ROBINS, KAPLAN, MILLER & CIRESI LLP

ATTORNEYS AT LAW

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RICHARD B. NETTLER
JEANNINE RUSTAD

April 22, 2004

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

Re: **PREHEARING STATEMENT FOR JBG ROCKWOOD 1101 K, L.L.C.**
1101 K STREET, N.W., SQUARE 316, LOTS 817 & 818 (THE PROPERTY)
OUR FILE NO.: 092218.0011

Dear Mr. Griffis:

On behalf the Applicant, JBG/Rockwood 1101 K, L.L.C, enclosed you will find the original and twenty (20) copies of the Pre-Hearing Statement of the Applicant.

Thank you for your attention to this matter.

Sincerely,

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

Richard B. Nettler
Jeannine Rustad

cc: ANC 2F
Travis Parker, Office of Planning (by hand w/encl.)
Abdoulaye Bah, D.C. Department of Transportation (hand w/encl.)
Chorman Romano (by hand; w.encl)
Joseph Doran (w/encl.)

Word 45652850.1

BZA
Case No. 17158
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17158
EXHIBIT NO. 27

BOARD OF ZONING ADJUSTMENT

Application No. 17158

1101 K Street, N.W.
Square 316, Lots 817 & 818



RECEIVED
D.C. OFFICE OF ZONING
2017 MAY -4 PM 4:41

Prehearing Statement

Of

JBG/ROCKWOOD 1101 K, L.L.C.

In Support of Application for a Special Exception for a Reduction in Parking

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of: JBG/Rockwood 1101 K, L.L.C. **BZA Application No.: 17158**
Hearing Date: May 18, 2004

PREHEARING STATEMENT OF THE APPLICANT

I.
Introduction

This is a self-certified application (*see Exhibit 1*) brought by JBG/Rockwood 1101 K, L.L.C. ("JBG" or the "Applicant"), the owner of the property located at 1101 K Street, N.W., Square 316, Lots 817 & 818 (the "Property"), pursuant to 11 D.C.M.R. § 3104, for a special exception from section 2108 of the zoning regulations for a twenty-five percent (25%) reduction in the required parking to allow the construction of a mixed-use retail/office building at the Property. The Applicant submits that it meets the criteria for the requested special exception.

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to 11 D.C.M.R. §§ 3104.1 and 2108.

III.
Background Information

A. The Applicant.

The Applicant is one of the JBG Companies, which is a trade name for a family of related companies with expertise in development, finance, asset management, property management and leasing services. The JBG Company's business philosophy is founded on the belief that creating value requires the consistent application of intellect, professional development skills and a disciplined process. Since 1962, the JBG Companies has built numerous long-term relationships

with high-profile owners, partners and lenders, as well as impeccable reputation for integrity, discretion and fiduciary responsibility. Throughout the Washington, D.C. metropolitan area, the JBG Companies has successfully developed, owned and managed over 30 million square feet of office space, 4 million square feet of retail space, 4,000 residential units and 5 hotel properties.

B. Property and Surrounding Neighborhood.

1. The Property. The Property, which is currently vacant, is comprised of 28,923 square feet of land. Lot 818, which is the lower portion of the Property, is comprised of 20,085 square feet. The Property is "L" shaped, with a "dog-leg" on the northern portion of the Property along 12th Street, N.W.

Lot 818 spans the entire width of Square 316 along K Street between 11th and 12th Streets, N.W., resulting in 199.67 feet of frontage along K Street. Lot 818 has a depth of 99.5 feet. The Property has 186.33 feet of frontage along 12th Street, N.W. Lot 817, which is comprised of 7,765 square feet, has seventy-five feet (75') of frontage along 12th Street, N.W. and has a depth of ninety feet (90'). Pursuant to S.O. 03-2973, JBG applied to close an east/west alley between Lots 817 and 818, the closing of which will add 536.6 square feet to each lot, for a total of 1,072.53 square feet. D.C. Act 15-334 to close the subject was approved by the City Council on January 29, 2004. *See Exhibit* 11.

Lot 808, which also fronts 12th Street to the north of the Property and is not included in the Property, creates a "dog-leg" in Lot 817 that is 39.52 feet deep and twenty-five feet (25') wide.

The Property abuts a public alley that runs along the northern and eastern boarders of Lot 817 and the northern boarder of Lot 818. This alley is 11.97 feet wide to the north of Lot 817 and twenty feet (20') wide along the eastern boarder of Lot 817 and the northern boarder of Lot

818.

2. The Surrounding Neighborhood.

The surrounding area has a diversified mix of uses and age of buildings. As detailed below, this area is beginning to benefit from the District's efforts to revitalize the downtown area, as there is much new construction in the area.

The Property is located three (3) blocks away from the new convention center and Mt. Vernon Square and two (2) blocks from the old convention center. Nearby parks and memorials include Franklin Park (two blocks to the southwest along K Street), Edmund Burke Statue (just north of Square 316) and the Samuel Gompers Memorial.

The majority of the remainder of Square 316 is occupied by a twelve-story, L-shaped office building with an address of 1100 L Street, N.W. The parcel that creates the "dog-leg" at the northern edge of the Property, 1017 12th Street (Lot 808), is improved with the four-story Zion Building, which is used for office use.

Across 12th Street at the northwest corner of K and 12th Streets, N.W is the Four Points Sheraton Hotel. To the west of the hotel along K Street is the headquarters of the Chamber of Commerce Marketing Center. To the north of the hotel at the corner southwest corner of 12th and L Streets (1200 L Street, NW) is the historic Strong John Thomson Elementary School, which is currently undergoing renovations and modernization.

Across K Street at the southeast corner of 11th and K Streets is the historic Asbury United Methodist Church. To the west of the church is a group of small row buildings, used for retail and commercial uses. At the southeast corner of 12th and K Streets (1150 K Street, N.W.), JJR Residential LLC has under construction an apartment building pursuant to HUD Project No. 000-320-30. Additional new construction is underway at the southwest corner of 10th and K Street,

which will be occupied by an Embassy Suites Hotel. The site to the immediate west of the Embassy Suites site at the southeast corner of 11th and K Streets is currently vacant and unimproved.

Finally, the buildings across from the Property on 11th Street are older buildings. The building at the northeast corner of 11th and K Streets is currently vacant, but is advertised for lease. Adjacent to that site to the north is a youth hostel operated by American Youth Hostels, Inc.

C. The Proposed Building.

The proposed building will have a total of 274,587 square feet on ten (10) floors and ceiling heights of nine feet (9'). The building will include 14,802 square feet of ground floor retail space and 256,909 of office space on floors 2 through 9.[1] The building's innovative 28,000 square foot floor plates allow for the creation of up to 16 corner offices per floor - each featuring floor to ceiling glass. The building's finely articulated façade will feature a sophisticated combination of granite, marble and pre-cast, as well as a variety of distinctive glasses.

Given the proposed gross floor area, the required parking for the building is 161 spaces (141.66 for the office space and 19.52 for the retail use). By this application, JBG is seeking the flexibility to reduce the number of required parking within the lot lines by twenty-five percent (25%), so as to provide additional tenant space on the B2 level. *See Exhibits* 2 and 7. This flexibility is sought in order to provide the necessary space desired by tenants for Class A buildings in the District. That is, many tenants are seeking below grade, or mezzanine space, for storage or libraries.

[1] The remaining 2,876 square feet of gross floor area is comprised of the required loading.

So as to meet the demands of the market, as well as provide adequate parking, JBG is proposing to provide 72 standard, 45 compact and four (4) handicapped parking spaces, for a total of 121 parking spaces, or seventy-five percent (75%), of the required spaces within the property line. *See Exhibit* 2. Mitigating the decrease in the required parking spaces (and the need for the special exception), is the fact that the Applicant proposes to provide an additional forty-eight (48) parking spaces in the adjacent vault space, resulting in a total of 171 parking spaces, or ten (10) more than required. *See Exhibits* 2 and 7.

If the requested relief is granted, parking on level B2 of the proposed building will be reduced from 43 spaces to 11 spaces, with the remainder of the area on this level to be used for office or storage use. *See Exhibits* 2 and 7. Parking on levels B3 and B4 will be reconfigured to provide seventy-six (76) and eighty-two (82) spaces, respectively, of which twenty-four (24) on each level will be located in the adjacent vault space. *Id.* The vault parking spaces will be located in the same garage as the other parking and will be accessible from the building. *Id.*

IV.

Special Exception Considerations

A. Criteria for Special Exceptions.

As for the criteria for a special exception, 11 D.C.M.R. § 3104.1 permits the Board to grant special exceptions, pursuant to the following:

> Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title...

In short, the Board is empowered to grant a special exception where it finds

(1) The proposed use is in harmony with the Zone Plan and Zone Maps; and
(2) The proposed use is not likely to adversely affect the use of neighboring property.

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with requirements of the section. If the Applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

1. Criteria Under 2108.2.

The following is an outline of the conditions to be considered for a special exception for a reduction in the required parking for nonresidential use,[2] as well as an explanation as to how JBG meets each of these conditions:

> *2108.2 The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).*

JBG is seeking a reduction of the required parking by twenty-five percent (25%), thus complying with this provision.[3]

---

[2] For the purposes of section 2108, a nonresidential building or structure includes

> any building or structure where eighty percent (80%) or more of the gross floor area is devoted to a use other than a dwelling, flat, multiple dwelling, rooming or boarding house, community-based residential facility, or hospital.

11 DCMR § 2109.1.

[3] Given that the proposed uses are retail and office use, the building does not fall into the "all other uses" category and, consequently, the fifty percent (50%) reduction is inapplicable.

2108.3 The Board shall give consideration to the:

(a) Nature and location of the structure;

(b) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

(c) Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;

(d) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use; and

(e) Proximity to public transportation, particularly Metro rail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.

The Property is located at the western edge of the Downtown Development District. This area, as described above, is a mix between older (and some historic) buildings, existing commercial and hotel uses, new construction for hotel and residential use and vacant land.

Many of the surrounding buildings provide parking for their tenants and guests. *See Exhibit* 5. Including the vault parking spaces, JBG will provide 171 parking spaces, or ten (10) more than what is required under the zoning regulations, thus complying with the spirit and intent of the zoning regulations. Given the amount of parking to be provided in the building, as well as the Property's proximity to public transportation, it is not expected that the visitors and guests to the Property will create an undue burden on the parking in the neighborhood or traffic on the surrounding streets. That the Property will not create any adverse impacts on the neighborhood by way of traffic or parking is supported by the fact that the Property is highly accessible by public transportation. *See Exhibit* 5. The Property is conveniently located within four (4) blocks of the Orange (McPherson Square Metro station) and Green and Yellow (Mt.

Vernon Square/7th Street Convention Center station) Metro-rail lines, as well as approximately three (3) blocks from the Red line (the Metro Center station). *Id.* Finally, there are numerous metro-bus stops within the surrounding block of the Property. *Id.*

> *2108.4* *If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.*

Given that JBG is providing additional parking in vault space so as to make up for the twenty-five percent (25%) reduction sought by this application, JBG is not relying on a ride-sharing program.

> *2108.5* *Prior to taking final action on an application, the Board shall refer the application to the D.C. Department of Transportation for review and report.*

Upon information and belief, the application has been forwarded to the Department of Transportation. JBG, through counsel, has contacted DDOT. To date, DDOT has not expressed any concerns.[4]

B. The Special Exceptions Will Be in Harmony with the General Purpose and Intent of the Zone Plan and Maps and The Relief Will Not Adversely Affect the Neighborhood.

1. <u>The Special Exception is in Harmony with the General Purpose and Intent of the Zone Plan and Maps</u>.

As noted above, although JBG is applying for a special exception to reduce the required parking by twenty-five percent (25%), it is actually providing ten (10) more spaces than that which is required by the zoning regulations. Forty-eight (48) spaces will be provided within the vault space adjacent to the Property. Thus, JBG is complying with the spirit and intent of the zoning regulations and, as such, the special exception is in harmony with the general purpose and

[4] However, DDOT did recently experience a fire at its headquarters, delaying its ability to review the matter.

intent of the zone plan and maps. Moreover, as in *Application No. 16930 of Lawrence N. Brandt, Inc.* (October 22, 2002)[5] because the vault parking spaces will be provided in "the same garage as all other parking spaces and with access to the [b]uilding from the garage, there will be no detrimental impact on the public or on the Zone Plan." *Exhibit* 6, p. 11.

2. The Requested Relief will Not Adversely Affect the Neighborhood.

The Property is centrally located to and accessible by public transportation, including the Yellow/Green, Red and Orange lines of Metro, as well as by Metro-bus. In addition to the parking provided in the building, there is ample public parking within the vicinity of the Property. Finally, although JBG is requesting relief from the required parking, in actuality, it is providing more parking than that required by the zoning regulations. As such, the requested relief will not adversely affect the surrounding neighborhood.

The proposed development will benefit the surrounding community in that it will help further the District's efforts of revitalizing the Downtown area. Much of the Downtown Development District has already experienced vast growth in new construction and adaptive reuse of historic buildings in the areas immediately surrounding the MCI Center. These areas have seen growth in new retail, office and residential uses. However, the area surrounding the Property is only beginning to experience growth in new construction. The retail and office uses proposed for the Property are a complement to the existing mixed uses (office and hotel), as well as the mixed use under construction (hotel and residential).

3. The Application Has Received Strong Support.

At its April 7, 2004 meeting, ANC 2F voted unanimously to support the instant application. Additionally, the owner of the Four Points Sheraton Hotel, 12th & K Street Associates L.P., has filed an application for party status in support of the relief requested.

[5] The Applicant in *BZA Application No. 16930* was seeking a variance from the parking requirements.

Letters of support have likewise been submitted by Blake Real Estate Inc., the owner the twelve-story office building that makes up the vast majority of the remainder of Square 316.

V.
Witnesses

1. Chorman Romano, Vice President, on behalf of the Applicant
2. Steve Saville of Davis, Carter, Scott, Ltd.
3. Parking manager (t/b/d)

VI.
Exhibits In Support of the Application

1. Zoning Certification
2. Plans
3. Resume of Architect
4. Resume of parking manager
5. Metro maps
6. Order, *BZA Application No. 16930 of Lawrence N. Brandt, Inc.* (October 22, 2002)
7. Parking Tabulation Comparisons
8. Letter of support from Blake Real Estate Inc.
9. ANC 2F letter of support
10. Application of 12th & K Street Associates L.P. in support of the requested relief
11. D.C. Act 15-334 (February 20, 2004, Enrolled Original)
12. Survey
13. Zoning and Site Maps

VII.
Conclusion

For the above reasons, JBG/Rockwood 1101 K, L.L.C. respectfully requests that the Board grant the relief sought. Given the lack of adverse impact on the surrounding area, the unanimous support of ANC 2F, as well as many of the surrounding neighbors, JBG/Rockwood 1101 K, L.L.C. requests a bench decision and summary order, if the Board feels such a decision is justified.

Respectfully submitted,

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

Richard B. Nettler by JR

Jeannine Rustad

1801 K Street, N.W.
Suite 1200
Washington, D.C. 20006
(202) 775-0725

Exhibit 1

Form 135 – Side 1
(Revised 03/15/02)

Case No. _____

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
1101 K Street, N.W.	316	817	DD/C-2-C	2F06
		818	DD/C-3-C	2F06

CERTIFICATION

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

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			2108

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

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

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

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

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

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

Owner's Signature	Owner's Name (Please Print)
Porter G. Dawson	JBG/Rockwood 1101 K, L.L.C.
Agent's Signature	**Agent's Name (Please Print)**
	Richard B. Nettler, Esquire / Jeannine Rustad, Esq.

