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June 22, 2004

CHRISTOPHER H. COLLINS
202-457-7841
Internet Address:
chris.collins@hklaw.com

VIA HAND DELIVERY

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

Re: **Board of Zoning Adjustment Case No. 17183**
Prehearing Submission

Dear Board Members:

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

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7841.

Sincerely,

Chris H. Collins, Jr.

Christopher H. Collins

Enclosure

cc: Stephen Cochran, Office of Planning, (Via Hand Delivery, w/enclosure)
Seth Potack, Logan II, LLC (Via UPS, w/enclosure)
Steve Dickens, Eric Colbert & Associates (Via UPS, w/enclosure)
Kyrus L. Freeman (w/enclosure)

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BZA
Case No. 17183
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17183
EXHIBIT NO. 26

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
LOGAN II, LLC

BZA APPLICATION NO. 17183

HEARING DATE: JULY 6, 2004
ANC 2F

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Logan II, LLC, (the "Applicant"), the owner of property located at 1529 14th Street, N.W., Lots 803, 804, 805, 806, 807 and 848 in Square 241 (the "Site") in support of the application to the Board of Zoning Adjustment, pursuant to 11 DCMR §3103.2 and 11 DCMR §3104.1 for a special exception from the roof structure requirements of Section 411 and a variance from the residential recreation space requirements of Section 773. The relief is requested in order to permit the construction of a six-story mixed-use retail/apartment house with 40 residential units in the Arts/C-3-A District.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the variance and special exception relief requested herein pursuant to Sections 3103

and 3104 of the District of Columbia Municipal Regulations (the "Zoning Regulations"). 11 DCMR §§ 3103 and 3104.

III.
BACKGROUND

A. Description of the Site and Surrounding Area

The Site is located at 1529 14th Street, N.W., one block west of Logan Circle. The Site is situated mid-block on the east side of 14th Street, N.W., south of Q Street, and north of P Street and is bordered on the east by a 10-foot wide north-south alley. See Sanborn Atlas, attached hereto as Exhibit A, and Surveyor's Plat, attached hereto as Exhibit B. The Site is located in the Arts/C-3-A Zoning District and is included within the Greater 14th Street Historic District. See Zoning Map, attached hereto as Exhibit C. The Uptown Arts overlay was created to provide incentives for housing, arts and retail uses on 14th and U Streets. The general area surrounding the Site has witnessed a recent surge of development activity. For example, numerous residential projects are underway or completed along 14th, Church and P Streets, as well as the Whole Foods Market on P Street and the renovation and expansion of the Studio Theater on P Street, and many additional projects are planned for the area.

B. Project Description

The middle portion of the Site contains a large vacant three-story building that was originally designed and previously utilized as an automobile showroom. There are vacant parcels both to the north and south of the building, and an alley

abuts the site to the rear. The existing building on the Site is deemed to be a contributing building to the Greater 14th Street Historic District. The Applicant proposes the renovation and adaptive reuse of the existing structure to construct a six-story, 40 unit apartment house with ground floor retail use. See Architectural Plans and Drawings, attached hereto as Exhibit D. The design includes six story north and south additions to the existing building, with a two-story setback addition above the existing building, articulated such that the building appears as three separate buildings. The existing building will remain only three stories tall at the street.

No variances or waivers from the Arts Overlay requirements are requested herein. Rather, due to the unique situation of this property, a variance for the residential recreation space and a special exception for the roof structures are required.

IV.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF

A. Standards for Granting Area Variances

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

> (a) the property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;
>
> (b) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

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

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

The D.C. Court of Appeals has determined that, to satisfy the practical difficulty element of the area variance test, an applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property". *Gilmartin v. District of Columbia Board of Zoning Adjustment,* 579 A.2d at 1170 (D.C. 1990). In that case, the Court noted that "the severity of the variance(s) requested"; "the weight of the burden of strict compliance"; "the effect the proposed variance(s) would have on the overall zone plan," and the "increased expense and inconvenience to applicants for a variance are among the proper factors for BZA's consideration." *Id.* at 1171.

As discussed below, all three prongs of the area variance test are met in this Application.

B. <u>Variance Relief from Residential Recreation Space Requirement</u>

The Applicant requests a variance from the residential recreation space requirements set forth in Section 773 of the Zoning Regulations, which provides

that when a building in the C-3-A District is devoted to a residential use, an area equal to not less than 15% of the gross floor area devoted to residential use must be provided for active or passive recreation space for the residents of the building. Moreover, the floor area devoted to residential recreation space must be physically accessible to all residents of the building served by that space. If any portion of a roof is used for residential recreation space, the roof area cannot have a dimension measuring less than twenty five feet.

The proposed apartment house will include approximately 43,692 square feet of gross floor area devoted to residential uses. Thus, the Applicant is required to devote 6,553.8 square feet (nearly 50% of the total site area) to residential recreation space. However, the Applicant proposes to provide approximately 2,256 square feet of residential recreation space (5.2% of the residential gross floor area) that complies with the regulations.

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

The exceptional situation or condition standard applies to the property, not just the land, and the property generally includes the permanent structures existing on the land. *See Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A. 2d 291, 293-94 (D.C. 1974). As discussed above, the Site is located in the Greater 14th Street Historic District and the Applicant proposes to incorporate an existing three-story vacant former automobile dealership building, which has been deemed to be a contributing building to the historic district, into the design of its proposed retail/apartment house.

The Historic Preservation Review Board has reviewed the design of the property and has approved a project which requires that there be no new construction above the existing three-story building for a depth of approximately 21 feet from the face of the building, in order to give the appearance that there are three buildings on the site. See Historic Preservation Review Board Staff Report and Recommendation, dated November 21, 2002, attached hereto as Exhibit E, and Historic Preservation Review Board Staff Report and Recommendation, dated June 26, 2003, attached hereto as Exhibit F. In addition, the HPRB limited the height of the building to six stories. The top of the main roof will be 61 feet, 11 inches, whereas the A/C-3-A zone permits a building height of 75 feet. In its approval, the HPRB also required that all rooftop elements, including railings, screenwalls and equipment, be set back from the 14th Street frontage of the property and minimized to the greatest extent possible. As shown on the roof plan submitted herewith, (see Sheet A-1.7), the residential recreation space and rooftop equipment is confined to the rear half of the roof, due to the required setbacks of the rooftop equipment, as well as the setback of the upper floors above the existing building.

The site is 105 feet deep, with a public alley to the rear. The existing building on the site is approximately 83 feet deep from the street, and is built on grade, with no usable cellar space. There is an element of the existing building (the former car elevator shaft), located at the rear-most portion, which is two stories taller than the remainder of the building. This element will remain as part of the building (as required by HPRB) and be higher than the main roof the building after

completion of construction. Thus, it will interfere with the ability to have a continuous open area at that point on the roof for residential recreation space. In addition, due to the size of the residential recreation space located on the roof, two stair towers must be provided to the roof to provide two means of egress per the Building Code. These stair towers limit the area of available residential recreation space on the roof.

In summary, the size, location, layout and configuration of the historic building and the restrictions imposed on the project to comply with historic preservation concerns have created a set of physical constraints and design challenges which the Applicant has had to address in the proposed building renovation and adaptive reuse. These constraints result in an exceptional and extraordinary condition inherent in the Site, thus satisfying the first element of the area variance test.

2. A Strict Application of the Zoning Regulations Would Impose a Peculiar and Exceptional Practical Difficulty on the Applicant

A strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty based on the exceptional conditions discussed above. As shown on the roof plan (Sheet A-1.7), there will be three complying areas of the roof terrace that provide a total of 2,256 square feet of residential recreation space. The portion of the roof terrace on the north addition includes 737.5 square feet of residential recreation space; the portion of the roof terrace on the addition to the existing building includes 625 square feet of residential recreation space; and the

portion of the roof terrace on the south addition includes 895.5 square feet of residential recreation space.

The roof terrace will provide an attractive, high quality recreation area for residents. Because of the historic preservation limitations imposed, as discussed above, the area of the roof that can be used as complying residential recreation space is significantly reduced. The Applicant designed the placement of the rooftop residential recreation space to accommodate the concerns of the HPRB's staff and community members, while also providing a large open and inviting recreation area for residents of the project.

The limitations on the construction imposed by the HPRB would make it economically impractical and infeasible to eliminate residential units in the building and replace them with indoor residential recreation space. The HPRB reduced the building height by one floor, which has a significant impact on the economics of the project. Conversion of approximately 4,300 square feet of residential units or commercial arts-related retail/service use in the building to indoor residential recreation space would make the project financially infeasible.

There is limited below-grade space beneath the existing building for mechanical uses. None of this is habitable space. The cost of excavating below the existing building to provide residential recreation space would be extremely expensive and infeasible. The limited below-grade space beneath the new construction is for mechanical space, and is not available for indoor recreation space.

