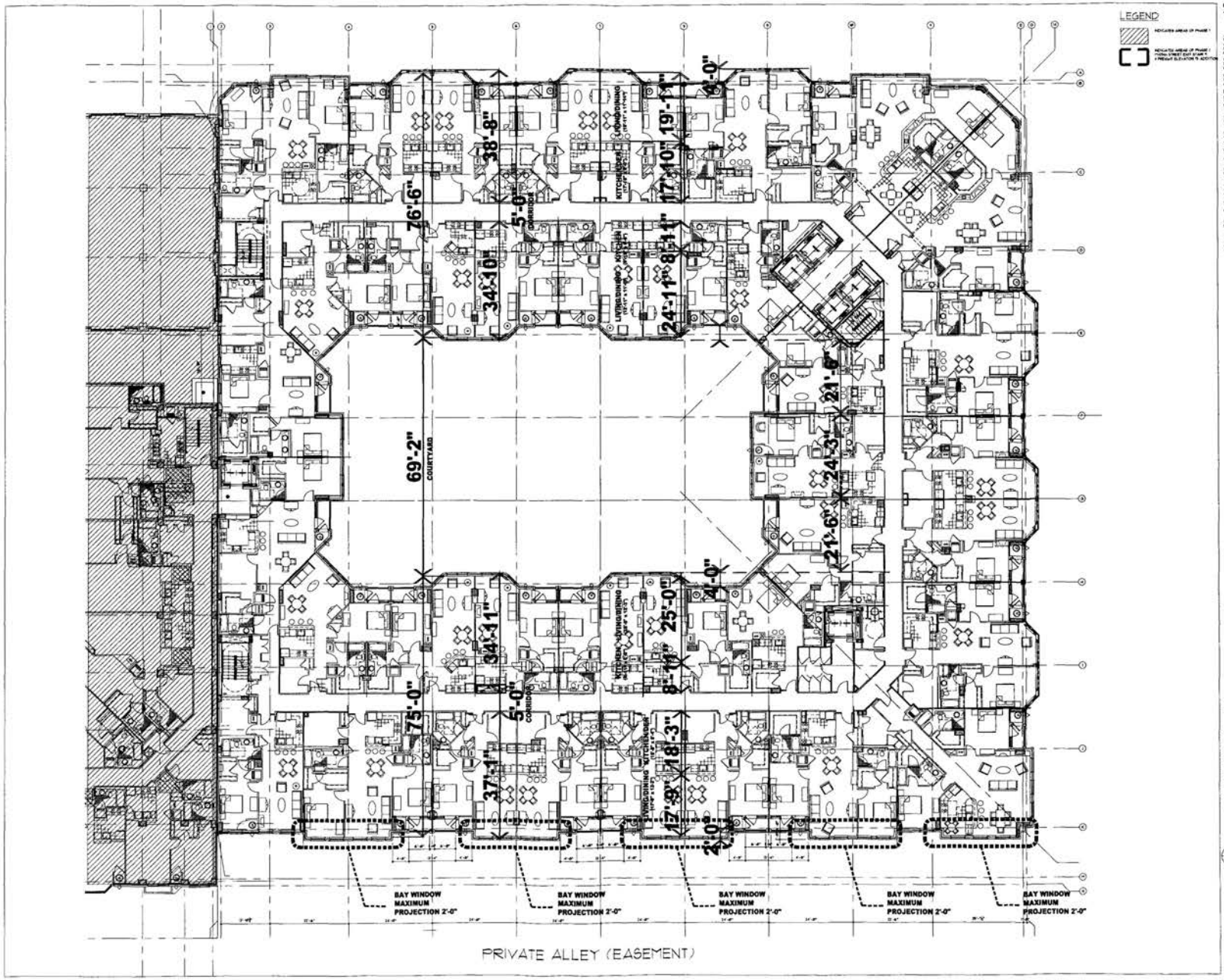
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(4th - 6th) Floor Level

A2.07



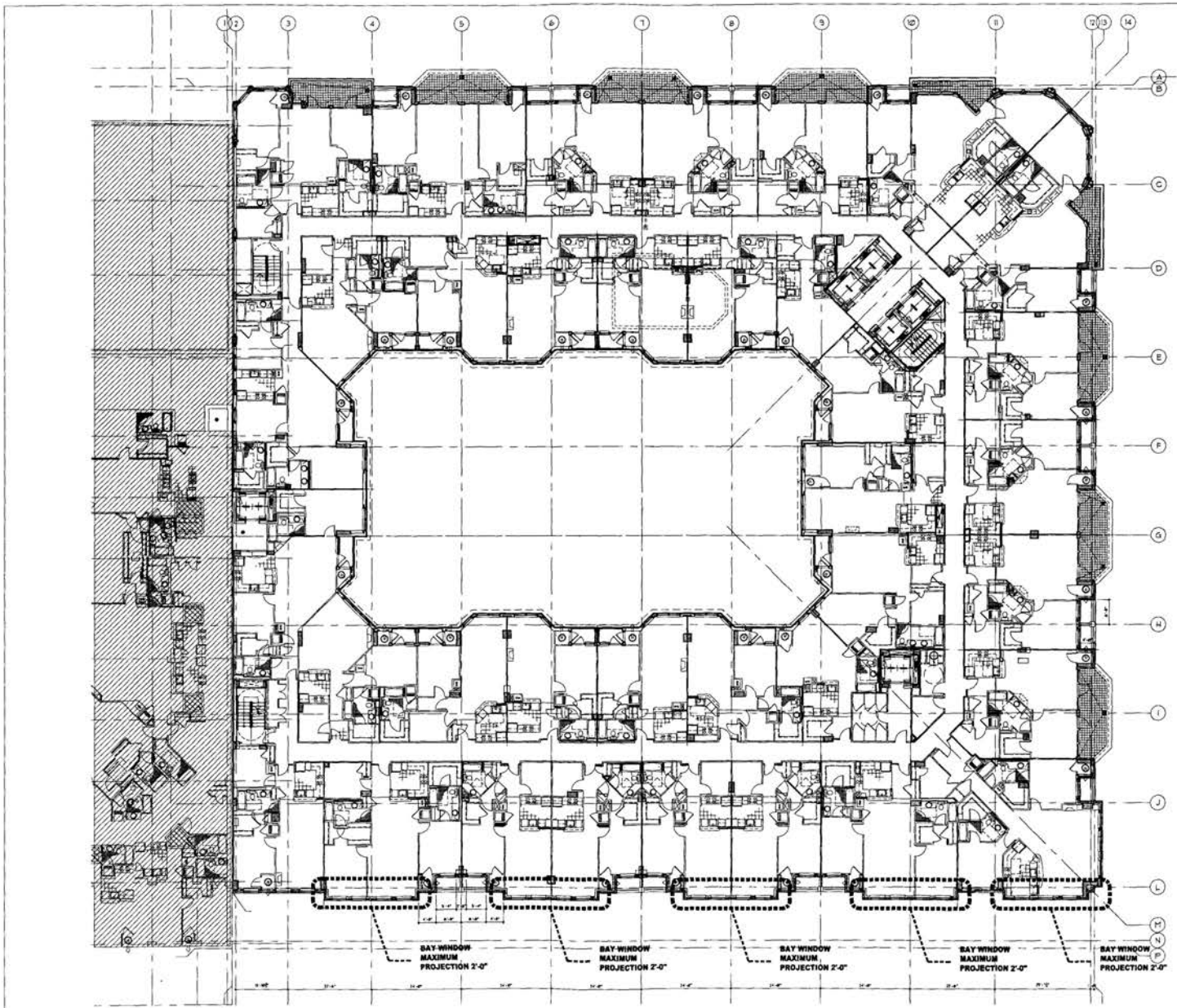
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(7th - 9th) Floor Level

