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June 8, 2004

NORMAN M. GLASGOW, JR.
202-419-2460

Internet Address:
nglasgow@hklaw.com

VIA HAND DELIVERY

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

Re: BZA Case No. 17171
Pre-Hearing Submission

Dear Members of the Board:

On behalf of the applicant, PNH 14th Street, LLC and Baptist Senior Adult Ministries, I enclose an original and twenty (20) copies of the pre-hearing submission for the above-referenced matter.

Please do not hesitate to contact me should you have any questions or comments.

Very truly yours,

HOLLAND & KNIGHT LLP

Norman M. Glasgow, Jr.

Enclosures

cc: Travis Parker, Office of Planning (via Hand Delivery, with attachments)

1998314_v1

BZA
Case No. 17171
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17171
EXHIBIT NO. 25

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

PNH 14TH STREET, LLC AND BAPTIST SENIOR ADULT MINISTRIES

BZA APPLICATION NO. 17171

PUBLIC HEARING: JUNE 22, 2004

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of PNH 14th Street, LLC
and Baptist Senior Adult Ministries

BZA Application No. 17171
Public Hearing: June 22, 2004

ANC 2F

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to 11 DCMR §3104 for a special exception to extend the provisions of a less restrictive district into a more restrictive district under §2514.2. This relief is requested in order to permit construction of a multiple dwelling residential building with ground floor retail in the C-4 and DD/R-5-E Districts on 14th Street, N.W. between Massachusetts Avenue and L Street (Square 247, Lots 870 and 874) (the "Property"). The proposed special exception has the support of Advisory Neighborhood Commission ("ANC") 2F as noted in Exhibit F.

II.
Jurisdiction Of The Board

The Board has jurisdiction to grant the requested special exception and pursuant to §3104.1 of the Zoning Regulations.

III.
Background Of The Case

A. Description of the Subject Property

The Property is located on the east side of 14th Street, N.W., mid-block between Massachusetts Avenue and L Street. Comprised of Lots 870 and 874 in Square 247, the Property is generally south of Thomas Circle and is approximately 13,322 square feet in area. The Property is currently utilized as a surface parking lot. The Sanborn map of the Property is included as Exhibit A. A portion of the Zoning Map, showing the zoning classifications for the Property, is included as Exhibit B, and a plat of the subject property showing the proposed improvements is attached as Exhibit C.

B. Description of the Surrounding Area

Immediately north of the Property is the Washington-Downtown Holiday Inn, located at 1155 14th Street, N.W. To the south of the Property is 1121 14th Street, N.W., which is currently unimproved but has received Board of Zoning Adjustment approval for a 130 foot tall office building. Across 14th Street to the west is a Residence Inn and CVS store, both located south of Thomas Circle. East of the Property is part of the west frontage of the Thomas House Retirement Home ("Thomas House"), located at 1330 Massachusetts Avenue, NW. As described below, it is the existence of a five foot (5') wide irregularly shaped strip of land that is a

remnant of a prior alley closing that is the subject of this special exception application.

C. Description of the Proposal

The Property is intended to be developed with a thirteen-story residential building with ground floor retail and below-grade parking. Residential square footage for the project is anticipated to total approximately 112,668 square feet and number 126 units. The total gross floor area for the project, including retail, will total approximately 123,207 square feet.

The proposal anticipates street level retail uses to be provided along the building's frontage on 14th Street, NW. Ninety-seven parking spaces on five below-grade levels will be provided for residential and retail occupants of the building. The proposed building complies with all applicable height, density and use provisions set forth in the Zoning Regulations for the C-4 and DD/R-5-E Districts. Furthermore, the uses proposed for the project, predominantly residential combined with street level retail, are in keeping both with the letter and spirit of the Zoning Regulations and the Comprehensive Plan.

IV.
Exhibits In Support Of The Application

Exhibit A: A portion of the Sanborn Atlas showing the Subject Property outlined in green.

Exhibit B: A portion of the Zoning Map showing the Subject Square outlined in green.

