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January 11, 2005

NORMAN M. GLASGOW, JR.
202-419-2460
Internet Address:
norman.glasgowjr @hklaw.com

VIA HAND DELIVERY

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

Re: **Application No. 17232 for Variance and Special Exception**
1400-20 Park Rd., NW; 3100-3220 14th St., NW; and 1417-37 Irving St., NW
Square 2674, Lots 719, 720, 812, 832, 863, 866,869, 870, 871 and 872

Honorable Members of the Board:

On behalf of the applicant in the above-referenced case, enclosed please find an original and twenty copies of the applicant's supplemental prehearing submission in support of its request for alternative relief.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 419-2460.

Sincerely,

Norman M. Glasgow Jr

Norman M. Glasgow, Jr.

Enclosure

cc: Ellen McCarthy, Steven Cochran, Office of Planning (w/enclo. - via Hand Delivery)
ANC 1A (w/enclo. - via Hand Delivery)
Kenneth Laden, Douglas Noble, District Dept. of Transportation (w/enclo. – via Hand Delivery)
Thomas Ruffin, Jr., Esq. (w/enclo. - via Hand Delivery)

BZA
Case No. 17232
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO. 17232
EXHIBIT NO. 54A1

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BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF RLA REVITALIZATION CORPORATION

BZA APPLICATION NO. 17232

HEARING DATES: NOVEMBER 16, 2004
DECEMBER 21, 2004
JANUARY 25, 2005

ANC 1A

SUPPLEMENTAL STATEMENT OF THE APPLICANT FOR ALTERNATIVE RELIEF

I.
NATURE OF ALTERNATIVE RELIEF SOUGHT

This supplemental statement for alternative relief is submitted on behalf of RLA Revitalization Corporation, the owner of property located at 1400-1420 Park Road, N.W.; 3100-3220 14th Street, N.W.; and 1417-1437 Irving Street, N.W., Lots 719, 720, 812, 832, 863, 866, 869, 870, 871 and 872 in Square 2674 (the "Site") in support of the application to the Board of Zoning Adjustment for the following alternative relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1: a special exception from the roof structure requirements (§411); a special exception pursuant to 11 DCMR § 2108 to reduce the amount of required parking spaces by no more than twenty-five percent (25%); and a variance from section 2115.9 to permit attendant assisted parking in the C-3-A District.

The Applicant's original application requested a special exception from the roof structure requirements (§411) and a variance from the parking requirements

(§2101.1) to reduce the number of required parking for the Project to 1,000 spaces. The Applicant is not withdrawing the original application, but is rather setting forth an alternative form of relief, which will result in the provision of 1,244 parking spaces, to permit the construction of a mixed-use commercial establishment, including retail uses, a health club, and other uses permitted as a matter of right in the C-3-A zoning 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, 3104.

III.
BACKGROUND

A. Procedural History

The Board initially scheduled a public hearing on Tuesday, November 16, 2004 to consider the application. The Applicant was prepared to proceed with its case, but Kelsey Temple Church of God in Christ and the Temple Church Building & Economic Development Corporation (collectively referred to herein as "Parties in Opposition") sought to dismiss the application or to reschedule the hearing. The Board rescheduled the hearing for December 21, 2004 in order to provide the Applicant time to address concerns raised by Board Members and the Office of Planning (OP); to cure notice deficiencies alleged by the Parties in Opposition; to

allow the Applicant time to review and respond to the report filed by the District Department of Transportation (DDOT); and to allow the Parties in Opposition time to prepare their case.

At the public hearing held on December 21, 2004, substantial discussion occurred between the Applicant's team and members of the Board concerning the adequacy of the number of spaces proposed to be provided in the underground garage (1,000 spaces on two levels). The Board's concern related to the operational issue of whether the parking spaces would be used to serve other demand in the neighborhood, thereby reducing the number of spaces available to serve the proposed development since the parking garage would be owned by NCRC and would be open to the public.

In order to respond to that concern and to provide more parking spaces within the two parking levels, on December 22, 2004, the Applicant amended its application and is now seeking alternative parking relief, which includes a special exception to reduce the amount of required parking spaces by no more than twenty-five percent (25%) and a variance from section 2115.9 to permit attendant assisted parking in the C-3-A District. The Applicant provided notice of its amended application to counsel for the Parties' in Opposition and property owners within 200 feet of the Site pursuant to the notice memorandum dated December 22, 2004, a copy of which is attached hereto as Exhibit A. The Applicant also posted on the Site revised hearing notices that specified the alternative requested relief.

The Applicant has developed an attendant assisted parking scheme in an effort to provide additional parking at the Site. Pursuant to the Applicant's proposed

attendant assisted parking scheme which is shown on sheets Z104 A and Z104B of the Architectural Plans and Drawings attached hereto as Exhibit B, the Applicant can provide 1,244 parking spaces in an attendant assisted parking arrangement, which is a reduction of approximately twenty two percent (22%) from the requirement of 1,599 spaces, and is approximately twenty seven percent (27%) more than the actual expected parking demand of 983 spaces.

B. Description of the Site and Surrounding Area

The Site is located at 1400-1420 Park Road, N.W.; 3100-3220 14th Street, N.W.; and 1417-1437 Irving Street, N.W., also known as Lots 719, 720, 812, 832, 863, 866, 869, 870, 871 and 872 in Square 2674. See Sanborn Atlas, attached hereto as Exhibit C, and Surveyor's Plat, attached hereto as Exhibit D. Square 2674 is bounded on the east by 14th Street, N.W., on the north by Park Road, on the west by Hiatt Place, and on the south by Irving Street.

The Site is in the C-3-A District in the Columbia Heights neighborhood of the City. See Zoning Map, attached hereto as Exhibit E. The Site compromises the majority of Square 2674, with the exception of the Bell Multicultural School and various row dwellings, an apartment building and various small commercial uses in the northwestern corner of the square. The Site consists of approximately 215,940 square feet of land area and is primarily vacant with the exception of various small retail uses in the northeast corner of the Square fronting on 14th Street and Park Road.

C. Summary of Project

This Project has a long history in the District. Pursuant to Order No. 16858, dated May 16, 2002, the Board granted a special exception to allow a reduction in parking for a previous version of the Project. Since that time, the Project has been reduced in size from approximately 550,000 square feet to approximately 513,722 square feet, and the number of parking spaces has been reduced from 1,364 to 1,244 spaces in an attendant assisted garage that will have two below grade levels instead of three. Moreover, pursuant to D.C. Resolution 15-653, a copy of which is attached hereto as Exhibit F, the Council of the District of Columbia approved the issuance of tax increment revenue bonds to assist in the development costs associated with constructing the parking facility for the Project and costs associated with creating a small business assistance program around the Project's area.

The Applicant's current proposal calls for the construction of a three floor multi-use commercial establishment that will include approximately 513,722 square feet of gross floor area. See Architectural Plans and Drawings, attached hereto as Exhibit B. As indicated on the tabulation of development data included in page Z102A of the Architectural Plans and Drawings, the Project will only have an FAR of approximately 2.38, which is below the permitted density of 2.5 for commercial use.

The Project will include Target, which will own its portion of the building, other permitted retail uses, and a health club. Target will occupy approximately 178,000 gross square feet of the Project. The proposed building will have a height of

64.4 feet to the point of measurement. The immense roof areas, which measure approximately 189,000 square feet, will be improved with several roof structures. The Applicant also proposes to provide 1,244 parking spaces in an attendant assisted parking garage.

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

The Applicant has previously discussed the standard for approving the requested roof structure special exception, and has detailed its compliance with such burden of proof. See Statement of the Applicant, filed November 2, 2004. The Applicant hereby incorporates those arguments as though fully set forth herein.

V.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF PURSUANT TO 11 DCMR § 2108

A. Standards for Granting a Special Exception Application For A 25%Reduction In The Parking Requirements

Pursuant to Section 2108 of the Zoning Regulations, the Board may grant a special exception for a 25% reduction in the parking requirements:

a. where in the judgment of the Board, the proposed development will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and:

b. will not tend to affect adversely the use of neighboring property in accordance with the Regulations; and

c. subject to the conditions specified in Sections 2108 of the Regulations, which requires the Board to give consideration to:

(i) The nature and location of the structure;

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

(iii) The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;

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

(v) The proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

As outlined below and discussed in further detail in the Traffic Impact Analysis, attached hereto as Exhibit G, and the Parking Reduction Analysis, attached hereto as Exhibit H, consideration of the factors outlined in Section 2108 will lead the Board to a finding that the application is in harmony with the purpose and intent of the regulations and that the reduction in the parking requirements will not adversely affect neighboring properties.

B. Factors To Consider In Determining Effect of Parking Space Reduction

a) The Nature and Location of the Structure

The Applicant's proposed project is largely intended to serve the residents of Columbia Heights and surrounding communities within a two-mile radius of the

Site, and to attract other District residents in the nearby area. It is anticipated that the vibrant nearby neighborhoods of Columbia Heights, Mount Pleasant, Adams-Morgan and U-Street, combined with the adjacent Columbia Heights Metrorail station and several bus lines next to the site, will result in a significant amount of transit and pedestrian access to the site, resulting in a decrease in the number of vehicle trips that would otherwise be generated if the property were not in close proximity to a metro station. See Pedestrian Analysis, attached hereto as Exhibit I.

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

The Parking Reduction Analysis indicates that the maximum number of spaces that will be required based on the proposed uses at the site and the proximity of the Metrorail station is 983 spaces. That number represents the demand during the 20th highest hour occurring over the course of the year for all the hours the Project will be open. Use of this design hour results in sufficient parking for all patrons and employees of the Project for more than 3,000 hours per year. However, by granting the requested relief, the Applicant will be able to provide 1,244 parking spaces, which is approximately twenty seven percent (27%) greater than the expected demand.

The parking garage is being constructed to serve the uses on the Site. It appears that peak parking demand on the existing surface parking lot occurs on Sundays when activities at nearby churches attract vehicles seeking parking

places. Since most Sundays will occur outside the expected times of peak parking demand for the Project, the 1,244 parking spaces proposed to be provided by the Applicant will be adequate to serve both the parking demand generated by the Project and the parking demand currently existing on the Site.

c) The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;

As the Traffic Impact Analysis and the Parking Reduction Analysis demonstrate, the Project will not cause a detrimental impact to the transportation network in the neighborhood. Given the Site's close proximity to the Columbia Heights Metrorail Station, and several bus lines traveling along 14th Street, Park Road, and Irving Street, a significant reduction in the anticipated number of vehicular trips to the Site is expected. In addition, in consultation with DDOT, the Applicant will implement certain mitigation measures to maximize the efficiency of the traffic flow in the area.

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

There are no public lots or garages other than private parking facilities located within close proximity to the Applicant's property which would be available for use by development employees and customers during business hours. As indicated above, the Applicant will provide 1,244 on-site parking spaces that will be in excess of the forecasted peak parking demand generated by the development on the Site.

e) The proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

As mentioned above, the property is located immediately across the street from the entrances to the Columbia Heights Metrorail Station. In addition, several Metrobus lines serve the streets in the vicinity of the project. These bus lines provide service throughout the day and evenings at short, periodic intervals.

C. No Impairment of Intent of Zoning Regulations or Map and No Adverse Effect on Neighboring Properties

Based on a consideration of the above-referenced factors as well as the purposes of the C-3-A District, the evidence before the Board leads to the conclusion that the application will not impair the purpose or intent of the zone plan and that it will not have any adverse impact on neighboring properties.

Sections 740.4 and 740.5 of the Zoning Regulations provide that the C-3-A District is intended to support medium density commercial uses in compact areas near railstops. The Zoning Regulations also recognize that it may be appropriate to reduce the required number of parking spaces for developments in close proximity to Metrorail stations. In this case, where the Applicant has demonstrated that it will provide a more than adequate number of parking spaces given the nature of the proposed uses and the property's close proximity to Metrorail, the reduction in the required number of parking spaces will not at all affect the neighboring properties.

VI.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

A. Standards for Granting Area Variances

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

(1) the property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

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

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

As discussed below, the Project and the variances requested for the same meet all three prongs of this test.

D. Variance from Section 2115.9

Section 2115.9 provides that in a commercial building or structure located in a C-3-C, C-4- C-5 (PAD), SP, W, or CR District, where at least seventy-five (75) parking spaces are required according to the schedule of parking requirements under section 2101.1 and where parking spaces are provided within a parking

garage, parking may be provided as set forth in sections 2115.10 through 2115.18. Sections 2115.10 through 2115.18 set forth the requirements for attendant assisted parking.

The Applicant's proposed building will have a gross floor area of approximately 513,722 square feet; however, only approximately 482,631 square feet is included in the parking calculation. Thus, the Applicant is required to provide 1,599 parking spaces.

As discussed above, the Applicant has met its burden of proof in establishing that it is entitled to receive a special exception pursuant to section 2108 to reduce the amount of required parking spaces by twenty-five percent (25%), thus requiring the Applicant to provide 1,200 parking spaces. The Applicant proposes to provide 1,244 parking spaces in an attendant assisted parking arrangement to maximize the amount of parking for the Project. Accordingly, the Applicant seeks relief from section 2115.9 to permit attendant assisted parking in the C-3-A zoning district.

1. <u>Uniqueness of Site</u>

a. Size and Shape of Site

It is well-established that a property can be unique because of its size, shape or topography. <u>See</u> *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)). In this case, the Site is unusual, in part, because it is very large and has an unusual shape. The Site contains approximately 215,871 square feet of land. As the land areas chart

attached hereto as Exhibit J indicates, the average land area of privately held properties within 225 feet of the Site is only 7,440 square feet, and the largest property other than the Site has a land area of approximately 53,495 square feet, which is only approximately 24% of the size of the Site. Unlike other properties in the immediate area, due to the large size of the Site, it is ideally suited for uses to accommodate large tenants, including "big box" retailers such as Target, that require large floor plates. Moreover, the Site is unique because of its unusual shape, its angeled lot lines and the fact that the Site is a corner lot fronting on four streets and has frontage of approximately 510 feet on Irving Street, 510 feet on 14th Street, 225 feet on Park Road and 245 feet on Hiatt Place.

b. Water Table

In addition to being extremely large and having an unusual shape, the Site also suffers from groundwater conditions that render it unique. The requirement to provide 1,200 parking spaces would force the Applicant to construct a partial third level of parking. However, a subsurface investigation report prepared by the Applicant's engineer, Mueser Rutledge Consulting Engineers, attached hereto as Exhibit K indicates that groundwater levels are approximately 6'-8" above the finished floor elevation of the third parking level and that mitigation of this problem will require an extensive drainage and waterproofing system.

c. Presence of Metro Rail Tunnel Below 14th Street

The Site is also unique because the Columbia Heights Metro Station, which has entrances on Irving Street and 14th Street, is beneath the Site. As discussed in the memorandum prepared by Clark Construction, attached hereto as Exhibit L,

the Site's location adjacent to the Metro station requires an additional WMATA surcharge and additional monitoring costs in order to proceed with the proposed project. These factors combine to render the Site unique since other parcels in the District would not encounter the same degree of difficulty in order to provide below-grade parking.

2. Practical Difficulty of Complying with Section 2115.9

As indicated in the Parking Reduction Analysis attached hereto as Exhibit H, the Project has a practical parking need of 983 parking spaces. The Applicant can meet this parking demand by providing two levels of below grade parking that will provide a total of 1,000 parking spaces for the Project. However, in the rare event that excess demand renders the 1,000 parking spaces insufficient to meet unexpected peaks in demand, the Applicant can provide 1,244 parking spaces. The only way for the Applicant to provide these "emergency" 261 parking spaces (the difference between the expected demand of 983 parking spaces and the 1,244 proposed to be provided) is though the use of attendant parking spaces in the two level parking garage.