A2.08



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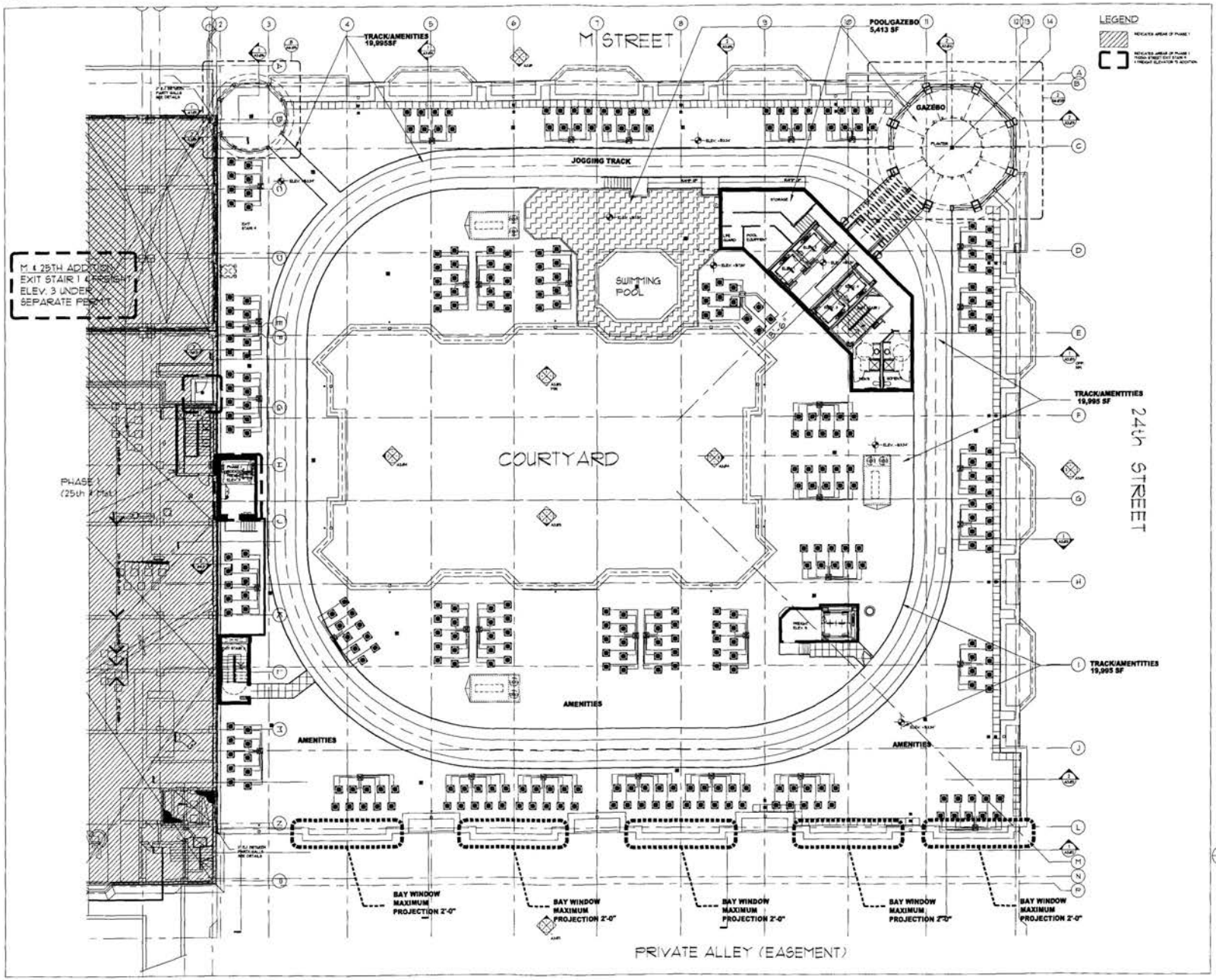
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10th Floor Level