Exhibit C: Surveyor's Plat of the Subject Property.

Exhibit D: Outline of testimony of Al Hedin, Vice President of Development, PNH 14th Street, LLC.

Exhibit E: Outline of testimony of Chris Morrison AIA and Ralph Cunningham AIA, Cunningham + Quill Architects.

Exhibit F: Letter in support from ANC 2F.

V.
The Applicant Meets the Requirements for Special Exception Relief Under § 2514.2 of the Zoning Regulations

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

A. Special Exception from §2514.2, Boundary Line Crossing a Lot

Thomas House, located to the east of the Property, was previously separated from the Property by a ten foot (10') wide public alley that was closed in March of 1993. At the time the alley was closed, five feet (5') were allotted to the Property and five feet (5') were allotted to the Thomas House property. Thomas House determined it had no use for this additional area and is now in the process of selling its portion of the alley to the applicant. The applicant's Property, including its original portion of the closed alley, was and still is zoned C-4. But because the centerline of the alley marked a change in zoning designation, with the inclusion of the Thomas House's original portion of the closed alley, the Property is now split-zoned C-4 and DD/R-5-E. It is only the easternmost five feet (5') of the Property that maintain DD/R-5-E zoning.

The R-5-E District requires that the rear yard be open to the sky from the ground up. The C-4 District, however, permits the rear yard be open to the sky from twenty feet (20') above the mean finished grade. For the subject Property, strict adherence to the requirement to be open to the sky from the ground up would result in a five foot (5') well at the rear of the Property that would be neither useful nor accessible. This area would very likely serve only to collect trash and rodents. Extending the provisions of the C-4 District will eliminate this well of dead space and allow for a uniform rear plaza area for the proposed apartment building.

Section 2514.2 of the Zoning Regulations provides that, "[i]f approved by the Board of Zoning Adjustment, the regulations applicable to that portion of a lot located

in a lesser restrictive use district that control the use, height and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use district ..." In order for the Board to approve such an extension of the zoning boundary, certain enumerated requirements must be met by the Applicant, as set forth in Section 2514.2 (a), (b) and (c).

The first of these requirements reads, "(a) [t]he extension shall be limited to that portion of the lot in the more restrictive use district but not exceeding thirty-five feet (35 ft.); ..." The Applicant proposes to extend the C-4 zoning line only five feet (5') across the portion of the property that is zoned DD/R-5-E in the direction of and across the previously closed public alley.

Section 2514.2(b) further provides that, "[i]n authorizing an extension, the Board shall require compliance with §2514.1(d); ..."Section 2514.1(d), in turn, addresses density calculations and limits density for certain of the residential zones, none of which are applicable to the DD/R-5-E District.

Section 2514.2(c) requires demonstration that the extension will have "no adverse effect on the present character and future development of the neighborhood; ..." The proposed project satisfies this requirement by providing the 14th Street community with a high-quality residential building that includes first floor retail. As discussed above, strict adherence to the rear yard requirements of the R-5-E District would result in a well of dead space at the rear of the Property that would collect trash and rodents, adversely impacting surrounding neighbors. The requested extension of the C-4 District provisions will eliminate this adverse impact by allowing for an

aesthetically pleasing and architecturally uniform rear plaza area. The proposed development is highly consistent with the Zoning Regulations, the Comprehensive Plan and existing surrounding land uses.

The Application thus satisfies the requirements for special exception relief pursuant to §2514.2 and merits approval.

VI.
Witnesses

A. Representative of the Applicant, PNH 14th Street, LLC.

B. Chris Morrison AIA, Associate Principal, Cunningham + Quill Architects. Ralph Cunningham AIA, Principal, Cunningham + Quill Architects.