Date	02/24/2004	D.C. Bar No.	929471/451110	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

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

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

Signature _____ Date _____

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

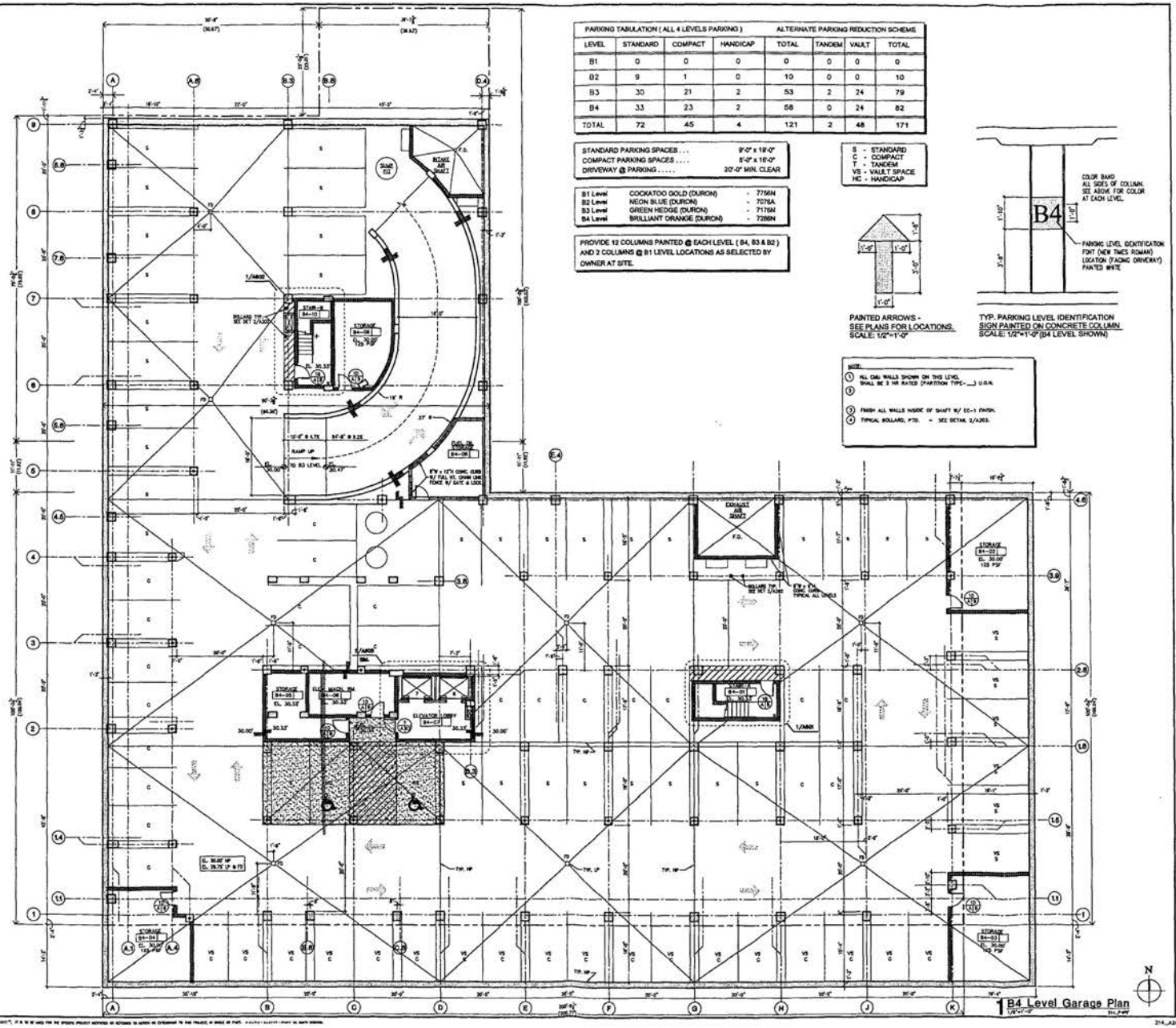
Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	28,923	n/p	n/p	28,923	None
Lot Width (ft. to the tenth)	187.0' @ 12th St	n/p	n/p	187.0	None
Lot Occupancy (building area/lot area)	0	n/p	100%	97%	None
Floor Area Ratio (FAR) (floor area/lot area)	0	n/p	276,777.8	274,587	
Parking Spaces (number)	0	162	n/p	121	25%
Loading Berths (number and size in ft.)	0	1@10'x20' & 3@12'x30'	n/p	1@10'x20' & 3@12'x30'	None
Front Yard (ft. to the tenth)	n/a	n/p	n/p	n/p	None
Rear Yard (ft. to the tenth)	n/a	27.1	n/p	55.7	None
Side Yard (ft. to the tenth)	n/a	n/a	n/p	n/p	None
Court, Open (width by depth in ft.)	n/a	n/a	n/p	n/p	None
Court, Closed (width by depth in ft.)	n/a	n/a	n/p	n/p	None
Height (ft. to the tenth)	n/a	n/p	130.0'	130.0'	None

Exhibit 2

JBG/Rockwood 1101 K, L.L.C.
Parking Reduction Plans



PARKING TABULATION (ALL 4 LEVELS PARKING)				ALTERNATE PARKING REDUCTION SCHEME			
LEVEL	STANDARD	COMPACT	HANDICAP	TOTAL	TANDEM	VAULT	TOTAL
B1	0	0	0	0	0	0	0
B2	9	1	0	10	0	0	10
B3	30	21	2	53	2	24	79
B4	33	23	2	58	0	24	82
TOTAL	72	45	4	121	2	48	171

STANDARD PARKING SPACES	9'-0" x 18'-0"
COMPACT PARKING SPACES	8'-0" x 16'-0"
DRIVEWAY @ PARKING	20'-0" MIN. CLEAR

B1 Level	COCKATOO GOLD (DURON)	- 7756N
B2 Level	NEON BLUE (DURON)	- 7076A
B3 Level	GREEN HEDGE (DURON)	- 7176N
B4 Level	BRILLIANT ORANGE (DURON)	- 7268N

PROVIDE 12 COLUMNS PAINTED @ EACH LEVEL (B4, B3 & B2) AND 2 COLUMNS @ B1 LEVEL LOCATIONS AS SELECTED BY OWNER AT SITE.

S - STANDARD
C - COMPACT
T - TANDEM
VS - VAULT SPACE
HC - HANDICAP

PAINTED ARROWS -
SEE PLANS FOR LOCATIONS.
SCALE: 1/2"=1'-0"

TYP. PARKING LEVEL IDENTIFICATION
SIGN PAINTED ON CONCRETE COLUMN
SCALE: 1/2"=1'-0" (B4 LEVEL SHOWN)

NOTE:
1. ALL CMU WALLS SHOWN ON THIS LEVEL SHALL BE 2 HR RATED (PARTITION TYPE-___) U.O.N.
2. FINISH ALL WALLS INSIDE OF SHAFT W/ EC-1 FINISH.
3. TYPICAL BOLLARD, PTD. - SEE DETAIL 2/A203.

1 B4 Level Garage Plan
1/8"=1'-0"

DAVIS • CARTER • SCOTT
ARCHITECTURE AND INTERIOR ARCHITECTURE

Davis, Carter, Scott Ltd
1579 Spa Hill Drive, Suite 100, McLean, Virginia 22102 • 703.356.5577
807 Pilgrim Road, N.W., Suite 1106, Washington, D.C. 20001 • 202.462.5577

DEVELOPER: (202) 333-7750
The JBG Companies
ARCHITECT: (703) 356-5577
Davis, Carter, Scott Ltd
CIVIL: (703) 351-7600
Wiles Mensch Corporation
STRUCTURAL: (202) 393-3200
Tadjer-Cohen-Edelson Assoc., Inc.
MECHANICAL: (703) 442-8707
Girard Engineering, PC

REVISIONS
PERMIT SET 1/27/04

PROJECT TITLE
1101 K Street
Washington, D.C.

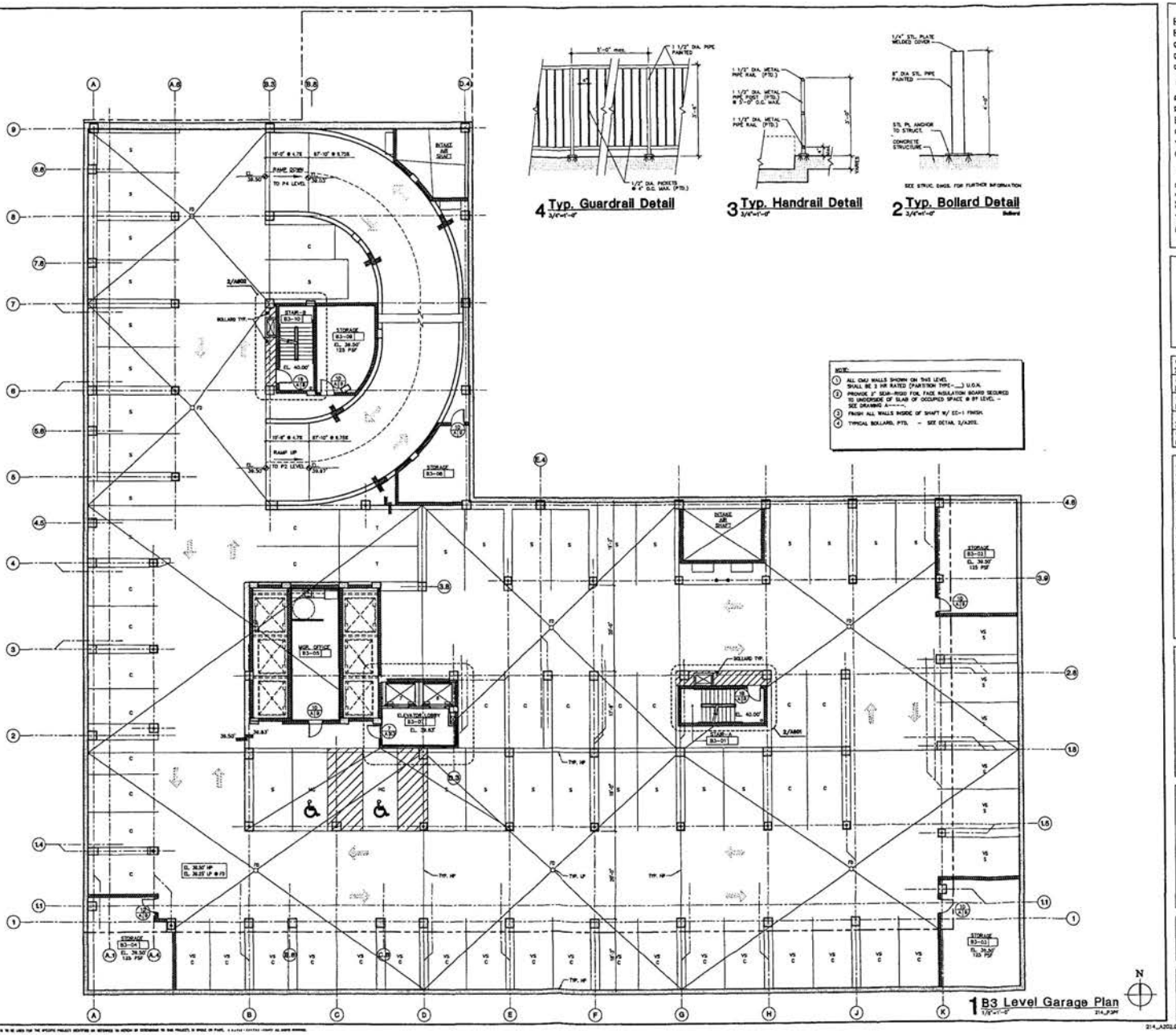
PROJECT NO. 3-03-21400

DRAWING TITLE
B4 LEVEL PLAN
EL. 30.00'
Parking Reduction

SCALE 1/8"=1'-0"
DATE 1/27/04
DRAWN BY JDL
CHECKED BY HH

DRAWING NUMBER
A-201
SHEET OF

214_A201.DWG January 27, 2004, 2:38 pm



DAVIS • CARTER • SCOTT
ARCHITECTURE AND INTERIOR ARCHITECTURE

Davis, Carter, Scott Ltd
1676 International Drive, Suite 1100, McLean, Virginia 22102 • 703.734.1676
997 Fifteenth Street, N.W., Suite 1100, Washington, D.C. 20005 • 202.682.2500

DEVELOPER: The JBG Companies
ARCHITECT: Davis, Carter, Scott Ltd
CIVIL: Wiles Mensch Corporation
STRUCTURAL: Tadjer-Cohen-Edelson Assoc., Inc.
MECHANICAL: Girard Engineering, PC

REVISIONS
PERMIT SET 1/07/04

PROJECT TITLE
1101 K Street
Washington, D.C.

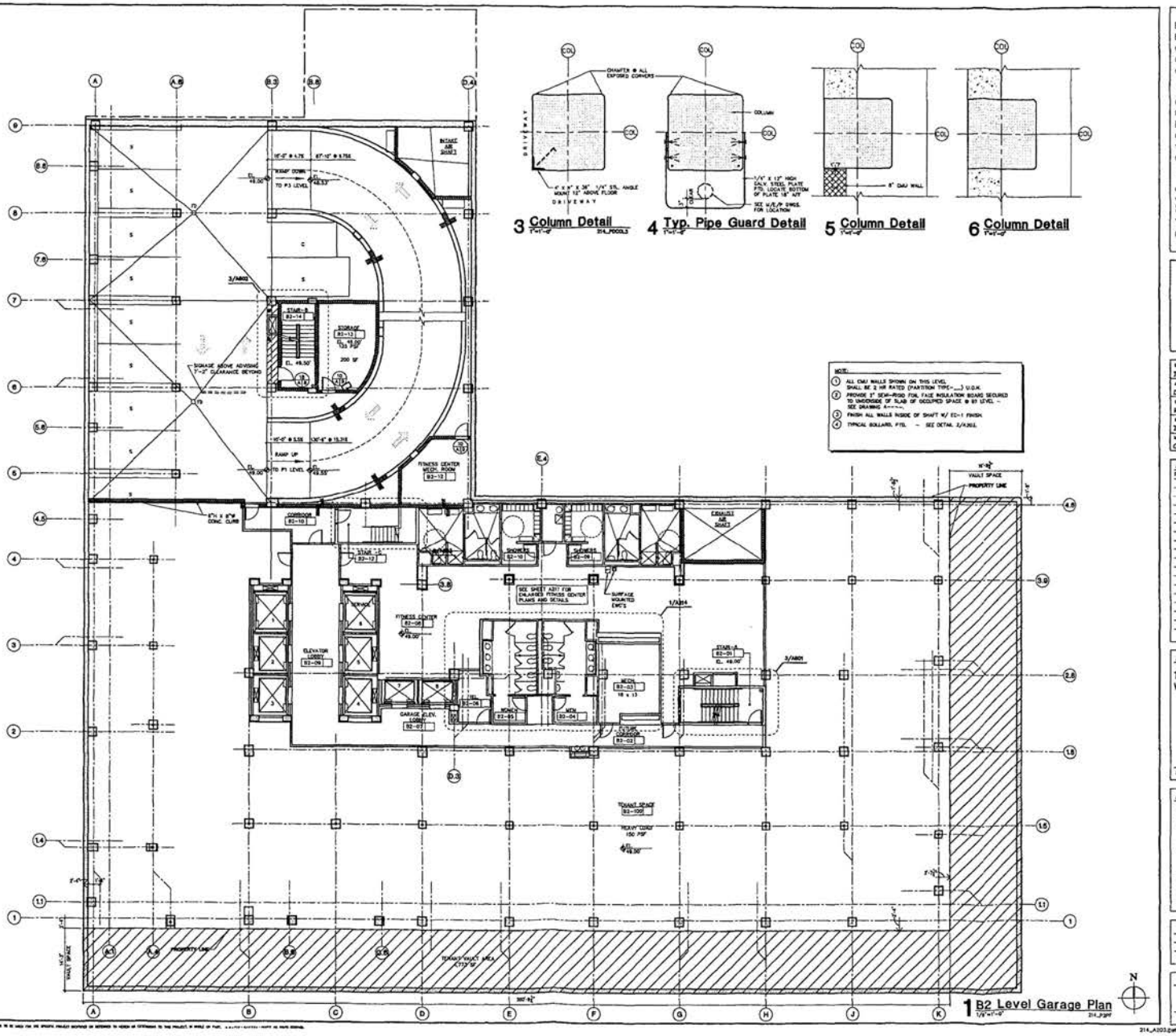
PROJECT NO. 3-03-214.00

DRAWING TITLE
B3 LEVEL PLAN
EL. 36.50'
Parking Reduction

SCALE 1/8"=1'-0"
DATE 1/07/04
DRAWN BY AC/BS
CHECKED BY HN

DRAWING NUMBER
A-202
SHEET OF

214_A202.DWG January 27, 2004, 2:38 pm



DAVIS · CARTER · SCOTT
ARCHITECTURE AND INTERIORS ASSOCIATES

Davis, Carter, Scott Ltd.
1676 International Drive, Suite 1060, McLean, Virginia 22102 • 703.714.9277
897 Pollard Street, N.W., Suite 1150, Washington, D.C. 20001 • 202.422.2500

DEVELOPER: (240) 333-3750
The JBG Companies

ARCHITECT: (703) 714-9277
Davis, Carter, Scott Ltd.