The configuration and footprint of the new additions is dictated by the size of the residential units within the building, and the size and configuration of the existing building on the site. With a double-loaded corridor running north-south in the building, the size of the units on either side of the corridor is dictated by market demand. Both the unit size and the configuration of the existing building dictated the footprint of the new additions. As a result, there is very little open area at the ground level of the rear of the building. This area would not provide high quality residential recreation space for the building as a whole, but is ideal for off-street parking and service (for both residential and retail users). In discussions with the community about the project, they strongly supported the provision of on-site parking. In fact, the marketability and economics of the project require the provision of on-site parking. Due to the historic preservation parking waiver, no on-site parking is required for the project, but the Applicant is providing 14 spaces in the rear, adjacent to the public alley.

In summary, a strict application of the Zoning Regulations will result in exceptional practical difficulty to the Applicant since the Applicant has designed the roof top residential recreational space to reflect the needs of the Applicant, and the input received by the HPRB staff and members of the community concerning the design of the building. Moreover, it would be economically infeasible and impractical to provide additional recreation space within the building. Full compliance with the residential recreation space requirement on this site would put this Applicant at an economic and competitive disadvantage relative to similar

residential projects in the vicinity where little or no residential recreation space is required by the Zoning Regulations or demanded by the unit purchasers. The goals of Section 1900.2 of the Arts Overlay district will be met in this project. Elimination of residential or arts-related use in the building for residential recreation space would compromise the Applicant's ability to achieve those goals.

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

The requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant will provide additional outdoor residential recreational space, which does not meet the zoning requirements. Additional rooftop space totaling 823 square feet is also available, but it does not meet the minimum required 25 foot width dimension in all instances. This includes the roof above the previously mentioned former car elevator shaft, which, being the highest accessible roof, is much more likely to be actually used for recreation than the terrace areas that meet the strict zoning requirement. In addition, 9 of the 40 apartments have private outdoor spaces: an 854 square foot roof terrace on the fifth floor split among three units; five small balconies at the fifth and sixth floors; and one 70 square foot roof terrace at the sixth floor front of the south addition. These private spaces reduce the need for common-use recreation spaces.

Approximately 2,375 square feet of land at the rear of the lot, abutting the alley, will be devoted to off-street parking, with an adjacent paved area of 880

square feet. This parking is not required due to the historic status of the property, but will be a significant benefit to the residents and was specifically requested to be included in the project by the community. This space would not be high quality residential recreation space, but is ideally suited for on-site parking, which is more valued in the neighborhood.

Therefore, the total amount of useable residential recreation space provided is 4,973 square feet, which is 11.3% of the 43,692 gross floor area devoted to residential, or more than three-quarters of the required 15%. (4,973 square feet = 2,256 square foot fully-compliant roof terrace + 823 square foot non-fully-compliant roof terrace + 880 square feet of paved, useable area at rear of building + 854 square foot fifth floor terrace + 90 square feet for five small balconies + 70 square feet for sixth floor private terrace).

From an urban design and city-wide planning perspective, it is preferable to meet the goals of the Arts Overlay for retail, service, arts uses and residential space, rather than to provide indoor recreation space solely for the occupants of the building. The demographics of the population that is being attracted to the 14th Street Arts Overlay district has been proven to predominantly include singles and couples, without children. In this case, it is the quality of the recreation space, and not the quantity, that is important. The urban lifestyle that is being promoted in the Arts Overlay area encourages an active 18-hour pedestrian streetscape with arts and arts-related uses. This project represents significant new residential

construction, plus a significant historic preservation component, neighborhood-serving retail/service and off-street parking.

Moreover, there are a number of recreational venues in the surrounding area and the Project is located within a burgeoning Arts corridor whose central purpose is to create a lively urban environment. For instance, Logan Circle and the adjacent triangle park, both of which are located approximately one block east of the Site, provide areas for residents to congregate and participate in outdoor activities. The Stead Recreation Center, which is located approximately two blocks west of the Site at 1625 P Street, N.W., and the Shaw Tennis Court/Skateboard Park, which is located approximately four blocks east of the Site at 10th and Rhode Island Avenue, are additional recreational facilities near the Site. The Seaton Elementary School, which is located approximately four blocks east of the Site at 1503 10th Street has an outdoor public playground that area residents can utilize, and the Shaw Junior High School, which is located northeast of the Site at 925 Rhode Island Avenue, N.W. has an outdoor recreation area that can also be utilized.

Further, the Fusebox Art Gallery and the Transformer Art Gallery, located approximately one block south of the Site at 1412 14th Street, N.W. and 1404 P Street, N.W. (respectively), and the Studio Theatre, located around the corner at 1333 P Street, N.W., each are open to the public, contribute to the cultural vitality of the area and provide various artistic attractions. Hence, although the Applicant is not complying with the technical requirements of Section 773, the nature and

quality of the recreation areas that the Applicant is providing is consistent with the intent, purpose and integrity of the Zoning Regulations.

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

A. Standard for Approving Special Exception Relief

Due to the exceptional conditions of the Site, the Project cannot comply with various requirements relating to roof structures set forth in Sections 411 and 770.6(b) of the Zoning Regulations. The Project incorporates three roof structures. Two of the roof structures will not be set back from all exterior walls a distance equal to their height above the roof, and the enclosing walls of the roof structures are not all of the same height. Thus, the Applicant requests special exception relief to deviate from the strict compliance of those requirements as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

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

District of Columbia Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Roof Structure Special Exceptions

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

C. Relief from Roof Structure Enclosure Requirement

Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. However, the Applicant proposes to provide three enclosures: a north stair tower, an elevator tower near the center of the roof, and a south stair tower. Each of these structures is a necessary feature. The Building Code requires that two separate stairwells leading to the bottom floor of the building be located on the roof for a rooftop terrace of this size, and that the stairs be located near the end of a corridor. Moreover, the elevator tower is necessary to enclose the elevator overrides and mechanical equipment for rooftop access plus the elevator lobby. Thus, the Applicant has proposed three separate roof structures to

comply with the building code, to keep distinct mechanical operations separate, and to break up massing on the roof.

The provision of three separate roof structures stems from the constraints and requirements imposed in the historic preservation review process. The building is designed to appear as three separate facades. Thus, the HPRB and staff felt it appropriate to provide three separate roof structures, one for each of the three "buildings". Moreover, separating the roof structure into three elements, rather than requiring that they all be connected on the roof in one enclosure, helps to break up the massing on the roof, and lower the apparent height of the building, consistent with historic preservation goals.

The multiple roof structures will not adversely impact the light and air of adjacent buildings. The elevator tower and the south stair tower are located to minimize their visibility. For the necessarily-visible north stair tower, HPRB directed design upgrades: a cornice, window, and chamfered corners were added. In all three cases, HPRB directed the greatest possible reduction in the height and mass. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

D. <u>Relief from Roof Structure Setback Requirement</u>

The Applicant requests relief from Section 411.2 of the Zoning Regulations, which requires roof structures to be set back in accordance with the provisions of the zone district in which the Project is located. The C-3-A District requires a roof

structure to be set back from the building's walls a distance at least equal to the roof structure's height above the roof on which it is located.

The Applicant proposes to provide a north stair tower and a south stair tower, each measuring 8'7" in height, and an elevator tower near the center of the roof which measure 14'7" at its highest point. The elevator tower meets the setback requirements on all sides. The north stair tower meets the setback requirements on all but one side, having a setback of 3' from the north wall. The south stair tower meets the setback requirements on all but one side, having a setback of 2'8" from the south wall. These two towers are provided since the Building Code requires that when residential recreation space of this size is located on the roof of a building, two separate means of egress must be provided, and egress stairs must be protected from precipitation. The stair towers to the roof are a continuation of the stair towers within the building, which are located in compliance with the Building Code.

The proposed roof structures do comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. This purpose is achieved despite the requested special exception since relief from the setback requirement will not hinder the light and air of adjacent property owners since the roof structures are well within the permitted height requirement.

E. Relief from Walls of Equal Height Requirement.

The Applicant requests relief from Section 411.5 of the Zoning Regulations. That section requires the enclosing walls of a penthouse to be of equal height. The enclosing walls of the north and south stair towers each measure 8'7" in height at the highest point of the main roof. However, the elevator tower near the center of the roof measures 14'7" in height above the highest point of the main roof and encloses the elevator which is required for access to the roof, elevator controls, and the roof lobby.

The proposed roof structures do comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations by helping to ensure adequate light and air to adjacent property and abutting streets. The differing heights are a direct response to HPRB's directive to minimize roof structure heights and massing, with the goal of reducing the overall visibility of the roof structures from the surrounding areas. Since the elevator tower's height cannot be lowered, strict compliance with the zoning regulation would force the stair towers to be taller, increasing visibility and reducing light and air. Accordingly, the proposed penthouses are in harmony with the purpose and intent of the Zoning Regulations and meet the test for special exception relief under Section 411.