VII.
Conclusion

For the reasons stated above, the requested special exception meets the applicable standards set forth in the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

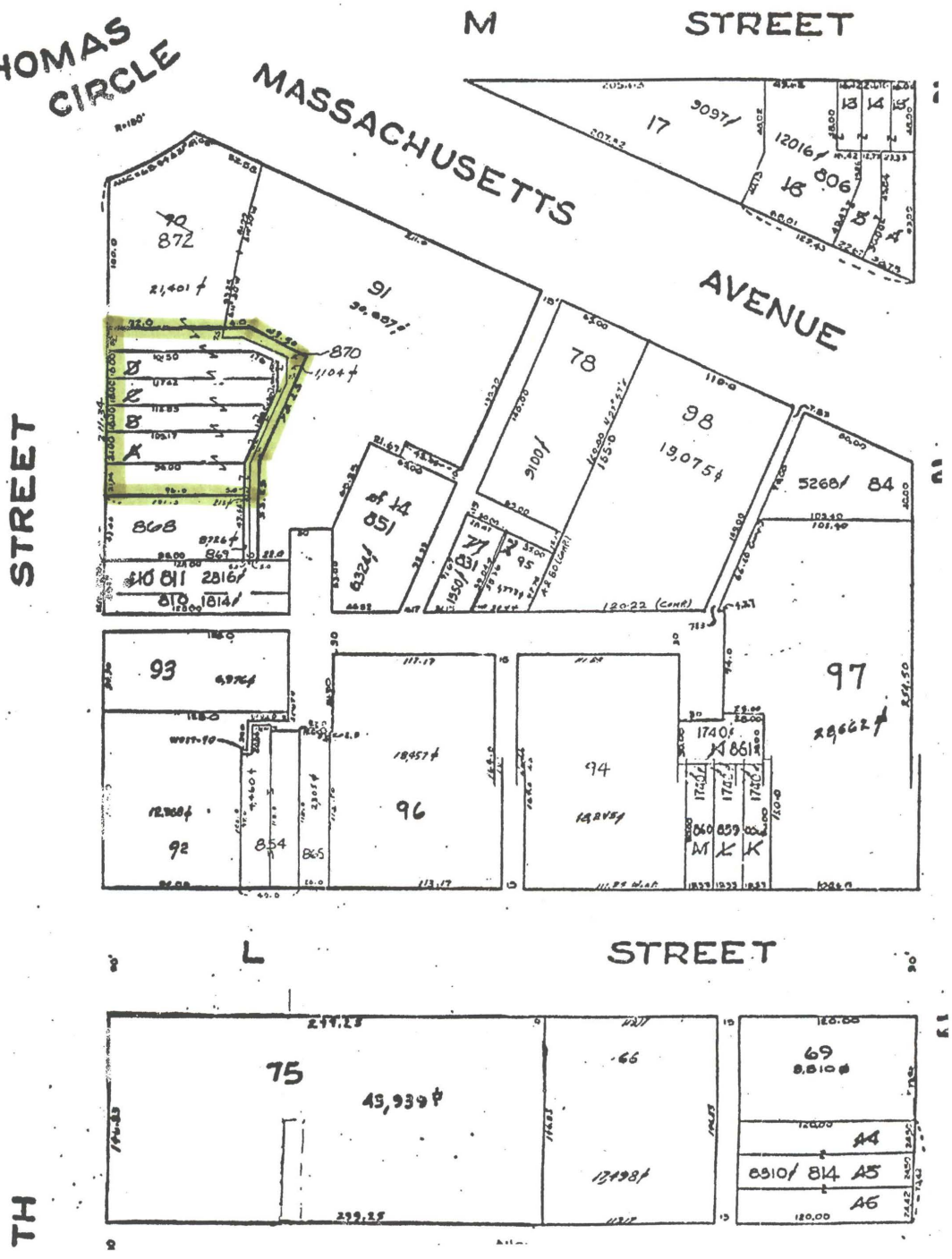
Respectfully submitted,

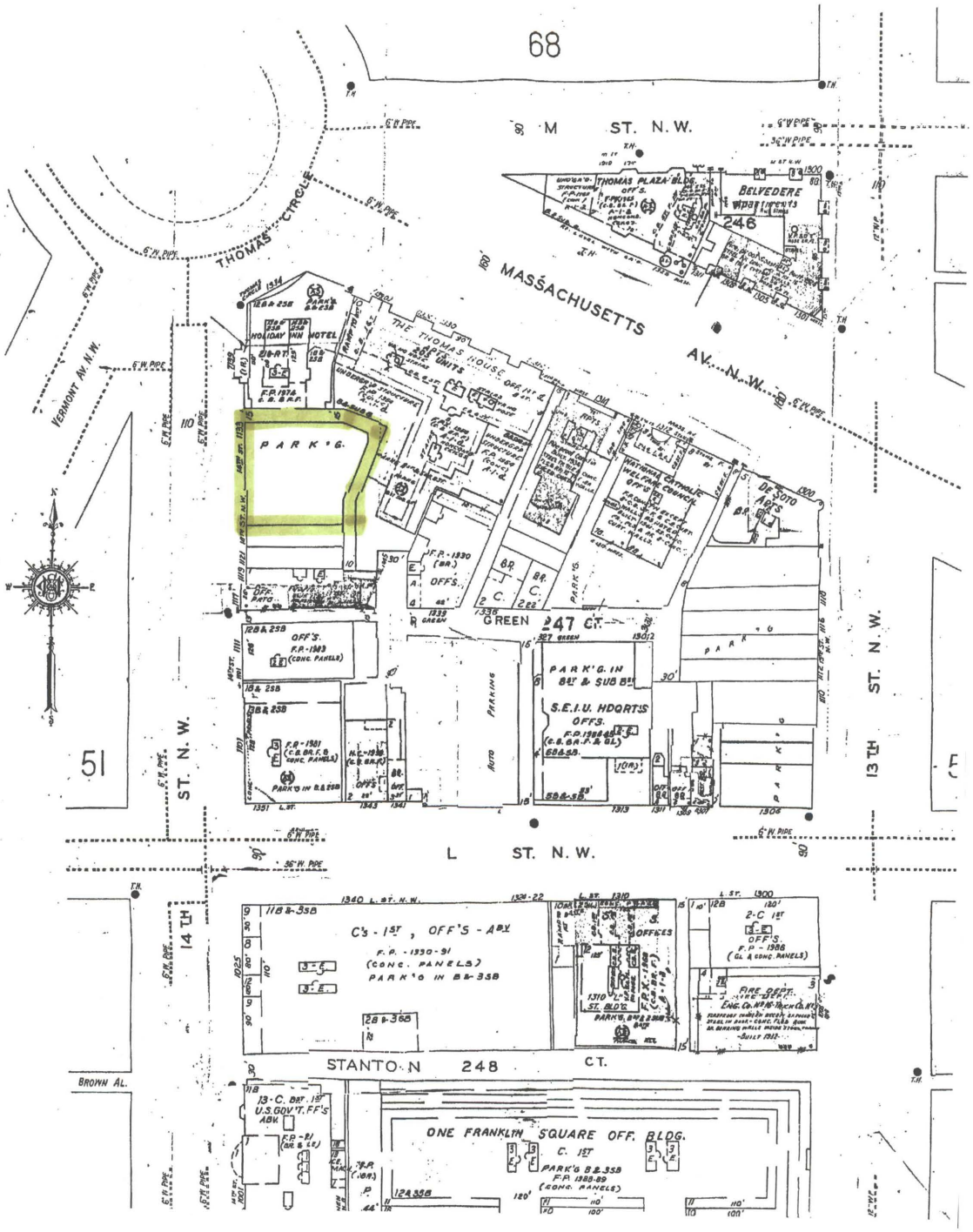
HOLLAND & KNIGHT LLP

By _____
Norman M. Glasgow, Jr.