A2.09



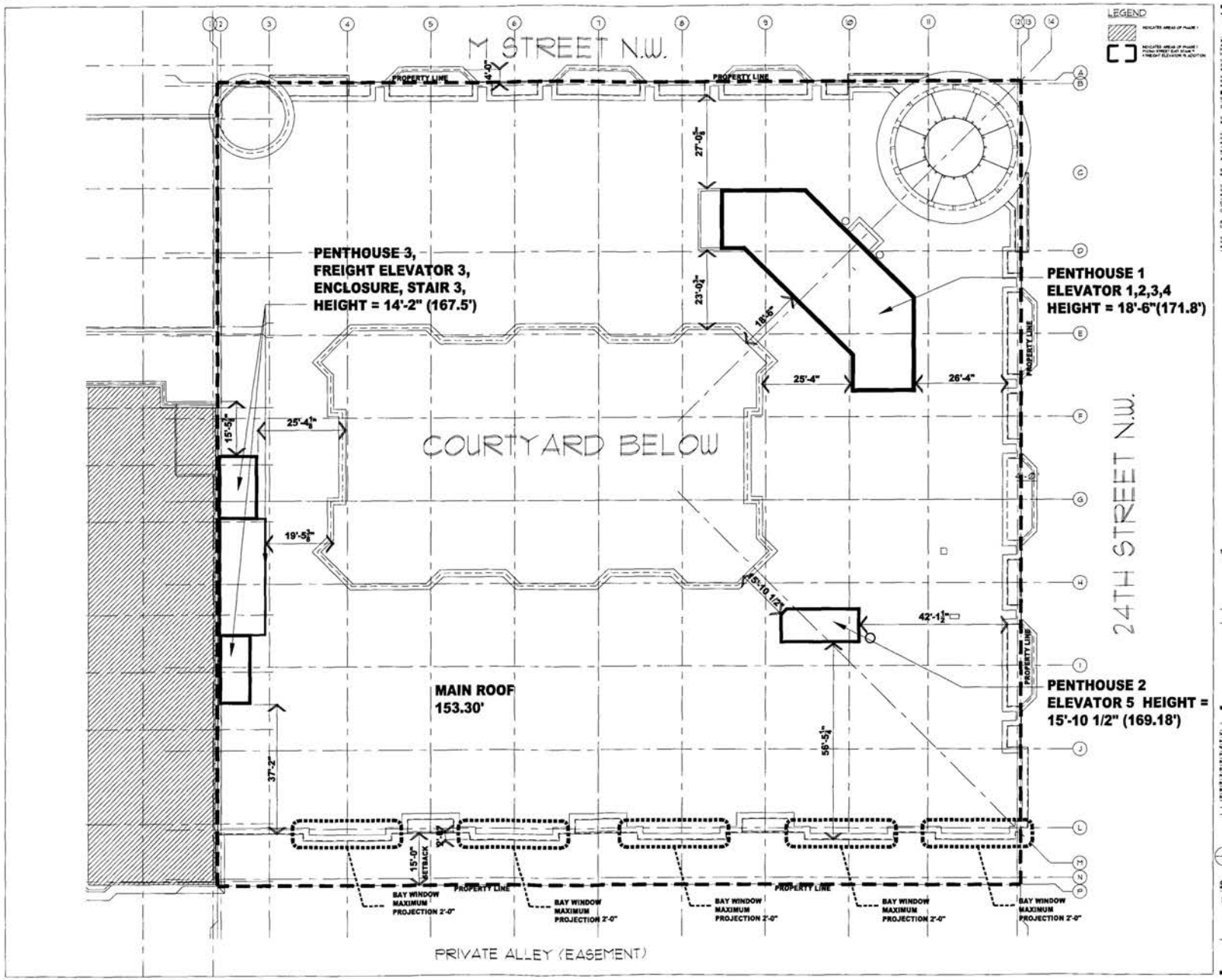
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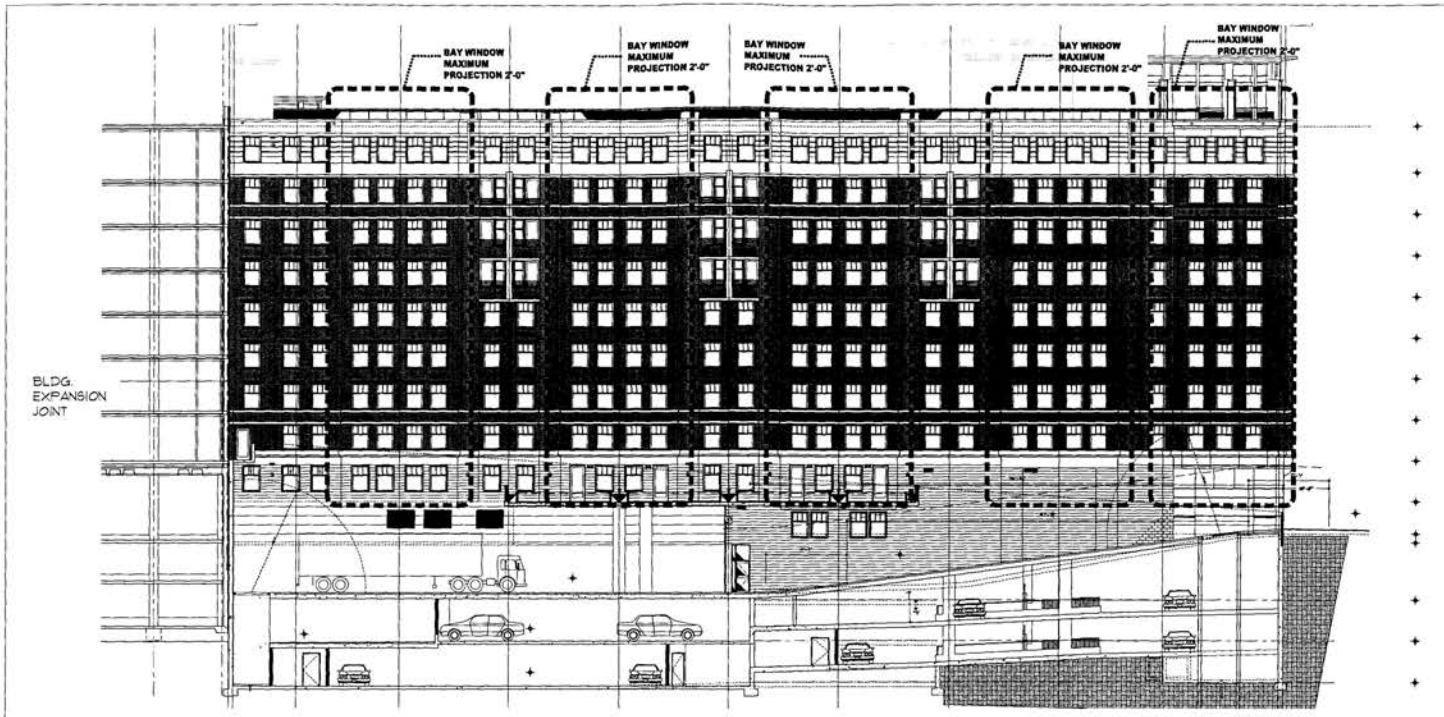
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Penthouse Level