VI.
COMMUNITY SUPPORT

The Applicant has worked with the community and obtained support for the Project. Specifically, last year the Applicant worked with the community and the

HPRB staff regarding the design of the building that is before the Board. On May 26, 2004, the Applicant returned to the Community Development Committee of Advisory Neighborhood Commission ("ANC") 2F, the ANC in which the Project is located to present its project, and received the Committee's unanimous recommendation of support. The full ANC met on June 2, 2004 and adopted the Community Development Committee's recommendation to approve the BZA relief for the project. See Advisory Neighborhood Commission 2F Letter In Support of Project, attached hereto as Exhibit G.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portion of the Sanborn Atlas showing the Site highlighted in yellow;
Exhibit B:	Surveyor's Plat of the Site;
Exhibit C:	A portion of the Zoning Map showing the Site highlighted in yellow;
Exhibit D:	Architectural Plans and Drawings;
Exhibit E:	Historic Preservation Review Board Staff Report and Recommendation, dated November 21, 2002;;
Exhibit F:	Historic Preservation Review Board Staff Report and Recommendation, dated June 26, 2003;
Exhibit G:	Advisory Neighborhood Commission 2F Letter In Support of Project;
Exhibit H:	Outline of Testimony of Seth Potack, Developer; and
Exhibit I:	Outline of Testimony of Steve Dickens, Architect.

VIII.
WITNESSES

A. Seth Potack, Logan II LLC, Developer.

B. Steve Dickens, Eric Colbert and Associates, Architect.

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for area variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Christopher H. Collins, Esq.

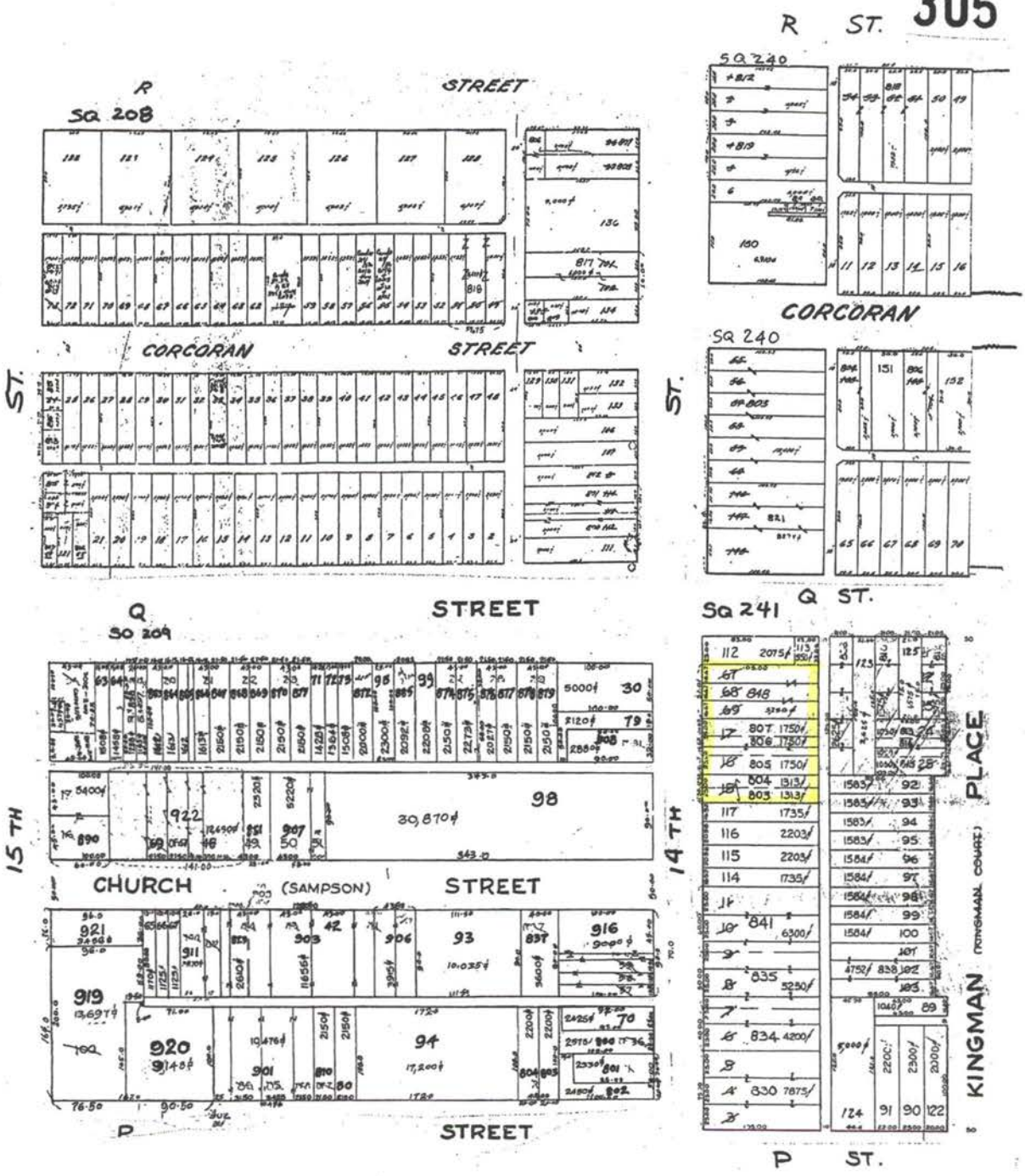
By: _____
Kyrus L. Freeman, Esq.*

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

*Admitted only in Pennsylvania;
supervision by principals of the firm
who are members of the D.C. Bar

1996374_v4

A


R STREET
SQ 208
CORCORAN STREET
ST.
Q STREET
SQ 209
15 TH
14 TH
CHURCH (SAMPSON) STREET
P STREET
R ST.
SQ 240
CORCORAN
SQ 240
Q ST.
Sq 241
KINGMAN (KINGMAN COURT) PLACE
P ST.

B

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 15, 2004

Plat for Building Permit of SQUARE 241 LOTS 803, 804, 805, 806, 807 & 848

Scale: 1 inch = 20 feet Recorded on Microfilm

Receipt No. 10984

Furnished to: HOLLAND & KNIGHT

FOR Surveyor, D.C.

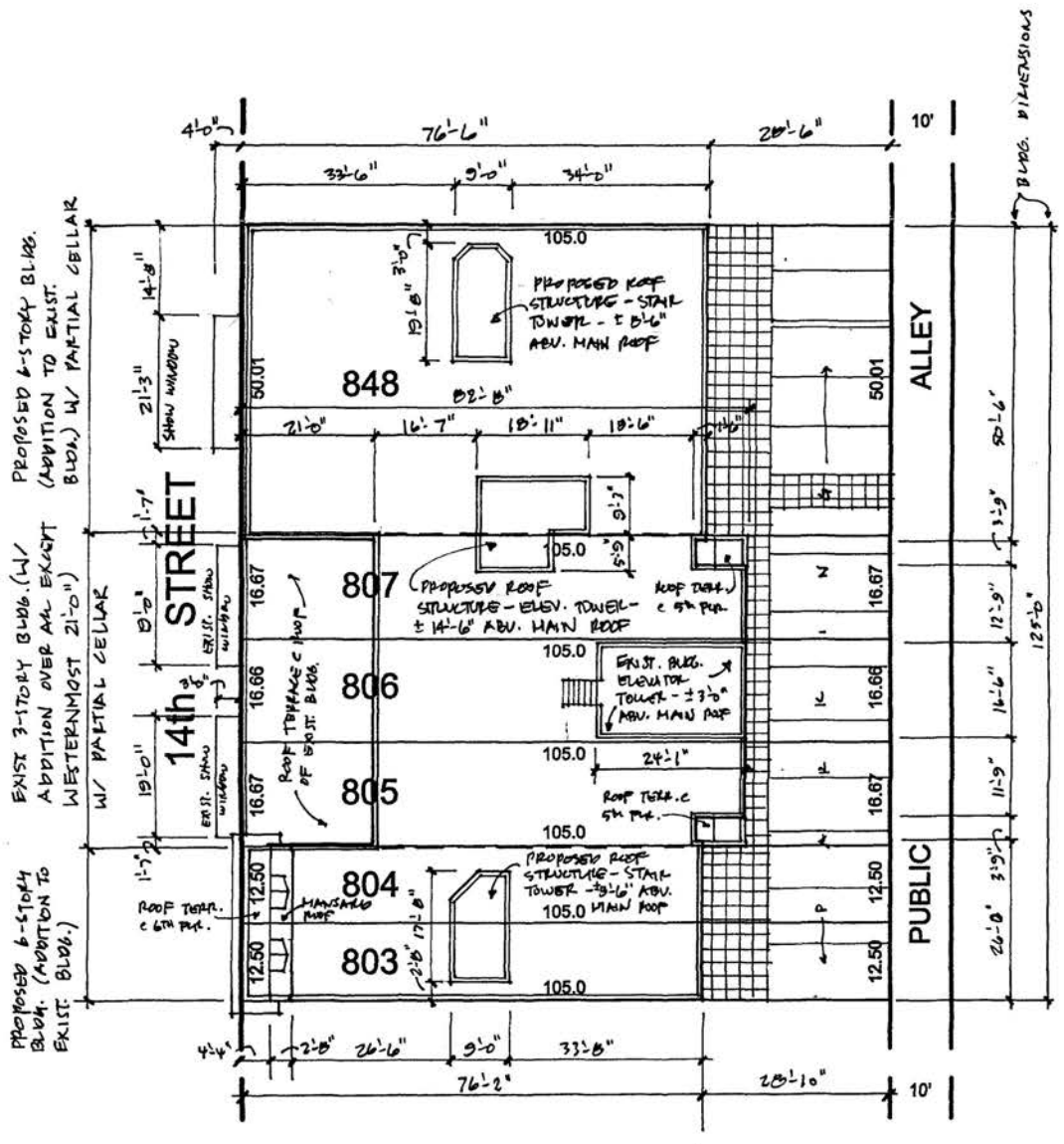
By: L.E.S.