If the Applicant were not permitted to provide the additional 261 "emergency" parking spaces in an attendant assisted format, the Applicant would be required to construct a partial third level of below grade parking. However, the Site suffers from a number of extraordinary and exceptional conditions that would render construction of a partial third level of parking for the 261 "emergency" parking spaces practically difficult.

a. Parking Demand

The Board has recognized that providing more parking spaces than the anticipated parking demand for a project can constitute a practical difficulty. See Application and Order Nos. 16131, 16163 and 17165. As discussed in the Revised Parking Reduction Analysis prepared by the Applicant's traffic consultant, the 1,000 proposed parking spaces initially proposed by the Applicant is sufficient to meet the expected demand since the practical parking need rate results in only 983 spaces. Further, the Applicant's traffic consultant will testify at the hearing that the provision of 1,244 parking spaces in an attendant assisted format is more than adequate to meet the expected demand of the Project.

b. Cost Of Constructing Additional, Unnecessary Parking Levels

An extrapolation of the information contained in the preliminary construction budget analysis prepared by Clark Construction, previously submitted to the Board in connection with the requested variance from section 2101.1 and attached hereto as Exhibit L, indicates that to provide the additional 261 "emergency" parking spaces, the Applicant would have to construct a partial third level of parking. As indicated in the construction budget analysis, the estimated cost of constructing the additional partial parking level is approximately $35,000 per space, whereas the cost to construct the first two levels of parking is only approximately $27,600 per space.

The preliminary construction budget analysis also details the factors contributing to the cost premiums, and is summarized as follows:

- *Groundwater Levels* - Actual groundwater would be approximately 6-8' above the finished floor elevation of the 3rd parking level. Project construction costs and time will be significantly increased to handle major site dewatering and higher soil stabilization costs associated with deeper excavation in super saturated soils. Mitigation of this problem for the life of the building will require an extensive drainage and waterproofing system added to the current design. Increased safety risks during construction and ongoing flooding risks during the life of the building will need to be dealt with. Other continual costs may include a pumping system (including a connection and increased sizing to the emergency generator), and District dewatering charges. There are also operational costs involved including the electrical consumption charges for the pumping system that are not included in the estimate above.

- *WMATA Tunnel* - A WMATA subway tunnel runs adjacent to the site on 14th Street. According to the structural engineers, there would be a premium associated with the additional WMATA Surcharge as well as increased monitoring and construction costs.

- *Sheeting/Shoring/Underpinning Premium* - The additional parking levels are much more difficult for sheeting and shoring and involve exponentially higher loads on the sheeting as the excavation gets deeper. Therefore the cost of sheeting/shoring/underpinning is substantially higher than the upper floors. Support of the existing facade will also increase.

- *Design Inefficiencies* - Adding additional parking levels require that many design elements that are not based on the number of cars, such as elevators, exit stairs and parking ramps be extended to the lower levels. This results in an extremely high incremental cost per parking spot. In addition, the additional parking levels may increase the size of garage exhaust ventilation ductwork that must run through the building to the roof. All exhaust fans serving these areas will need to be increased accordingly.

- *Increased Construction Schedule* - The third parking level will add approximately four months to the overall construction schedule. This will result in additional costs for project management and general construction conditions.

- *Exposure to Unforeseen Conditions* - The deeper the excavation, the higher the risk of project exposure to the unexpected. These exposures may be in the form of unsuitable materials, undocumented utilities and/or adverse weather conditions. The success of the construction project is largely how quick the contractors can get out of the hole and get the shell of the building completed and dried-in. Normal excavations are vulnerable to adverse weather conditions. Deep excavations in supersaturated soils with continual dewatering systems are very vulnerable and unfortunately have longer exposure periods due to the many related support activities and safety measures that must be taken.

c. Legislation

The feasibility of the entire project has always been, and continues to be, based upon financial assistance from the District Government. The legislation passed by the Council to assist in funding this development capped the public financing for the Project at approximately $42 million, but the net available to the developer for construction is approximately $35 million. The number of parking spaces proposed was based on the Project budget assuming the maximum amount of public financing. The amount of retail space included in the Project likewise is a function of the per square foot demand for the number of parking spaces provided. In sum, additional parking spaces cannot be supported by the Project.

3. <u>The Relief Can Be Granted Without Harming the Public Good</u>

The requested relief can be granted without harming the public good. The project is largely intended to serve the residents of Columbia Heights and surrounding communities within a two-mile radius of the site, and to attract other District residents in the nearby area. It is anticipated that the proximity to the vibrant nearby neighborhoods of Columbia Heights, Mount Pleasant, Adams Morgan and U Street, combined with the adjacent Columbia Heights Metrorail

station and several bus lines running on streets next to the site, will result in a significant amount of transit and pedestrian access to the site. This will lead to a significant decrease in the otherwise expected number of persons who would come to the site by automobile and have a need for parking. Furthermore, as the Traffic Impact Analysis, the Parking Reduction Analysis, and the Pedestrian Analysis demonstrate, the Project will not cause a detrimental impact to the transportation network in the neighborhood. Thus, the 1,244 proposed parking spaces will be sufficient to meet the expected demand since the practical parking need rate results in only 983 spaces. Moreover, the Applicant and the District Department of Transportation have been coordinating information concerning the actual demand and utilization projections for the site, assuming that the Board granted the requested relief.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Notice of Amended Application
Exhibit B:	Architectural Plans and Drawings
Exhibit C:	Portion of the Sanborn Atlas showing the Site highlighted in yellow;
Exhibit D:	Surveyor's Plat of the Site;
Exhibit E:	A portion of the Zoning Map showing the Site highlighted in yellow;
Exhibit F:	D.C. Resolution 15-653;
Exhibit G:	Traffic Impact Analysis
Exhibit H:	Parking Reduction Analysis;
Exhibit I:	Pedestrian Analysis;

Exhibit J:	Land Areas Chart
Exhibit K:	Mueser Rutledge Consulting Engineers Subsurface Investigation Report;
Exhibit L:	Clark Construction Analysis;
Exhibit M:	Letter of Support from Councilmember Jim Graham;
Exhibit N:	Outline of Testimony of Drew Greenwald, Project Developer;
Exhibit O:	Outline of Testimony of Michael L. Prifti, Project Architect;
Exhibit P:	Outline of Testimony of Lou Slade, Traffic Consultant; and
Exhibit Q:	Outline of Testimony of Steven E. Sher, Land Planner.

VIII.
WITNESSES

A. Drew Greenwald, Project Developer

B. Michael L. Prifti, Project Architect

C. Lou Slade, Traffic Consultant

C. Steven E. Sher, Land Planner

IX.

CONCLUSION

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

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Norman M. Glasgow, Jr.

By: _____
Kyrus L. Freeman*

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

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Memorandum

Date: December 22, 2004

To: Property Owners within 200 feet of 1400-1420 Park Road, N.W., 3100-3220 14th Street, N.W., and 1417-1437 Irving Street, N.W. (Square 2674, Lots 719, 720, 812, 832, 863, 866, 869, 870, 871, and 872).

From: Holland & Knight LLP

Re: Board of Zoning Adjustment ("BZA") of the District of Columbia Application No. 17232

Kyrus L. Freeman*
202 862 5978
kyrus.freeman@hklaw.com

This notice is to inform you that the Applicant in the above-referenced case has filed a letter with the BZA amending its application and requesting that the BZA consider alternative parking relief. A copy of the letter filed with the BZA is attached hereto.

The alternative relief would be as a special exception pursuant to 11 DCMR §2108 to reduce the amount of required parking spaces by no more than twenty-five percent (25%), and a variance from section 2115.9 to permit attendant assisted parking in the C-3-A District. Using attendants, the Applicant can park approximately 1,250 cars on the two levels, which is a reduction of approximately twenty-two percent (22%) from the requirement of 1,599 spaces.

Application No. 17232 has been continued for hearing on January 25, 2004, as the last case of the day following the regular afternoon agenda. The Applicant will submit a pre-hearing statement no less than fourteen days prior to the hearing, explaining in detail the relief sought and the manner in which the tests of the Zoning Regulations will be satisfied. The Applicant will also post notice of the hearing on the amended application on the subject property in the same manner as for a new application.

Attachment

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

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Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

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Norman M. Glasgow, Jr.
202 419 2460
norman.glasgowjr@hklaw.com

December 22, 2004

VIA HAND DELIVERY

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

Re: Application No. 17232
14th Street between Park Road and Irving Street, N.W.
Amendment to the Application to add Alternative Parking Relief

Dear Members of the Board:

At the public hearing held on December 21, 2004, substantial discussion occurred between the Applicant's team and members of the Board concerning the adequacy of the number of spaces proposed to be provided in the underground garage (1,000 spaces on two levels). The Board's concern related to the operational issue of whether the parking spaces would be used to serve other demand in the neighborhood, thereby reducing the number of spaces available to serve the proposed development since the parking garage would be owned by NCRC and would be open to the public.

In order to respond to that concern and to provide more parking spaces on-site within the two parking levels which can feasibly be provided, the Applicant hereby amends its application and requests that the Board consider alternative parking relief. The potential of utilizing attendant parking was raised by a Board member during the course of the hearing, which lead the Applicant to focus on the relief necessary for the Board to approve such a parking program at the subject site. That relief would be as a special exception pursuant to 11 DCMR § 2108 to reduce the amount of required parking spaces by no more than twenty-five percent (25%), and a variance from section 2115.9 to permit attendant assisted parking in the C-3-A District. Using attendants, the Applicant can park approximately 1,250 cars on the two levels, which is a reduction of approximately twenty-two percent (22%) from the requirement of 1,599 spaces.

The Application has been continued for hearing on January 25, 2004, as the last case of the day following the regular afternoon agenda. The Applicant will submit a pre-hearing statement no less than fourteen days prior to the hearing, explaining in detail the relief sought and the manner in which the tests of the Regulations will be satisfied. The Applicant has mailed a copy of this request

to the parties to the application, to the Office of Planning and DDOT and to all owners of property within 200 feet of the subject property. The Applicant will also post notice of the hearing on the amended application on the subject property in the same manner as for a new application. These steps will provide notice of the amended application to all potentially interested persons.

We look forward to proceeding with consideration by the Board on January 25, 2004, of this amended application.

Sincerely,

Norman M. Glasgow, Jr.

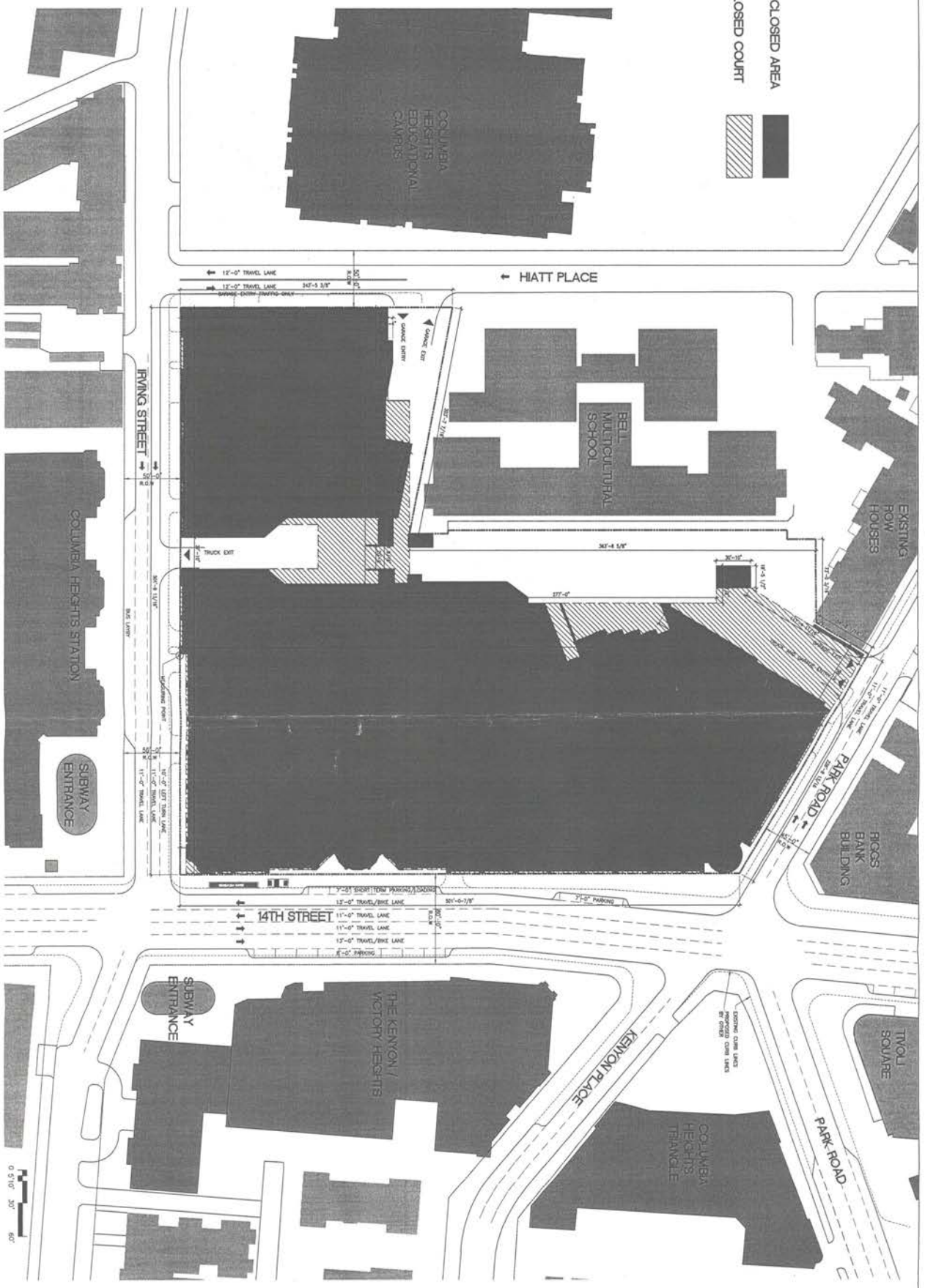
Kyrus L. Freeman*

cc: Advisory Neighborhood Commission 1A
Thomas Ruffin
Stephen Cochran, D.C. Office of Planning
Douglas Nobel, District Department of Transportation
All owners of property within 200 feet

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

2486286_v1

B



1 / Z002 SITE PLAN
1/32" = 1'-0"

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1216 ARCH STREET PHILADELPHIA, PA 19107
TEL: (215) 563 3900 FAX: (215) 563 3036

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12/08/04 UPDATED
12/21/04 UPDATED
01/07/05 UPDATED