CIVIL: (240) 395-1666
Wiles Mensch Corporation

STRUCTURAL: (240) 395-1636
Tadjer-Cohen-Edelson Assoc., Inc.

MECH/ELEC: (240) 395-0707
Girard Engineering, PC

REVISIONS
PERMIT SET 1/27/04

PROJECT TITLE
1101 K Street
Washington, D.C.

PROJECT NO. 2-03-2400

DRAWING TITLE
B2 LEVEL PLAN
EL. 48.00'
Parking Reduction

SCALE 1/8"=1'-0"
DATE 1/27/04
DRAWN BY JD
CHECKED BY JH

DRAWING NUMBER
A-203
SHEET OF

214_A203.DWG January 27, 2004, 3:28 pm

BUILDING CODE / ZONING DATA

Zoning Data: District of Columbia, Title 11 Zoning, 2002

Zone: *DD/C3C and DD/C2C (Zoning Order No. 943A)*

Square: *316*
Lots: *818, 817*

Site Area: (As per Plat recorded in survey book 1000, page 107 on 7/02/03)

Lot 818 (DD/C3C)	*20,085.00*	*sf*
Alley (50%)	*536.50*	*sf*
Total (DD/C3C)	*20,621.50*	*sf*
Lot 817 (DD/C2C)	*7,765.00*	*sf*
Alley (50%)	*536.50*	*sf*
Total (DD/C2C)	*8,301.50*	*sf*

FAR Permitted:

DD/C3C	*10.000*	*206,215.00*	*sf*
DD/C2C	*8.500*	*70,562.75*	*sf*
Total		***276,777.75***	*sf*

FAR Proposed: (based on 11/17/03 dwgs)

First Floor	22,621	sf
Second Floor	28,086	sf
Third Floor	28,264	sf
Fourth Floor	28,264	sf
Fifth Floor	28,264	sf
Sixth Floor	28,264	sf
Seventh Floor	28,264	sf
Eighth Floor	28,264	sf
Ninth Floor	27,148	sf
Tenth Floor	27,148	sf
Total FAR	**274,587**	**sf**

Lot Occupancy Allowed: *100%*
Lot Occupancy Proposed: **97%**

Rear Yard Requirement: *27'- 1" (per 2.5"/ ft. per building height) 11th Street, NW*
Rear Yard Proposed: **55"- 8" from center line of 11th Street, NW**

Bldg Height Permitted: *130 ft. Middle of Bldg at 12th Street to top of Parapet*
Bldg Height Proposed: **130 ft. Middle of Bldg at 12th Street to top of Parapet**

Penthouse Height Allowed: *1 : 1 setback from edge of Roof, not to exceed 18'- 6" ht*
Penthouse Ht Proposed: **18' - 6" Top of Penthouse Parapet with 1: 1 setback**

Penthouse Area Allowed: *0.037 FAR = 10,241 sf*
Penthouse Area Proposed: **0.026 FAR = 7,025 sf**

Parking Required:

256,909 sf	*Office Use (less Retail & Loading Area)*
2,876 sf	*Loading Area*
14,802 sf	*Retail @ 1st Floor*
141.66	*spaces 256,909 -1892 (2,000 x 94.6%) /1800*
19.52	*spaces 14,802-162 (3,000 x 5.4%) /750*
161.18	*Total spaces required*

Parking Proposed:

Standard	**87**	(9X19)
Compact	62	(8X16)
Tandem	6	
Handicap	7	
Sub-Total	162	
Vault	72	
TOTAL	234	spaces

Loading Spaces Required: *3 spaces 12ft x 30ft each with 100sf loading platform*
1 space 10ft x 20ft for Service/Delivery

Loading Spaces Proposed: **3 spaces 12ft x 30ft each with 100sf loading platform**
1 space 10ft x 20ft

Building Code: **Distric of Columbia, TITLE 12 DCMR 1999 Code Supplement**
BOCA National Building Code / 1996
International Plumbing Code / 1995
International Mechanical Code / 1996
BOCA National Fire Prevention Code / 1996
NFPA National Electrical Code / 1996
Accessibility - ANSI A117.1-1986 with DC Code Supplement (Chapter 11)

Use Group: Mixed Use - Non Separated (B / M / A3 / S1 / S2) (Sect. 313.1.1)

Construction Type: 1B (Table 503) High Rise w/ Sprinkler System (Sect. 403))

Floor Area/Height Allowed: Unlimited Floor Area / Unlimited Height (Table 503)

Floor Area Proposed: Floor area within the perimeter of the outside walls of the building (Sect. 1002.1)

FLOOR	USE GROUP B	USE GROUP M/A3	USE GROUP S-1	USE GROUP S-2	TOTAL SF
FIRST FLOOR	9,634 SF	14,100 SF	0 SF	0 SF	23,734 SF
SECOND FLOOR	27,294 SF	0	0	0	27,294 SF
THIRD FLOOR	27,468 SF	0	0	0	27,468 SF
FOURTH FLOOR	27,468 SF	0	0	0	27,468 SF
FIFTH FLOOR	27,468 SF	0	0	0	27,468 SF
SIXTH FLOOR	27,468 SF	0	0	0	27,468 SF
SEVENTH FLOOR	27,468 SF	0	0	0	27,468 SF
EIGHTH FLOOR	27,468 SF	0	0	0	27,468 SF
NINTH FLOOR	26,327 SF	0	0	0	26,327 SF
TENTH FLOOR	26,327 SF	0	0	0	26,327 SF
ROOF	26,327 SF	0	0	0	26,327 SF
MECH. PENTHOUSE	7,025 SF	0	0	0	7,025 SF
SUB TOTAL	291,302 SF	14,100 SF		0	305,402 SF
FIRST FLOOR RAMP	0 SF	0 SF	0 SF	0 SF	3,560 SF
B1 LEVEL GARAGE	24,002 SF	0 SF	348 SF	7,150 SF	31,500 SF
B2 LEVEL GARAGE	0 SF	2,862 SF	1,775 SF	27,170 SF	31,807 SF
B3 LEVEL GARAGE	0 SF	0 SF	1,679 SF	30,128 SF	31,807 SF
B4 LEVEL GARAGE	0 SF	0 SF	1,738 SF	30,069 SF	31,807 SF
TOTAL	315,304 SF	16,962 SF	5,540 SF	94,517 SF	432,323 SF

Exterior Walls (705.0) Fire Separation Distance Definition:
Measured from lot line; centerline of street/alley

Exterior Walls: (with sprinklers) (705.2 & 705.2.4)

Less than 5 feet distance	1 HR
More than 5 feet distance	0 HR

Openings in Exterior Walls (with sprinklers) (705.3.3)

< 3ft from exist. bldgs	Not Permitted
< 3ft from exist bldg & < 12ft above exist roof	Not Permitted
< 3ft from exist bldg & < 40ft above exist roof	< 45% protected
< 3ft from exist bldg & > 40ft above exist roof	< 45% unprotected
> 3ft from exist bldgs	< 45% unprotected
> 20ft from lot line or centerline of street	Unlimited

Sprinklers: Yes - Entire Building with Automatic Sprinkler System (Sect. 403.2)

Standpipes: Yes - Per Sect. 915.4 and 915.5
Loacted in each egress stairs with hose connection

Fire Extinguishers: Not Required for Use Groups B, M, S-2
Required for A-3 Use & Back-of-House (ie. Mech Penthouse, Elevator Machine Room, Switchgear Rm, Loading Dock, etc)

Exit Remote Locations: Allowed 1/4th of maximum diagonal dimension with Sprinklers

Length of Travel: 250ft with sprinklers for Use Group B, A, M, S-1
400ft with sprinklers for Use Group S-2 (Garage)

Occupancy Load: 15sf net - Restaurants
100sf gross - Business Area
200sf gross - Parking Garage
300sf gross - Mech/Elec Rooms & Storage areas.

High Rise Requirements: As per Section 403.0

FIRE RESISTANCE RATING OF STRUCTURAL ELEMENTS (TABLE 602).

1. Exterior Walls (Load Bearing)	3 HR (COLUMNS & BEAMS)
(Non-Load Bearing)	0 HR
2. Fire Walls & Party Walls	3 HR (N/A)
3. Fire Separation Assemblies	
Exit, Exit Hallways and Stairs	2 HR
Shaft and Elevator Hoistways	2 HR
Mixed Use ("B" & "A3")	2 HR (N/A)
4. Exit Access Corridors	0 HR (1011.4)
Vertical Separation of Tenant Spaces	1 HR (1011.4 & 1011.4.1)
5. Dwelling unit separations	1 HR (N/A)
6. Smoke Barriers	1 HR (N/A)
7. Other non-bearing partition	0 HR
8. Interior Bearing Walls, Columns, Girders & Framing	
1. Supporting More Than One Floor	3 HR
2. Supporting One Floor or Roof	2 HR
9. Structural Members Supporting Wall	2 HR
10. Floor Construction Including Beams	2 HR
11. Roof Construction Including Beams Framing & Roof Deck	
15ft. or Less	1 1/2 HR
15ft. to 20ft.	1 HR
20ft. or More	0 HR
12. Separation between each use group.	1 HR

FIRE RESISTANCE ASSEMBLIES

FLOOR/CEILING:	2 HR MIN. 8" THK. REINF. CONC. (SILCEOUS) SLAB W/ MIN. 1" COVER
ROOF/CEILING:	2 HR MIN. 8" THK. REINF. CONC. (SILCEOUS) SLAB W/ MIN. 1" COVER
COLUMNS:	3 HR MIN. 16" REINF. CONC. (SILCEOUS) W/ MIN. 1 1/2" COVER
BEAMS:	2 HR MIN. 10" REINF. CONC. (SILCEOUS) W/ MIN. 3/4" COVER

NOTE : MINIMUM CONCRETE THICKNESS AND COVERAGE IS BASED ON BOCA TABLE 1910.6.1 & ASTM E119 TABLE 2.1, 2.3.1, 2.3.2, & 2.4

PENETRATIONS: ALL PENETRATIONS THRU FIRE RATED FLOOR, ROOF AND WALLS SHALL BE SEALED AS PER APPROVED U.L. DESIGN.

INTERIOR SIGNAGE: ALL SIGNAGE WILL BE FURNISHED UNDER SIGNAGE ALLOWANCE AND SHALL MEET CABO AND ANSI A117.1 REQUIREMENTS.

PLUMBING FIXTURES:

OCCUPANTS BASED ON TYP. FLOOR 27,468 SF/100=275/2=138 EA MEN & WOMEN

WATER CLOSETS: REQUIRED: WOMEN: 138/25 = 5.52WC (IPC-404)
MEN: 138/25 = 5.52WC (IPC-404)

PROVIDED: WOMEN: 6 WC

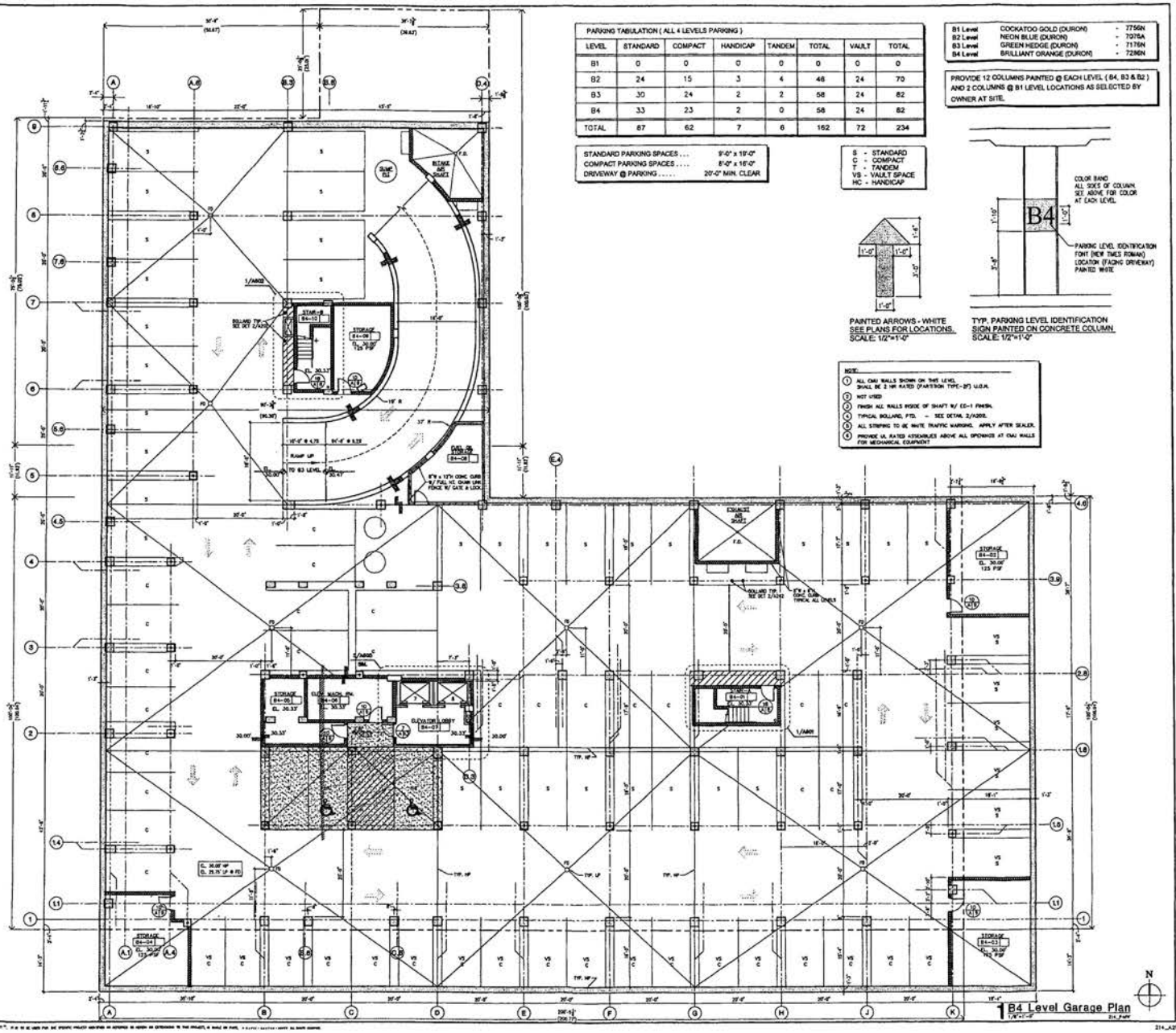
MEN: 4 WC & 2 URN

LAVATORIES: REQUIRED: 138/40 = 3.45 LAV @ MEN AND WOMEN (IPC 404)
PROVIDED: WOMEN: 4 LAVS

MEN: 4 LAVS

BUILDING VOLUME

FLOOR	AREA (Sq. Ft.)	HEIGHT (Ft.)	VOLUME (Cu. Ft.)
B4 LEVEL GARAGE	31,807	9.5	302,167
B3 LEVEL GARAGE	31,807	9.5	302,167
B2 LEVEL GARAGE	31,807	11	349,877
B1 LEVEL GARAGE	31,500	14.17	446,250
FIRST FLOOR	27,294	20	545,880
SECOND FLOOR	27,294	12.33	336,535
THIRD FLOOR	27,468	12.33	338,680
FOURTH FLOOR	27,468	12.33	338,680
FIFTH FLOOR	27,468	12.33	338,680
SIXTH FLOOR	27,468	12.33	338,680
SEVENTH FLOOR	27,468	12.33	338,680
EIGHTH FLOOR	27,468	12.33	338,680
NINTH FLOOR	26,327	13.33	350,939
TENTH FLOOR	26,327	13.33	350,939
ROOF	7,025	18.5	129,963
TOTAL			5,146,797



PARKING TABULATION (ALL 4 LEVELS PARKING)							
LEVEL	STANDARD	COMPACT	HANDICAP	TANDEM	TOTAL	VAULT	TOTAL
B1	0	0	0	0	0	0	0
B2	24	15	3	4	46	24	70
B3	30	24	2	2	58	24	82
B4	33	23	2	0	58	24	82
TOTAL	87	62	7	6	162	72	234

STANDARD PARKING SPACES	9'-0" x 19'-0"
COMPACT PARKING SPACES	8'-0" x 16'-0"
DRIVEWAY @ PARKING	20'-0" MIN. CLEAR

S - STANDARD
C - COMPACT
T - TANDEM
VS - VAULT SPACE
HC - HANDICAP

B1 Level	COCKATOO GOLD (DURON)	- 7756N
B2 Level	NEON BLUE (DURON)	- 7076A
B3 Level	GREEN HEDGE (DURON)	- 7176N
B4 Level	BRILLIANT ORANGE (DURON)	- 7236N

PROVIDE 12 COLUMNS PAINTED @ EACH LEVEL (B4, B3 & B2) AND 2 COLUMNS @ B1 LEVEL LOCATIONS AS SELECTED BY OWNER AT SITE.