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.)

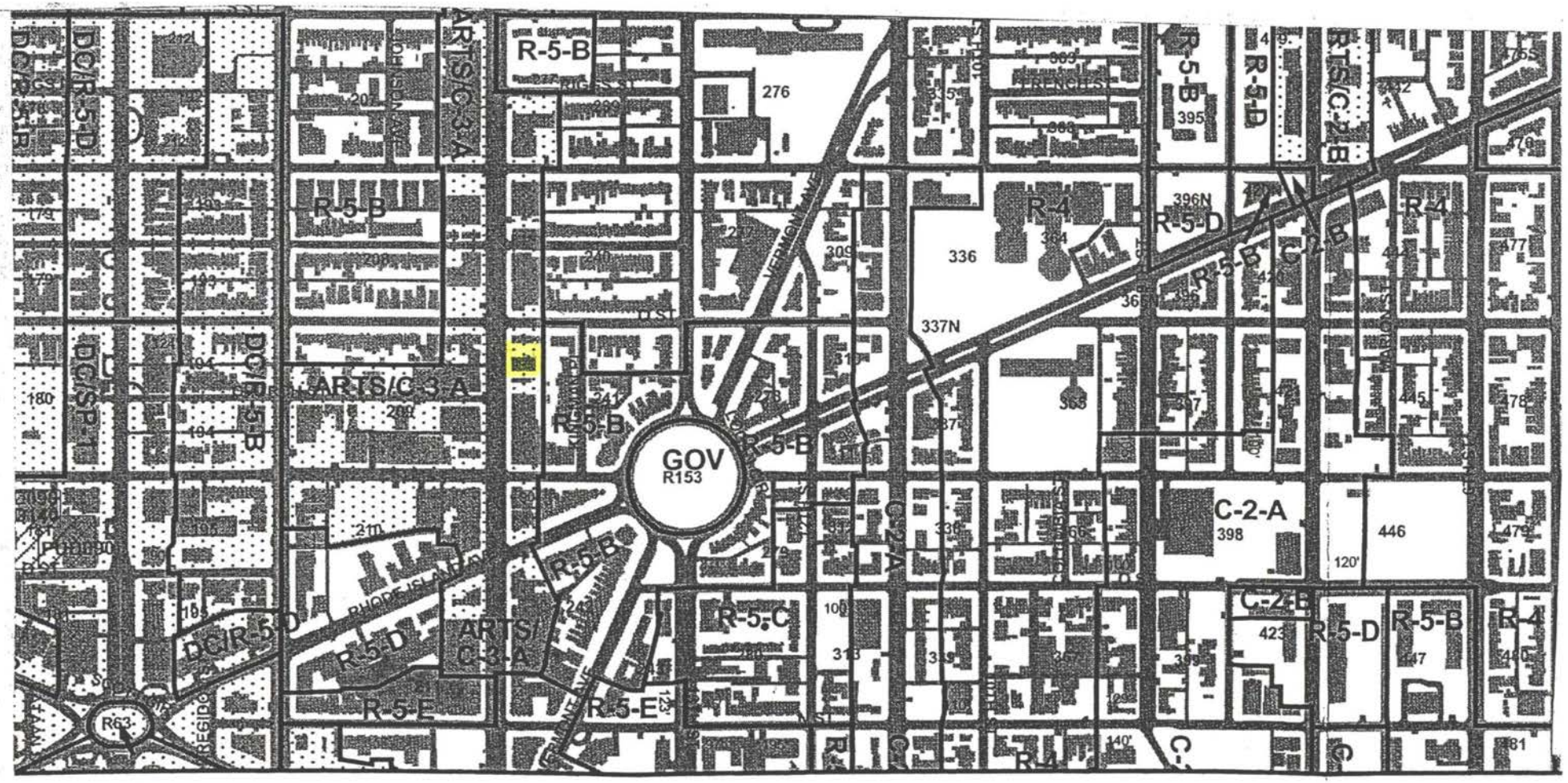
Date: _____

_____
(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.



C


R-5-B
276
R-5-B
395
R-5-D
R-5-C
R-4
396N
336
337N
R-5-D
R-5-B
C-2-B
R-4
ARTS/C-3-A
R-5-B
GOV
R153
R-5-B
C-2-A
398
446
120'
C-2-B
423
R-5-D
R-5-B
R-4
R-5-B
R-5-D
ARTS/
C-3-A
R-5-C
R-5-E
R-5-E
R-4
R63
DO/R-5-D
DO/SP-1
DO/R-5-B
DO/R-5-B
DO/R-5-D
DO/R-5
PUBLIC

D

GENERAL ZONING INFO

1529 14th Street, NW
Washington DC 20005
Square 241
Lots 803-807 & 848, total 13,125 sf

Zone: ARTS/C-3-A

category	req'd/allowed	provided
Height	75' (ARTS)	64'-11" (t.o. parapet high pt)
FAR	4.5 (ARTS, includes 0.5 bonus for more than 3.0 residential)	3.97
Lot Occup.	75% max (C-3-A)	74.5%
Side yard	None req'd (C-3-A)	None provided
Rear yard	2.5"/ft ht (=13'-4") or 15' min (C-3-A)	22'-4"
Open court	4"/ft ht (=7'-8", 20'-10", and 21'-4") or 15' min (C-3-A)	3 courts: 49'w X 21'd X 23' tall 25'w X 6.5'd X 62.6' tall 50'w X 6.5'd X 64' tall
Street level retail	Min 50% of ground flr (ARTS)	86.5%
Street wall	Min 75% of frontage to 15' ht (ARTS)	100% frontage to 40'-64' ht
Parking	5 spaces (historic waiver)	14 spaces

ZONING INFO REGARDING RELIEF SOUGHT

RESIDENTIAL RECREATION SPACE

Requirement

15% OF GFA 'DEVOTED TO RESIDENTIAL'
15% X 43,692* = 6,553.8 SF Required

*GROSS FLOOR AREA RESIDENTIAL IS CALCULATED AS THE ENTIRETY OF FLOORS 2, 3, 4, 5, & 6 PLUS A SMALL PORTION OF THE 1st FLOOR. SEE SHEET CS-2 OF THIS SET.

Proposed (see Sheet A-1.7, this set)

2,256 SF AT ROOF - ROOF TERRACE
= 2,256 SF TOTAL COMPLIANT 'RES. REC. SPACE'
= 5.2% OF 43,692 GFA DEVOTED TO RESIDENTIAL

ROOF STRUCTURES

Requirement

All roof structures shall be: in one enclosure; have only one enclosing wall height; and be set back from roof edges at 1:1.