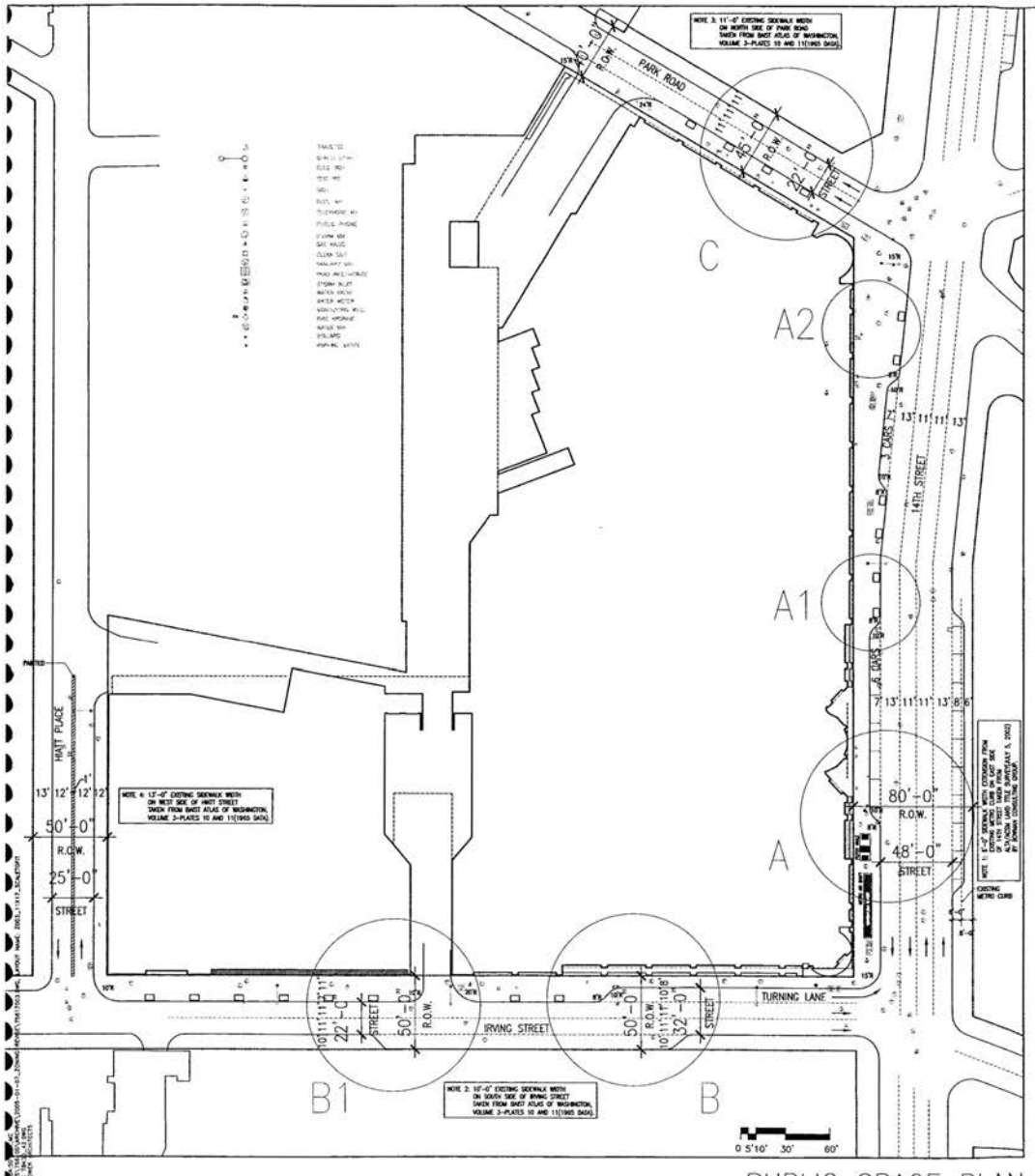
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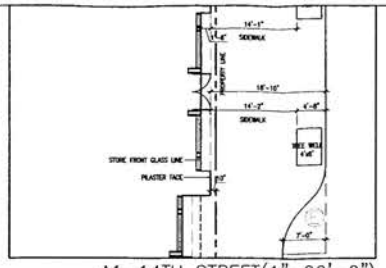
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DATE:	01/07/05
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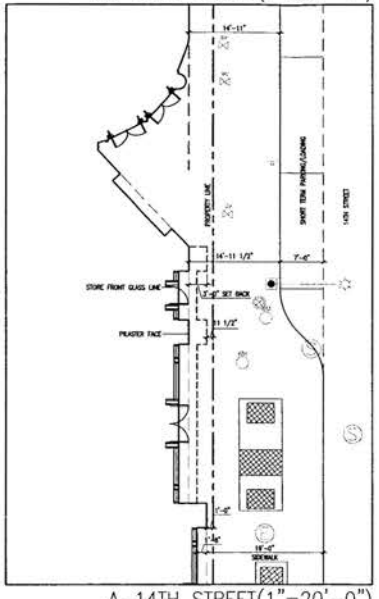
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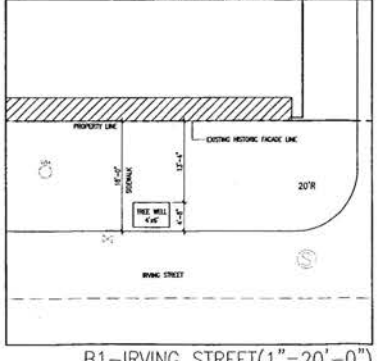
PUBLIC SPACE PLAN
1"=80'-0"



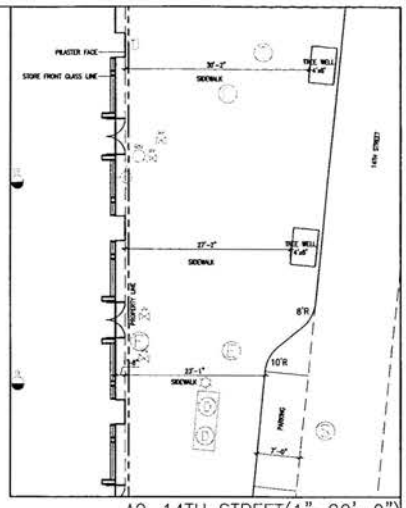
A1–14TH STREET(1"=20'-0")



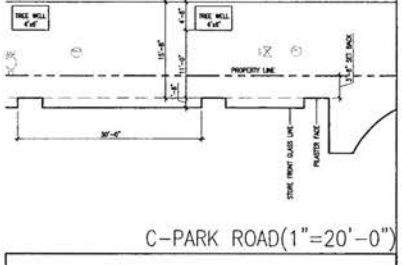
A–14TH STREET(1"=20'-0")



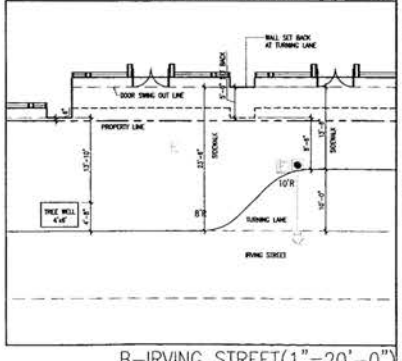
B1–IRVING STREET(1"=20'-0")



A2–14TH STREET(1"=20'-0")



C–PARK ROAD(1"=20'-0")



B–IRVING STREET(1"=20'-0")

DRAWING NO: Z003

DRAWING TITLE: ZONING SUBMITTAL PUBLIC SPACE PLAN

PROJECT NO: 7561.05
DATE: 12/03/04
DRAWN BY: MC
CHECKED BY: RJ
SCALE: AS NOTED
ACAD FILE: 7561Z003

DC USA

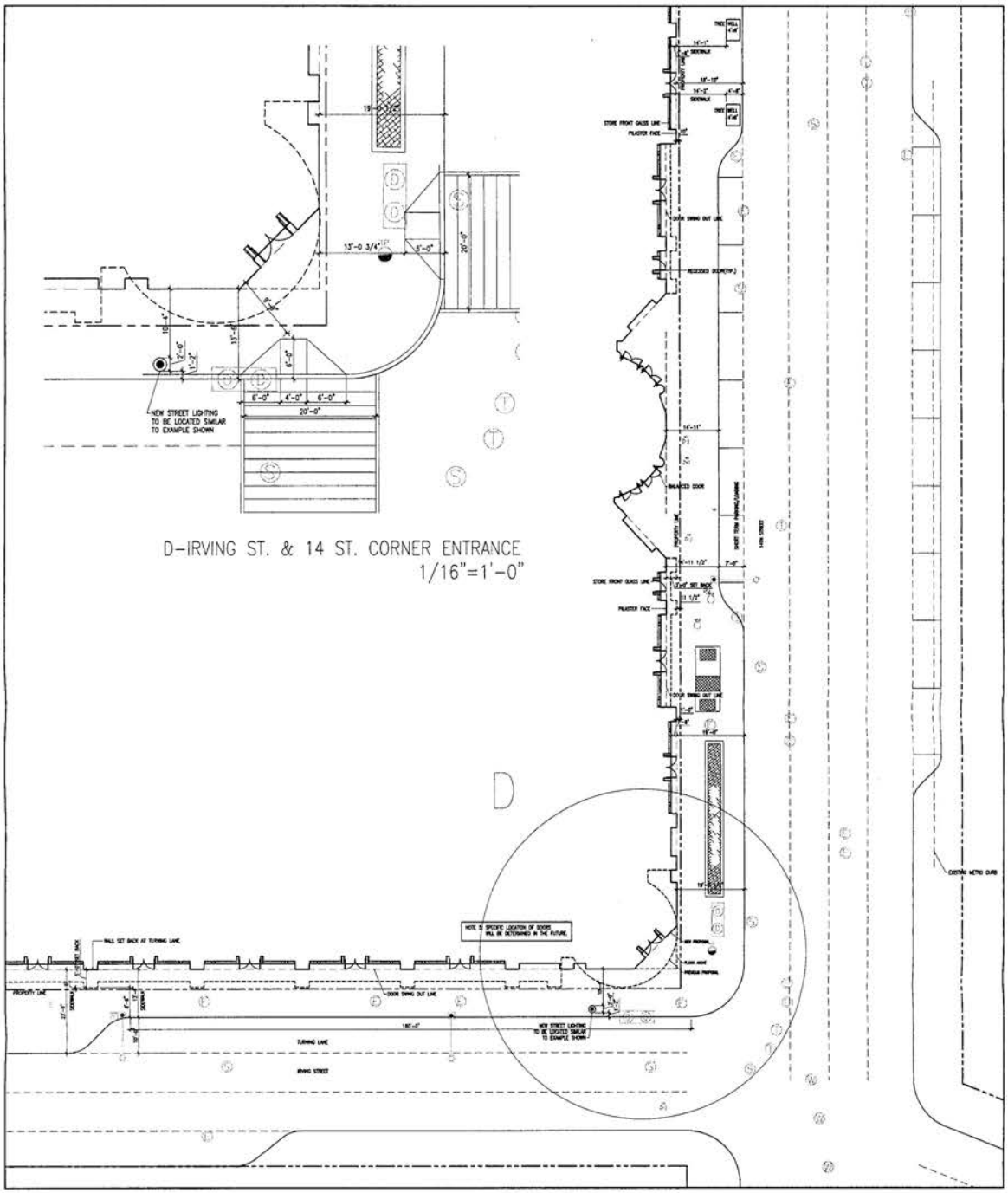
Washington DC Columbia Heights Park Road and Irving Street 14th Street and Hiatt Place

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12/02/04 UPDATED
12/13/04 UPDATED
12/27/04 UPDATED

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ARCHITECTS: BOWER LEWIS THROWER ARCHITECTS
2345 M. JEFFERSON STREET
PHILADELPHIA, PA 19107
TEL: (215) 563 3000 FAX: (215) 563 3034

Drawing: Z0004.DWG 11x17 MC
Style: TBK11_17.CTB/ TBK30_42.CTB
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D–IRVING ST. & 14 ST. CORNER ENTRANCE
1/16"=1'–0"

ENLARGED PUBLIC SPACE PLAN
1"=30'–0"

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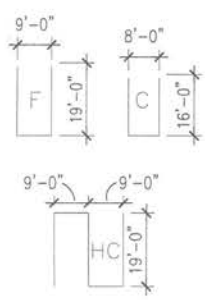
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PROJECT NO: 756102
DATE: 12/07/04
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 756120D4

DRAWING TITLE: ZONING SUBMITTAL PUBLIC SPACE ENLARGED PLAN

DRAWING NO: Z004



2 / Z101A PARKING TYPE
1/32" = 1'-0"

1 / Z101A PARKING LEVEL P1 PLAN
1" = 60'-0"

ZONING MEASURING POINT: 194.56'
PROJECT F.F POINT: 194.00' = 0'-0"
P1 F.F ELEVATION: 181.0' = -13'-0"

PARKING COUNT				
	FULL SIZE	COMPACT	HANDICAP	TOTAL
P1	431	45	8	484
P2	464	44	8	516
TOTAL	895	89	16	1000

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1218 ARCH STREET PHILADELPHIA PA 19107
TEL: (215) 563 3900 FAX: (215) 563 3038

SEAL:

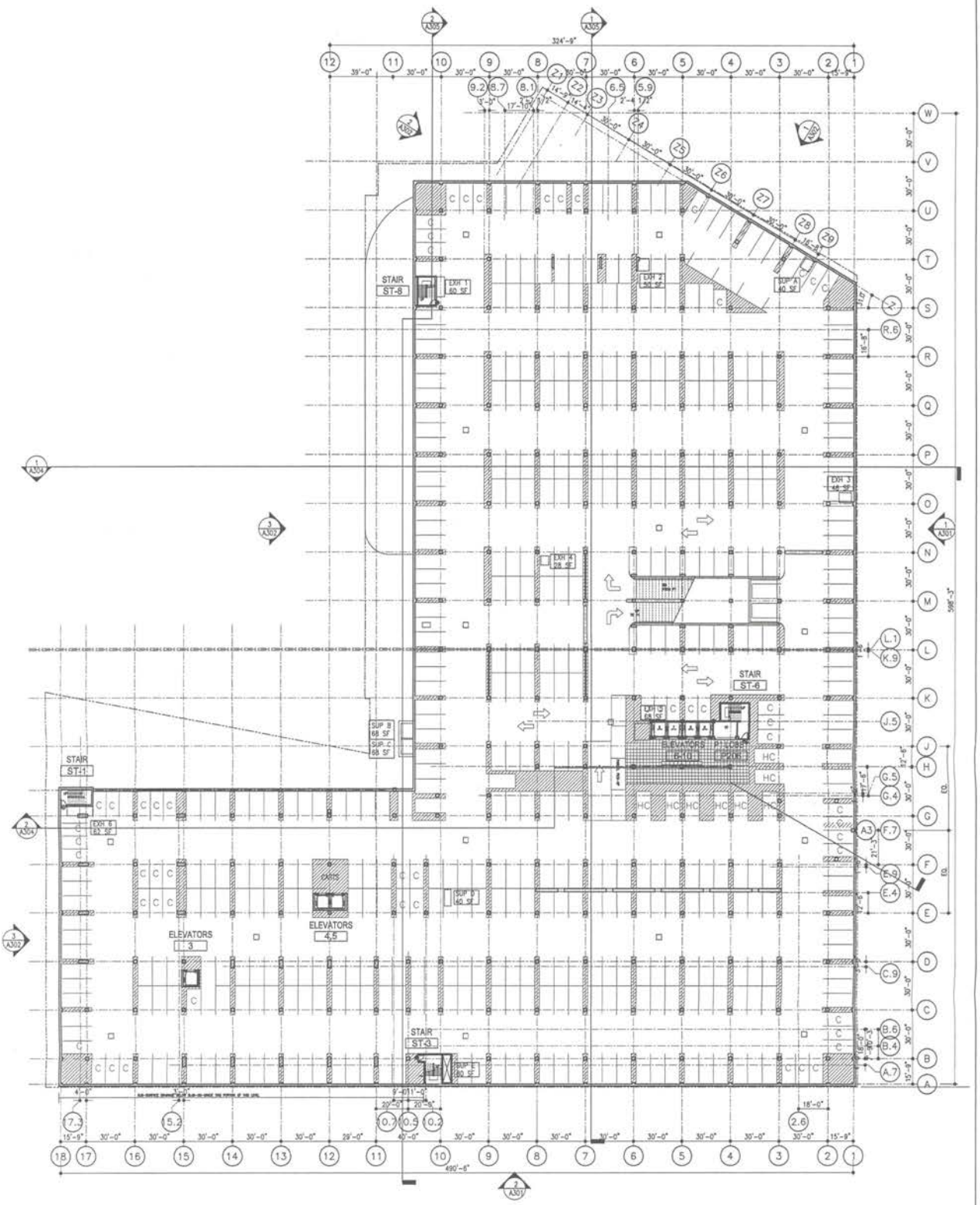
REVISIONS:
12/01/04 UPDATED
12/02/04 UPDATED
12/06/04 UPDATED
12/21/04 UPDATED
01/07/05 UPDATED

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PROJECT NO: 754102
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 754IZ101

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z101A



1 Z101B

PARKING LEVEL P2 PLAN

1" = 60'-0"

ZONING MEASURING POINT: 194.56'

PROJECT F.F POINT: 194.00' = 0'-0"

P2 F.F ELEVATION: 170.5' = -23'-6"