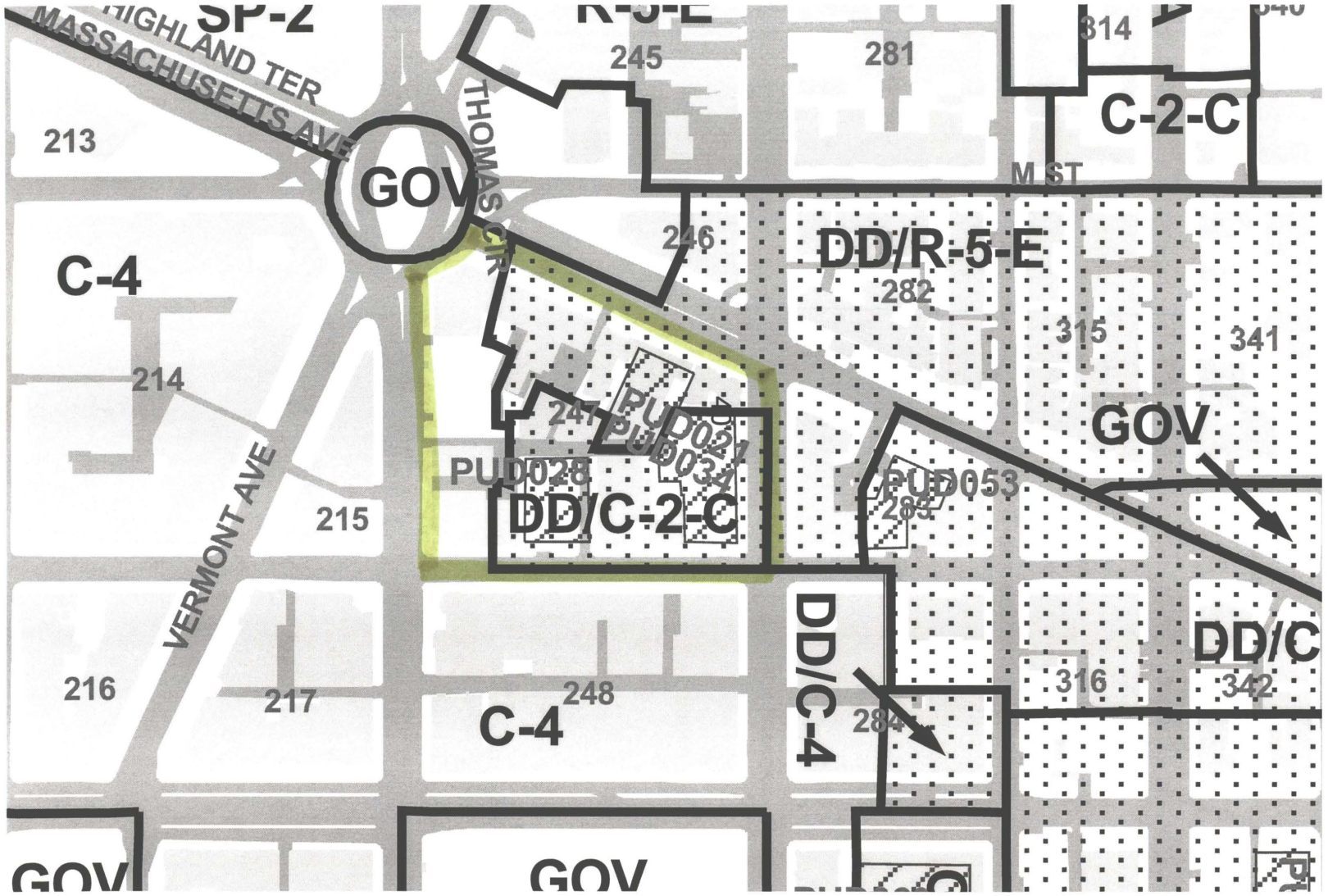
A

52


THOMAS CIRCLE
M STREET
MASSACHUSETTS AVENUE
STREET
L STREET
TH
17
9097 f
120167
806
872
21,401 f
91
870
1104 f
78
98
19,075 f
9100 f
868
8724 f
869
810 811 2816 f
810 1814 f
851
6324 f
95
5268 f
84
93
97
29,662 f
1740 f
861
94
14,825 f
96
18,457 f
92
854
865
859
860
75
43,939 f
66
12498 f
69
8,810 f
A4
A5
A6
814
8810 f