Proposed

3 roof structure enclosures (2 stair towers & 1 elevator tower)
2 different enclosing wall heights
(8'-7" stair towers; 14'-7" elevator tower)
Stair towers have less than required setback (2'-8" and 3'-0")

ZONING INFORMATION FOR BZA CASE

1529 14TH STREET, NW

JUNE 18, 2004

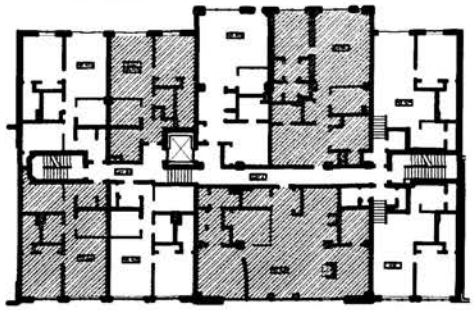
DRAWING INDEX

CS-1 General Info
CS-2 Flr GSF Info
A-1.0 Site Plan
A-1.7 Roof Plan
A-1.8 Penthouse Roof Plan
A-3.1 Elevations
A-3.2 Elevations

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 5th. STREET N. W.
WASHINGTON, D.C. 20001

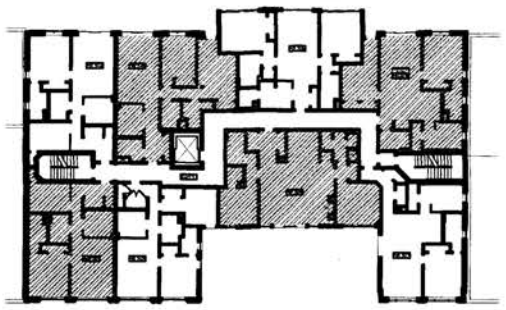
DEVELOPER: GEORGETOWN RESTORATION INC.
1054 31st. STREET N. W. #340
WASHINGTON, D.C. 20007

PROJECT: PHAETON ON 14th
1529 14th. STREET N. W.
WASHINGTON, D.C. 20005



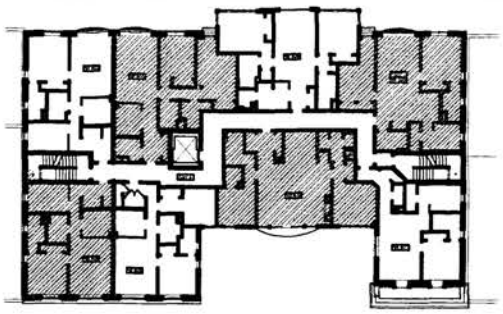
ENTIRE FLOOR (9,783 GFA) DEVOTED TO RESIDENTIAL USE
9 APARTMENT UNITS

4 / A-5.5 4TH FLOOR PLAN
SCALE: 1/16" = 1'-0"



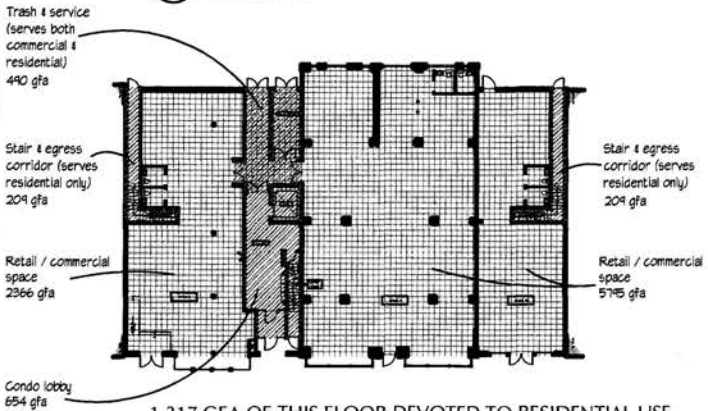
ENTIRE FLOOR (8,760 GFA) DEVOTED TO RESIDENTIAL USE
8 APARTMENT UNITS

5 / A-5.5 5TH FLOOR PLAN
SCALE: 1/16" = 1'-0"



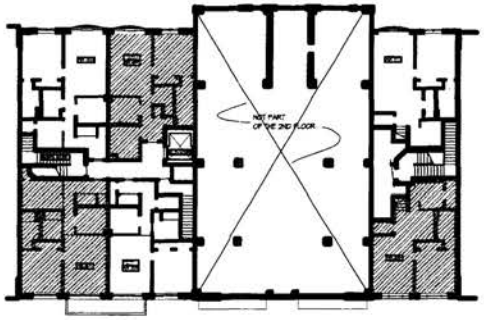
ENTIRE FLOOR (8,601 GFA) DEVOTED TO RESIDENTIAL USE
8 APARTMENT UNITS

6 / A-5.5 6TH FLOOR PLAN
SCALE: 1/16" = 1'-0"



1,317 GFA OF THIS FLOOR DEVOTED TO RESIDENTIAL USE
(=13.5% OF 9,783 GFA TOTAL FOR THE FLOOR)
0 APARTMENT UNITS

1 / A-5.5 1ST FLOOR PLAN
SCALE: 1/16" = 1'-0"



ENTIRE FLOOR (5,448 GFA) DEVOTED TO RESIDENTIAL USE
6 APARTMENT UNITS

2 / A-5.5 2ND FLOOR PLAN
SCALE: 1/16" = 1'-0"



ENTIRE FLOOR (9,783 GFA) DEVOTED TO RESIDENTIAL USE
9 APARTMENT UNITS

3 / A-5.5 3RD FLOOR PLAN
SCALE: 1/16" = 1'-0"

FLOOR PLANS INDICATE GROSS FLOOR AREA 'DEVOTED TO RESIDENTIAL' FOR THE PURPOSE OF CALCULATING REQUIRED 'RESIDENTIAL RECREATION SPACE'

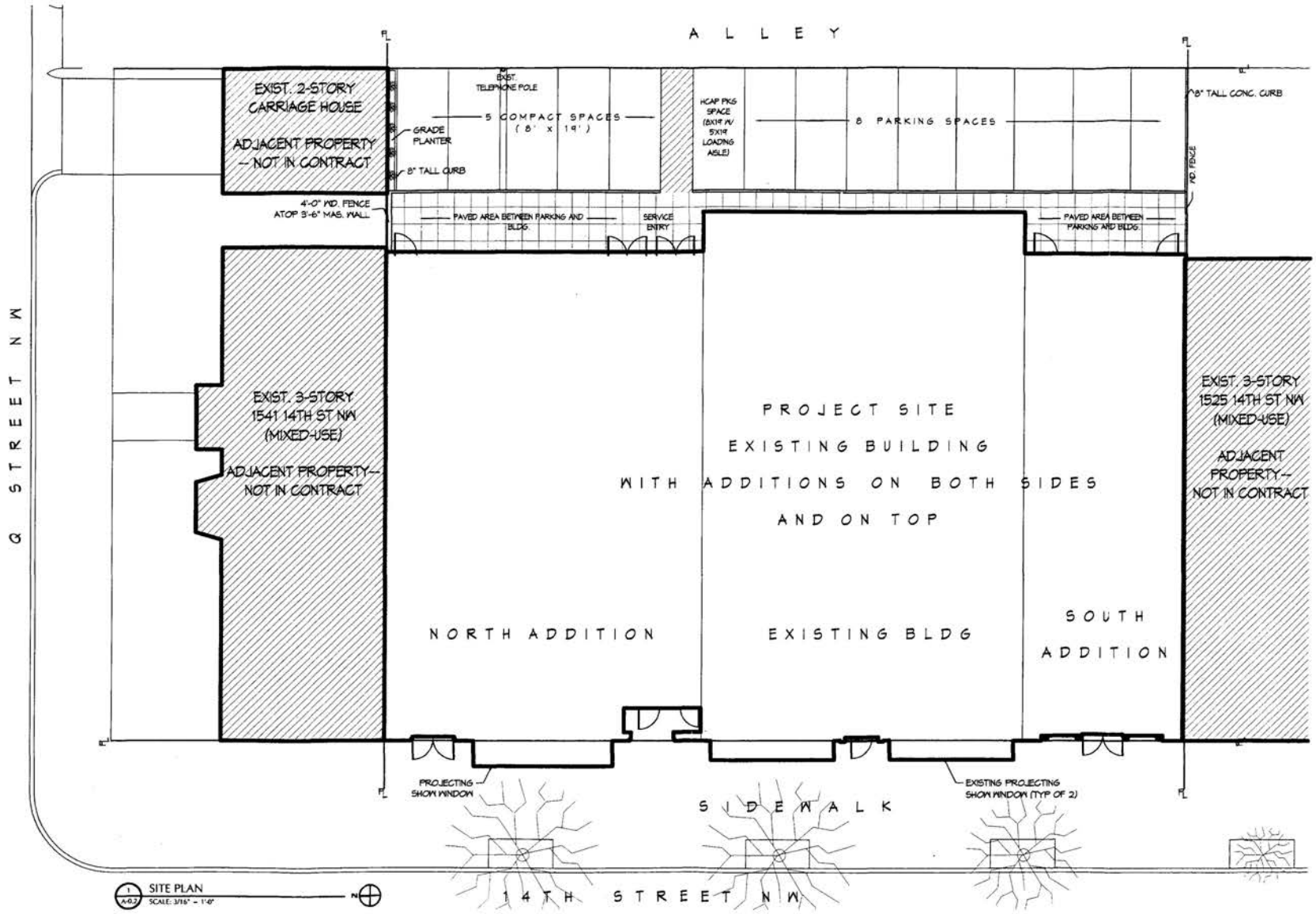
TABULATION: GFA 'DEVOTED TO RESIDENTIAL'			NO. OF APT UNITS
BASEMENT	0	GFA (NONE)	0
FIRST	1,317	GFA (13.5% OF THE FLOOR)	0
SECOND	5,448	GFA (ENTIRE FLOOR)	6
3RD & 3-MEZZ	9,783	GFA (ENTIRE FLOOR)	9
4TH & 4-MEZZ	9,783	GFA (ENTIRE FLOOR)	9
FIFTH	8,760	GFA (ENTIRE FLOOR)	8
SIXTH	8,601	GFA (ENTIRE FLOOR)	8
TOTAL	43,692	GFA 'DEVOTED TO RESIDENTIAL'	40 UNITS