PARKING COUNT				
	FULL SIZE	COMPACT	HANDICAP	TOTAL
P1	431	45	8	484
P2	464	44	8	516
TOTAL	895	89	16	1000

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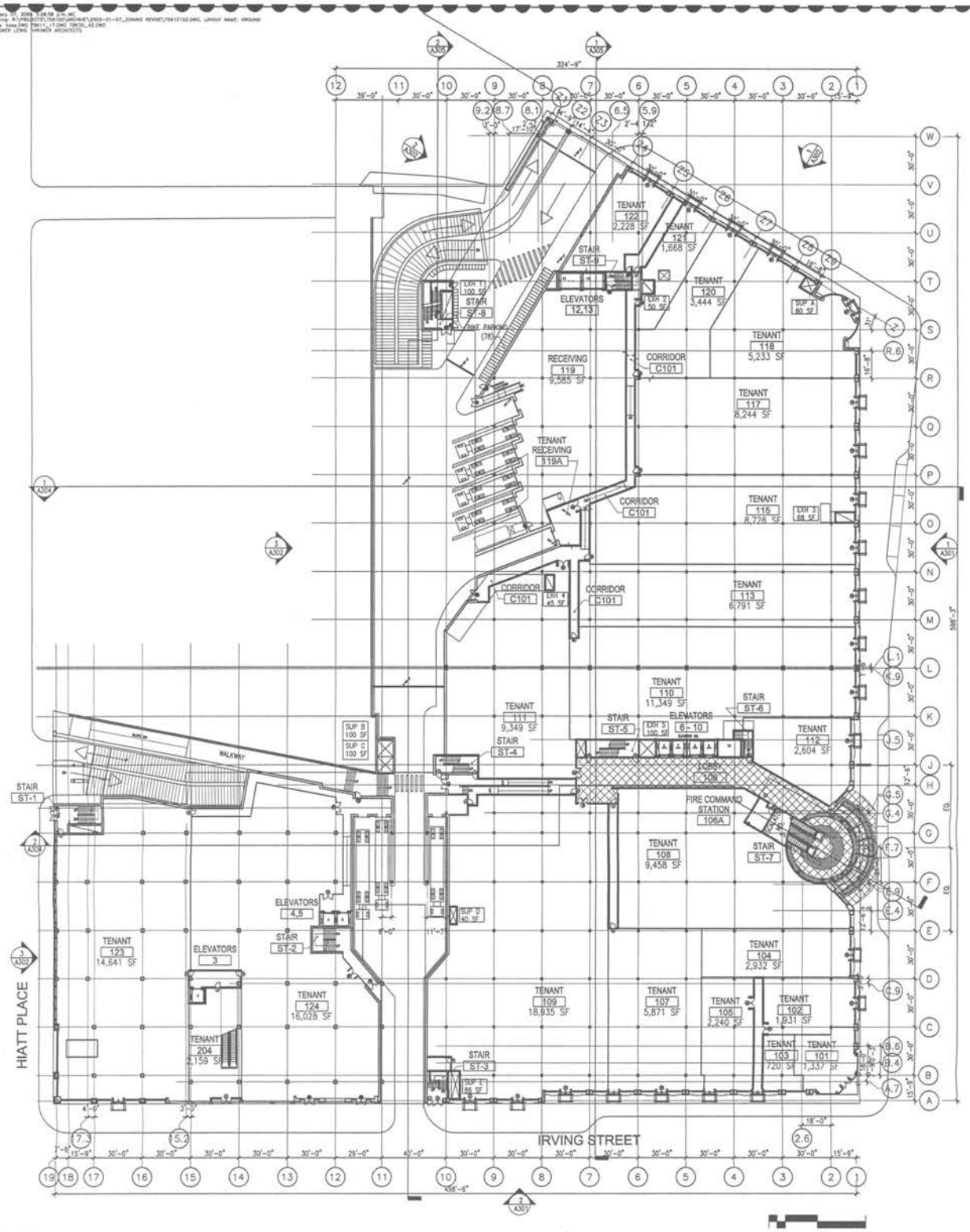
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PROJECT NO: 75612.02
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD. FILE: 75612101

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z101B



0 5'10' 30' 60'

1 / Z102A **GROUND FLOOR PLAN**

1" = 60'-0"

FLOOR AREA SUMMARY CHART								
FLOOR	PARKING	RETAIL	HEALTH CLUB	SERVICE	BUILDING TOTAL	CLOSED COURT	ZONING FA	PARKING CAL. FA
ROOF				8,370 SF	8,370 SF		8,370 SF	
3RD FL		87,772 SF	40,000 SF	13,554 SF	141,326 SF		141,326 SF	138,073 SF
2ND FL		166,360 SF		15,954 SF	182,314 SF		182,314 SF	179,615 SF
GROUND		144,342 SF		20,601 SF	164,943 SF	16,769 SF	181,712 SF	164,943 SF
P1	199,307 SF				199,307 SF			
P2	190,355 SF				190,355 SF			
TOTAL	389,662 SF	398,474 SF	40,000 SF	58,479 SF	886,615 SF	16,769 SF	513,722 SF	482,631 SF

SITE AREA 213,288 SF + (1/2 ALLEY) 2583 SF = 215,871 SF
ZONING FAR 2.5 X 215,871 SF = 539,678 SF

BOWER LEWIS THROWER ARCHITECTS

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1216 ARCH STREET PHILADELPHIA, PA 19107
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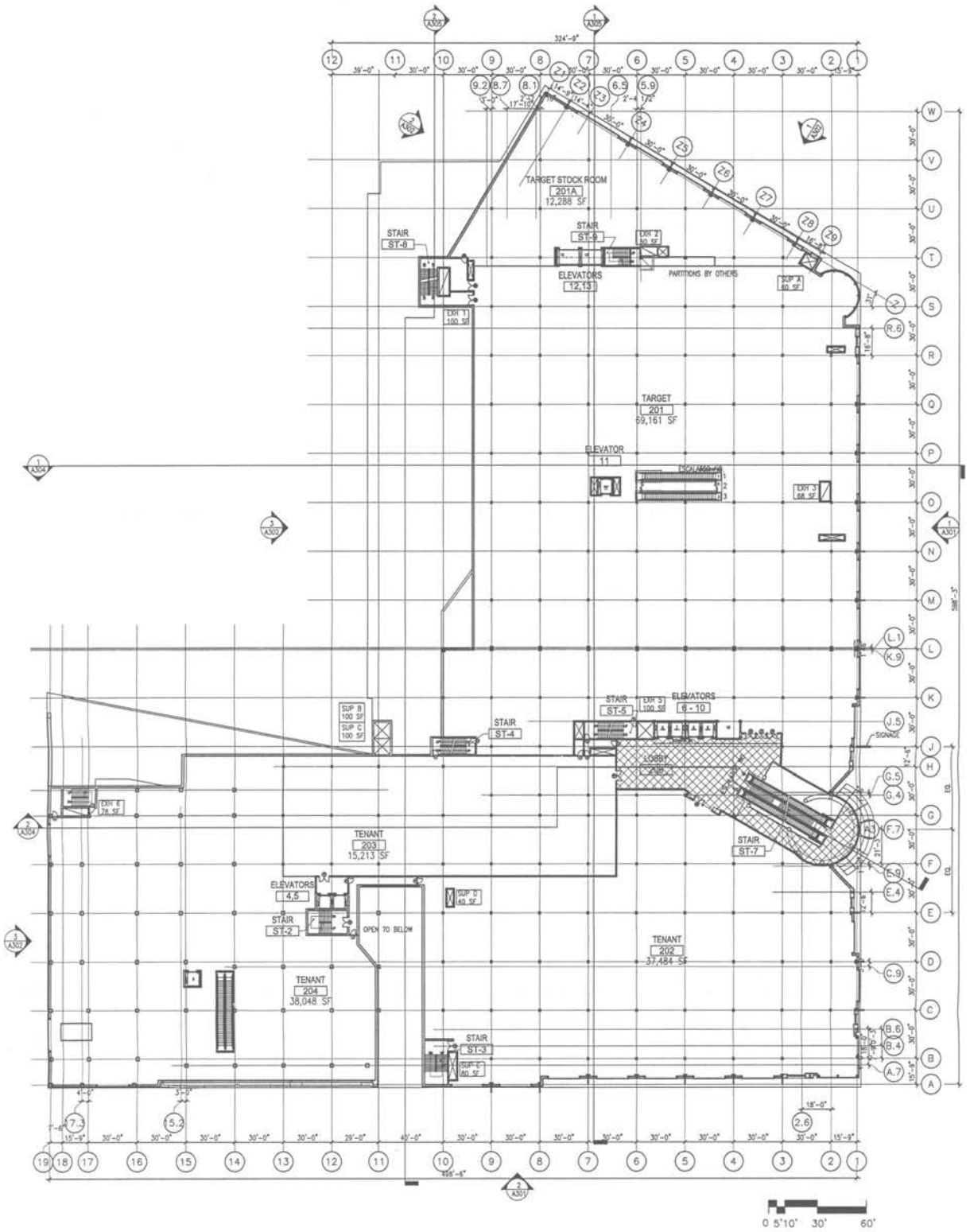
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PROJECT NO: 7561Z102
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 7561Z102

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z102A



1 / Z102B SECOND FLOOR PLAN

1" = 60'-0"

ZONING MEASURING POINT: 194.56'

PROJECT F.F POINT: 194.00' = 0'-0"

2ND F.F. ELEVATION: 214.0' = +20'-0"

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1216 ARCH STREET PHILADELPHIA PA 19107
TEL: (215) 563 3900 FAX: (215) 563 3038

REVISIONS:
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12/02/04 UPDATED
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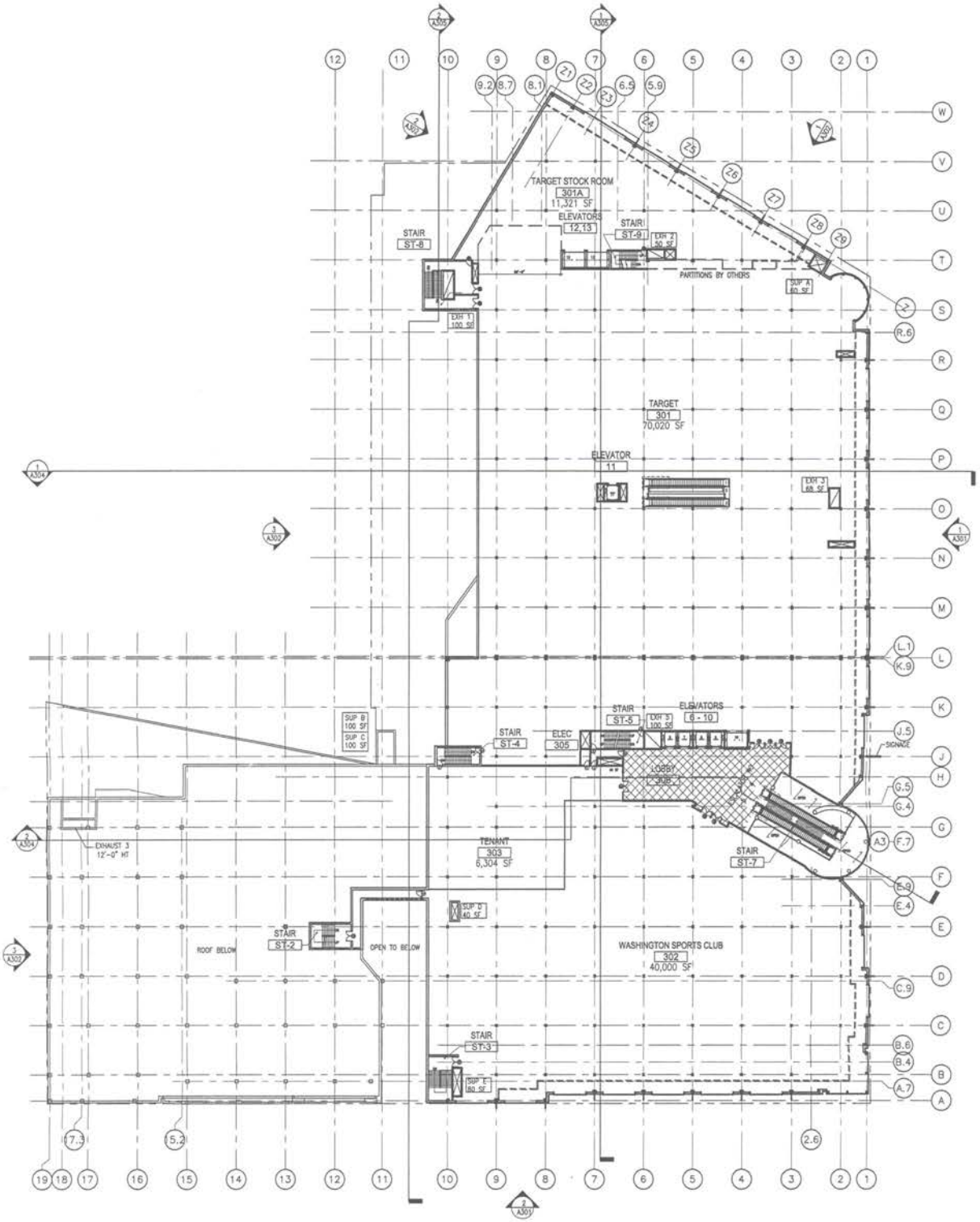
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PROJECT NO: 756102
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 75612102

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z102B



1 THIRD FLOOR PLAN
Z103A

1" = 60'-0"

ZONING MEASURING POINT: 194.56'
PROJECT F.F POINT: 194.00' = 0'-0"
3RD F.F. ELEVATION: 235.0' = +41'-0"

BOWER LEWIS THROWER ARCHITECTS

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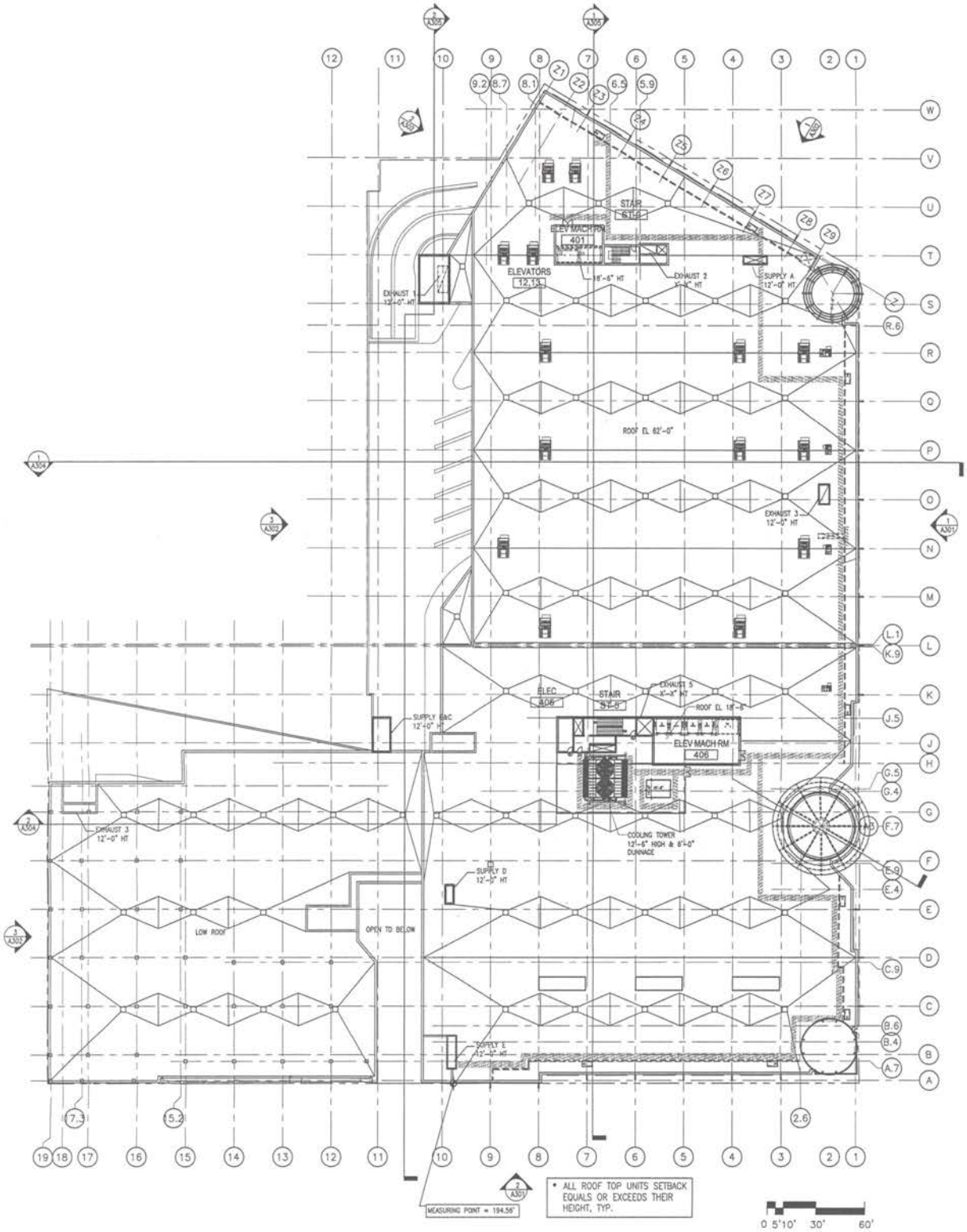
DC USA

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PROJECT NO: 758102
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 75812103

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z103A



1 / Z103B ROOF PLAN

1" = 60'-0"

ZONING MEASURING POINT: 194.56'
PROJECT F.F POINT: 194.00' = 0'-0"
ROOF H.P. ELEV.: 256.0' = +62'-0"
T.O. PARAPET ELEV.: 259.0' = +65'-0"

ZONING MEASURING POINT (M.P.): 194.56'
ROOF H.P. ELEV.: +61.44' ABOVE M.P.
T.O. PARAPET ELEV.: +64.44' ABOVE M.P.