68
90 M ST. N.W.
THOMAS CIRCLE
THOMAS PLAZA BLDG.
BELVEDERE APARTMENTS
246
MASSACHUSETTS AV. N.W.
VERMONT AV. N.W.
HOLIDAY INN HOTEL
THE THOMAS HOUSE
PARK'G.
NAT'L HOME CATHOLIC WELFARE COUNCIL
DE SOTO APTS
247 CT.
GREEN
PARK'G IN 84' & SUB ST.
S.E.I.U. HDQRTS OFFS.
51
13TH ST. N.W.
L ST. N.W.
14TH
STANTON 248 CT.
ONE FRANKLIN SQUARE OFF. BLDG.
BROWN AL.

B


SP-2
HIGHLAND TER
MASSACHUSETTS AVE
213
GOV
THOMAS CIR
245
281
314
C-2-C
M ST
246
DD/R-5-E
282
315
341
C-4
214
241
PUD021
PUD034
PUD028
DD/C-2-C
PUD053
283
GOV
VERMONT AVE
215
DD/C-4
DD/C
316
342
216
217
248
C-4
284
GOV
GOV

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., February 23, 2004

Plat for Building Permit of SQUARE 247 LOTS 874 & 870

Scale: 1 inch = 20 feet Recorded in A & T Book Page 3804-B (LOT 874); A & T Book Page 3772-D (LOT 870)

Receipt No. 09543

Furnished to: SHAWN SEAMAN

Surveyor, D.C.

By: L.E.S.

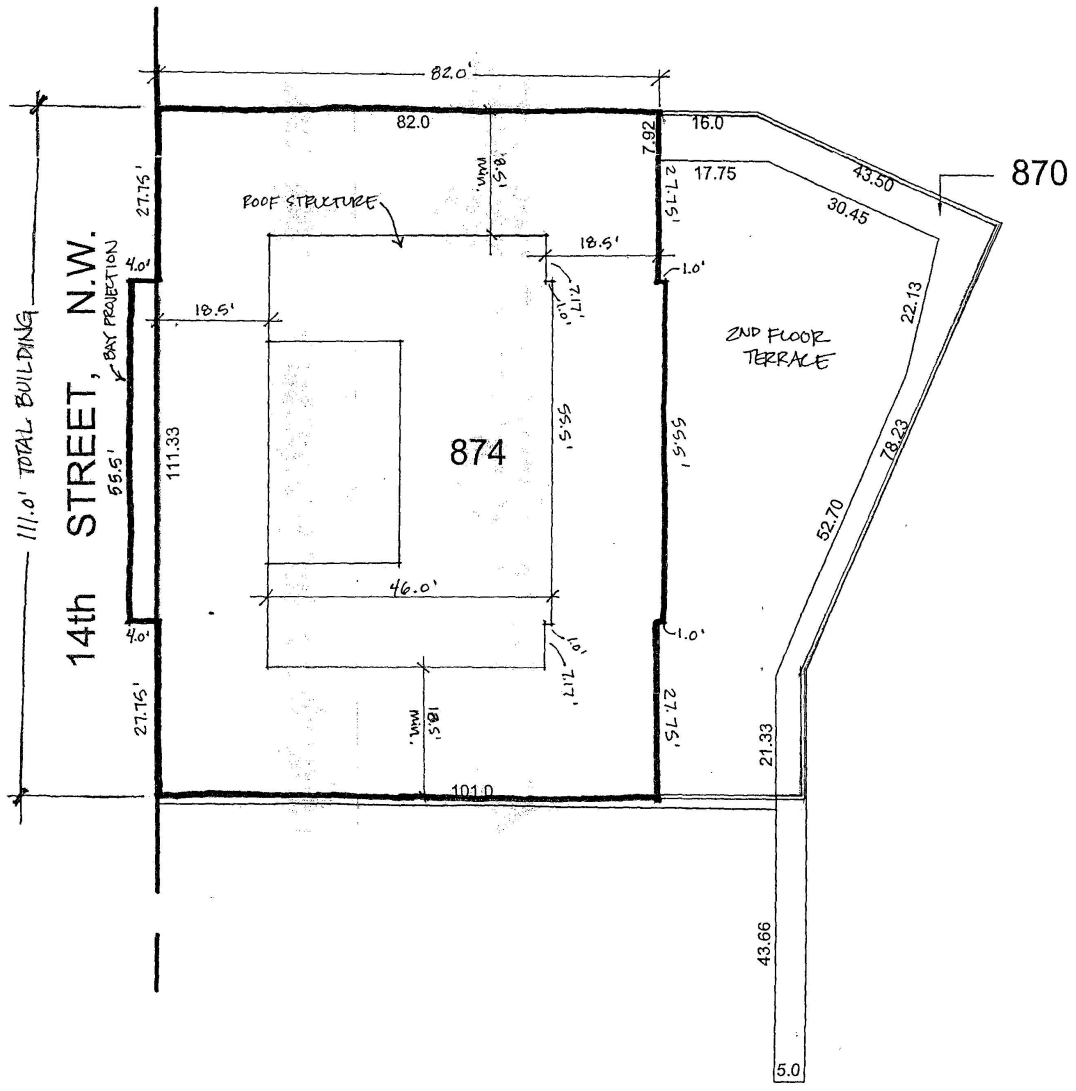
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that 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: _____