PAINTED ARROWS - WHITE
SEE PLANS FOR LOCATIONS.
SCALE: 1/2"=1'-0"

COLOR BAND
ALL SIDES OF COLUMN.
SEE ABOVE FOR COLOR
AT EACH LEVEL

B4

PARKING LEVEL IDENTIFICATION
FONT (NEW TIMES ROMAN)
LOCATION (FACING DRIVEWAY)
PAINTED WHITE

TYP. PARKING LEVEL IDENTIFICATION
SIGN PAINTED ON CONCRETE COLUMN.
SCALE: 1/2"=1'-0"

NOTE:
1. ALL CMU WALLS SHOWN ON THIS LEVEL SHALL BE 2 HR RATED (PARTITION TYPE-2F) U.O.N.
2. NOT USED
3. FINISH ALL WALLS INSIDE OF SHAFT W/ CO-1 FINISH.
4. TYPICAL BOLLARD, PTD. - SEE DETAIL 2/A202.
5. ALL STRIPING TO BE WHITE TRAFFIC MARKING, APPLY AFTER SEALER.
6. PROVIDE UL RATED ASSEMBLIES ABOVE ALL OPENINGS AT CMU WALLS FOR MECHANICAL EQUIPMENT

1 B4 Level Garage Plan
1/8"=1'-0"

N

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901 Pitcairn Street, Suite 110-N, Washington, D.C. 20007 • 202.625.2500

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The TRG Companies
ARCHITECT (703) 734-4700
Davis, Carter, Scott Ltd.
CIVIL (703) 351-7600
Wiles Mensch Corporation
STRUCTURAL (202) 393-1200
Taylor-Cohen-Rabbon Assoc., Inc.
MECHANICAL (703) 448-1707
Girard Engineering, PC

KEY ISSUES
PERMIT SET 10/7/04

PROJECT TITLE
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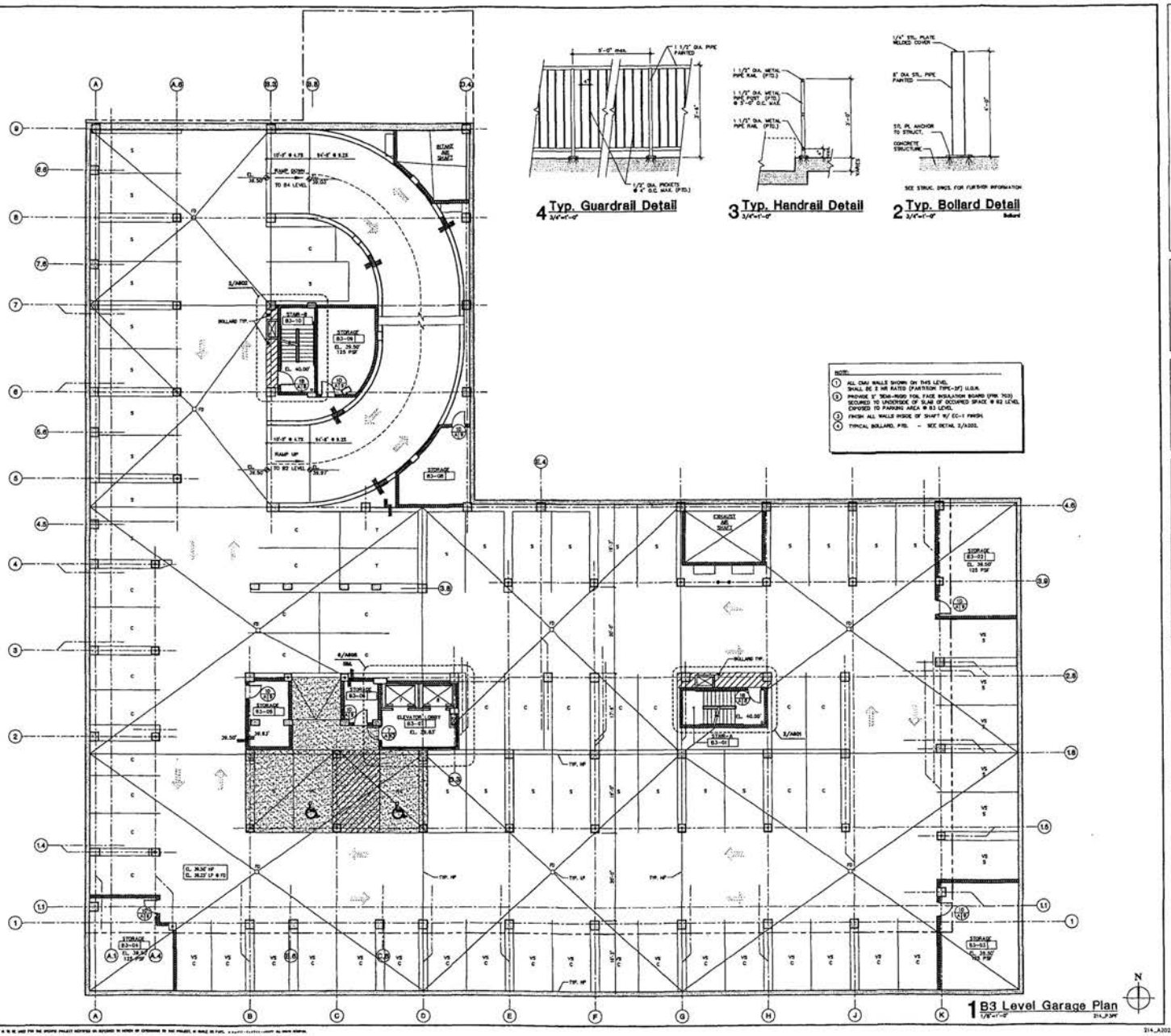
PROJECT NO. 3-03-214.00

DRAWING TITLE
B4 LEVEL PLAN
EL. 30.00'

SCALE 1/8"=1'-0"
DATE 10/7/04
DRAWN BY JB
CHECKED BY MS

DRAWING NUMBER
A-201
SHEET OF

214_A201.DWG January 23, 2004, 12:48 pm



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The TBG Companies
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Davis, Carter, Scott Ltd
CIVIL (703) 391-7600
Wiles Mensch Corporation
STRUCTURAL (301) 531-1626
Tadjer-Cohen-Edelson Assoc., Inc.
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PERMIT SET 1/27/04

PROJECT TITLE
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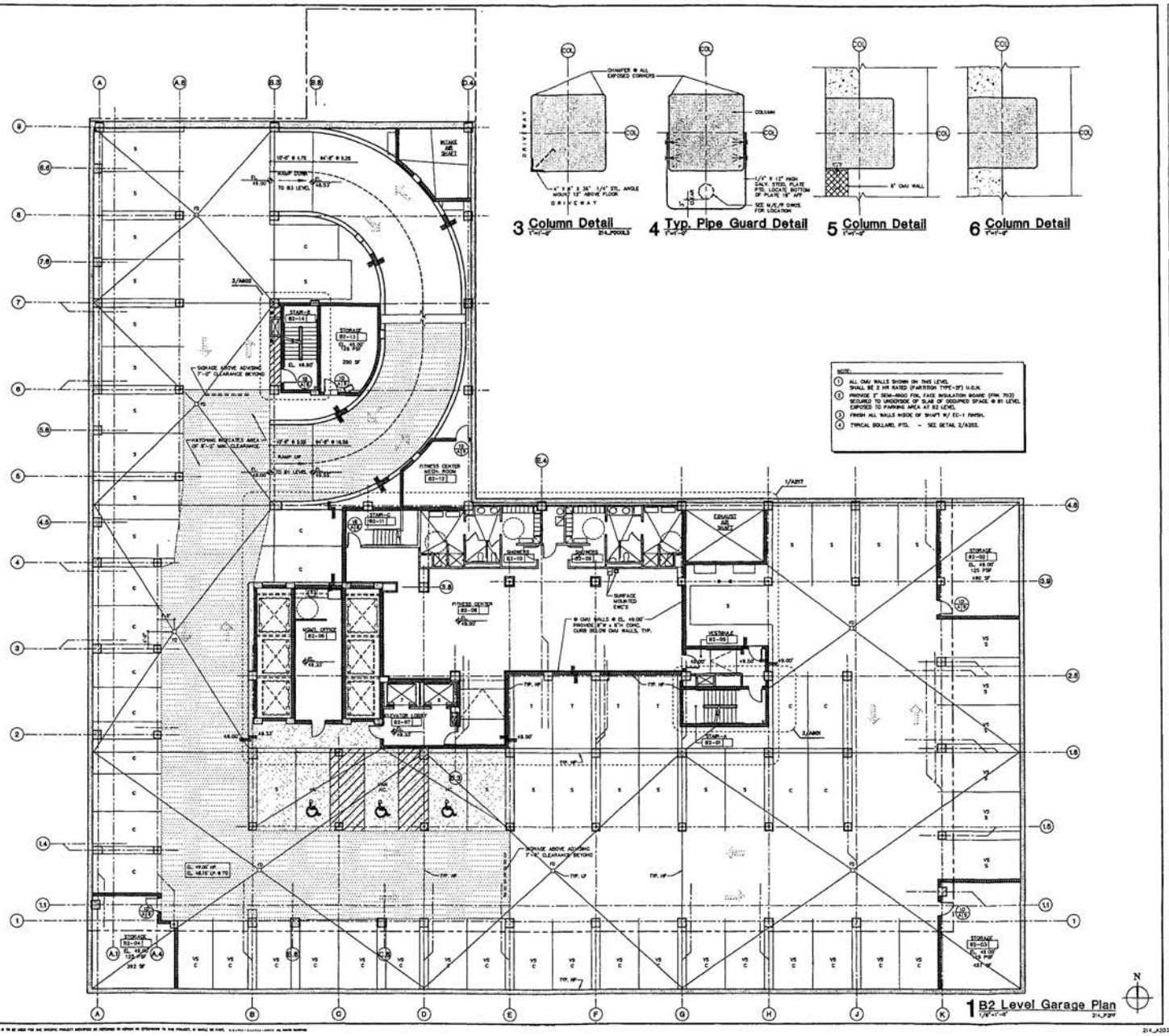
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B3 LEVEL PLAN
EL. 39.50'

SCALE 1/8"=1'-0"
DATE 1/27/04
DRAWN BY MJ/ES
CHECKED BY MK

DRAWING NUMBER
A-202
SHEET OF

214_A202.DWG January 22, 2004, 12:47 pm



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DEVELOPER	(202) 833-7700
The JBG Companies	
ARCHITECT	(703) 734-8222
Davis, Carter, Scott Ltd.	
GEN. CONTRACTOR	(202) 393-7600
Wire Mosack Corporation	
STRUCTURAL	(202) 393-1428
Tadjer-Cohen-Edelson Assoc., Inc.	
MECHANICAL	(703) 532-4747
Girard Engineering, PC	

REVISIONS
PERMIT SET 07/7/04

PROJECT TITLE
1101 K Street
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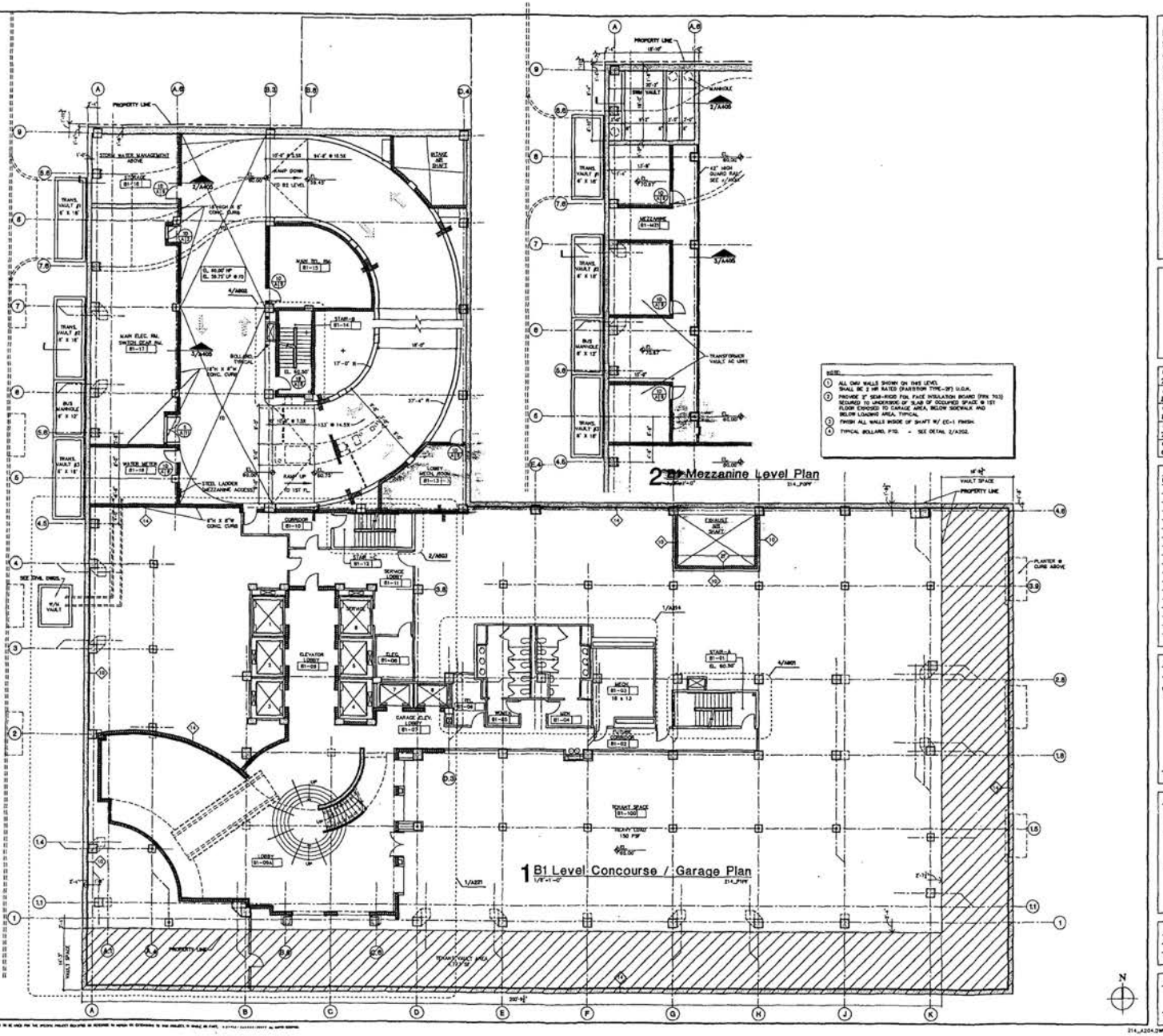
PROJECT NO. 3-03-214.00

DRAWING TITLE
B2 LEVEL PLAN
EL. 49.00'

SCALE	1/8"=1'-0"
DATE	07/7/04
DRAWN BY	JSS
CHECKED BY	HH

DRAWING NUMBER
A-203
SHEET OF

214_A203.DWG January 22, 2004, 12:47 pm



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OWNER	(240) 333-1750
The TRG Companies	
ARCHITECT	(703) 556-8375
Davis, Carter, Scott Ltd.	
CIVIL	(240) 912-7888
Wire Mountain Corporation	
STRUCTURAL	(240) 395-0204
Taylor-Cohen-Siddons Assoc., Inc.	
MECHANICAL	(240) 912-4705
Girard Engineering, PC	

PERMIT SET	V07/04

PROJECT TITLE
1101 K Street
Washington, D.C.

