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May 13, 2004

DOUGLAS J. PATTON
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VIA HAND DELIVERY

Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square – Suite 210 South
441 Fourth Street, NW
Washington, DC 20001

Re: Application for Variances and Special Exceptions to Develop an Apartment House with Required Retail Space, 1401 Q Street, NW under Arts/C-3-A Zoning (Square 208, Lot 139)

Dear Honorable Members of the Board:

This firm has been retained and authorized by the "1600 Fourteenth Street NW Limited Partnership" ("Applicant") to pursue zoning approval for its development of a seven story apartment building to be located at the intersection of Fourteenth and Q Streets, NW, specifically at that intersections northwest corner. The main entrance to the apartments will be from Q Street and applicant is concurrently seeking to establish the address for the project as 1401 Q Street, NW while retaining two Fourteenth Street addresses for the retail space the project would provide, as required by the Arts overlay. The partnership's letter of authorization is among the documents enclosed.

The project has received conceptual approval from the Historic Preservation Review Board, though that Board has asked applicant to return for review of diagrams showing the heights of the project relative to adjacent properties on May 28. This follows Applicant's arranging for a surveyor to establish relative elevations of adjacent and facing properties along their property lines and corresponding points along the respective curbs.

For a building permit to be issued, certain zoning relief is essential and other relief will afford Applicant and the community a superior development program with reduced impact as follows:

BZA
Case No. 17197
Exhibit No. 1

Board of Zoning Adjustment
District of Columbia
CASE NO. 17197
EXHIBIT NO. 1

- Residential Recreation Space: Areas Applicant proposes to dedicate to "residential recreation space" do not amount, to either the full total that is required by the regulations, including the proportion to be located outdoors. A variance is requested.

- Required Retail Area: The Arts overlay requires that 50.0 % of the ground floor's area be dedicated to a range of retail uses set forth in the Arts overlay's rules. Applicant proposes to provide retail, but not to the degree specified and seeks a Special Exception for this as provided in the Arts overlay's specific rules. Moreover, Applicant requests flexibility to allow more than 25.0% of this area's Fourteenth Street frontage (79.0 feet) area to be used by "eating and drinking establishments," this request being a second special exception within the Arts overlay's rules.

In addition, subject to the Board's determinations on whether to agree to all proposed reductions in required residential recreation space, which the Applicant strongly recommends as preferable to both the Applicant and the community in which the project is located, Applicant could be required to provide elevator access to the main roof to reach its roof deck. While that would make that area fully accessible to persons with mobility limitations, Applicant would then need to seek and secure approval of special exceptions from two requirements relating to roof structures (having walls of equal height and having all walls of the roof structure being removed 1:1 from the edge of the roof as well as a variance from the height limit applied to roof structures in the Arts overlay to accommodate the extended elevator core and its override. In the plans presented, Option 1 is the recommended course of action and Option 2 is shown purely as a contingency so that appropriate relief is advertised and Noticed. Option 2, though not recommended, is documented and justified.

In the course of securing conceptual approval for the basic building design, Applicant received a great deal of input from the Historic Preservation Review Board and staff, area community organizations, the Advisory Neighborhood Commission, and persons from the neighborhood. One change that was requested and made was to extend the building along its Q Street frontage to 104 feet. In doing this, Applicant added four feet (4.0 ft.) to that dimension of the building. As currently drawn and calculated, the Applicant's building includes 43,204 square feet of gross floor area on a lot of 9,480 square feet. Applicant intends to utilize the 4.5 FAR the Arts overlay allows and realizes that the stated total exceeds this amount by 544 square feet (43,204 – (4.5 * 9,480) = 544). Applicant's pre-hearing submission will include revised plans and elevations that provide slight reductions in gross floor areas. Therefore, that no variance is or will be requested from this four foot extension as applied to a building whose width at that point was 55 feet across for five floors, a gross increase of 1,100 square feet. The building will continue to occupy the full frontage of 14th Street with minor adjustments in other dimensions to fit within the overall FAR limit allowed in such a project in the Arts/C-3-A zone district.

Among the issues that arose in the process of seeking conceptual approval, the height of building was carefully considered. The conceptual approval is for a building whose main roof would be 71 feet above the centerline of the building on the property line

along Fourteenth Street. The top of the corresponding curb, from which zoning measurements of height are made, is exactly eleven inches (0.92 ft) below that. While the plans filed herewith repeat all heights from the property line as these are consistent with diagrams the community knows and understands, all zoning calculations and certifications, add one foot (1.0 ft.) of additional height for these purposes. Thus, overall height and setback calculations reflected within this filing are slightly conservative, but correct.

Accompanying this letter you will find, in addition to the executed BZA form 120, the following, following the lettering of the Instructions:

A. BZA Form 135, "Self Certification," completed and executed

B. Building Plat, drawn to scale, showing overall lot dimensions and placement of proposed building on the lot (Surveyor's diagram enclosed, detailed plans being separate simplifying binding)

C. Detailed Statement of Existing and Intended Use

D. Detailed statement of how the application meets the requirements for the variances and special exceptions sought

E. Three color photographs of the property (Single set accompanies original)

F. Names and addresses of persons or entities owning property any portion of which falls within 200 feet of the subject property (Single set of report and labels only).

G. Name and address of any named lessee (Omitted, Applicant runs parking lot)

H. Copy of the existing Certificate of Occupancy (Refer to document "C," above)

I. Checks in the amounts due for the relief required (One check supplied in the amount of $2,000, of which $800 is for the variance from requirements for required residential recreation space and $1200 is for the special exceptions from two Arts overlay retail requirements; one check for $2,000 for the possible special exception to allow roof structures of varying height and setback from the edge of the building if the roof deck provided must be part of the residential recreation space provided and one check for $800 for the variance from the height limits for roof structures in the Arts/C-3-A zone for the elevator shaft that would exceed that zone's stated height limit.

J. Letter of authorization from the Applicant designating this firm and this attorney to pursue the matters identified herein.

We believe this application is complete and request that the case be heard during the month of July. If you have any questions, please contact me by telephone at (202) 828-1893 or contact Mr. Lindsley Williams at (202) 828-1873. Thank you.

Sincerely yours,

HOLLAND & KNIGHT LLP

Douglas J. Patton

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