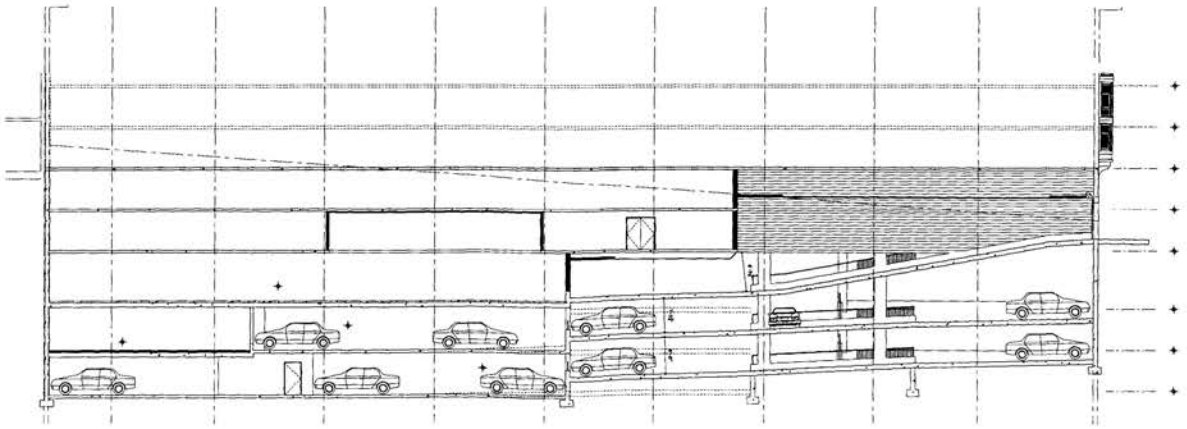
A2.10


M STREET N.W.
PROPERTY LINE
4'-0"
27'-0½"
23'-0½"
18'-6"
PENTHOUSE 3,
FREIGHT ELEVATOR 3,
ENCLOSURE, STAIR 3,
HEIGHT = 14'-2" (167.5')
PENTHOUSE 1
ELEVATOR 1,2,3,4
HEIGHT = 18'-6"(171.8')
25'-4"
26'-4"
COURTYARD BELOW
15'-5½"
25'-4⅛"
19'-5⅛"
15'-10 1/2"
42'-1½"
24TH STREET N.W.
MAIN ROOF
153.30'
PENTHOUSE 2
ELEVATOR 5 HEIGHT =
15'-10 1/2" (169.18')
58'-5¼"
37'-2"
15'-0" SETBACK
BAY WINDOW
MAXIMUM
PROJECTION 2'-0"
PRIVATE ALLEY (EASEMENT)
LEGEND
WDG
'M' & 24th
Street
Residential
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Roof
A2.12



Private Alley (Easement) (South) Elevation

1



Partial Section 1

2

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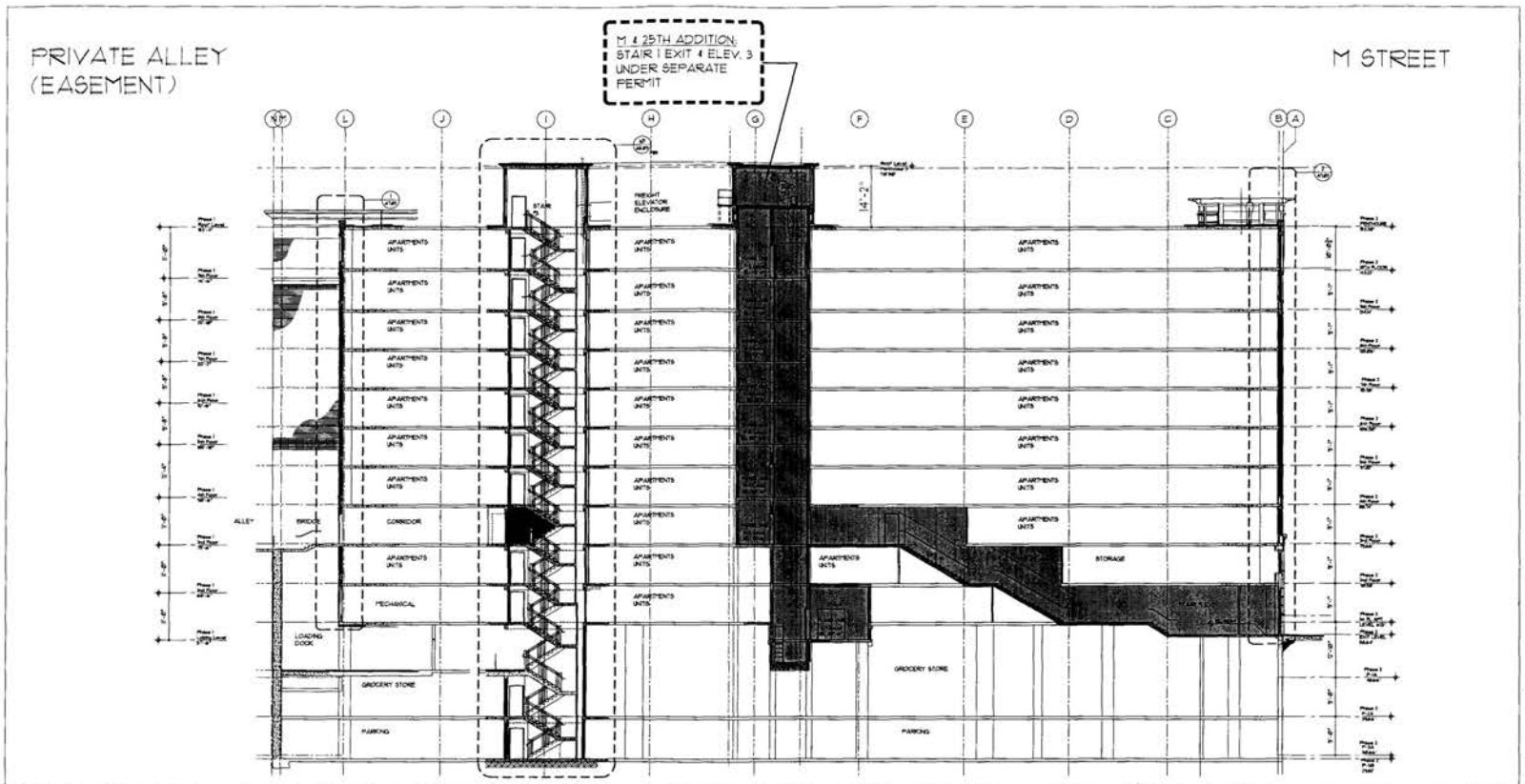
PROGRESS SET