PROJECT NO. 3-03-214.00

DRAWING TITLE
B1 LEVEL PLAN

EL. 60.00'

SCALE	1/8"=1'-0"
DATE	V07/04
DRAWN BY	JG
CHECKED BY	MH

DRAWING NUMBER
A-204
SHEET - OF -

214_A204.DWG January 22, 2004, 12:47 pm

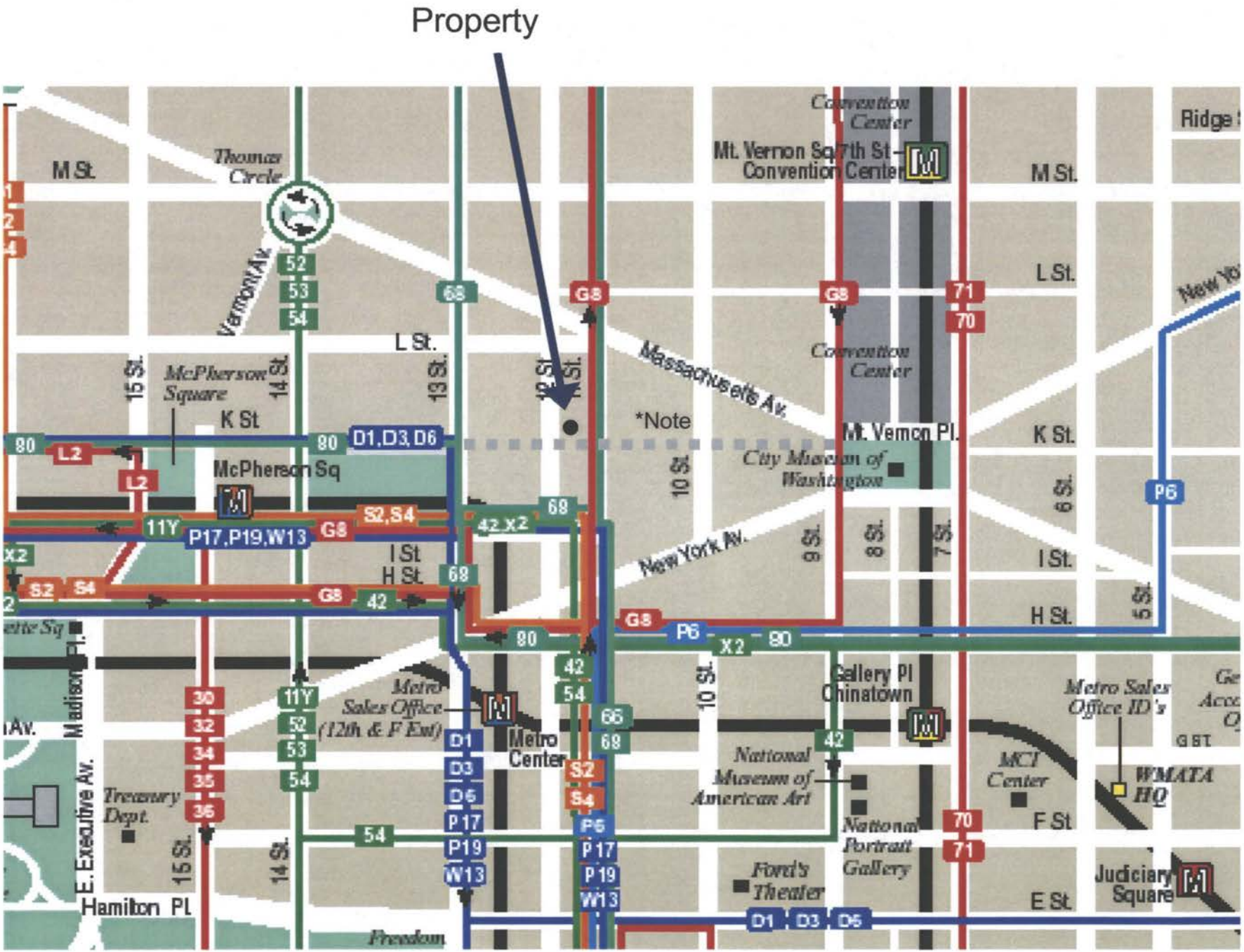
Exhibit 3

To Be Supplemented

Exhibit 4

To Be Supplemented

Exhibit 5



*Note: K Street from 13th Street to 9th Street drawn in (omitted on Metro map)



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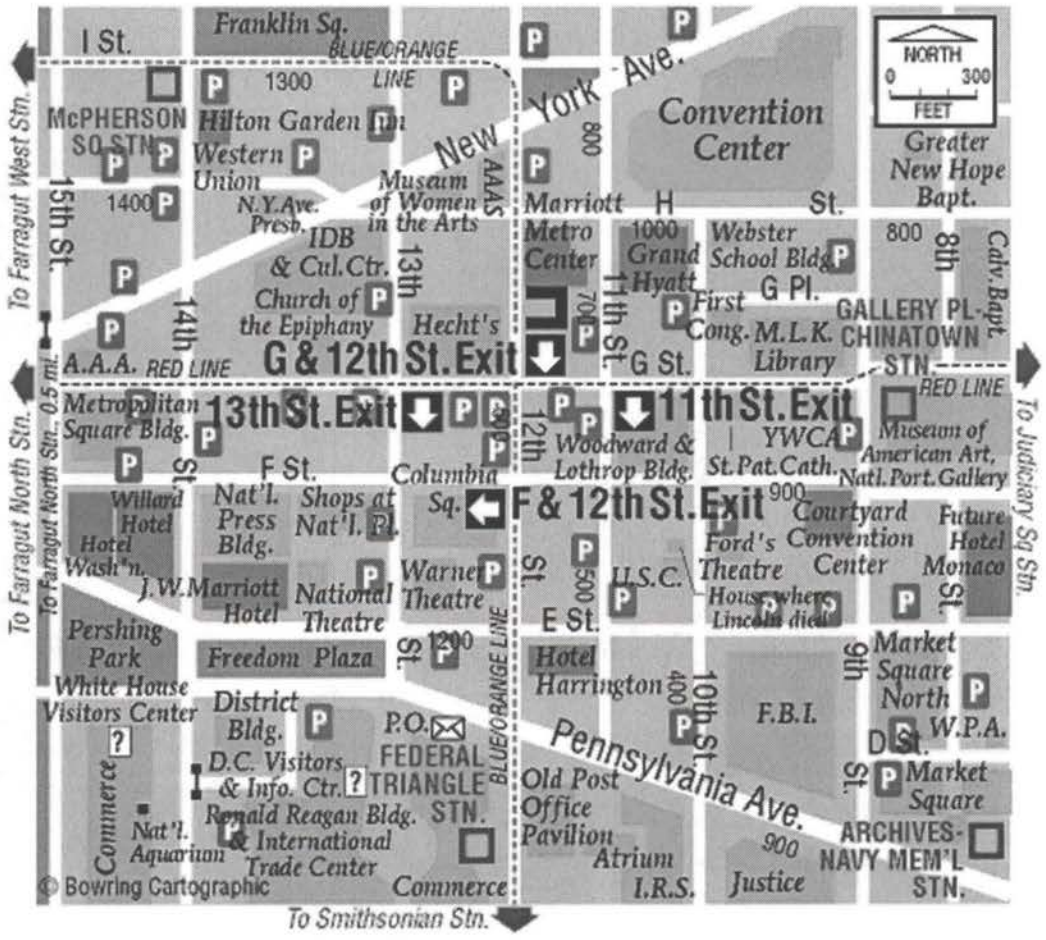
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Hecht's [N] 12th St. NW Station entrance G St. NW [E]

Regional map + driving directions
System Map
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Metrobus
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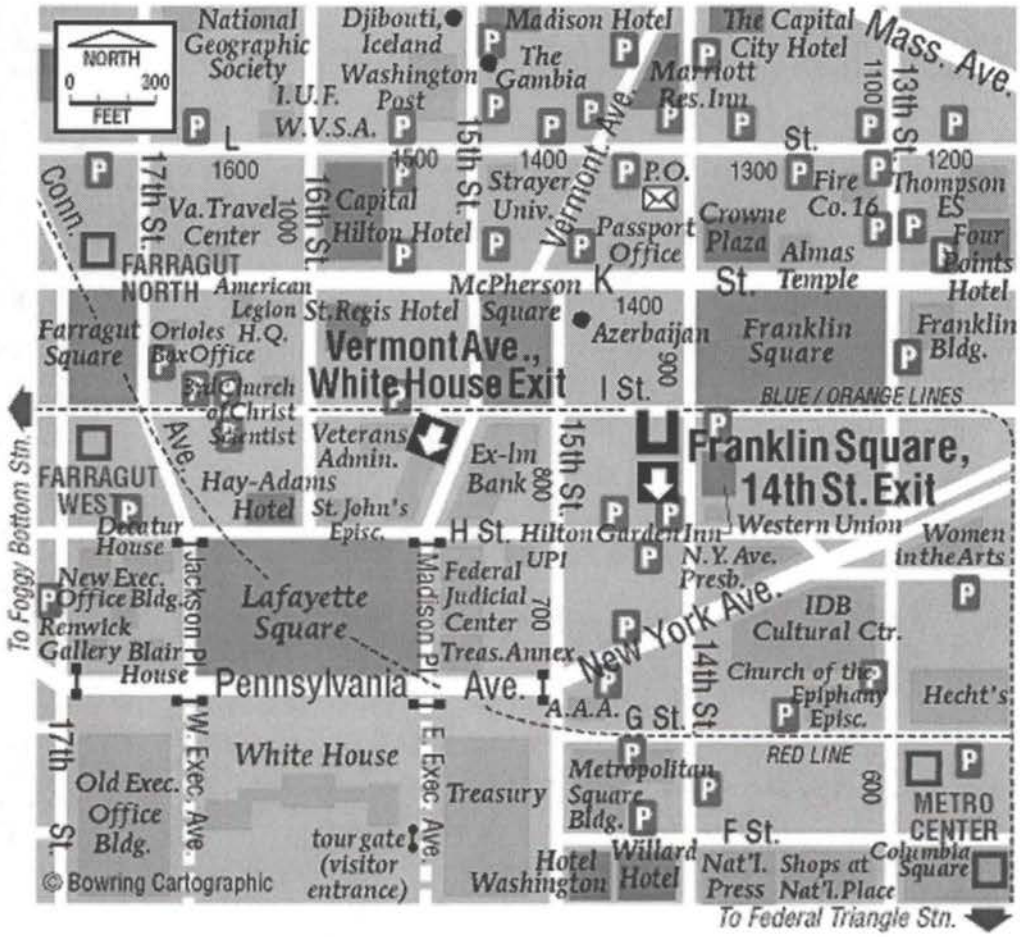
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[S] Station entrance [W] [N] McPherson Square

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Exhibit 6

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 16930 of Lawrence N. Brandt, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio ("FAR") requirement of section 771, a variance from the height requirement under section 770, a variance from the parking requirement under section 2101, and a variance from the loading requirement under section 2201 and pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirement of section 411.5 for the construction of an office building to serve as the National Association of Realtors ("NAR") headquarters building, with ground floor retail uses, located at 500 New Jersey Avenue, N.W. (Square 627, Lots 7, 12, 801, and 802) and located in the HR/C-3-C District).

HEARING DATE: October 22, 2002
DECISION DATE: October 22, 2002 (Bench Decision)

DECISION AND ORDER

SELF-CERTIFIED:

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

PRELIMINARY MATTERS:

1. The Board of Zoning Adjustment (the "Board"), pursuant to its rules, provided proper and timely notice of the public hearing on this Application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property within 200 feet of the subject site.

2. The subject site is located within the jurisdiction of ANC 6A, which is automatically a party to this application, and which did not file a report as directed by 11 DCMR § 3119.2. Rob Hall, the single member district representative for 6A01 in which this subject site is located, attended the meeting, testified in opposition to the Application, and requested that consideration of the Application be postponed until the ANC 6A took a position on the Application. Corporation Counsel determined that Mr. Hall was not acting or appearing on behalf of the ANC 6A.

3. The Board received no requests for party status. While permitted as a party under the rules, ANC 6A did not participate as a party.

4. As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR § 3104.1 and for variances pursuant to 11 DCMR § 3103.2.

5. Twelve witnesses testified in support of the application. Two witnesses testified in opposition to the application.

6. The Board received letters in support of the application from the following organizations, companies and persons: the United States Department of the Interior through its National Park Service (under whose jurisdiction adjacent Federal Reservation 196 falls); the Union Station Redevelopment Corporation; Georgetown University (nearby property owner); Hyatt Hotel (nearby property owner); Federal Trade Commission (nearby property owner); Washington Court Hotel (nearby property owner); Greenhoot Cohen (nearby property owner); Holiday Inn (nearby property owner); Hotel George and AE Capital Associates (limited partner of Hotel George) (nearby property owner); Lenkin Company (nearby property owner); Phoenix Park Hotel (nearby property owner); the John Akridge Companies (nearby property owner); Louis Dreyfus Property Group (nearby property owner); George White (former Architect of the Capitol); Hugh Jacobson (local architect); W. Chapin (former president of the American Institute of Architecture and consultant to the architectural design jury for the NAR); S. Henshaw Jones (District resident); L. McPherson (District resident); E. Miller (Ward 6 resident); J. Sebree (District Resident); J. Maheady (District resident); J. Molinaro (District Resident); D. French (District resident); L. Johnson (District Resident); N. Resnick (District resident); P. Dennis (District resident); J. McDonagh (District resident); S. Kim (District resident); J. Saunders (District resident); G. Parades (District resident); J. Ferruggiaro, III (District Resident); Congresswoman Connie Morella (MD); Congressman Tom Davis (VA); Congressman Eric Cantor (VA); Congresswoman Jane Harman (CA); Congressman Ken Calvert (CA); Congressman Tom Reynolds (NY); Congressman Gary Miller (CA, Assistant Whip at Large); Congressman Mark Foley (FL) (Deputy Whip); Congressman Brad Sherman (CA); Congressman Johnny Isakson (GA); Congressman Jerry Weller (IL); Congressman Sherwood Beohlert (NY); Congressman John Sullivan (OK); and Senator Jack Reed (RI). One letter of opposition was received from CHAMPS (Capitol Hill Association of Merchants and Professionals).

7. The Office of Planning ("OP") timely filed an initial report on October 15, 2002, and filed a supplemental report on October 21, 2002. The Board accepted the supplemental

OP report by waiver of its seven day advance filing ruling set forth in 11 DCMR § 3114.2.

8. The District Department of Transportation ("DDOT") filed its report during the hearing. The Board expressed concern regarding the lateness of the DDOT report. Despite objections from Board members, the DDOT report was accepted into the record by waiver of its seven day advance filing ruling set forth in 11 DCMR § 3114.2.

FINDINGS OF FACT:

1. The subject site is known as 500 New Jersey Avenue, N.W., in Square 627, Lots 7, 12, 801, and 802 (the "Site"). The Site is located in the HR/C-3-C District, within the Downtown East Receiving District, and within the Central Employment Area.

2. The Site is a narrow, extremely small triangle consisting of approximately 8,312 square feet. The Site comprises the entire private land area of Square 627 and is bounded by New Jersey Avenue to the east, E Street to the south, First Street to the west and Federal Reservation 196 and F Street to the north. The combination of private land area and public, open space comprises over 37,000 square feet of land. The Site is currently improved with a closed, boarded and fenced-off gasoline station, vacant retail structures and incidental surface parking.

3. The Site is located northwest of the Capitol along the New Jersey Avenue monumental corridor. The Generalized Land Use Map of the Comprehensive Plan designates the Site and the surrounding area in the highest density commercial designation. The surrounding area is dominated by hotel, commercial and institutional uses.

4. The Board previously approved identical variance relief for development of the Site in Board of Zoning Adjustment 16744 in July, 2001.