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ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1216 ARCH STREET PHILADELPHIA PA 19107
TEL: (215) 563 3800 FAX: (215) 563 3038

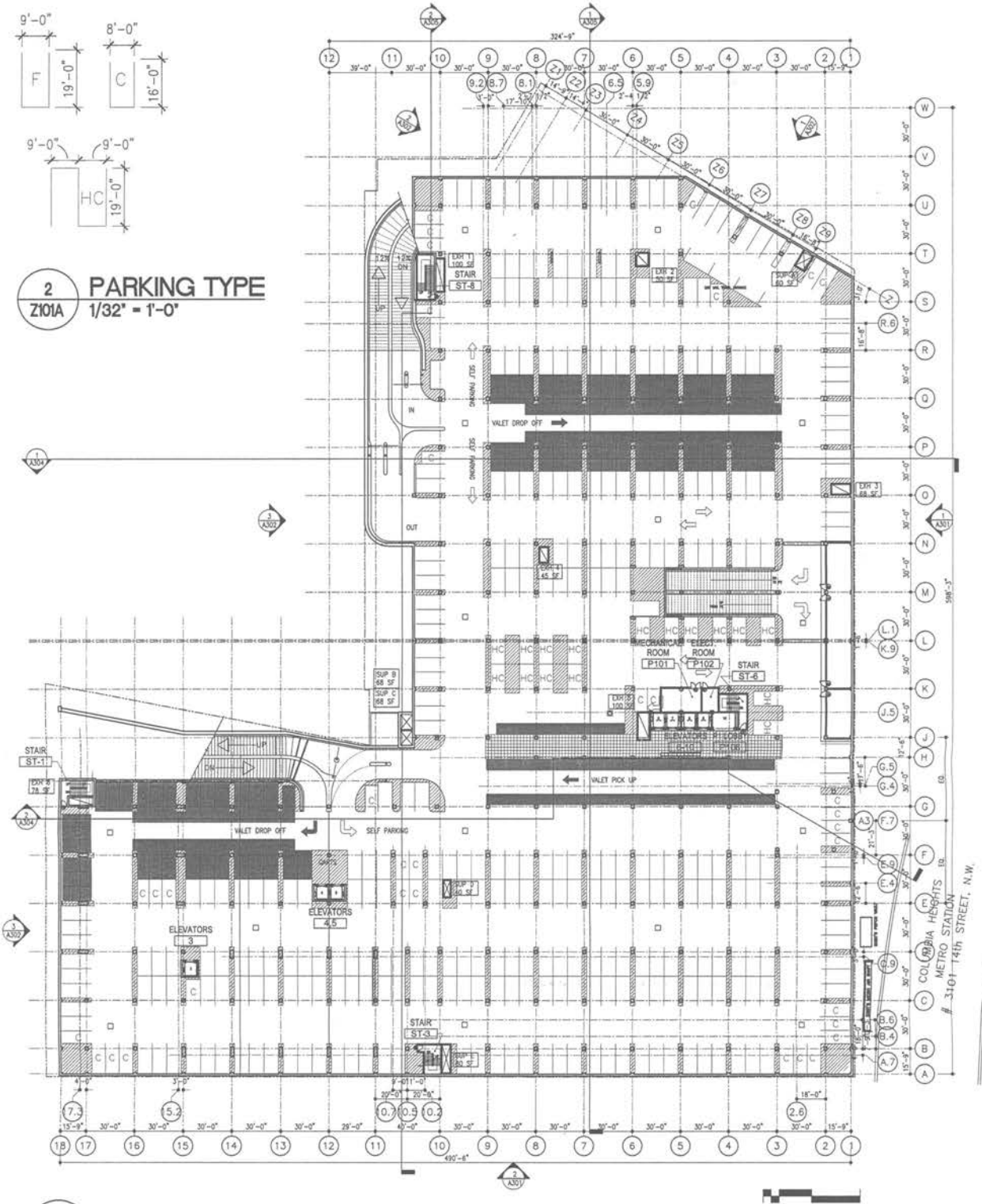
REVISIONS:
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12/21/04 UPDATED
01/07/05 UPDATED

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PROJECT NO: 756102
DATE: 01/07/05
DRAWN BY: MC
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SCALE: AS NOTED
ACAD FILE: 75612103

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z103B



ATTENDANT ASSISTED PARKING SCHEME 1 - P1 PLAN

1" = 60'-0"

0 5'10" 30' 60'

ZONING MEASURING POINT: 194.56'
PROJECT F.F POINT: 194.00' = 0'-0"
P1 F.F ELEVATION: 181.0' = -13'-0"

SCHEME 1 PARKING COUNT				
	SELF PARKING		VALET	TOTAL
	HANDICAP			
P1	16	372	114	502
P2	0	0	742	742
TOTAL	388		856	1244

VALET PARKING LAYOUT BASED ON SYSTEM TO MOVE AT MOST ONLY ONE CAR TO GET ANY CAR IN GARAGE

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1216 ARCH STREET PHILADELPHIA PA 19107
TEL: (215) 563 3900 FAX: (215) 563 3038

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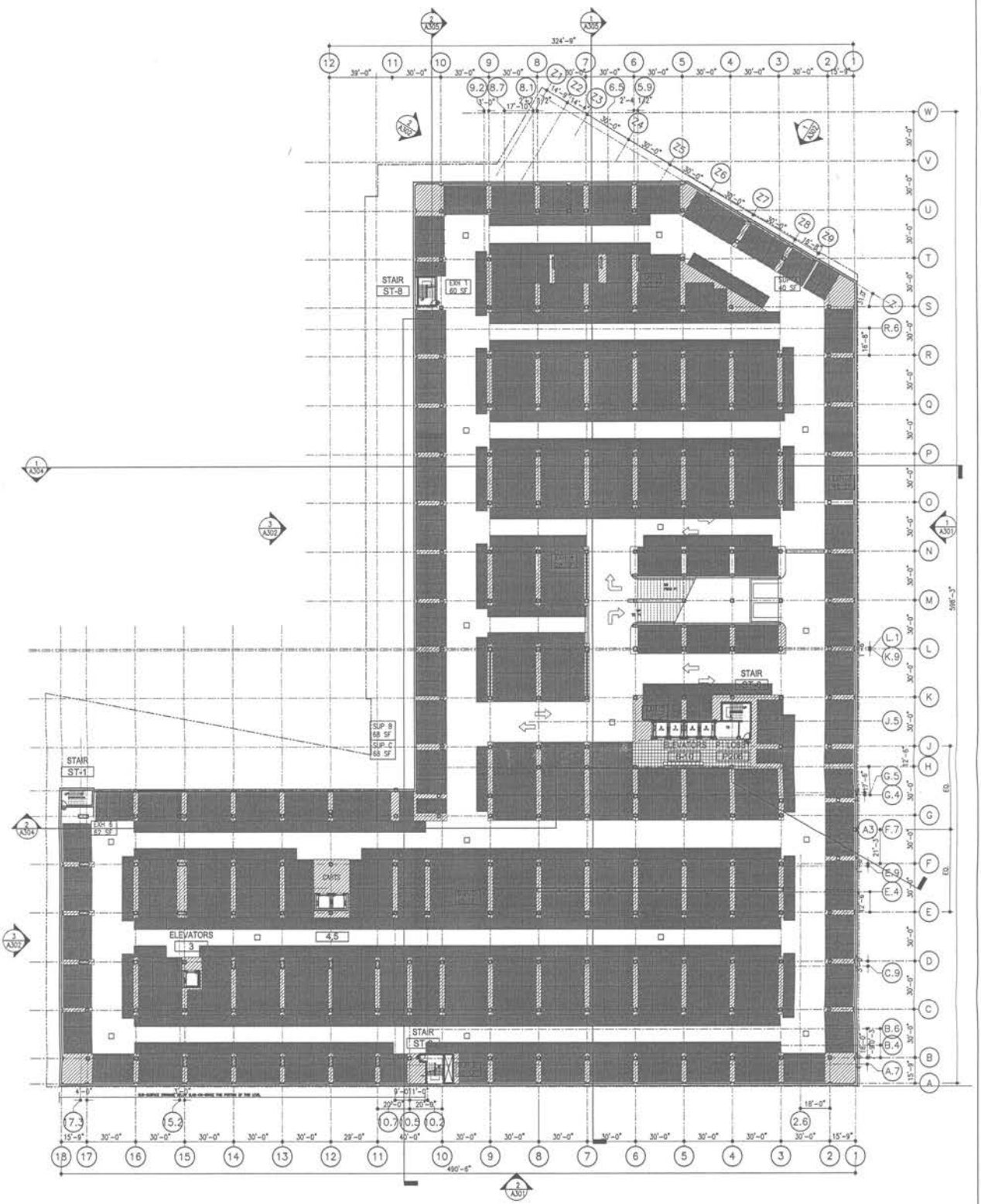
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PROJECT NO: 754102
DATE: 01/07/05
DRAWN BY: MD
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 754IZ101

DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z104A



1 / Z101B ATTENDANT ASSISTED PARKING SCHEME 1 - P2 PLAN

1" = 60'-0"

ZONING MEASURING POINT: 194.56'
PROJECT F.F POINT: 194.00' = 0'-0"
P2 F.F ELEVATION: 170.5' = -23'-6"

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
1218 ARCH STREET PHILADELPHIA PA 19107
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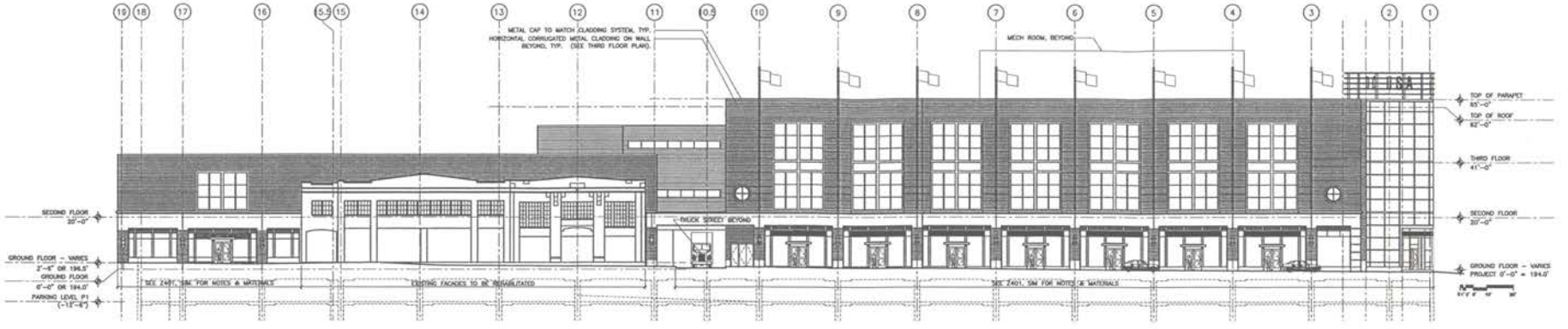
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PROJECT NO:	756102
DATE:	01/07/05
DRAWN BY:	MC
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SCALE:	AS NOTED
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DRAWING TITLE: ZONING SUBMITTAL

DRAWING NO: Z104B

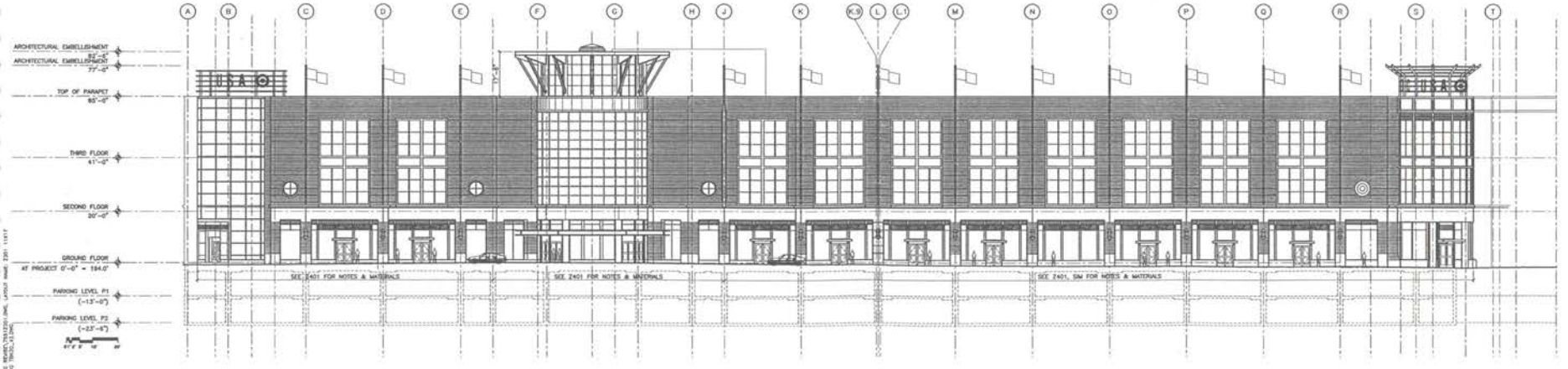


2 / Z301 IRVING STREET ELEVATION

1" = 40'-0"

PROJECT 0'-0" = 194'-0"

ZONING MEASURING POINT = 194.56'



1 / Z301 14th STREET ELEVATION

1" = 40'-0"

PROJECT 0'-0" = 194'-0"

ZONING MEASURING POINT = 194.56'

DRAWING NO: Z301

DRAWING TITLE: ZONING SUBMITTAL BUILDING ELEVATIONS

PROJECT NO: 7581.00
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: RL
SCALE: AS NOTED
ACAD FILE: 7581230

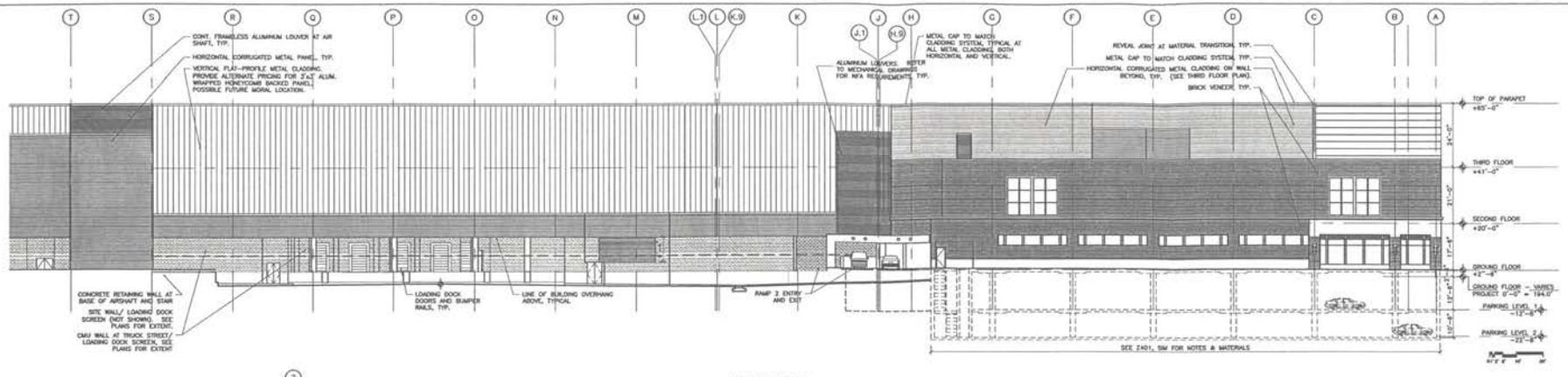
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12/02/04 UPDATED
12/16/04 UPDATED
12/27/04 UPDATED
01/07/05 UPDATED