'M' & 24th Street

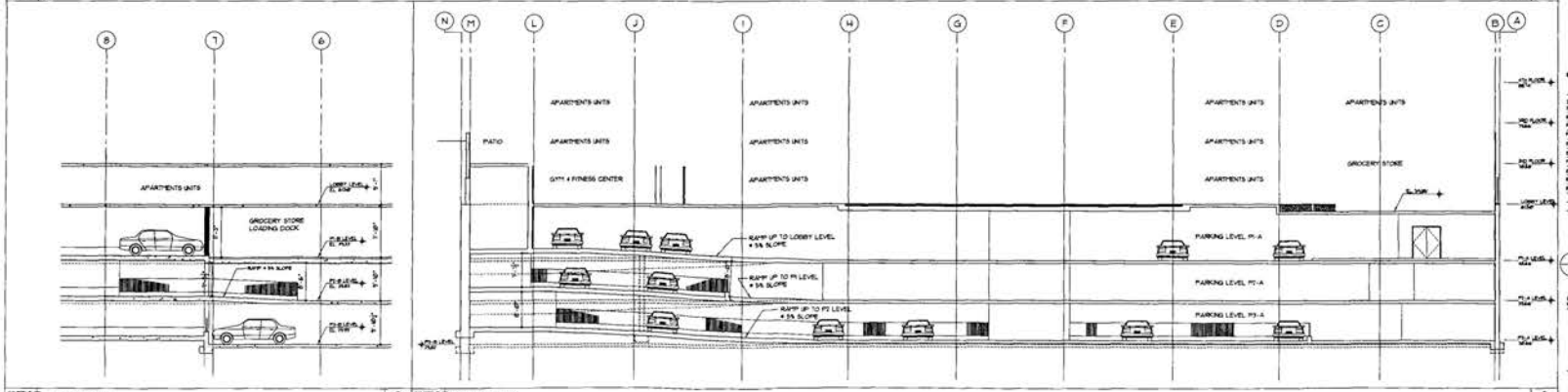
Residential

Alley (South) Elevation & Partial Section 1

A3.02



Partial Section 6



Partial Section

Partial Section

WDG

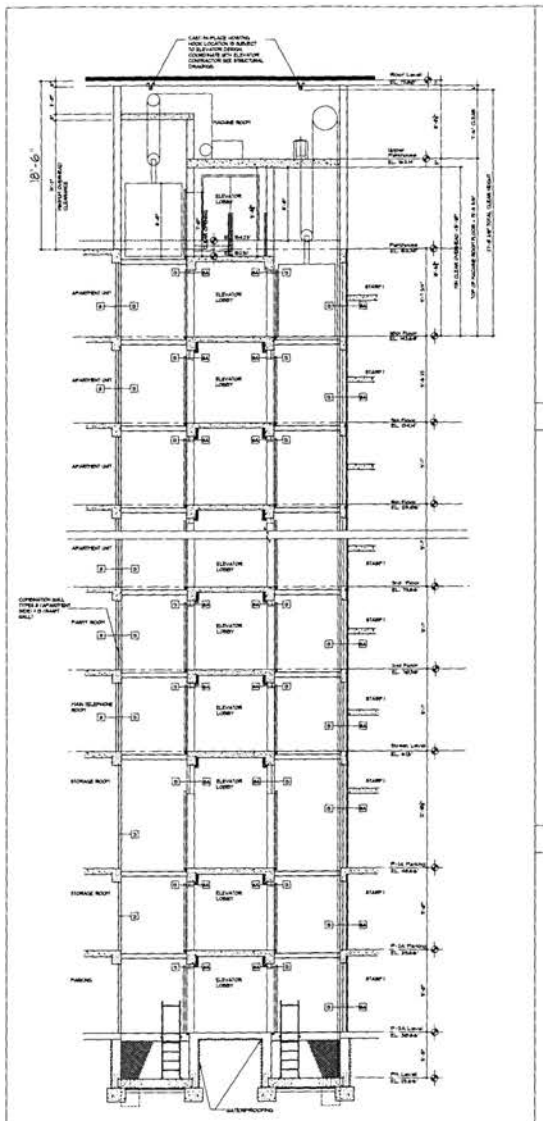
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Residential

Washington D.C.

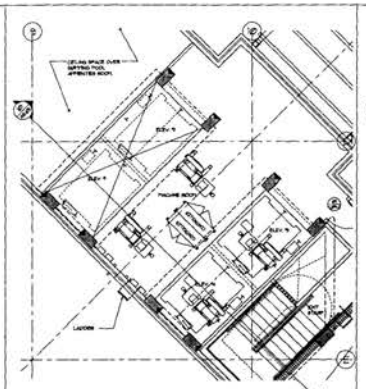
JBG

East Courtyard Elevation & Partial Section 6

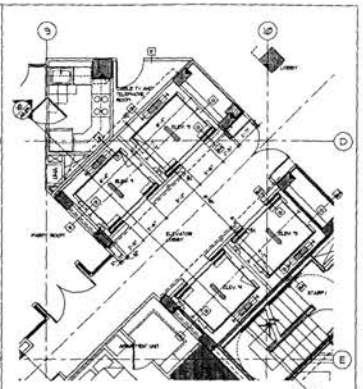
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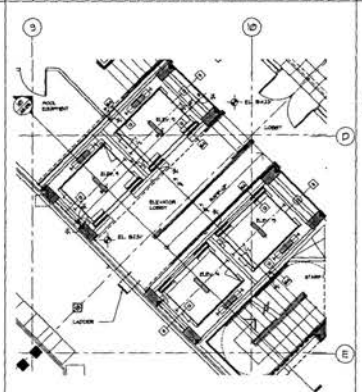
Elevator Section — 10



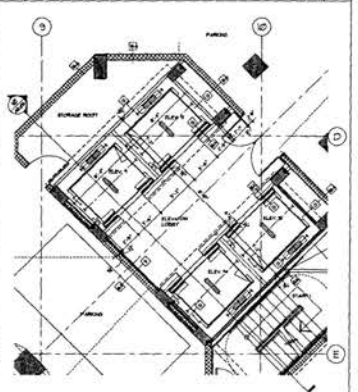
Elevator Core
• Upper Penthouse Floor Level (Machine Room) — 6



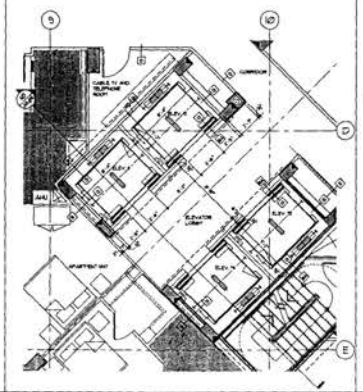
Elevator Core
• Lobby Levels — 3



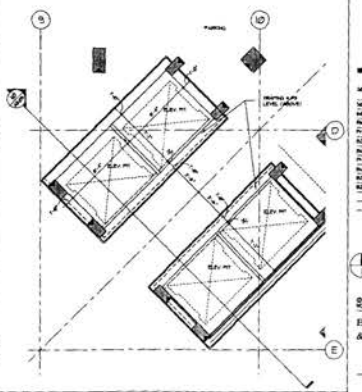
Elevator Core
• Penthouse Floor Level — 5