5. The C-3-C District is designed to permit medium-high density development, including office, retail, housing and mixed use. The Site is also located in the HR (Hotel-Residential) Overlay District as well as the Downtown East Receiving Zone. The C-3-C District permits a maximum height of ninety feet and a maximum FAR of 6.5 for any permitted use. The HR Overlay District permits as a matter of right a height of 130 feet and a maximum FAR of 8.5, as long as at least 2.0 FAR is devoted to hotel or residential use. The Downtown East Receiving Zone permits additional height and FAR through Transferable Development Rights ("TDRs"). With TDRs, a building may be built to a height of 110 feet, with a maximum of 9.0 FAR, as a matter of right.

6. The Applicant presented testimony and evidence of the proposed construction of a twelve-story office building, with ground floor retail uses, having a total height of 130 feet (the "Building"). The Building contains approximately 87,995 square feet of gross floor area or 10.59 FAR. As a design feature, the Building incorporates curved sides projecting into public space, which provide an additional 9,720 square feet of floor area. Initially, the top four floors of the Building will serve as the Washington headquarters for the NAR, with remaining portions of the Building being leased to outside tenants.

7. Richard Rosenthal, representative of the NAR, testified regarding the NAR's decision to locate its Washington headquarters at this Site. Mr. Rosenthal further testified as to the selection of the design of the Building by Graham Gund Architects. The design was selected by a panel of three jurors, including Harry Robinson, the present chair of the Commission of Fine Arts, George White, former Architect of the Capitol, and Colden "Coke" Florance, noted architect in the area.

8. John B. Schlichting from CarrAmerica Development, Inc., an expert in real estate development, testified regarding the small size and narrow shape of the Site and the basis for its uniqueness in the District. Mr. Schlichting further testified, as stated in the letter submitted in the record, that the primary reason for the practical difficulty on the Site was due to the higher construction costs resulting from the size and configuration of the Site itself. Due to the generous public right-of-way surrounding the Site on all sides, the building site itself is a relatively small portion of the square. The site factors contribute to higher costs due to (a) a much larger proportion of Class A, fully articulated facades as compared to usable interior square footage, (b) a much higher percentage of building core relative to usable space, and (c) an unusually large amount of sitework and landscaping costs associated with both the generous right-of-way as well as the Applicant's commitment to re-landscape the National Park Service Reservation 196. Mr. Schlichting explained in detail each of these factors that contribute to higher costs, such factors also being explained in the letter dated October 18, 2002, filed in the record of this case. Furthermore, in Mr. Schlichting's experience, construction costs for a Class A office building the area are typically in the $80 to $100 per square foot range and that the Building, including the sustainable features, will have construction costs in the $140 to $165 range. Mr. Schlichting concluded that should the variance requests not be granted, the practical difficulty of constructing a smaller office building at the Site would be so extreme as to be financially infeasible.

9. Based on the Building's proposed gross floor area of approximately 87,995 feet, or 10.59 FAR, and proposed height of 130 feet, the Applicant must request an area variance of 4.09 FAR and a height variance of forty feet from the matter of right provisions. The variances allow the Building to expand the envelope of the Site yet result in a building

that is comparable in height with surrounding development but still unusually small in terms of gross square footage.

10. Section 2101 of the Zoning Regulations requires that an office building within the C-3-C District provide one parking space for each 1,800 square feet, after the first 2,000 square feet, requiring the Building to provide a total of forty-eight parking spaces on the Site. The Applicant presented evidence that only twenty-five parking spaces can be provided completely within the property line due to the small size and narrow shape of the Site. Mr. Schlichting testified, however, that an additional forty-three parking spaces can be located within vault space, yielding a total of sixty-eight parking spaces, more than that required by the Zoning Regulations.

11. Section 2201 of the Zoning Regulations requires that an office building with less than 100,000 square feet of gross floor area in the C-3-C District provide at least one thirty foot deep loading berth, at least one 100 square foot loading platform, and at least one twenty foot deep service/delivery loading space. The Building includes one ten foot by twenty foot service delivery space and one loading platform in excess of 100 square feet. The Applicant presented evidence that due to the size and shape of the Site, the Building cannot include the required loading berth. At its widest point, the Site is sixty-eight feet wide. Due to the entrance to the garage, the service area must be located along First Street. If a thirty foot loading berth were provided, the Building would almost be cut in half because the Building is only forty-five feet wide at the point where the service/delivery area is located. The Applicant, however, presented evidence that service/delivery space would adequately satisfy most of the loading needs for the Building and that an additional screened loading area within the public space would be provided along First Street, with the required approvals, to accommodate additional loading needs ("Buffer Loading Area"). Furthermore, the Applicant indicated that a loading zone is designated on First Street between 9:30 a.m. and 6:30 p.m. and that this additional loading area can be used as a third level of loading in the situation that it may be needed.

12. The Applicant provided further testimony and evidence as to the necessity for multiple roof structure heights. The tallest portion of the roof structure is approximately 17'11¾" in height. This height is the minimum necessary to enclose the elevator equipment which is required for elevator access to the roof of the Building. The roof structure steps down to sixteen feet surrounding the elevator core and enclosing mechanical equipment, and further stepping down to nine feet, ten inches for the elevator/circulation lobby. On the eastern portion of the roof, the roof structure is ten feet, eight inches in height to enclose the cooling towers. The size of the Site dictates this outcome, with the width of the Building being only approximately sixty-eight feet. In order to enclose all of the

required elevator and mechanical equipment and meet the setback requirements dictated by both the Zoning Regulations and the Act of 1910, the penthouse must have this shape and size. The steps in height reduce the overall height and bulk of the roof structure, and the roof structure as a whole harmonizes with the main structure in architectural character, material and color.

13. Graham Gund, an expert in architecture, described the Building's design and its relationship to the context of the surrounding area and Capitol area. Mr. Gund testified that the Building had a modern design, including a curved glass curtain wall projecting into public space on the east and west sides. The ground floor retail spaces are visually transparent for the pedestrian experience. The Building's form takes cues from the great monuments: the curve of the Capitol dome, the transparency of the White House portico, and the verticality of the Washington monument. The sculptural form is anchored by an architectural tower at the convergence of the surrounding streets, creating an overlook into the park and an identifying beacon for the area. Mr. Gund's remarks were supplemented by Ms. Laura Cabo, an associate of Mr. Gund.

14. James van Sweden, the landscape architect, testified as to the proposed landscaping surrounding the Building, including the proposed concepts for improvements to Federal Reservation 196. The Applicant presented testimony that it would work with the National Park Service to improve Federal Reservation 196 and that it would maintain the reservation thereafter.

15. By submission of a report in the Applicant's Pre-hearing Submission as Exhibit I, the Applicant submitted expert testimony in real estate economics from Bolan Smart Associates, Inc. ("Bolan Smart"). Bolan Smart established that the Building is financially infeasible if only permitted to build to the matter of right height and density. In an extensive comparison of the Building and a typical District office building, Bolan Smart found that to rent the Building in a competitive manner with the generic building would result in a loss of approximately $15.00 per rentable square foot. Bolan Smart concluded that the high development costs would mandate rents per rentable square foot far above market competitive rents, which for the Building would actually need to be significantly below market in order to compensate for chronic building inefficiencies, resulting in a building that could not be built.

16. Bolan Smart further provided evidence that additional methods of achieving more height and density under the Zoning Regulations were infeasible in this case. The acquisition of TDRs is not feasible and would only compound the problem at the Site. The acquisition of TDRs would add to the costs of the Building, worsening the underlying

economic situation, while at the same time capping development at 110 feet in height and 9.0 FAR, which are not sufficient to make the development financially viable.

17. Although additional height and FAR could also be achieved under the HR Overlay District, Bolan Smart concluded that the addition of a hotel or residential component to the Building would worsen the project's economics and viability. These uses generally generate less income than office space, making an already unprofitable office structure an even more unprofitable mixed use structure. In addition, significant design changes would be required which would have a devastating impact on the Building's economics, such as a second elevator core, a second lobby and changes to HVAC and mechanical systems. Regardless of the economic conditions, the Site can not physically support an additional use due to its extraordinarily small, narrow footprint.

18. By submission of a report in the Applicant's Pre-hearing Submission as Exhibit J, the Applicant submitted expert testimony in traffic engineering from O.R. George and Associates ("Traffic Consultant"). The Traffic Consultant provided evidence that the level of trip generation resulting from the Building's increased height and FAR would not adversely impact traffic flow within the subject area or adversely impact access to neighboring properties.

19. The Traffic Consultant also concluded that based upon empirical evidence discussed in the report and the relatively small size of the parking garage (at approximately sixty-eight spaces), the variance from the parking requirements of the Zoning Regulations would not adversely impact neighboring properties or area roadway users in general.

20. The Traffic Consultant also reviewed the proposed loading variance. The Traffic Consultant stated that loading provisions do not typically impact peak hour vehicle trip generation and that the more critical factors are the points of access to the public roadway and the degree to which there might be conflicts with adjacent through traffic. The Traffic Consultant found that the loading activities on and off First Street, a very lightly used section of the roadway, would not have an adverse impact on the local area. The Traffic Consultant also concluded that the loading arrangement as proposed would be adequate to accommodate the needs of the Buildings.

21. By submission of a report attached to the Applicant's Pre-hearing Submission as Exhibit H, the Applicant submitted expert testimony in land use from Lindsley Williams. Mr. Williams established that the Site is affected by a host of exceptional conditions based on the size of the Site, the configuration of the Site, the three zone categories now applicable to the Site and the requirements of the Zoning and other Regulations as to public space and street design. Mr. Williams provided evidence that the strict

application of the Zoning Regulations would create significant difficulties and impose exceptional costs for the construction of the Building. Mr. Williams also provided evidence that the variances and special exceptions can be granted without substantial detriment to any surrounding properties or the integrity of the underlying zone plan.

22. The Office of Planning ("OP"), by an initial report filed on October 15, 2002, supplemented by a report dated October 21, 2002, and by testimony at the hearing, recommended that the Application be approved with conditions. The OP testified that, with further information that had been provided to OP prior to the hearing, that OP was of the opinion that the Applicant had satisfied its burden of proof for both the variance and special exception relief requested. The OP presented the following three conditions for approval:

    a. The Applicant shall obtain a "green" building rating from the US Green Building Council prior to the issuance of a certificate of occupancy.
    b. The Applicant shall provide the streetscape proposed in the Schematic Streetscape/Landscape Plan prepared by Oehme, van Sweeden & Associates, Inc., as modified by the following design guidelines:

        i. Provide an additional entrance from the northern retail space onto the courtyard;

        ii. Make the planted areas more permeable to pedestrians to encourage interaction between pedestrians and retail spaces;

        iii. Provide transparent glass to allow visibility of activity within the building.

    c. The Applicant shall construct the Building in substantial conformance with the building plans prepared by Graham Gund and SMB Architects.

23. The Applicant provided evidence and testimony that it would seek LEED Certification for the Building, as discussed in the summary of the anticipated sustainable features for the Building filed at the hearing. The Applicant and the OP agreed that the OP's proposed condition regarding obtaining LEED certification prior to the issuance of a certificate of occupancy was unworkable. After discussion, the Board concluded that such a condition was unnecessary because practical difficulty had been established even without inclusion of the sustainable development features.

24. The District Department of Transportation, by memorandum dated October 21, 2002, and filed on October 22, 2002 (the "DDOT Report"), concluded that the proposed

traffic generated from the use will not significantly impact the level of service on adjacent streets and intersections during the AM and PM peak hours. The DDOT Report recommended that the Buffer Loading Area be removed from the plans, stating that loading activities should occur within the Building's service/delivery space with vehicles heading in and heading out onto public streets. Instead, the DDOT recommended that the Applicant provide additional loading space along the curb of First Street, N.W. No one from DDOT appeared to testify at the hearing. The DDOT further indicated that the proposed circular driveway was not permitted unless approved by the Director.

25. The Board did not agree with the DDOT Report with respect to the Buffer Loading Area. The Board decided to condition the approval on the applicant recommending to DDOT that there be no requirement to have a solid barrier separating the proposed loading area in public space from the sidewalk area and recommended that low plantings and landscaping or decorative bollards be used to separate this area from pedestrian traffic flow. The Board further noted that in connection with the loading area on First Street, it would like to keep loss of metered parking spaces to as few spaces as possible and create minimal adverse impact on possible peak hour traffic. The Board indicated that it supported the proposed circular driveway on New Jersey Avenue and requested that the Applicant obtain the required approval from the DDOT Director for this feature.

26. Rob Hall, ANC 6A01 Single Member District Representative, in which the Site is located, appeared at the hearing to testify in opposition to the Application and requested that the hearing be continued until such time as ANC 6A could achieve a quorum and take a position on the Application. Mr. Hall submitted a letter into the record, which was accepted by the Board. Corporation Counsel concluded that Mr. Hall was not representing the ANC 6A with respect to his testimony or request, as he had not presented authorization from the ANC 6A to do so. The Board allowed Mr. Hall to fully testify as to his position on the Application and the ANC 6A Zoning and Licensing Subcommittee's proceedings and stated position regarding the Application. The ANC 6A Zoning and Licensing Subcommittee did not submit a report into the record. The Board conducted extensive discussion of the merits of postponing decision of the case until after the ANC 6A had another opportunity to take a position on the case. The Board, however, concluded that Mr. Hall's primary concern was with the aesthetics and design of the Building, and that it had sufficient information to proceed forward at that time without awaiting further information.

27. The following persons testified in support of the Application: M. MacNeil (general manager and resident at the Washington Court Hotel); L. McPherson (District

resident); E. Miller (Ward 6 resident); C. Watkins (East Capital Center for Change); J. Sebree (District Resident); J. Maheady (District resident); J. Molinaro (District Resident); D. French (District resident); L. Johnson (District Resident); N. Resnick (District resident); W. Chapin (former president of the American Institute of Architecture and consultant to the architectural design jury for the NAR); and P. Dennis (District resident).

28. Mr. Robert Gabany testified in opposition to the Application. Mr. Gabany submitted a letter from Harry Schnipper, Chair of the Economic Development Committee of CHAMPS (Capitol Hill Association of Merchants and Professionals). Mr. Gabany noted that his position and that of the letter was not the position of the entire organization, as no vote had been taken. In fact, Mr. Gabany noted that members of CHAMPS had testified in support of the Application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing Findings of Fact, the Board concludes that the Applicant is seeking area variances from sections 770, 771, 2101, and 2201 and a special exception under section 411 of the Zoning Regulations.

With respect to the requests for variance relief, the Applicant must prove that it has complied with the requirements of section 3103 of the Zoning Regulations. The Board concludes that the requested relief is for area variance, the granting of which requires proof of a practical difficulty upon the Applicant arising out of some exceptional condition or situation of the property. The Board further must find that the relief requested can be granted without substantial detriment to the public good and without substantial impairment to the zone plan.

The Board concludes that the Applicant has met the requisite burden of proof. The Board further concludes that the Site is subject to extraordinary or exceptional conditions by virtue of its small size and its narrow, triangular shape. The Board concludes that this confluence of factors results in an exceptional condition or situation impacting the Site.

The Board concludes that the extraordinary or exceptional situation or condition of the Site results in a practical difficulty upon the Applicant. The Applicant has demonstrated through testimony and evidence that it is unable to economically construct any building on the Site due the higher construction costs resulting from the size and configuration of the Site, including site factors such as a much larger proportion of fully articulated facades as compared to interior square footage, a much higher percentage of

building core relative to usable space. The Board further concludes that the size of the Site prevents compliance with the parking and loading requirements of the Zoning Regulations.

The Board concludes that the relief requested can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations. Furthermore, with respect to the variance from the parking requirements, the Building will provide additional parking in vault space. Because these additional parking spaces are provided in the same garage as all other parking spaces and with access to the Building from the garage, there will be no detrimental impact on the public or on the Zone Plan. Moreover, the loading variance will also not cause detrimental impact on the public or Zone Plan, as the service/delivery space should adequately satisfy the loading needs for the Building. The Applicant also proposes the Buffered Loading Area in public space and can use the designated loading zone on First Street in the event that additional loading space is needed.

For purposes of the special exception request, the Applicant must prove that it has complied with the requirements of section 411 of the Zoning Regulations. Subsection 411.5 requires that a roof structure must have walls of equal height. Based on the evidence and testimony, the Board concludes that maintaining walls of equal height is impracticable because of the size and shape of the Site and that compliance with this requirement would be unduly restrictive, prohibitively costly, and unreasonable. The intent and purpose of Chapter 400 and the Zoning Regulations is furthered by the special exception because the proposed roof structure and varying heights of its walls harmonize with the Building in architectural character, material and color as required by subsection 411.3 of the Zoning Regulations. The Board is satisfied by the Applicant's testimony and the letters of support from neighboring property owners that the proposed roof structure will have no adverse impact upon neighboring properties. The Board concludes that the special exception does not materially impair Chapter 400 or the Zoning Regulations and the light and air of adjacent buildings is not affected adversely.