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 5th. STREET N.W.
WASHINGTON, D.C. 20001

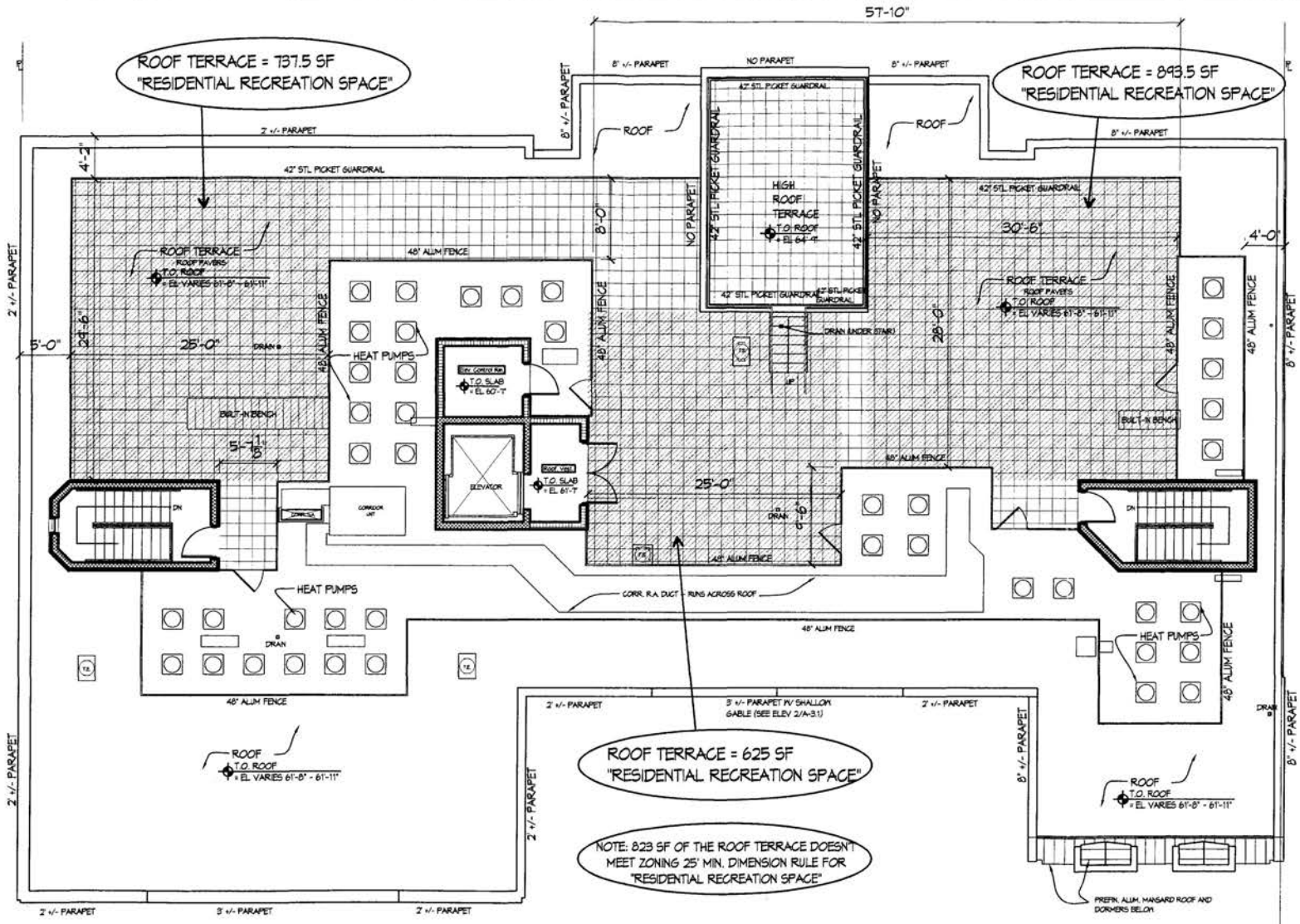
DEVELOPER: GEORGETOWN RESTORATION INC.
1054 31st. STREET N.W. # 340
WASHINGTON, D.C. 20007

PROJECT: PHAETON ON 14th
1529 14th. STREET N.W.
WASHINGTON, D.C. 20005

BZA 6.18.04



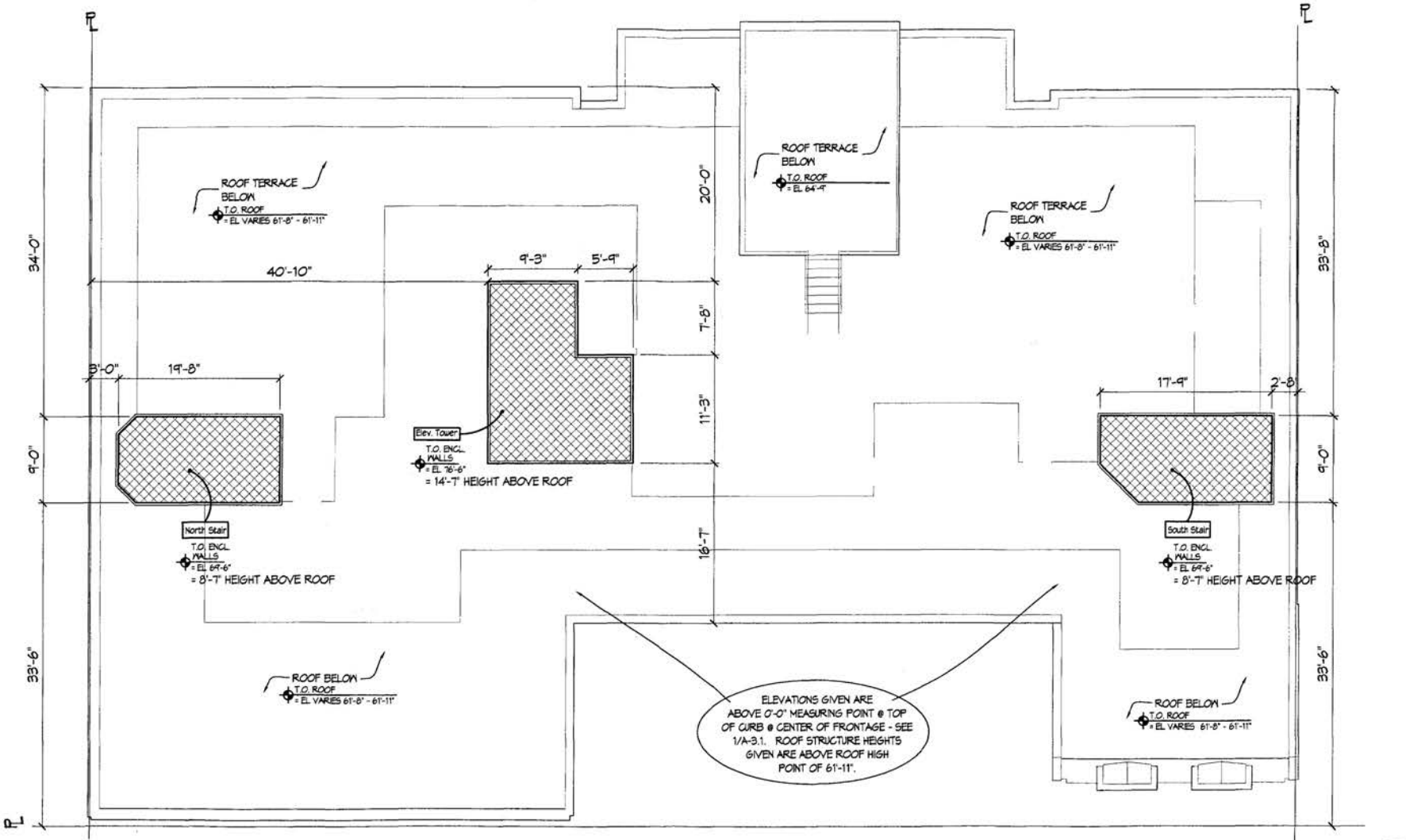
ARCHITECT: ERIC COLBERT & ASSOCIATES	DEVELOPER: GEORGETOWN RESTORATION INC.	PROJECT: PHAETON ON 14th	BZA 6.18.04	A-1.0
717 5th. STREET N. W. WASHINGTON, D.C. 20001	1054 31st. STREET N. W. # 340 WASHINGTON, D.C. 20007	1529 14th. STREET N. W. WASHINGTON, D.C. 20005		