Elevator Core
• P3, P2, P1-A Levels — 2



Elevator Core
• 2nd-12th Floors Levels — 4



Elevator Core
• P1 Level — 1

WDG

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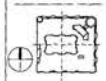
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6700-J Cherry Lane
Laurel, Maryland 20707
tel 301-470-7401
fax 301-470-3604
e-mail

'M' & 24th Street
Residential

JBG

WDG PROGRESS SET	05.APR.05
50% Progress Set	01.JUN.05
90% Progress Set	01.JUL.05
Permit Package Set	12.AUG.05
Pricing Set	14.SEP.05
BZA Application Set	09.DEC.05
Bldg Permit Submission	09.DEC.05
Progress Prints	09.JAN.06
Bldg Permit Set/Sidewalk Set	09.JUN.06
BZA Application Set/Rev.1	05.FEB.06
BZA Application Set/Rev.2	10.JUL.06

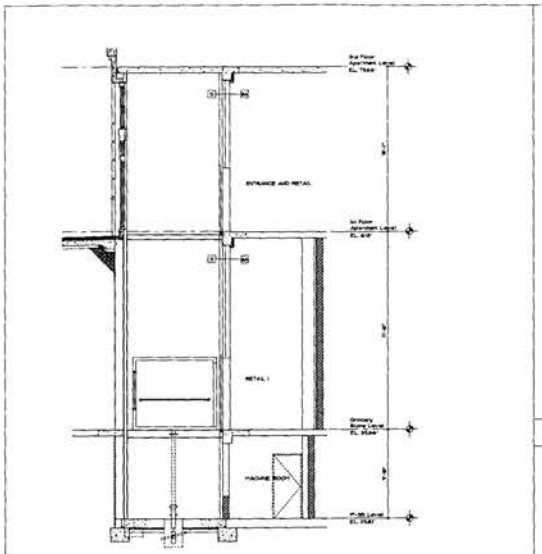


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WDG Project No. #401.009

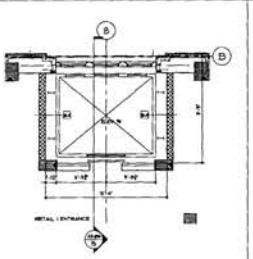
Elevator 1-4 Plans & Section

1/4" = 1'-0"

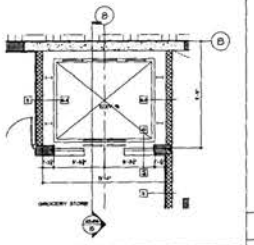
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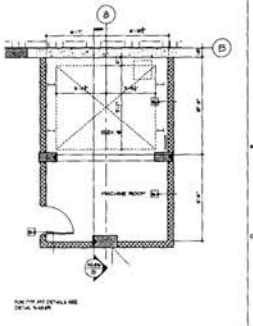
Elevator #8 Section — 15



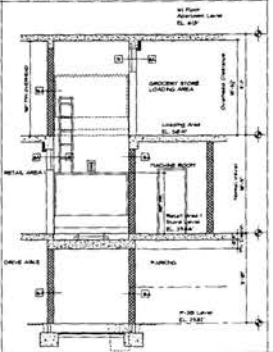
Elevator #8 Core
• Lobby Level — 14



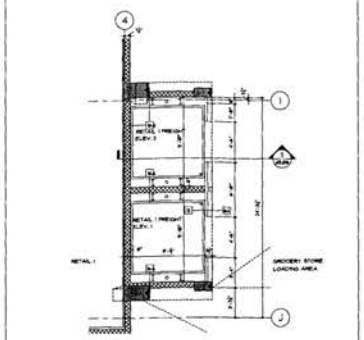
Elevator #8 Core
• P2, P1-B Levels — 13



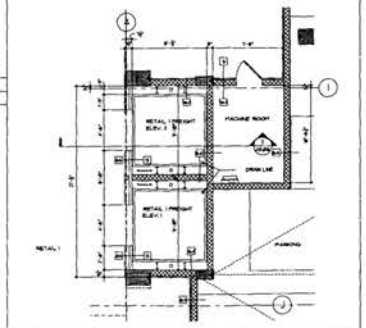
Elevator #8 Core
• P3 Level (Pit) — 12



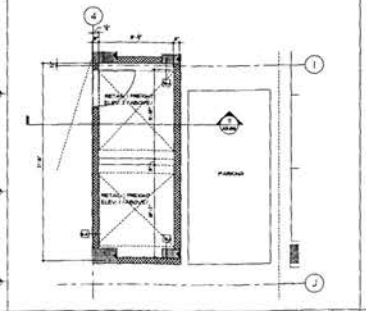
Freight Elevator Section — 11



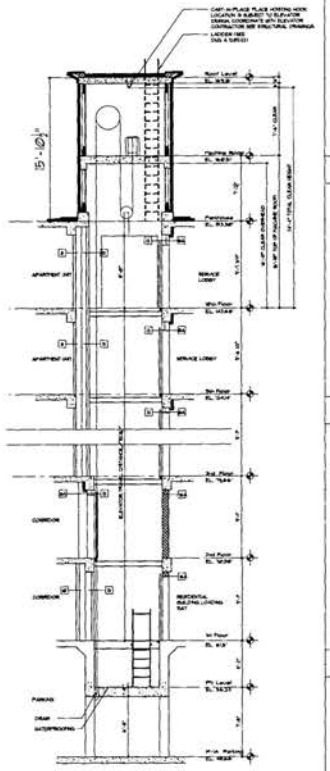
Freight Elevator
• Loading Dock Level — 10