The Board further concludes that the ANC 6A has not submitted its position as to the Application and accordingly, did not participate as a party in this proceeding.

In light of the foregoing, the Board **ORDERS** that the application be and the same is hereby **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The Applicant shall construct the building in conformance with the building plans prepared by Graham Gund and SMB Architects.

2. The tower proposed on the north side of the building shall only be used as an architectural embellishment and shall not be used for any other purpose.

3. The Applicant shall recommend in writing to DDOT that no solid barrier or wall separate the proposed loading area in public space on the west side of the building from the sidewalk area. The Applicant shall submit a copy of said recommendation to the Office of Zoning for submission in the application record.

VOTE: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, David A. Zaidain, Anthony J. Hood, and Curtis L. Etherly, Jr., to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: NOV - 4 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16930

As Director of the Office of Zoning, I hereby certify and attest that on NOV - 4 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Ivette Basterrechea, Chairperson
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Washington, D.C. 20002

Robert L. Hall, Jr., Commissioner 6A01
Advisory Neighborhood Commission 6A
P.O. Box 76680
Washington, D.C. 20002

Sharon Ambrose, City Councilmember
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 102
Washington, D.C. 20004

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

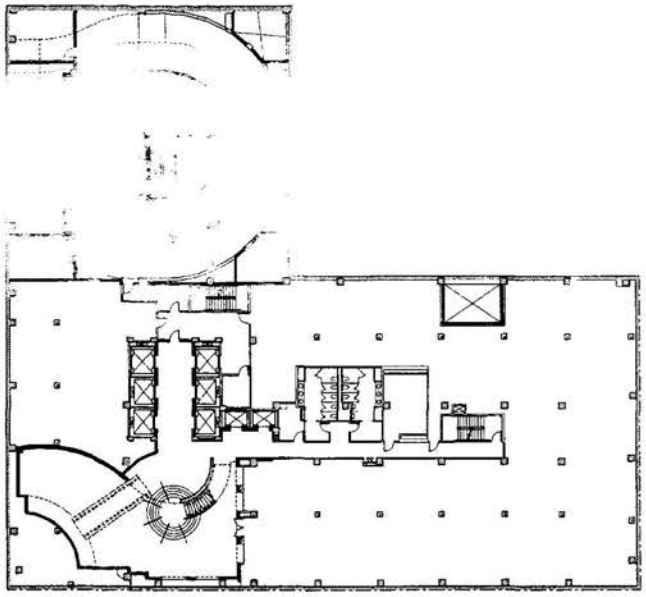
Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

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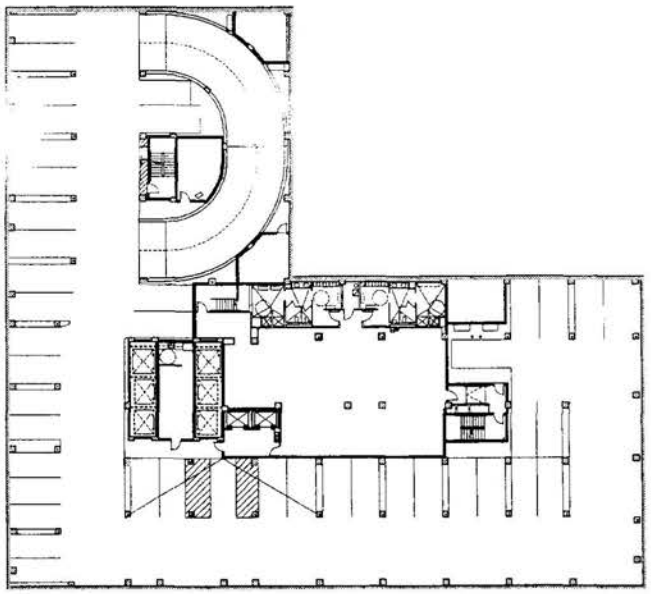
ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director, Office of Zoning

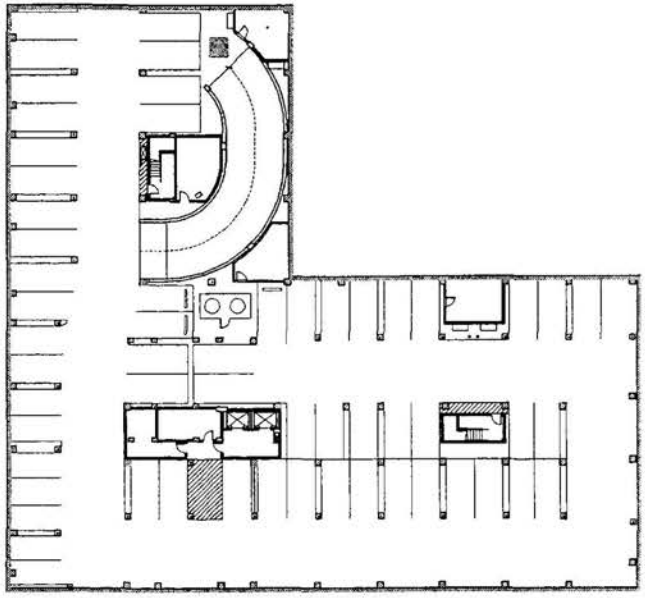
Exhibit 7



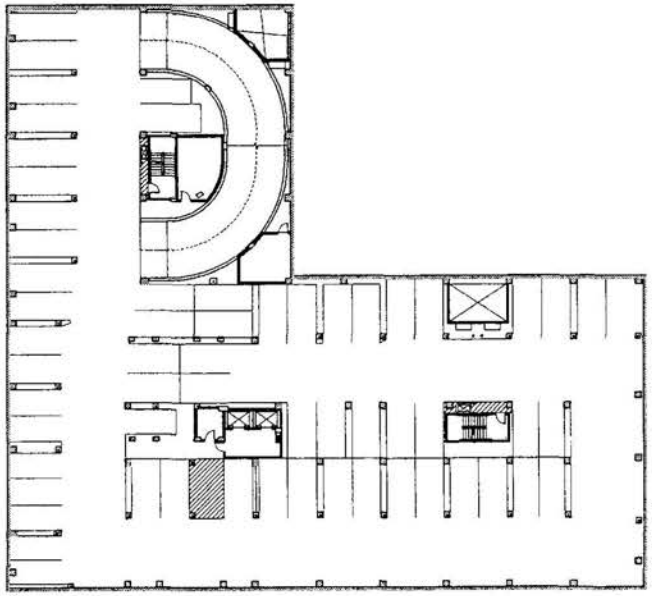
Level B1



Level B2



Level B4



Level B3

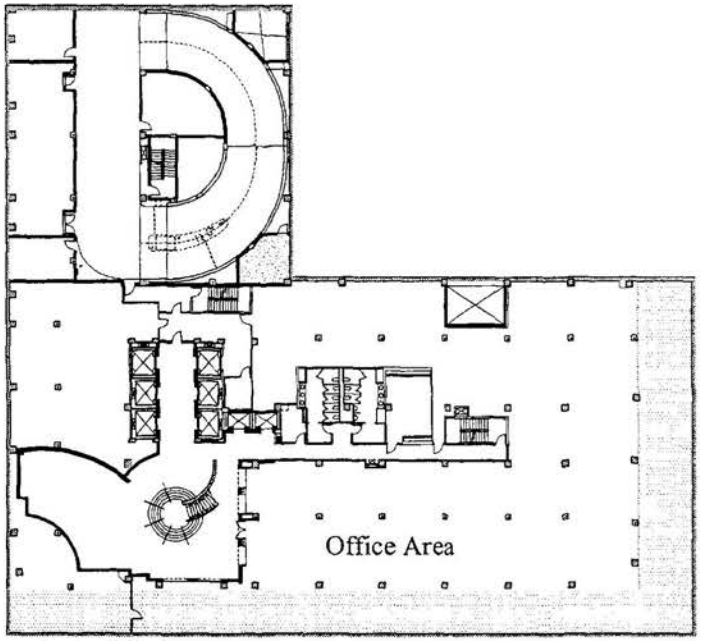
March 24th, 2004

THE JBG COMPANIES

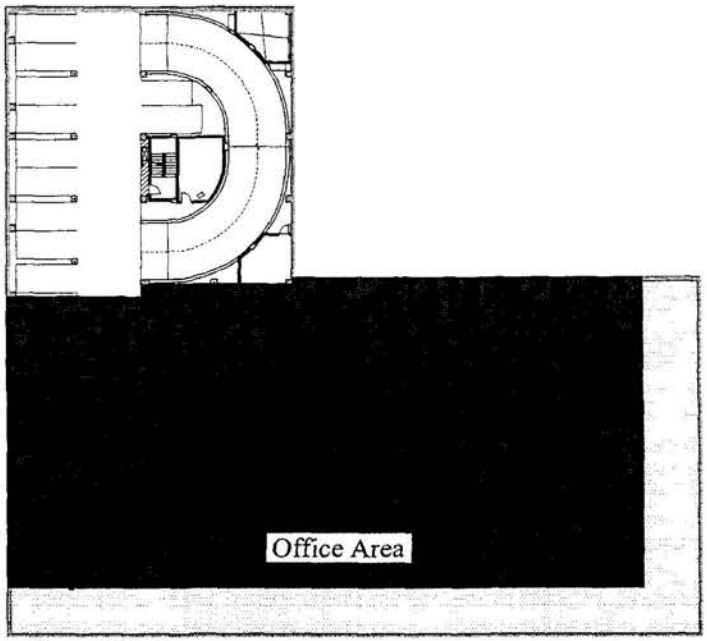
1101 K Street

Without BZA Waiver

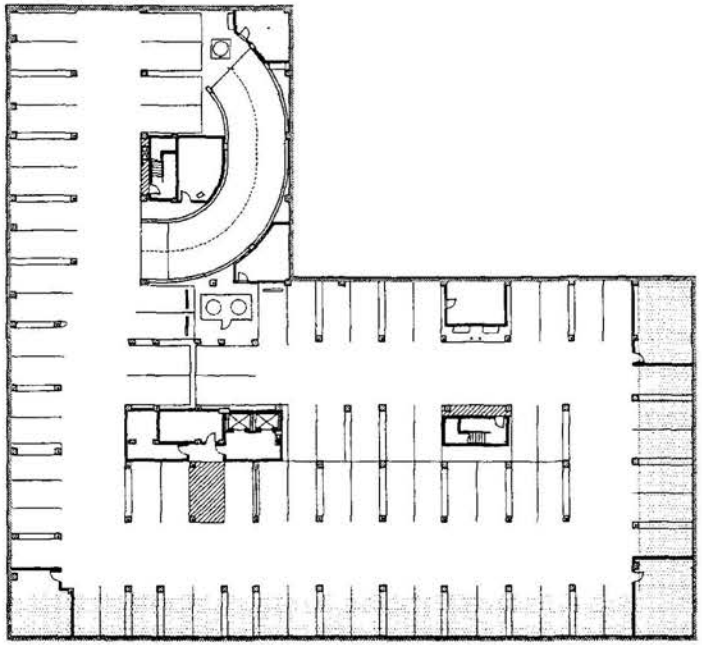
DAVIS • CARTER • SCOTT



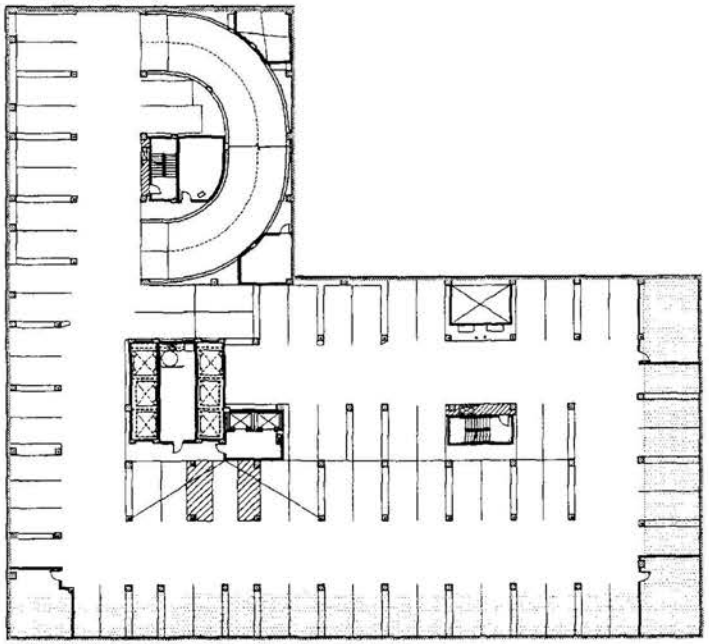
Level B1



Level B2



Level B4



Level B3

1101 K Street

With BZA Waiver

THE JBG COMPANIES

DAVIS • CARTER • SCOTT

1101 K Street, NW
Parking Tabulations --- without BZA Waiver

LEVEL	TOTAL REQUIRED SPACES	VAULT SPACES	TOTAL SPACES
B1	0	0	0
B2	43	0	43
B3	60	0	60
B4	59	0	59
TOTAL	162	0	162

1101 K Street, NW
Parking Tabulations --- with BZA Waiver

LEVEL	TOTAL REQUIRED SPACES	VAULT SPACES [1]	TOTAL SPACES
B1	0	0	0
B2	11	0	11
B3	52	24	76
B4	58	24	82
TOTAL	121	48	169

1) A minimum of 48 vault or valet spaces would be provided to accommodate number of cars per code.

Exhibit 8

B L A K E R E A L E S T A T E I N C

March 24, 2004

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

Re: BZA Application No. 17158 — JBG/Rockwood 1101 K, LLC
1101 K Street, N.W. (Square 316, Lots 817 & 818)

Dear Mr. Griffis:

I am writing in support of the above-referenced application for a special exception to reduce the number of required parking spaces by twenty-five percent (25%) for a proposed mixed-use office/retail building.

We are the owners of the adjacent twelve story office building that represents the balance of Square 316.

We very much welcome JBG/Rockwood 1101 K, LLC's proposed development of Lots 817 and 818. As a neighbor in the same square, we are delighted to see this vacant site develop to a beneficial use for the area. The development will further the city's goals of revitalizing the downtown area. The size of this project will make it a great contributor to the local tax base by creating jobs, generating property taxes, increasing local sales, etc.

With regard to the reduction in required parking, we do not believe the relief will adversely affect the neighborhood. By proposing additional parking in the vault spaces to the property, JBG is actually providing more parking than required by the regulations and, as such, is complying with the spirit and intent of the zoning regulations. Additionally, the subject property is centrally located to the Gallery Place and Mt. Vernon Square Metro Stations.

Representing
B. G. W. Limited Partnership
Blake Development Company
Jack I. Bender & Sons
Northwestern Development Company
Northwestern Development Company "B"
Professional Associates
Redneb Parking
Rhode Island & M Associates
12th & L Streets Limited Partnership
Glade Valley Farms, Inc.

1150 Connecticut Avenue, NW • Suite 801 • Washington, DC 20036-4104
Telephone: 202.778.0400 • Facsimile: 202.223.9636

We are looking forward to the development of the subject property and the increased activity it will bring to this part of the downtown area. Thank you for the opportunity to comment on this application.

Sincerely,

BLAKE REAL ESTATE, INC.
for 12th & L Streets Limited Partnership

By: Stephen F. Lustgarten
Its: Executive Vice President

SFL:ial

cc: Chorman Romano (fax: 240-333-3610)
Jeannine Rustad, Esquire (fax: 202-223-8604)

Exhibit 9

ADVISORY NEIGHBORHOOD COMMISSION 2F
Government of the District of Columbia
5 Thomas Circle, NW, Washington, D.C. 20005
Telephone: (202) 667-0052 Fax: (202) 667-0053 www.anc2f.org

Commissioners
2F01 Cary Silverman, *Chair*
2F02 Jim Brandon
2F03 Miriam Trimble
2F04 Helen M. Kramer, *Vice Chair*
2F05 Thomas M. Funk, *Secretary*
2F06 Bob Hinterlong, *Treasurer*

April 9, 2004

VIA FACSIMILE 202.727.6072

Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW, Suite 210 S
Washington, DC 20001

Re: ***1101 K Street, N.W., BZA Application;***
Special Exception for Parking Configuration

Dear Chairman Griffis and Members of the Board:

On April 7, 2004, at a publicly noticed meeting and with a quorum present, Advisory Neighborhood Commission (ANC) 2F voted unanimously (6-0-0) to approve the recommendation of its Community Development Committee to support the application to the Board of Zoning Adjustment for a Special Exception for the parking configuration at the above referenced project.