_____
(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.

1133 14TH STREET, NW
13 STORY
PRECAST PANELS + CONCRETE FRAME
4½ LEVELS BELOW GRADE



SO-09543(2004)

D

OUTLINE OF TESTIMONY
AL HEDIN, VICE PRESIDENT OF DEVELOPMENT
PNH 14TH STREET, LLC

I. INTRODUCTION

II. EXISTING USE OF SITE

III. PROPOSED DEVELOPMENT

IV. EXISTING CONDITIONS AND LIMITATIONS

V. REQUIREMENTS FOR GRANTING THE SPECIAL EXCEPTION RELIEF HAVE BEEN MET

VI. CONCLUSION

E

OUTLINE OF TESTIMONY
CHRIS MORRISON AIA AND RALPH CUNNINGHAM AIA
CUNNINGHAM + QUILL ARCHITECTS

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

A. OVERVIEW OF SITE, VICINITY AND LAND USE/ZONING

B. SITE PLANNING – SIZE, LOT CONFIGURATION, TOPOGRAPHY

III. PROJECT DESIGN

A. DESIGN CONSIDERATIONS/BUILDING DESIGN

B. FLOOR PLANS OF AFFECTED LEVELS

IV. ZONING RELIEF IS NEEDED AND THE APPLICANT MEETS ITS BURDEN OF PROOF

V. CONCLUSION

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F

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

May 18, 2004

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

Re: BZA Application No. 17171, 1151-53 14th Street, NW

Dear Chairman Griffis and Members of the Board:

At its May 5, 2004 meeting, which was publicly-noticed and with a quorum present, Advisory Neighborhood Commission 2F ("ANC") voted (4-1-0) to accept the recommendation of its Community Development Committee to support BZA Application No. 17171, which requests a special exception pursuant to Section 2514.2 to extend the zoning line for a C-4 piece of property along 14th Street into the DD/R-5-E District, which is being developed with a residential apartment building with ground floor retail space.

The special exception is necessary to prevent the creation of a five foot wide space between the existing walls of the Baptist Senior Adult Ministry deck and entry to the parking garage and what otherwise would be the rear lot line and deck of the applicant's proposed apartment building.

The creation of this no-man's land area would not be in the interest of the adjoining property owners or the community at large. Therefore, ANC 2F supports the granting of the special exception as requested by the applicant.

Thank you for according great weight to our views.

Sincerely,

Cary Silverman
Chair, ANC 2F

cc: Chip Glasgow (via e-mail: cheryl.jones@hklaw.com)