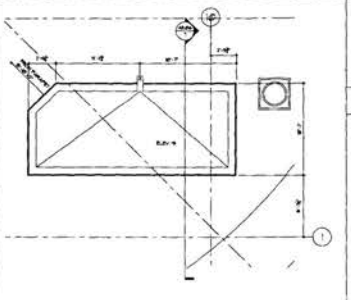
Freight Elevators
• P2 Level — 9



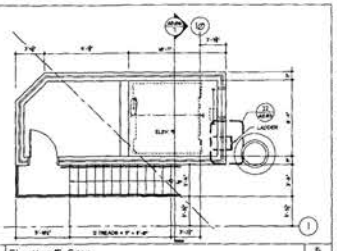
Freight Elevators
• P3/Pit Level — 8



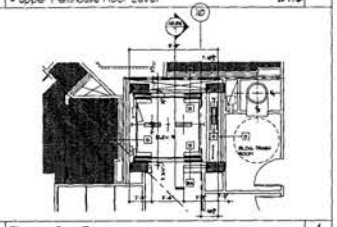
Elevator #5 Section — 7



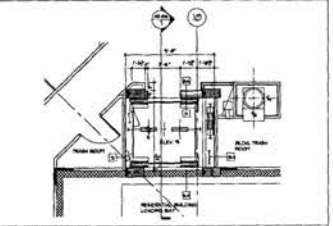
Elevator Core #5
• Roof Level — 6



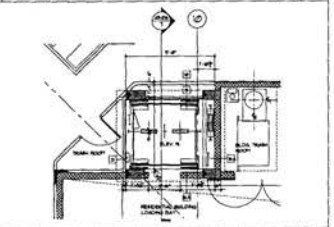
Elevator #5 Core
• Upper Penthouse Floor Level — 5



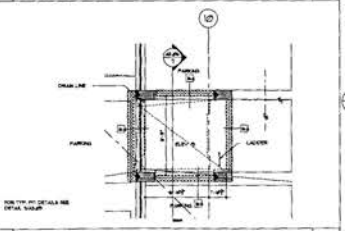
Elevator Core #5
• 3rd-10th Floors Levels — 4



Elevator #5 Core
• 2nd Floor Level — 3



Elevator #5 Core
• Street Levels — 2



Elevator #5 Core
• P1-A/Pit Level — 1

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Washington D.C.

JBG

'M' & 24th Street
Residential

Elevators #5 - 8 Core
Plans & Sections

A5.06





WDG

2400 M STREET

WASHINGTON, DC

PERSPECTIVE VIEW



PERSPECTIVE VIEW
DOWN PRIVATE ALLEY (EASEMENT)



PERSPECTIVE VIEW AT
ENTRANCE OF PRIVATE ALLEY (EASEMENT



PERSPECTIVE VIEW O
PRIVATE ALLEY (EASEMENT) FACAD

WDG

2400 M STREET

WASHINGTON , DC

PERSPECTIVES

F

GeoConcepts Engineering, Inc.

604 South King St., Suite 200, Leesburg, Virginia 20175 (703) 443-0309 * Fax (703) 589-1592

September 30, 2002

Mr. Chris Todd
The JBG Companies
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015-2015

Subject: ***Rock Excavation Considerations, Proposed Office Building, 2400 M. Street N.W., Washington, D.C. (Our 22013)***

Dear Mr. Todd:

GeoConcepts Engineering, Inc. (GeoConcepts) is pleased to present our professional opinion regarding additional rock excavation at the above referenced project. A geotechnical engineering report dated April 2, 2002 was prepared by our firm for this site under this contract.

We understand that consideration is being given to lowering the lowest floor level of the proposed office building from about EL 30 to about EL 20. From our geotechnical report, we estimate that the top of bedrock averages about EL 50 at this site, and accordingly, this additional amount of excavation will be entirely in bedrock. Our experience is that the deeper the excavations extend into the bedrock, the aperture of joints and fractures decreases. This is a result of greater overburden stress with depth. In addition, the amount of weathering typically decreases with depth. These factors significantly increase the difficulty of such excavation and in most instances the difficulty is not commensurate with the benefits. While this additional excavation is technically feasible, we advise that you evaluate the merits of such excavation. As a result of these significant difficulties, you should expect a substantial premium in rock excavation costs with depth, due to the increased difficulty in rock excavation with depth.

We appreciate the opportunity to be of continued service for this project. Please contact me if you require clarification of any aspect of this letter.

Sincerely,

GEOCONCEPTS ENGINEERING, INC.

Paul E. Burkart

Paul E. Burkart, P.E.
Principal

DISTRICT OF COLUMBIA
PAUL E. BURKART
No. 900345
REGISTERED
PROFESSIONAL ENGINEER

PB/RDT/TLF:\PROJECTS\22013\WP\Rock considerations, 10-12-02.doc



THE JBG COMPANIES

EQR-JBG 2400 RESIDENTIAL, L.L.C.

September 30, 2002

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Application
2400 M Street, N.W.
Square 25, A&T Lot 808, Part of Record Lot 21

Dear Members of the Board:

This letter hereby authorizes Whayne S. Quin and the law firm of Holland & Knight LLP, to represent the owner of the subject property, EQR-JBG 2400 Residential, L.L.C., in all matters before the Board of Zoning Adjustment in regard to the above-referenced property. As set forth in §3106.1 of District of Columbia Municipal Regulations, Title 11, this authorization includes the power to bind the owner in the case before the Board.

Sincerely,

Managing Member

WAS1 #1093573 v1

H

OUTLINE OF TESTIMONY
THE APPLICANT

I. Introduction

A. Description of the Applicant and The JBG Companies

B. History and Experience of JBG in Development of Washington

II. Background and Description of Project

A. The Housing Market

B. Fulfillment of Comprehensive Plan Housing Objectives

C. Description of Retail Component

III. Special Exception and Variance Relief

A. Relief Necessary to Provide High Quality Residential Development

B. Brief Description of Relief Requested

1. Variance Relief

a. Residential Recreation Space Requirement

b. Rear Yard Requirement

2. Special Exception Relief

a. Section 411.4

3. Architects to Provide Detailed Description

IV. Meetings with Community and Government Officials

A. Support from Advisory Neighborhood Commission 2A

B. Consultation with the Office of Planning

V. Conclusion

1

OUTLINE OF TESTIMONY
WEIHE DESIGN GROUP, PROJECT ARCHITECTS

I. Introduction

A. Description of Weihe Design Group

B. History and Experience in Washington

II. Description of Project

A. Description of Area

B. Description of Building Design

C. Unusual and Exceptional Conditions Affecting Site

D. Compatibility with Surrounding Area

E. Number and Types of Units

F. Retail Component

G. Parking and Loading

III. Variance Relief Requested

A. Deviation from the Required Residential Recreation Space

1. Exceptional Condition or Situation

2. Practical Difficulty

3. No Detriment to Public Good

B. Deviation from Rear Yard Requirement

1. Exceptional Condition or Situation

2. Practical Difficulty

3. No Detriment to Public Good

IV. Special Exception Relief Requested

A. Deviation from Roof Structure Requirement of Section 411.4

B. Standard for Special Exception Relief Met

V. Conclusions

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Tampa
West Palm Beach
São Paulo
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Tokyo
*Representative Office

STEVEN E. SHER
DIRECTOR OF ZONING
AND LAND USE SERVICES
202-663-7278
Internet Address:
ssher@hklaw.com

Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16926
2400 M Street, N.W.