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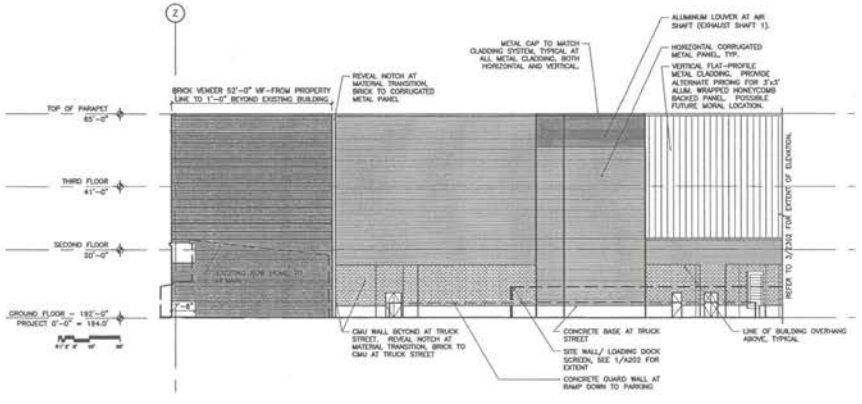
ARCHITECTS: BOWER LEWIS THROWER ARCHITECTS
1218 ARCH STREET PHILADELPHIA PA 19107
TEL: (215) 563 3000 FAX: (215) 563 3034



3 / Z302 HIATT PLACE ELEVATION

1" = 40'-0"

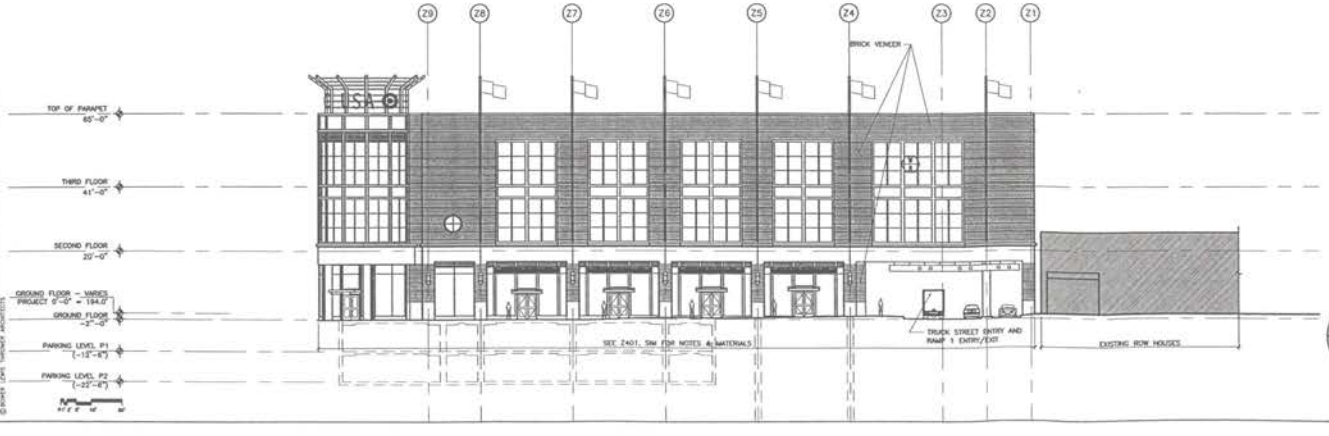
MEASURING POINT = 194.56'



2 / Z302 REAR ELEVATION

1" = 40'-0"

MEASURING POINT = 194.56'



1 / Z302 PARK ROAD ELEVATION

1" = 40'-0"

MEASURING POINT = 194.56'

DRAWING NO. Z302

DRAWING TITLE: ZONING SUBMITTAL BUILDING ELEVATIONS

PROJECT NO: 7561.02
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: RJ
SCALE: AS NOTED
ACAD FILE: 7561Z302

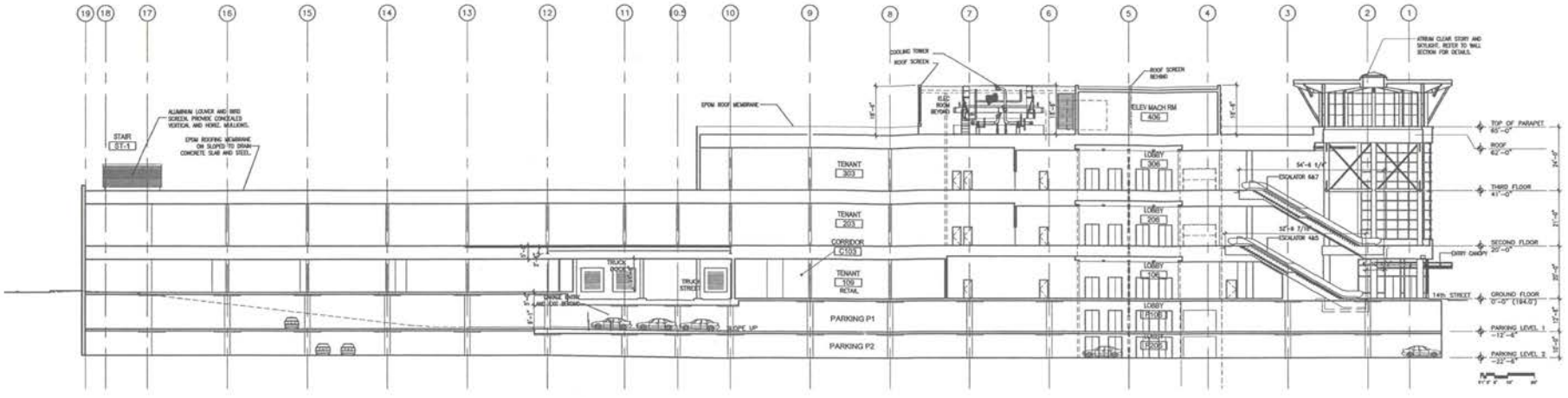
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REVISIONS:
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12/21/04 UPDATED
01/07/05 UPDATED

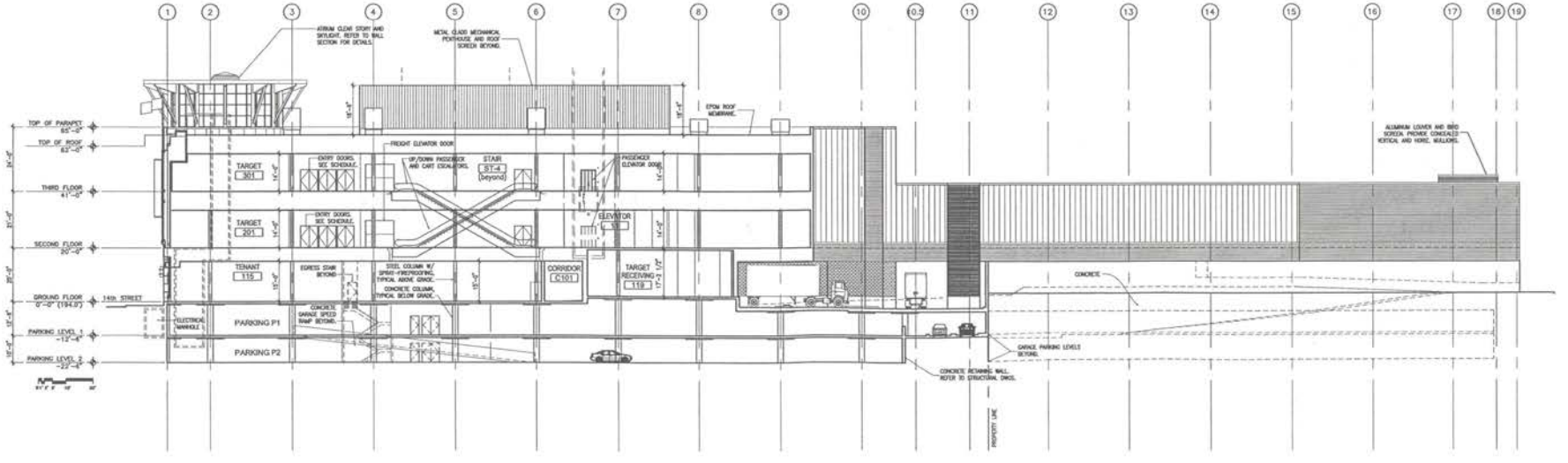
ARCHITECTS: BOWER LEWIS THROWER ARCHITECTS, 1310 SPRUCE STREET, PHILADELPHIA, PA 19107, TEL: (215) 563 3600 FAX: (215) 563 3634

BOWER LEWIS THROWER ARCHITECTS



2 / Z304 BUILDING SECTION LOOKING NORTH

1" = 40'-0"



1 / Z304 BUILDING SECTION LOOKING SOUTH

1" = 40'-0"

DRAWING NO: Z304

DRAWING TITLE: ZONING SUBMITTAL BUILDING SECTIONS

PROJECT NO: 7561.02
DATE: 01/07/08
DRAWN BY: MC
CHECKED BY: BJ
LAST PLOT: 15:16:07
ACAD FILE: 7561Z304

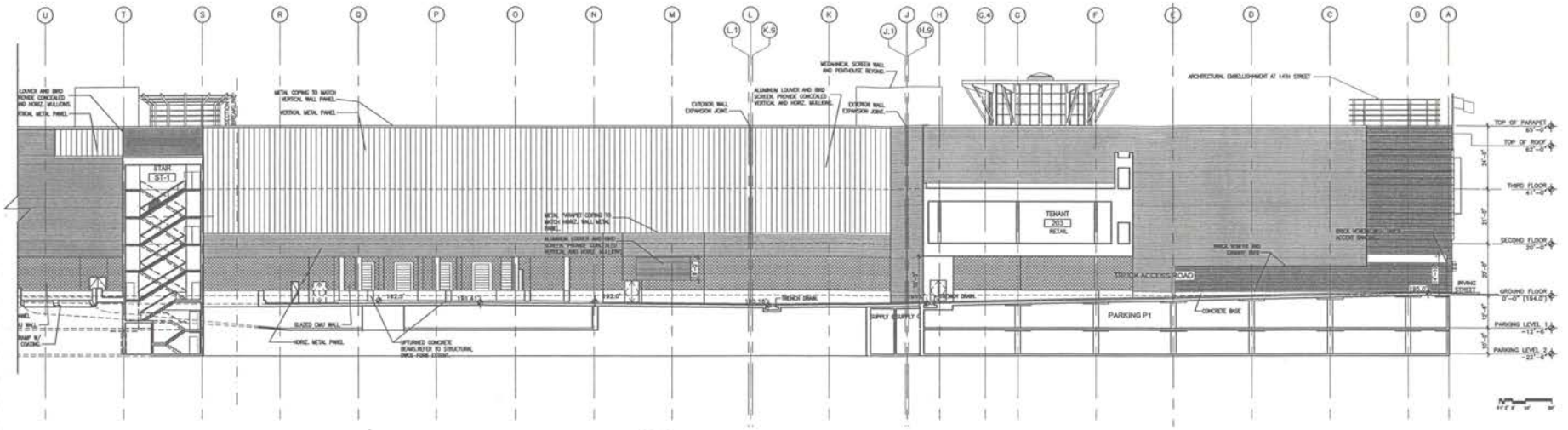
DC USA

Washington DC Columbia Heights Park Road and Irving Street 14th Street and Holt Place

REVISIONS:
12/01/04 UPDATED
12/02/04 UPDATED
12/06/04 UPDATED
01/07/05 UPDATED

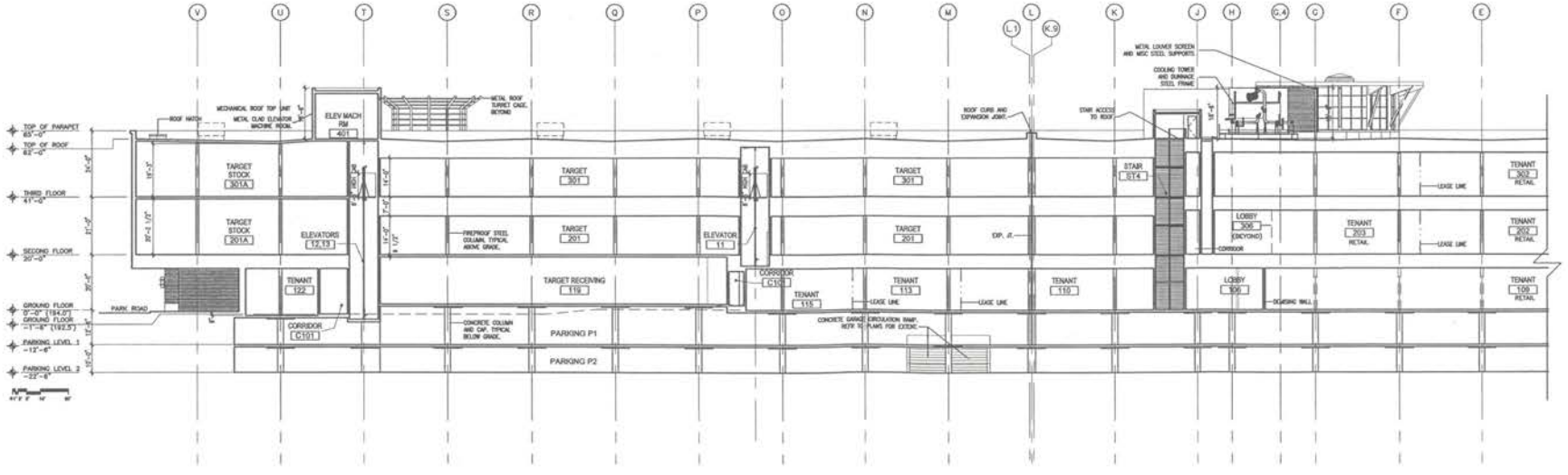
BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS
BOWER LEWIS THROWER ARCHITECTS
1818 MARKET STREET, SUITE 1900 PHILADELPHIA, PA 19107
TEL: (215) 563 3800 FAX: (215) 563 3838



2 / Z305 **BUILDING SECTION LOOKING EAST**

1" = 40'-0"



1 / Z305 **BUILDING SECTION LOOKING EAST**

1" = 40'-0"

DRAWING NO. Z305

DRAWING TITLE: ZONING SUBMITTAL BUILDING ELEVATIONS

PROJECT NO. 7561.02
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: RJ
SCALE: AS NOTED
ACAD FILE: 7561Z305

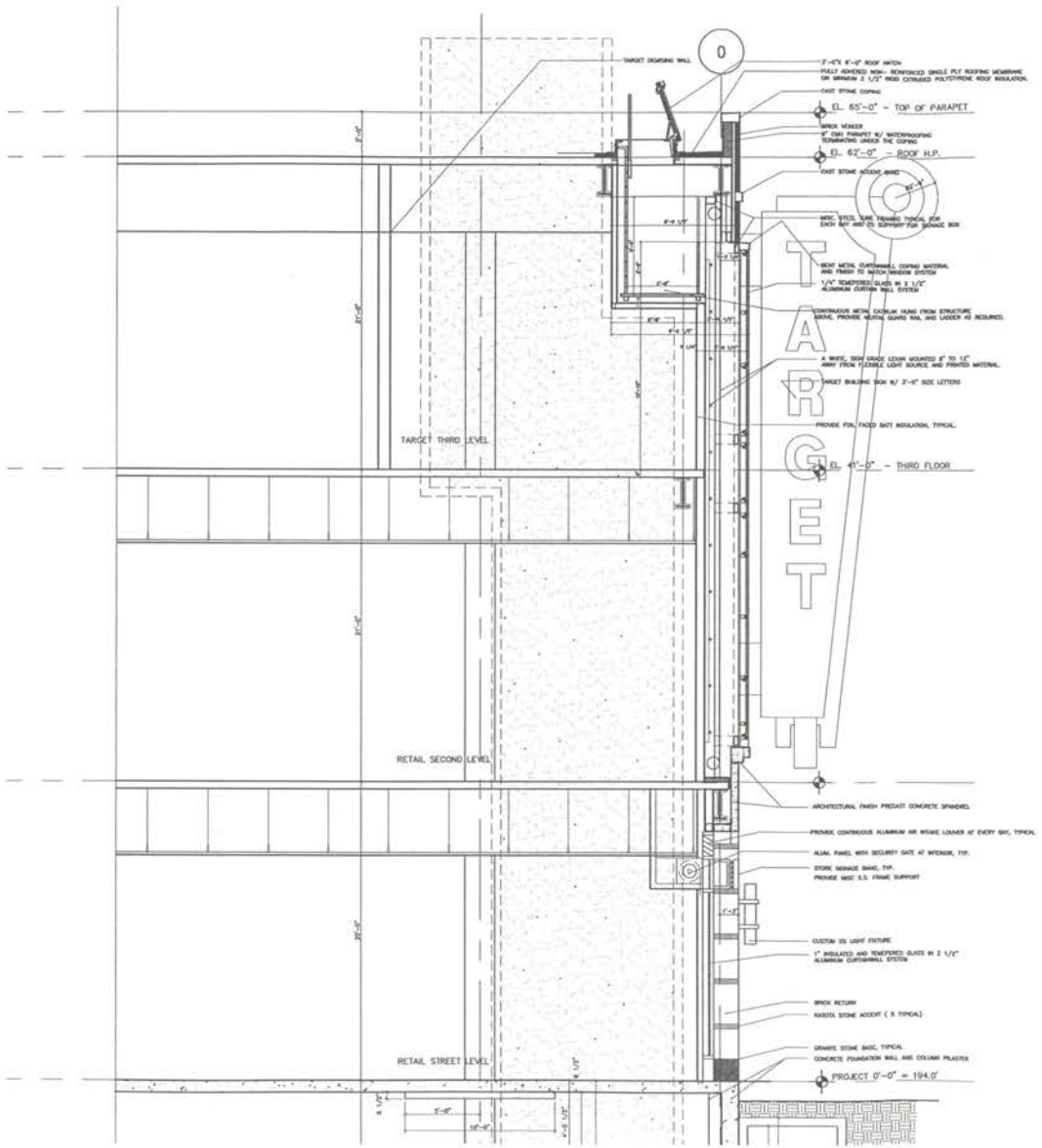
DC USA

Washington DC Columbia Heights Park Road and Irving Street 14th Street and Hiatt Place