The Applicant, JBG/Rockwood 1101 K, L.L.C., proposes to construct a 274,587 square foot mixed use retail/office building at the project site. The Applicant seeks the flexibility to reduce the number of required parking spaces within the lot lines by twenty-five percent (25%) in order to provide additional tenant space on the B2 level. Employing this alternative, the Applicant will provide 72 standard, 45 compact and 4 handicapped parking spaces for a total of 121 parking spaces or seventy five percent of the required spaces. The Applicant proposes to provide an additional 48 parking spaces in the vault space, resulting in a total of 171 parking spaces, or 10 more than required. That the vault spaces cannot be included in the total number of required spaces necessitates the Special Exception.

The ANC finds that the proposed use is in harmony with the Zone Plan and Maps and is not likely to adversely affect the use of neighboring property.

THEREFORE, Advisory Neighborhood Commission 2F recommends that the Board of Zoning Adjustment grant to the Applicant the above referenced Special Exception.

Thank you for according great weight to our views.

Sincerely,

Cary Silverman
Chair, ANC 2F

cc: C. Romano

BZA
Case No. 17158
Exhibit No. _____

Exhibit 10

Form 140
(Revised 03/15/02)

Case No. 17158

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last DORAN First JOSEPH Middle I. E.

FOR: 12th & K Street Associates L.P. and the Stephen A. Goldberg C

ADDRESS: Street | Apt. # (if any) | City | State | Zip Code

1615 M Street, N.W., Suite 850, Washington, D.C. 20036

Phone No. | Fax No. | E-Mail

202-429-6900 x115 | 202-429-6910 | jdoran@sagco.com

Signature: Joseph E. Doran Date: 3/26/04

Will you appear as a(n) ☐ ☐ Will you appear through legal counsel ☐ ☐

If yes, please enter the name and address of such legal counsel.

NAME: Last First Middle I.

None

ADDRESS: Street | Ste. # (if any) | City | State | Zip Code

Phone No. | Fax No. | E-Mail

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

Our Four Points Sheraton Hotel is located directly across 12th Street from the subject. We believe construction of a new office building on the existing vacant lot will benefit our hotel. We do not believe the parking reduction will affect us at all.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

Owner

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.) Estimated distance 100 feet. Our hotel is located directly across 12th Street from the subject.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied? Approval of a reduction in the required parking spaces for the subject may economically benefit our hotel by directing parking revenue from the office building visitors to our hotel. Approval of a parking reduction will also decrease traffic congestion, pollution and encourage metro ridership.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied. We support board approval of the proposed office building and the requested parking reduction.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

Our interest is more significantly and uniquely affected by the proposed zoning action than the general public because our hotel is located directly across 12th Street from the subject and because of the mutually beneficial nature of our uses (office and hotel).

BZA
Case No. 17158
Exhibit No. 24

Exhibit 11

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2004

To order the closing of a public alley in Square 316, bounded by 11th Street, N.W., K Street, N.W., 12th Street, N.W., and L Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 316, S.O. 03-2973, Act of 2003".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alley in Square 316, as shown on the Surveyor's plat filed under S.O. 03-2973, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of the conditions of the District Department of Transportation, the District of Columbia Water and Sewer Authority, the District of Columbia Office of Planning, and any other District agencies and affected public utilities as set forth in the official file on S.O. 03-2973.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
January 29, 2004

Exhibit 12

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., January 5, 2004

Plat for Building Permit of SQUARE 316 LOTS 817 & 818

Scale: 1 inch = 30 feet Recorded in Book A&T Page 3776-Q

Receipt No. 08762

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

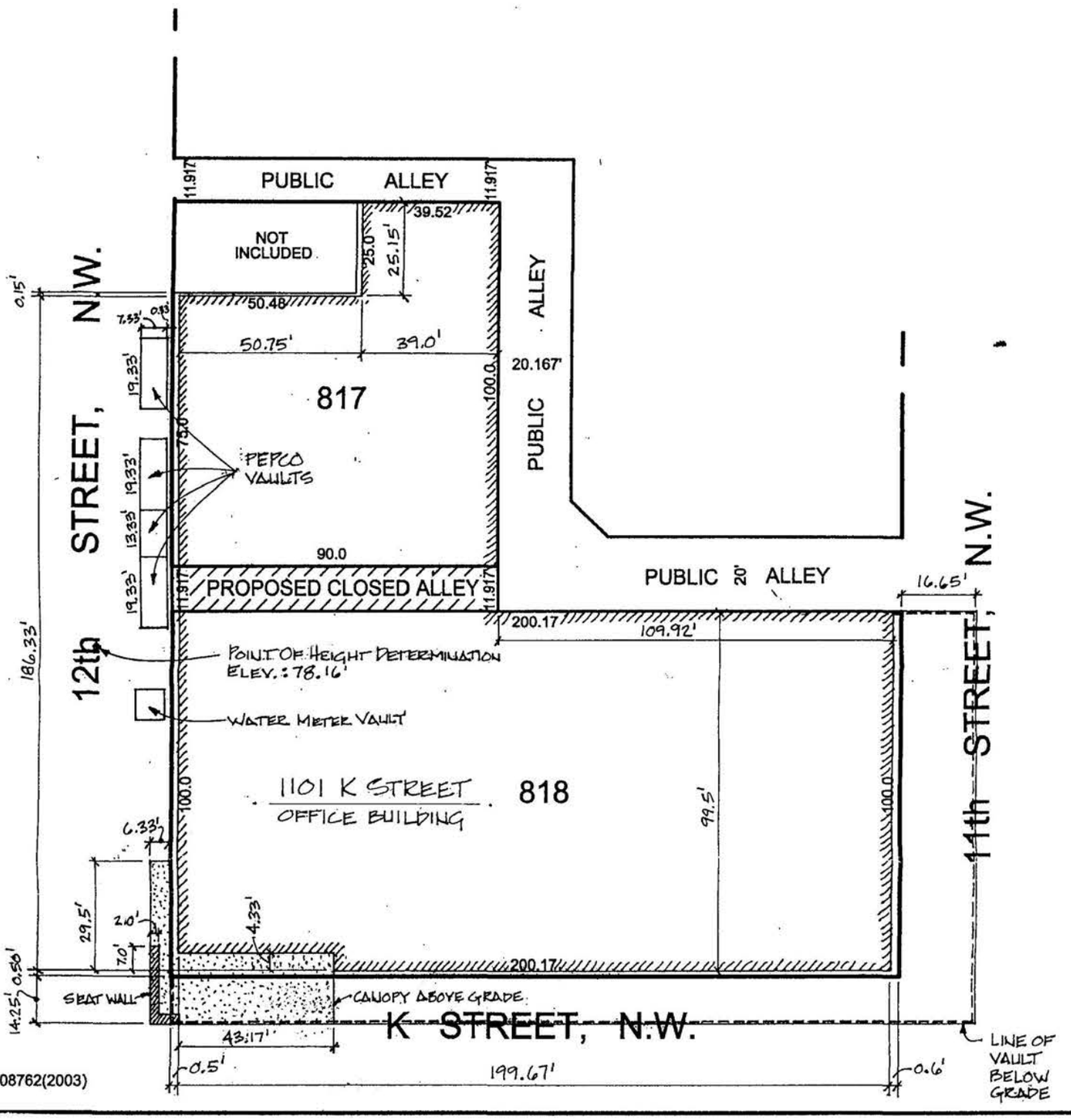
By: L.M.A.

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.)

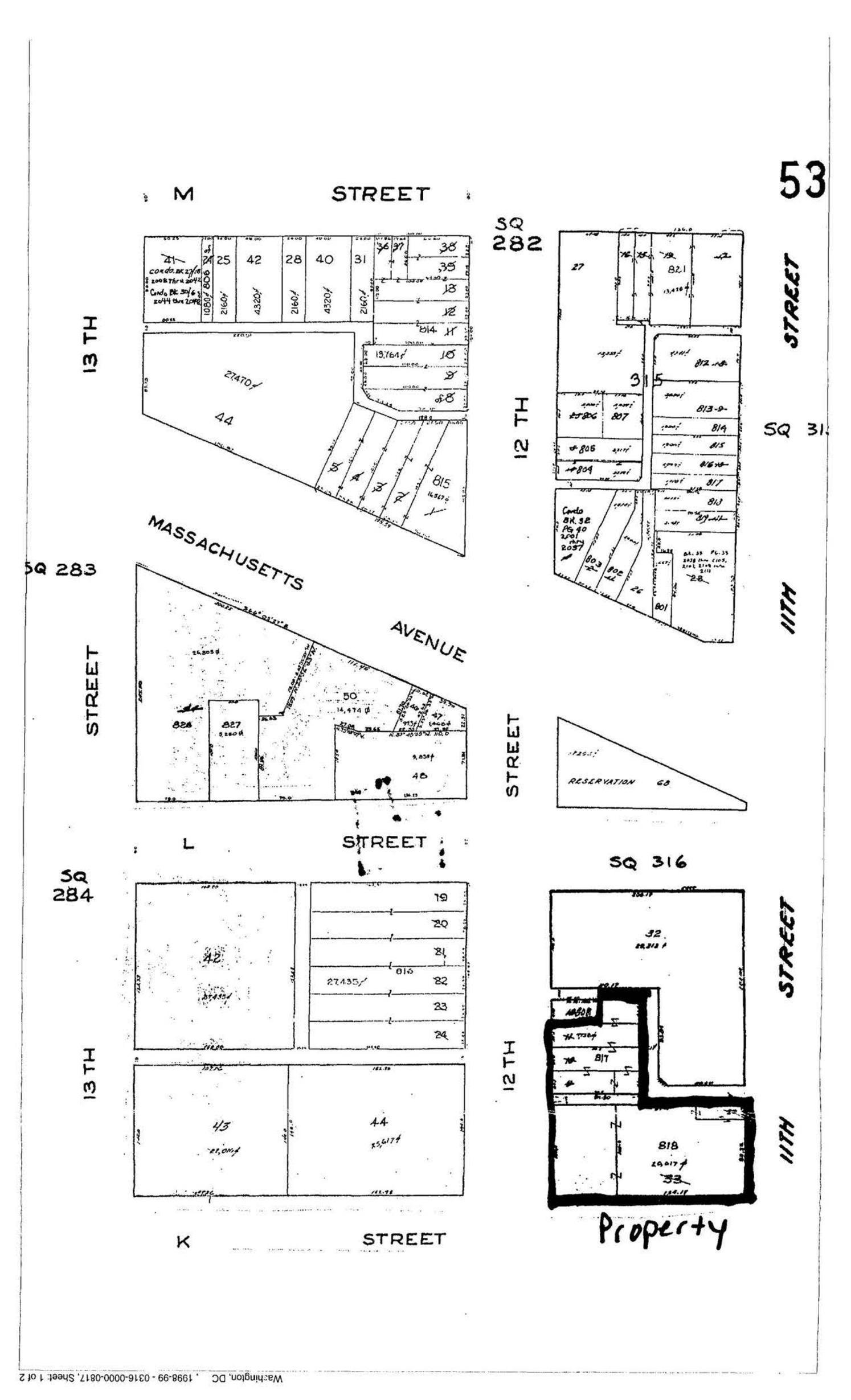
Date: 1-30-04

(Signature of owner or his authorized agent)

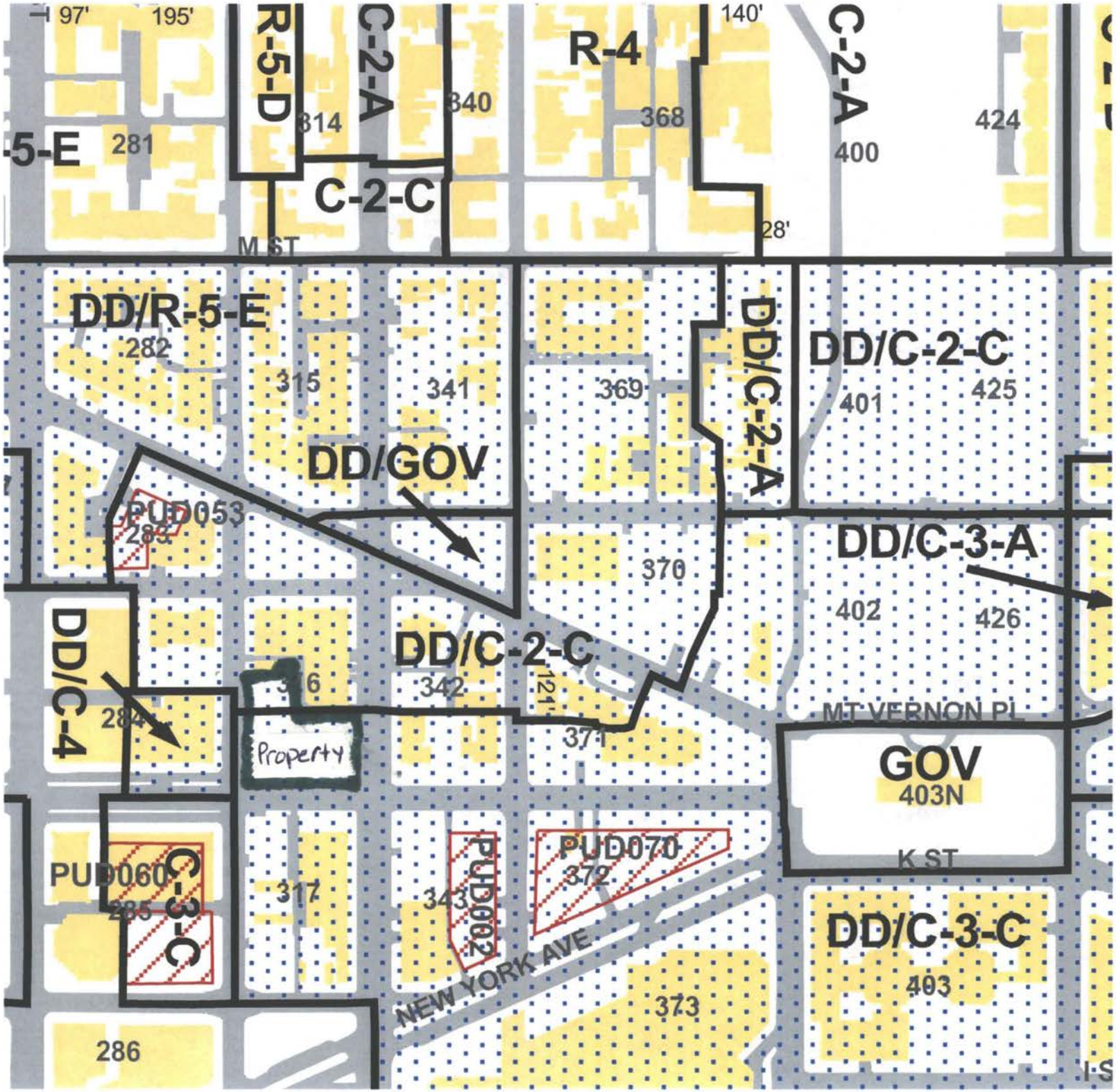
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



SO-08762(2003)



Washington, DC . 1998-99 - 0316-0000-0817, Sheet 1 of 2


97'
195'
R-5-D
C-2-A
340
R-4
140'
C-2-A
424
-5-E
281
314
368
400
C-2-C
28'
M ST
DD/R-5-E
282
315
341
369
DD/C-2-A
DD/C-2-C
401
425
DD/GOV
PUD053
283
370
DD/C-3-A
402
426
DD/C-4
284
DD/C-2-C
342
121'
MT VERNON PL
Property
371
GOV
403N
K ST
PUD060
285
C-3-C
317
343
PUD002
PUD070
372
DD/C-3-C
403
NEW YORK AVE
373
286