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

October 15, 2002

I. Site location and description

A. Location

1. Southwest corner of the intersection of 24th and M Streets, N.W.

2. Project site consists of lots 808 in Square 25

3. Site is part of a larger record lot including the property to the east

B. Size

1. Total site area is approximately 53,439 square feet

2. Site has frontage of approximately 230 feet on M Street and approximately 232 feet on 24th Street

C. Existing site condition: vacant and used as a parking lot

I. Description of surrounding area

A. West End area

B. Area contains broad mix of uses and building types

C. Remainder of Square 25

1. To the east along M Street: physicians' office building and site of a residential addition forming Phase I of the total development

2. To the south: building formerly occupied and used as Columbia Hospital for Women

D. To the north (across M Street):

1. Monarch Hotel (northwest corner of 24th and M Streets)

2. Park Hyatt Hotel (northeast corner of 24th and M Streets)

3. High-rise office building at the corner of 25th and M Streets

4. Further to the north is a mix of apartments and offices, mostly high-rise

E. To the east (across 24th Street):

1. Westin Hotel (southeast corner of 24th and M Streets)

2. Four story apartment building, two story rowhouse

3. West End Library

4. Further to the east are offices, apartments, parking lot and the new Ritz-Carlton Hotel, apartments and health club

F. To the south (across L Street):

1. High-rise mixed-use office and apartment building at 2401 Pennsylvania Avenue

2. Further to the south, along Pennsylvania Avenue, are high-rise apartments

G. To the west (across 25th Street):

1. Three story rowhouses and small apartment buildings

2. Further to the west is the Westbridge mixed use office and residential building

H. General area:

1. High-rise apartments

2. High-rise office buildings, most with ground floor retail

3. Hotels

4. Rowhouse and low and mid-rise apartments

5. Public facilities

a. Fire Station

b. Metropolitan Police Department Special Operations Division

c. West End Library

d. Francis Junior High School

II. Existing zoning: C-2-C

A. Uses (§§721 – 734)

1. Commercial use permitted as a matter-of-right, including retail, service and office use

2. Hotel

3. Residential use permitted as carry-over from Special Purpose and Residential Districts

B. Height - maximum of 90 feet (§770.1)

C. Density - maximum of 6.0 FAR, with nonresidential uses limited to 2.0 FAR (§771.2)

D. Lot occupancy – residential uses limited to 80% (§772.1)

E. Rear yard – minimum of 15 feet (§774.1)

F. Side yard - not required (§775.5)

G. Residential recreation space - minimum area equal to 15% of the gross floor area devoted to residential use (§773.3)

H. Parking (§2101.1)

1. For apartment house use, minimum of 1 space for each 4 units

2. For retail use, minimum of 1 space for each 750 square feet of gross floor area floor area in excess of 3,000 square feet

III. Proposed development: construction of new apartment building with ground floor retail

A. Total of 334 units, approximately 372,975 square feet of gross floor area

B. Retail uses on the ground floor

C. Garage containing 255 underground parking spaces

IV. Relief required

A. Special exception for multiple roof structures

1. Are three elevator cores, each with a separate penthouse

2. Central penthouse is located on the northeast portion of the roof

3. Additional penthouse located toward the southeast corner, permitted without Board approval as elevator penthouse only

4. Additional penthouse at the west side has a stair as well as a penthouse for a freight elevator

B. Variance from the residential recreation space requirement

1. Required area is 54,749.3 square feet

2. Proposed area is 38,977 square feet

3. Variance required is 15,772.3 square feet

C. Variance from the rear yard requirement

1. Required minimum: 15 feet

2. Proposed minimum: 13 feet

3. Variance: 2 feet

V. Standards for the roof structure special exception (§411.11)

A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area

B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable

C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...

D. Provided that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

VI. Compliance with the special exception standards for multiple roof structures

A. Operating difficulties

1. Size and layout of floor plate provides elevators at three corners of the corridor

2. With residential recreation space on the roof, must have elevator access to the roof and two stairs for egress

3. Cores are required to be separated to provide appropriate means of egress

B. Unduly restrictive and unreasonable

1. To proceed without relief would require a substantial length of enclosing walls to connect the west penthouse with the other two penthouses

2. Unreasonable to require additional expenditure and increase bulk when not needed to meet requirements of the building

C. Impact on light and air of other buildings

1. All roof structures meet all set back requirements

2. Two smaller penthouses are less than the maximum height

3. All penthouses will cast no shadow on any adjoining buildings

VII. Standards for a variance (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;

C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

VIII. Compliance with the variance standards

A. Residential recreation space

1. Exceptional or extraordinary situation or condition

a. Large lot with large amount of residential floor area

b. Building contains greater proportion of residential use than expected under the Regulations (approximately 98% proposed as compared to 66.7% if commercial use was maximized)

c. Subsurface rock conditions prevent excavation and limit amount of below grade space, creating trade-off between parking and other space

2. Practical difficulty

    a. Would require substantial amount of interior space devoted to recreational use

    b. Compliance would require reducing the size of the apartment building

    c. Have used all the available roof areas and terraces, including swimming pool and roof-top jogging track

3. No detriment to the public good

    a. Other nearby open spaces are available for recreation

    b. Building has a significant amount of space available to residents, including private terraces and balconies

B. Rear yard

1. Exceptional or extraordinary situation or condition

    a. North-south depth of lot results in inefficient and impractical unit sizes at the south side

    b. Residential recreation space requirement is at odds with rear yard setback, if interior courtyard space was reduced

2. Practical difficulty

    a. Increase in one requires reduction in the other

    b. Loss of residential units adversely affects feasibility to proceed with split rental/condominium project

3. No detriment to the public good

    a. Rear yard meets requirement except for bay windows

    b. Bay windows create residential appearance to match the facades on the north and east facades

    c. Bay windows are only a portion of the façade and are above the ground level

IX. Conclusions

A. Subject property is affected by exceptional conditions, because of the size of the site, the subsurface conditions and the requirements of the Regulations as to recreation space

B. Strict application of the Regulations would create significant difficulties for the construction of a predominantly residential building with a retail component

C. The variances can be granted without substantial detriment to any surrounding properties

D. Roof structures as designed are appropriate for the building, and strict compliance with the Regulations would lead to a greater mass on the roof of the building

E. The application should be granted