REVISIONS:
12/07/04 UPDATED
12/02/04 UPDATED
12/06/04 UPDATED
01/07/05 UPDATED

ARCHITECTS:
BOWER LEWIS THROWER ARCHITECTS
STATE & ELFRETH STREETS PHILADELPHIA PA 19107
TEL: (215) 563-3800 FAX: (215) 563-3036

BOWER LEWIS THROWER ARCHITECTS



1 / Z401 TYP. EXTERIOR WALL SECTION
1/8" = 1'-0"

BOWER LEWIS THROWER ARCHITECTS

ARCHITECTS
BOWER LEWIS THROWER ARCHITECTS
1500 WALNUT ST. PHILADELPHIA, PA 19107
TEL: (215) 563 3900 FAX: (215) 563 3034

REVISIONS:
12/07/04 UPDATED
12/02/04 UPDATED
12/01/04 UPDATED
12/01/04 UPDATED
01/07/05 UPDATED

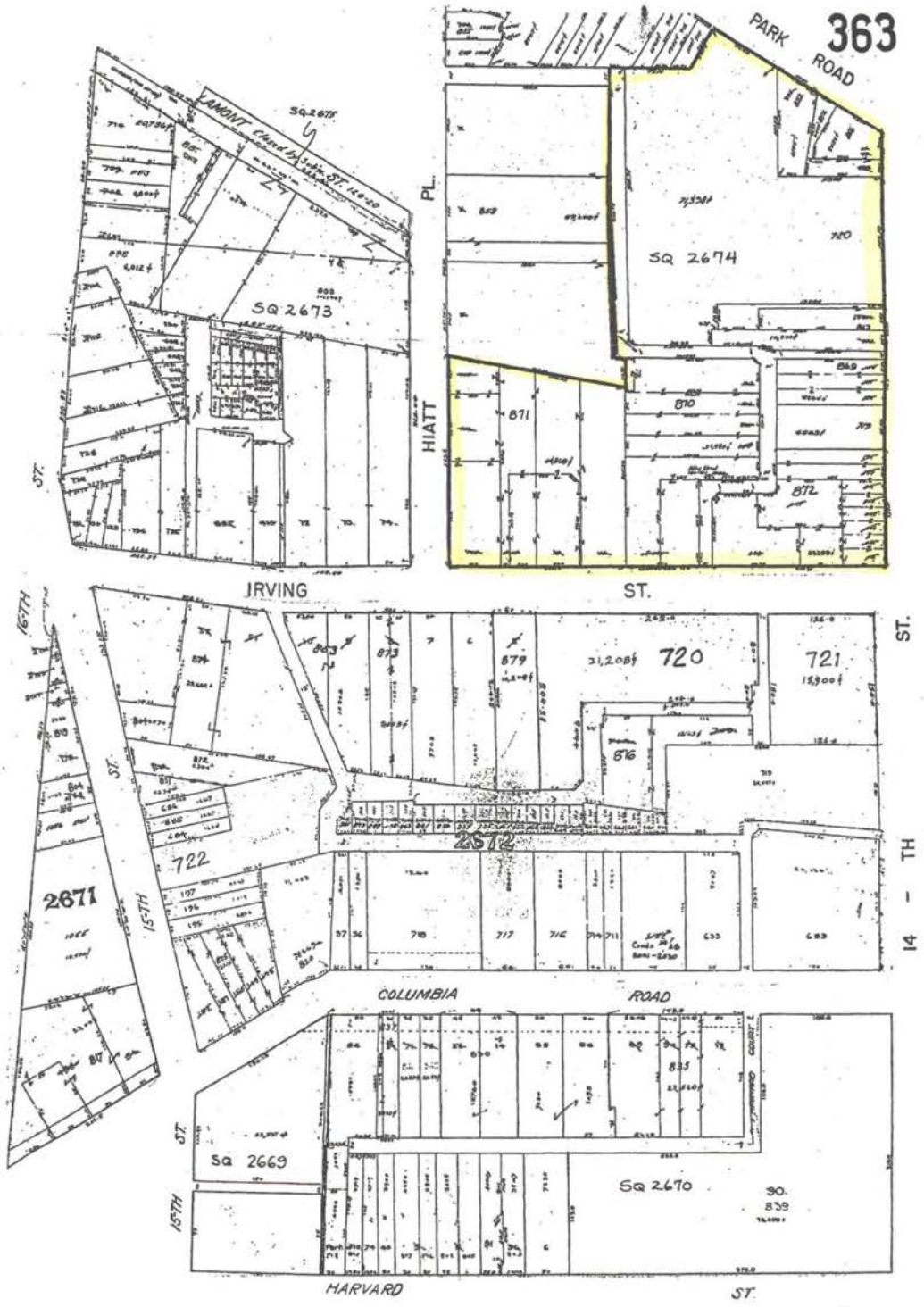
DC USA
Washington DC Columbia Heights Park Road and Irving Street 14th Street and Holt Place

PROJECT NO. 7561102
DATE: 01/07/05
DRAWN BY: MC
CHECKED BY: BJ
SCALE: AS NOTED
ACAD FILE: 7561Z401

DRAWING TITLE:
ZONING SUBMITTAL
WALL SECTIONS

DRAWING NO:
Z401

C


363
PARK
ROAD
LAMONT
SQ 2675
SQ 2673
SQ 2674
PL.
HIATT
ST.
871
810
872
IRVING
ST.
16TH
ST.
879
31,208
720
721
15,900
876
2672
722
2671
15TH
ST.
14 - TH
COLUMBIA
ROAD
SQ 2669
SQ 2670
835
30.
839
15TH
ST.
HARVARD
ST.

D

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 27, 2004

Plat for Building Permit of SQUARE 2874 LOTS 719, 720, 812, 832, 863, 866, 868, 870, 871 & 872

Scale: 1 Inch = 60 feet

Recorded in Book 154 Page 127 (LOT 719), Book 165 Page 78 (LOT 720) A & T Book Page 360 (LOT 812), A & T Book Page 914 (LOT 832), A & T Book Page 2274 (LOT 863), A & T Book Page 3455-W (LOT 866), A & T Book Page 3414 (LOTS 868, 870, 871 & 872)

Receipt No. 11185

Furnished to: BOWER, LEWIS, THROWER

Surveyor, D.C.

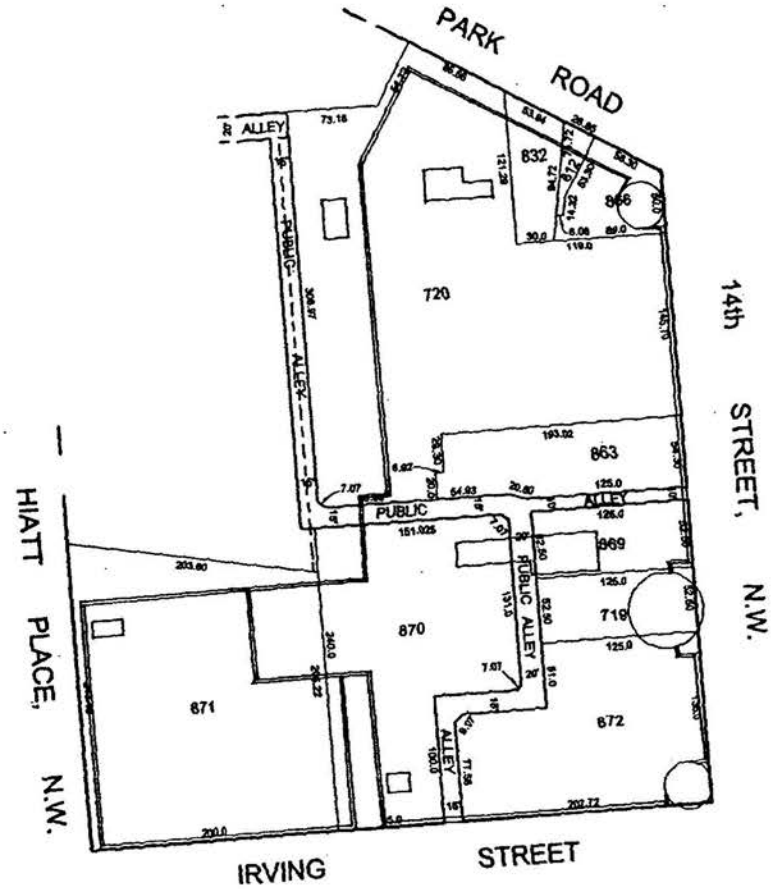
By: L.E.S. B.M.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted, that all proposed buildings or structures, or additions to existing structures, are correctly platted and dimensioned, and comply with the zoning regulations; that this boundary plat is drawn correctly to scale, and dimensioned accurately to the nearest tenth of a foot; that the proposed use of the property shown on this plat is that of ~~any building lot or~~ premises is not changed so as to cause them to be required by the Zoning Regulations for light and ventilation; and I or anyone employed and agreed shall provide parking area where required by the Zoning Regulations, and that the proposed use is in accordance with the Zoning Regulations, and that this plat has been correctly drawn and dimensioned thereon. It is further agreed that the issuance of the requested building permit with respect to this lot or improvement constructed upon and other permit will not result in a violation of any of the provisions of any valid and private property in amount of 20% or more of the value of any building or part thereof, or in excess of 10% at any point for other buildings. (This policy of the Department prohibits a maximum allowable grade of 10% across the public parking area the private adjacent 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.



SO-11185(2004)

E


R-4
R-5-B
C-2-A
C-3-A
R-5-D
C-2-B
D/R-5-B
D/R-5-D
RC/R-5-B
C-M-2
R-5-E
PUD102
GOV
Meridian Hill Park
MONROE ST
LAMONT ST
KENYON ST
HOBART ST
HARVARD ST
IRVING ST
GIRARD ST
FAIRMONT ST
EUCLID ST
CLIFTON ST
CHAPIN ST
BELMONT ST
FLORIDA AVE
PARK RD
NEWTON ST
MERIDIAN PL
OAK ST
MORTON ST
KEEFER PL
GRESHAM PL
HOWARD PL
BARRY PL
BILTMORE ST
MINTWOOD PL
CRESCENT PL
ONTARIO PL
ADAMS MILL RD
MOUNT PLEASANT ST
HOLMEAD PL
GEORGIA AVE
SHERMAN AVE
WARDER ST
CR

F

ENROLLED ORIGINAL

A RESOLUTION

15-653

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve, on an emergency basis, tax increment financing for the DC-USA Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

(2) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code and payments in lieu of real property taxes, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(3) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(4) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated by the DC-USA Project, less the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the respective base year, as certified by the Chief Financial Officer.

(5) "Bonds" means the District of Columbia tax increment revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series authorized to be issued pursuant to this resolution.

(6) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(7) "Council" means the Council of the District of Columbia.

(8) "Developer" means the National Capital Revitalization Corporation, any subsidiary thereof, or any assignee thereof, which assignee shall be subject to the prior express written approval of the Mayor.

(9) "Development Costs" shall have the same meaning as in the Act.

(10) "District" means the District of Columbia.

(11) "DC-USA Project" means a retail development project of at least 465,000 square feet anchored by a Target store of approximately 180,000 square feet and co-tenanted by other prominent national retailers and an underground multi-level parking garage as described in section 3.

(12) "Term Sheet" means the preliminary term sheet attached which details certain commitments of the District and the National Capital Revitalization Corporation to finance the construction of the DC-USA Project.

(13) "TIF Note" means a Bond in an amount not more than the total amount authorized by this resolution and issued to the Developer of the DC-USA Project to reimburse the Developer for that portion of Development Costs incurred in connection with the development and construction of the DC-USA Project that is not reimbursed from revenues payable to the Developer in connection with the DC-USA Project.

Sec. 3. Establishment of DC-USA Project TIF Area; allocation of tax increments.

(a) There is hereby established the "DC-USA Project TIF Area," which shall consist of the following parcels and lots and squares: Square 2674, Lot 0866; Square 2674, Lot 0720; Square 2674, Lot 0863; Square 2674, Lot 0832; Square 2674, Lot 0812; Square 2674, Lot 0869; Square 2674, Lot 0719; Square 2674, Lot 0872; Square 2674, Lot 0870; and Square 2674, Lot 0871.

(b) There is hereby allocated to the repayment of the Bonds 100% of the Available Tax Increment attributable to the DC-USA Project TIF Area. The Available Real Property Tax Revenues shall be calculated based upon the assessed value of the real property comprising the DC-USA Project TIF Area as of the base year beginning January 1, 2004 as certified by the Chief Financial Officer. The Available Sales Tax Revenues shall be calculated based upon the sales tax revenue for base year 2003 as certified by the Chief Financial Officer.

Sec. 4. Bond terms; execution.

(a) The Council hereby approves the following summary of the terms of the Bonds to be issued to pay Development Costs associated with the Project:

(1) The Bonds shall be issued pursuant to the provisions of certain financing documents.

(2) The principal amount of the TIF Note shall not exceed $42 million. An amount not to exceed $40 million shall be used for Development Costs of a parking facility for the DC USA Project and an amount not to exceed $2 million shall be used for Development Costs for a small business assistance program around the DC USA Project Area. The program shall be implemented through a Memorandum of Understanding between the Developer and the Office of the Deputy Mayor for Planning and Economic Development and administered through the reStore Program. The Memorandum of Understanding shall provide the $2 million shall be deposited with a corporate trustee for disbursement for Development Costs upon instructions of the Deputy Mayor for Planning and Economic Development. The Deputy Mayor shall submit an annual report to the Council, which report shall detail funds expended, the number of small businesses assisted, and other metrics of program impact and efficiency. The report shall also include a financial analysis of all direct and indirect costs of program management as well as such information for any grantees of the program.

(3) The interest rate on the Bonds shall be not more than 7.5% per annum.

(4) The final maturity of the Bonds shall be 25 years from the date of issuance.

(5) The Bonds shall be secured by a pledge of the tax increment allocated to the DC-USA Project pursuant to section 3(b).

(6) The Bonds shall be issued not later than 2 years from the date of approval of this resolution.

(b) The Bonds may have any other terms and conditions consistent with this resolution and the Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Chief Financial Officer, or an authorized delegate of the Chief Financial Officer, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the TIF Note.

Sec. 5. Effective date.

This resolution shall take effect immediately.

G

Revised Traffic Impact Analysis

DC USA

Washington, D.C.

October 4, 2004

Prepared For:
Grid Properties, Inc.