1 / A-1.7 ROOF PLAN

SCALE: 3/32" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES	DEVELOPER: GEORGETOWN RESTORATION INC.	PROJECT: PHAETON ON 14th	BZA 6.18.04	A-1.7
717 5th. STREET N. W. WASHINGTON, D.C. 20001	1054 31st. STREET N. W. # 340 WASHINGTON, D.C. 20007	1529 14th. STREET N. W. WASHINGTON, D.C. 20005		

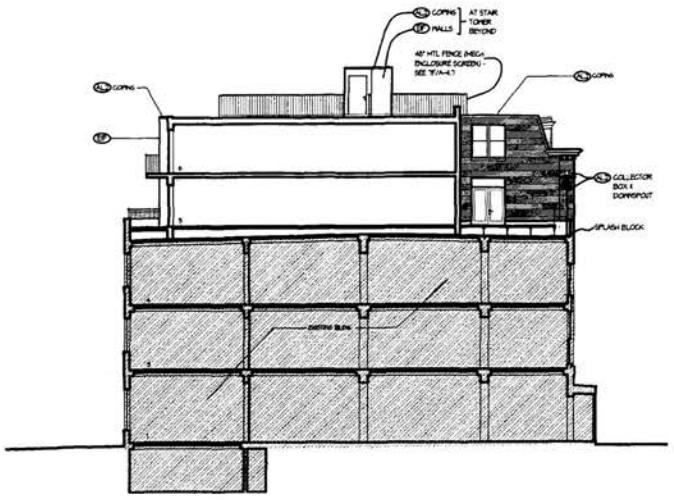


1 / A-1.8

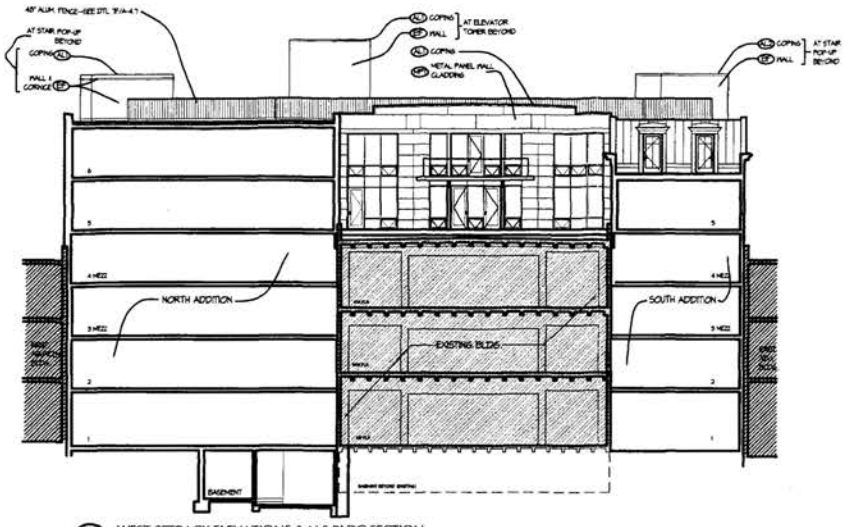
ROOF OF PENTHOUSE STRUCTURES PLAN

SCALE: 3/32" = 1'-0"

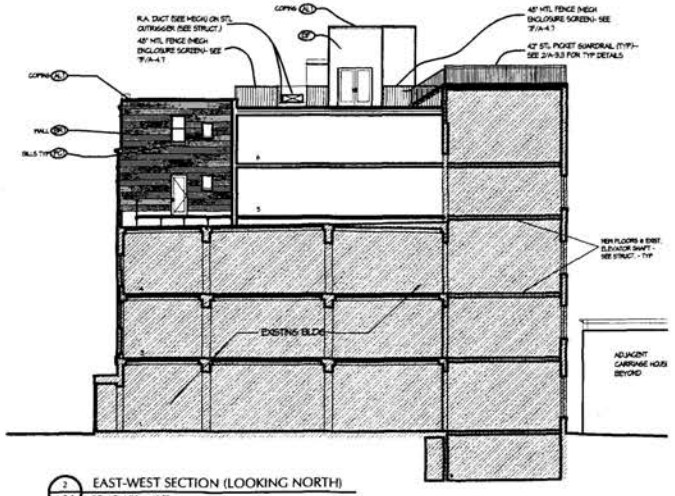
ARCHITECT: ERIC COLBERT & ASSOCIATES	DEVELOPER: GEORGETOWN RESTORATION INC.	PROJECT: PHAETON ON 14th	BZA 6.18.04	A-1.8
717 5th. STREET N.W. WASHINGTON, D.C. 20001	1054 31st. STREET N.W. # 340 WASHINGTON, D.C. 20007	1529 14th. STREET N.W. WASHINGTON, D.C. 20005		



4 A-3.1 EAST-WEST SECTION (LOOKING SOUTH)
SCALE: 1/8" = 1'-0"



3 A-3.1 WEST SETBACK ELEVATIONS & N-S BLDG SECTION
SCALE: 1/8" = 1'-0"



2 A-3.1 EAST-WEST SECTION (LOOKING NORTH)
SCALE: 1/8" = 1'-0"



1 A-3.1 WEST (14th STREET) ELEVATION
SCALE: 1/8" = 1'-0"

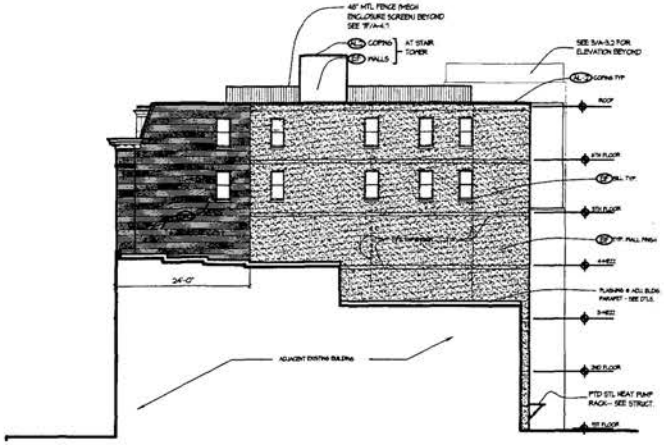
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 5th. STREET N.W.
WASHINGTON, D.C. 20001

DEVELOPER: GEORGETOWN RESTORATION INC.
1054 31st. STREET N.W. # 340
WASHINGTON, D.C. 20007

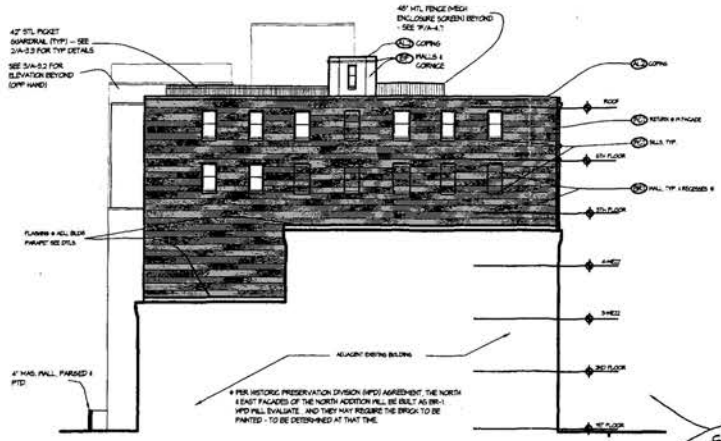
PROJECT: PHAETON ON 14th
1529 14th. STREET N.W.
WASHINGTON, D.C. 20005

BZA 6.18.04

A-3.1

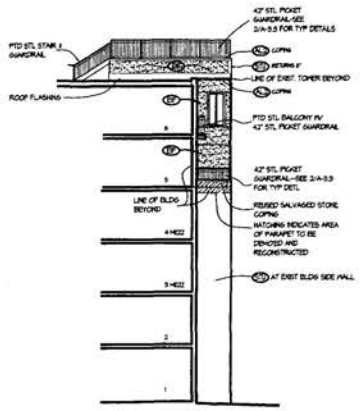


4 A-3.2 SOUTH PARTY WALL ELEVATION
SCALE: 1/8" = 1'-0"



2 A-3.2 NORTH PARTY WALL ELEVATION
SCALE: 1/8" = 1'-0"

SEE 1/A-3.1 FOR HEIGHTS OF FLOORS, ROOF STRUCTURE ENCLOSURE WALLS



3 A-3.2 SOUTH ELEVATION @ REAR RETURN WALL (NORTH RETURN OPP HAND SIM)
SCALE: 1/8" = 1'-0"



1 A-3.2 EAST (ALLEY) ELEVATION
SCALE: 1/8" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES	DEVELOPER: GEORGETOWN RESTORATION INC.	PROJECT: PHAETON ON 14th	BZA 6.18.04	A-3.2
717 5th. STREET N.W. WASHINGTON, D.C. 20001	1054 31st. STREET N.W. #340 WASHINGTON, D.C. 20007	1529 14th. STREET N.W. WASHINGTON, D.C. 20005		

E

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1539 14th Streets, NW**	X	Agenda
Landmark/District:	**14th Street Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**November 21, 2002**	X	Alteration
H.P.A. Number:	**03-051**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, Eric Colbert and Associates for Georgetown Restoration, Inc., seeks conceptual design review for construction of a new apartment building incorporating a three-story auto showroom built in 1928. The project would involve rehabilitation and four floors of additional new construction atop the showroom building, and seven floors of new construction on vacant lots flanking the historic building to the north and south.

While interconnected, the plan calls for the massing to be broken down visually into separate "buildings" reflecting the site's three lots. On the larger vacant lot to the north, the building would rise to six stories (approximately 65 feet), with a setback for its top floor (rising to 75 feet). On the smaller lot to the south, the building would rise to five stories (approximately 55 feet), with an additional floor set back from the front elevation. The first of the new floors added to the top of the showroom building would be set back approximately 20 feet (sufficient to not be seen from the street due to its tall parapet wall), while the additional three floors would be set back an additional 12 feet (for a total setback of 32 feet from the front façade). Architecturally, the building to the north would be treated in a tripartite, stripped classical vocabulary, clad with limestone on the front façade and taupe brick with fenestration on the visible side elevation, as well as the rear. The narrower building to the south would be handled as a stacked vertical block clad in brick with a prominent storefront base and punched windows in the repeating floors above. The new construction atop the showroom would be composed as a limestone-enframed window wall following the general proportions of the historic building to which it is being added.

The additional floors added to the showroom building would result in only minimal penetrations through the party walls, and will not result in significant demolition of floors, walls or structural components. The rear elevator tower would also be retained and reused. Accordingly, the primary preservation issues are the compatibility of the proposed height and mass of the new construction with the historic district, and the compatibility of the proposed addition on the auto showroom building. Realizing that this is a large building, the architect has worked with the staff to explore various massing options. Schemes incorporating lower building elements and greater setbacks were discussed, and while achieving a lower profile at the building line that more directly matched the adjoining historic buildings, these solutions resulted in "wedding cake"

massing plans that were not architecturally successful, not characteristic of the historic district, and did not hide the taller new construction behind. Instead, the design was based on the premise that the context of 14th Street includes tall buildings that rise to their full height at the building line, and that when appropriately designed, they can coexist comfortably with adjacent smaller buildings. Unlike the block across the street, which has a more uniform 40-45 foot height, this block has a more staccato rhythm of heights in which a taller building could be inserted.

The setback proposed for the additional floors on top of the showroom building is somewhat greater than the roughly 25 foot setback that the Board approved at 1500-04 14th Street (Metropolis, Parcel C), and this project has the added benefit of having taller new construction on either side of the showroom building that would help obscure perspective views of the additional floors. Making it as light and glassy as possible, and differentiating it from the buildings on either side, is the best approach for achieving this number of additional floors. The architect may want to consider eliminating the masonry altogether on this element with the goal of reducing this simply to a glass curtain wall.

The staff recommends that the Review Board approve the general massing plan and conceptual design, direct the applicant to continue working with the staff, and that the project return to the Board for further review.

F

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1529 14th Streets, NW**	**X**	Agenda
Landmark/District:	**14th Street Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**June 26, 2003**	**X**	Alteration
H.P.A. Number:	**03-051**	**X**	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, Eric Colbert Architects for Georgetown Restoration, Inc., seeks on-going conceptual design review for construction of an apartment building incorporating a three-story 1928 auto showroom. The project received conceptual design approval for its height, massing, setbacks and general design in December; the applicants have since been working to further develop the plans, elevations and selection of materials.

As the Board will remember, the project calls for dividing the building into three parts – a new building to the north, inspired by the area's stripped classical auto showrooms; the existing showroom building on which two additional floors would be added and set back from the front façade; and a new narrow infill building to the south. Each of the three buildings would have its own differentiated character, expressed on all exposed sides in order to prevent the project from becoming monolithic and out of scale with the individual small-scale buildings in the historic district.

The northern building is being proposed as clad in precast concrete with aluminum windows and spandrel glass on the front elevation. On each of the side elevations, the precast panels would extend approximately 12 feet before reverting to a CMU with a stamped brick pattern. On the north side elevation, a regularized pattern of single punched windows would help break up the long wall, and the aesthetic of the precast panels would be reintroduced in synthetic stucco at the rear of the building. On the middle building, the addition would be clad in copper-colored metal panels, with banks of aluminum windows and doors. The south building, the design of which has been substantially revised, would be brick, with large-scaled brick piers enframing banks of Chicago styled windows and precast spandrel panels. The south side elevation would be CMU with a stamped brick pattern.

As the project continues to be developed, the staff would recommend the following:

<u>North building</u>

1. The use of precast, stamped concrete block to imitate brick, and stucco to imitate stone on the three exposed sides of the north building should be simplified and rethought. While it is not atypical for the finer finish material of a front elevation (precast) to wrap around to an exposed side elevation, it should either be used

consistently along the entire elevation in the same material, or simply used at the front to suggest depth to the front façade before converting to a simpler material (brick). Introducing stucco at the rear of the side elevation to imitate the precast panels at the front should be eliminated.

2. The use of CMU with a stamped brick pattern is only appropriate for secondary elevations where it is not highly visible from a public street. While generally evocative of brick patterning, brick-stamped CMU is not an altogether convincing substitute, especially when used on larger wall planes where the standardization of the block and stamped patterning is notably different from the slight irregularity of brick. As the north (side) elevation of the north building is quite visible from Q Street, the staff would recommend that brick be used on this side of the building.

3. As the rear of this building is also visible from Q Street, the staff would encourage the use of brick on the rear elevation as well. The use of the brick-stamped CMU on this elevation might be appropriate, as it is less prominently visible than the north elevation. The use of the same material on the side and rear elevation, with a finer finished material on the front elevation, would establish a use of materials consistent with similarly sized historic buildings in the district.

Middle building

1. The use of copper colored metal panels for the addition to the historic building seems an unusual and aggressive choice, given the Board's intent in trying to ensure that the addition recedes from view. Whether in its raw copper state or with a green patina, copper would be darker than the limestone coloring of the building. The staff would encourage exploration of lighter, neutral tones that would better recede from view.

2. The terrace guard rails on the existing building should be placed at least six feet back from the existing parapet wall so as to not be visible from the street.

South building

1. The redesign of the south building represents a significant improvement in terms of its façade composition. As the design is further developed, attention will need to be paid to the detailing of the brick and the concrete spandrel panels, which provide an excellent opportunity for decoration and visual interest. The applicants may also want to consider the use of metal spandrel panels, if this provides greater opportunity for introducing a distinctive design motif.

2. The signband at the top of the storefront should be brick, rather than precast concrete, relating to the band of brick at the top of the building.

The staff recommends that the Review Board approve the revised concept design and materials use, as modified above, as consistent with the character of the historic district, and delegate final approval to staff.

G

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

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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*

June 7, 2004

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

Re: BZA Application No. 17183
1529 14th Street, NW; Square 241, Lots 803 – 807, and 848

Dear Chairman Griffis and Members of the Board:

At its publicly-noticed meeting on June 2, 2004, and with a quorum present, Advisory Neighborhood Commission 2F ("ANC") voted unanimously (6-0-0) to approve the recommendation of its Community Development Committee ("CDC") to support BZA Application No. 17183, which requests two areas of relief from the Board, as set forth below:

1. Variance from the roof structure requirements in Section 411; and

2. Variance from residential recreation requirements pursuant to Section 773.

The project's height and massing were previously supported by the ANC and approved by the Historic Preservation Review Board. The ANC now recommends approval of the three roof structure enclosures with two different enclosing wall heights and stair towers with less than the required setback, as well as the reduction of recreational space to the proposed five percent. The site, which includes the Capsco Building, will be a significant addition to the Arts/C-3-A district.

Thank you for according great weight to our views.

Sincerely,

Cary Silverman
Chairperson, ANC 2F

H

Outline of Testimony of
Seth Potack, Logan II, LLC

I. Introduction

   A. Development History in District of Columbia

   B. Selection of Site

II. Description of Proposed Project

III. Requested Zoning Relief

   A. Residential Recreation Space

   B. Roof Structures

IV. Conclusion

I

Outline of Testimony of
Steve Dickens, Eric Colbert & Associates

I. Introduction and Professional Qualifications

II. Site and Location Description

III. Project Description

A. Design Goals and Constraints

B. Description of Project Design

IV. Conclusion

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