GOROVE/SLADE ASSOCIATES, INC.
1140 Connecticut Ave. NW / Suite 700 / Washington, DC 20036

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INTRODUCTION

This report presents the results of a traffic impact analysis of the approved future commercial development to be developed by DC USA Operating Co., LLC, (DC USA) located in the Columbia Heights neighborhood of Washington, D.C. DC USA is located on 14th St NW, on the west side between its intersections with Irving Street and Park Road; Figure 1 shows a map of the site location. It will contain 445,000 square feet of gross leaseable commercial space, along with 1,000 parking spaces. Planned tenants for the development include Target and health club.

The development site is bounded by Park Road to the north, 14th Street to the east, Irving Street to the south, and Hiatt Place to the west, and is across the street from an entrance portal to the Columbia Heights Metrorail station. The development site is presently mostly unoccupied except for a parking lot and a few small stores along 14th Street. Two access drives to the parking facility of the future development are planned, one from Hiatt Place (via Irving Street) and one from Park Road. Full build out of the project is anticipated for 2007.

This traffic impact analysis serves as an update to two previous reports prepared by Gorove/Slade Associates, Inc. (G/SA): (1) a traffic impact analysis was completed in 2000, as part of the original approval of the DC USA site, and (2) an Environmental Impact Analysis Form (EISF) report analysis was prepared in 2003, also as part of the site approval process. This report serves to update both prior efforts. An update is necessary due to a reduction in the development program of DC USA. This analysis is based upon the same assumptions and analysis methodologies contained in the previous two reports.

Before starting the traffic analysis, G/SA contacted the District Department of Transportation (DDOT) staff to discuss the scope, assumptions, and analysis methodologies of this report, outlined below.

- The study area was set as the following intersections (same as the 2003 report):
  - 14th Street and Park Road/Kenyon Street
  - 14th Street and Irving Street
  - 16th Street and Park Road
  - 16th Street and Irving Road
- The traffic counts from the 2000 and 2003 reports could not be used for any new analysis (new counts were collected).
- Future traffic in the area would be projected using a regional growth percentage, and the inclusion of traffic generated by local approved developments (same as 2003 report).
  - The regional growth rate used was 1% per year, for three years
  - The local developments whose traffic would pass through study intersections were Parcels 26, 15, 5, and 29 (Tivoli Theater). Trip generation for these developments would be based

on the same methodology contained in the 2003 report.

- Improvements affecting intersection capacities as recommended in the recently completed *Columbia Heights/Mount Pleasant Transportation Study* by Cambridge Systematics, Inc. were assumed for all future traffic scenarios. These intersection modifications are consistent with the proposed DC USA development plan drawn by Bower Lewis Thrower Architects. Where these two plans differ is in the treatment of on-street parking.
- Traffic generated by DC USA would be estimated using the Institute of Transportation Engineers' (ITE) *Trip Generation*, 7th Edition. A reduction for transit usage would be estimated based on the *Development-Related Ridership Survey II*, by WMATA.
- Trip distribution for the DC USA and the background developments would be based on the trip distributions used in prior DC USA analyses.

Steps in this study included:

1) A site visit was performed recording lane configurations and traffic controls within the study area, including signal timings;
2) Turning movement counts were conducted at the four study area intersections;
3) Peak hour traffic volumes were compiled for three scenarios, Existing, Future Background and Total Future;
    a. Existing – represents current conditions in the study area, and is based on the turning movement counts and the site visit
    b. Future Background – represents future (2007) conditions in study area without the DC USA development, and is based on the existing conditions plus regional and local growth (approved local developments), and future transportation improvements
    c. Total Future – represents future (2007) conditions with DC USA, and is based on the future background conditions with the inclusion of traffic generated by DC USA
4) Capacity analyses of the three scenarios were conducted using methodology contained in the Highway Capacity Manual (HCM); and
5) The results of the capacity analyses are discussed to determine the impact of the DC USA development on the study area intersections; mitigation measures, if necessary, are developed and recommended.

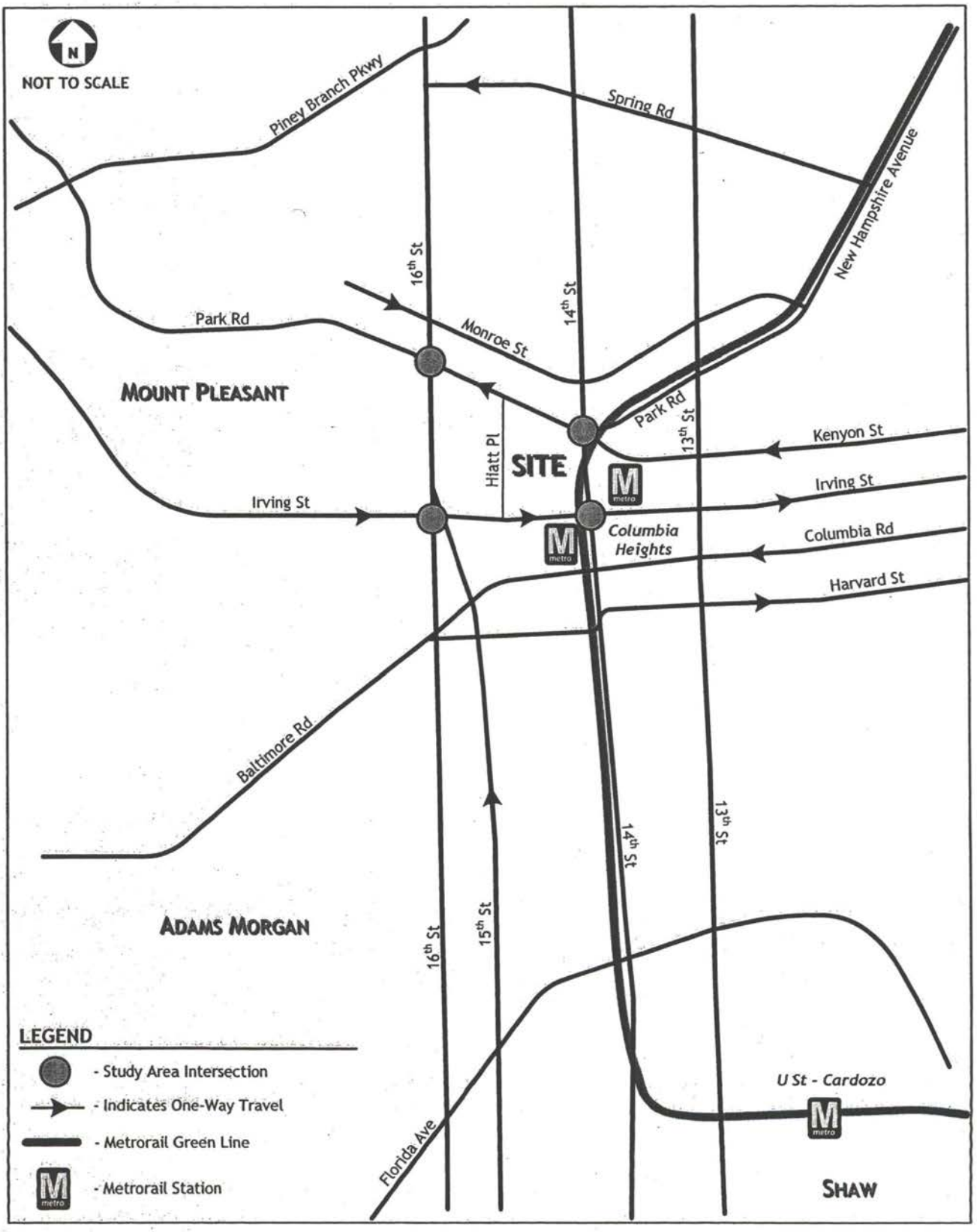


Figure 1 – Site Location Map

EXISTING ROADWAY NETWORK

The following is a description of roadways within the study area. Figure 2 displays the existing lane configurations and traffic controls for the study area.

- *14th Street*
  Near the site, 14th Street is a north-south arterial. South of Irving Street, 14th Street operates as a four-lane roadway with on-street parking allowed on both sides throughout the day. North of Park Road, 14th Street has four lanes with curb parking allowed on the east side. Between Irving Street and Park Road, parking is allowed on both sides of 14th Street. In the northbound direction, there are three through lanes plus an exclusive left turn lane. In the southbound direction, however, there is only one through lane and one exclusive left turn lane, restricting the southbound though movements to a single lane.

- *16th Street*
  Near the site, 16th Street is a north-south major arterial operating as a five-lane roadway with parking prohibited on both sides during the morning peak (7:00-9:30 AM, Mon-Fri) and the evening peak (4:00-6:30PM, Mon-Fri). During all other times, restricted parking is allowed on both sides, effectively reducing it to three operating lanes. South of the junction between 16th Street and the one-way northbound 15th Street, both in the morning and evening peak periods, 16th Street operates with three southbound lanes and two northbound lanes. The 16th Street northbound approach at Irving Street, however, is striped as only one through lane and one exclusive right turn lane. This is presumably to facilitate the downstream merging of the 15th Street two northbound lanes with 16th Street northbound traffic. Field observations during both AM and PM peak hours indicate that many vehicles approaching along northbound 16th Street use the right turn lane as a through lane since there are two receiving lanes available. This in turn forces vehicles in the left-most through lane of 15th Street to yield before merging into 16th Street. Vehicles in the right-most through lane of 15th Street have their own receiving lane, as an additional lane is provided along northbound 16th Street, between 15th Street and Pine Street. At Pine Street, however, this additional lane becomes an exclusive right turn lane onto Pine Street. North of the junction between 16th Street and the one-way northbound 15th Street, the 16th Street center lane is a reversible lane operating southbound in the morning peak (7:00-9:30 AM, Mon-Fri) and northbound the remainder of the day. During the peak periods, when parking is prohibited on both sides, this reversible system provides three southbound lanes/two northbound lanes during the morning peak, and three northbound lanes/two southbound lanes during the evening peak.

- *Hiatt Place*
  Hiatt Place is a local narrow two-lane street, with restricted parking allowed along the east curb between Park Road and Irving Street. It partially borders the west side of the site, and allows for a practical counterclockwise direction of flow around the site.

- *Park Road*
  East of 14th Street, Park Road is a two-lane east-west minor arterial with restricted parking allowed on both sides. West of 14th Street, Park Road becomes a one-way westbound-only two-lane arterial with restricted parking allowed along the south curb.

- *Kenyon Street*
  Kenyon Street is a one-way eastbound arterial forming the fifth leg of the signalized intersection of 14th Street and Park Road. Parking is prohibited along the north curb at all times except on Sundays. Restricted parking is allowed along the south curb. Therefore Kenyon Street operates as a one-way two-lane roadway with restricted parking on the south side, between 13th Street and 14th Street.

- *Irving Street*
  Irving Street is a one-way eastbound arterial with parking prohibited along the south side of the street between 7:00 AM-6:30 PM, Monday through Friday. From 16th Street to Hiatt Place, parking is prohibited between 7:00-9:30 AM and 4:00-6:30 PM, Monday through Friday, along the north side of the street. From Hiatt Place to 14th Street, parking is also prohibited at all times along the northside of Irving Street except for a short stretch of 30-minute parking allowed in the middle of the block. From 14th Street to 11th Street, two-hour on-street parking (except for Zone 1 sticker holders) is allowed from 7:00 AM-8:30 PM, Monday through Friday along the north side of the street. Therefore during peak periods, from 16th Street to 14th Street, Irving Street operates as a three-lane roadway without parking for the exception of the short stretch of 30-minute parking allowed on the north side. West of 14th Street, Irving Street operates as a two-lane roadway with restricted parking allowed along the north curb.

Existing Transit and Pedestrian Conditions

- *Metrorail*
  The closest Metrorail station is Columbia Heights, located directly across the street from the site. The Columbia Heights station is on the Green Line, which provides direct access to downtown Washington D.C.

- *Metrobus*
  In addition, several Metrobus lines serve the streets in the vicinity of the project site:
  - 16th Street - S1, S2, S3, S4, S5
  - Monroe Street/14th Street/Park Road - H8
  - Irving Street - H2, H4, H8

  Buses travel all day along these streets with headways of approximately 10 minutes during the peak periods and 30 minutes during the off-peak periods.

- *Sidewalks*

Sidewalks are provided on all of the streets in the vicinity of the site and the following are the average sidewalk widths in the vicinity of the site:

- 14th Street - 13 feet
- 16th Street - 6 feet (east side)
- Park Road - 4-5 feet (south side), 5-11 feet (north side)
- Irving Street - 6-14 feet (north side), 6-14 feet (south side)

These widths include parking meters, landscaping, fire hydrants, signs, and other objects. It should be noted that the future sidewalk widths adjacent to DC USA will change according to the proposed development plan.

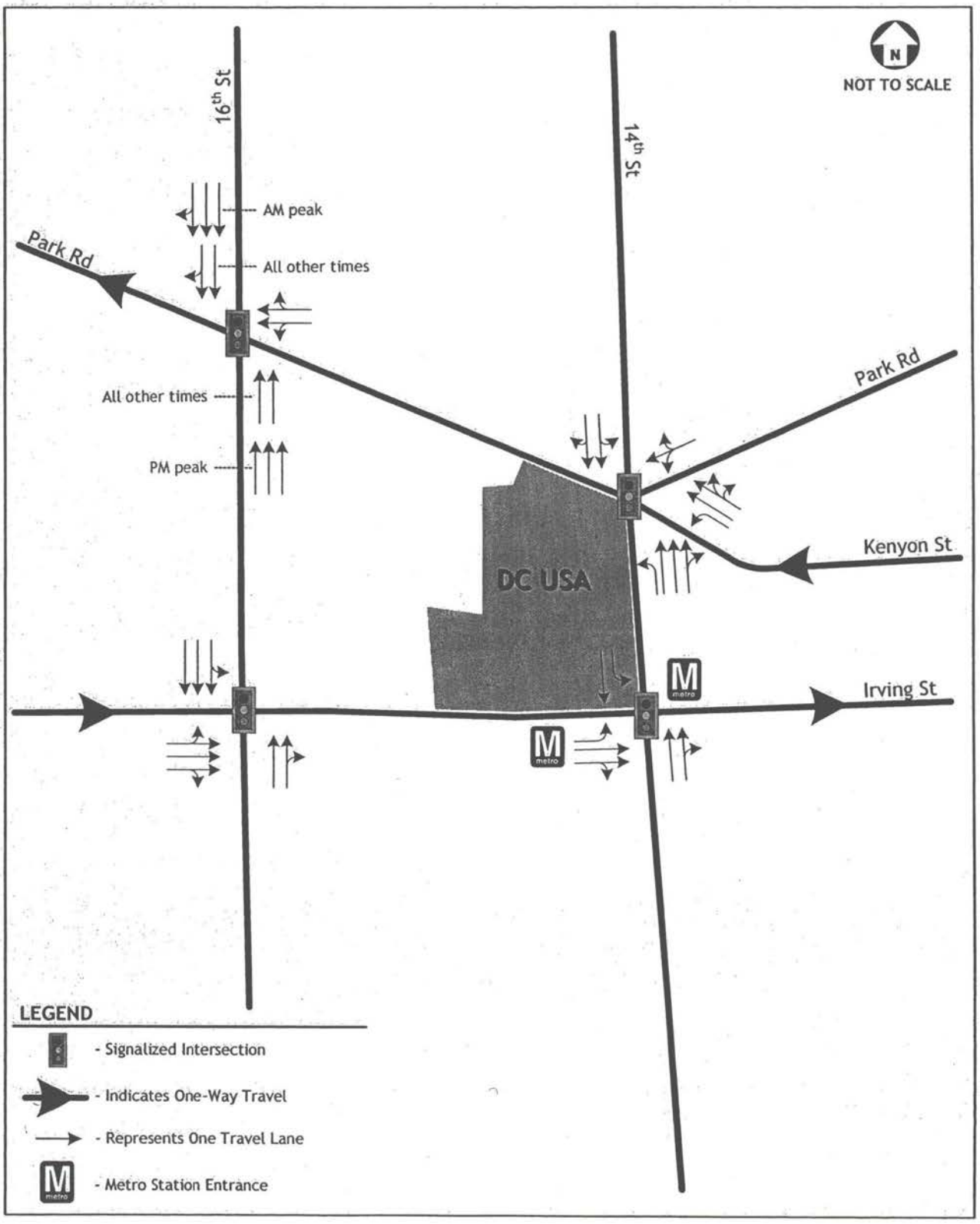


Figure 2 – Existing Lane Configuration and Traffic Controls