

Holland & Knight

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December 2, 2011

MARY CAROLYN BROWN
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VIA HAND DELIVERY

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

BOARD OF ZONING ADJUSTMENT District of Columbia

CASE NO. 18272
EXHIBIT NO. 43

2011 DEC -2 PM 2:15

Re: BZA Case No. 18272 – Post-Hearing Submission
1328 16th Street, N.W. , Square 181, Lot 163

Dear Members of the Board:

On behalf of KS FBC LLC, the Applicant in the above-referenced case, we submit herewith the materials listed below in response the Board of Zoning Adjustment's request at the conclusion of the November 15, 2011, hearing on this matter.

1. Unit Mix: The attached memorandum from Keener-Squire Properties provides a break-down of the unit mix for the proposed apartment building. The new development will include approximately 43 studios, 159 junior one-bedroom and one-bedroom units, and 16 two-bedroom units, for a total of 218 apartments. The exact mix and location of units may vary as the design progresses through construction development, and the applicant requests flexibility to accommodate such changes.

2. Deferred and Annual Maintenance Costs of First Baptist Church: The attached executive summary from Rand Construction Corporation describes the deferred maintenance costs associated with the First Baptist Church, as well as the ongoing maintenance reserves needed for the church. As shown on the attachment, and as testified by the church's witnesses at the hearing, deferred maintenance costs total more than \$5 million. The funds to be applied to these costs will come out of the revenue stream from the lease payments. In addition to the immediate expenditure of \$5 million for deferred maintenance, the church will also need to allocate (i) approximately \$39,500 per year for an annualized maintenance fund over the next 25 years, and (ii) approximately \$424,000 annually to build up a separate reserve for future capital costs. As discussed at the hearing, the lease agreement between First Baptist Church and Keener-Squire Properties will generate an annual payment of approximately \$750,000 to \$1,000,000 annually, including CPI adjustments, to the church. These payments will help

ment of Zoning Adjustment
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satisfy both the deferred maintenance costs, the annual maintenance fund and the separate building reserve. The payments will also help sustain the religious programs, services and ministries of the First Baptist Church, which are central to the tenets of its faith and critical to the continuing exercise of its religious beliefs. The church currently has an annual deficit of approximately \$300,000 for operations and programs.

The annual payments are based upon the proposed residential building with a unit count of approximately 218 apartments. If the Applicant were only permitted to construct a building of 70 feet in height, the size of the building would be reduced by approximately 22 percent, resulting in 170 units. Upon examining the effects further, the Applicant will, in fact, lose approximately 52 units. As Mr. Squire testified at the hearing, the operating expenses increase per unit and the costs per space for the required off-street parking also increase significantly, and the economics of the project become unattractive.

3. Additional Shadow Studies: At the Board's request, the Applicant has provided additional shadow studies to expand the time periods examined to 9:00 a.m., 11:00 a.m., 1:00 p.m. and 3:00 p.m. The studies show the shadows cast by the proposed building and a matter-of-right building and their effect on the Richmond Condominium across O Street to the north. As indicated on the studies, the Richmond Condominium and the Wildlife Federation Building, located to the east of the Richmond, cast the most significant shadows on the Richmond garden. In contrast, the proposed apartment building on the church site only begins to cast shadows of a few feet on the Richmond and the garden during the equinoxes, and are only slightly more and differently configured than the shadows cast by a matter of right building. The Richmond garden will continue to receive direct sunlight for two to three hours, during lunchtimes, even within one month of the winter solstice. There is no effect on the light and air of the garden during growing season. Further, there is no appreciable difference between the shadows cast by the proposed apartment building and a matter of right building on November 21 and January 21. Thus, the proposed building will not create any substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan, under the third prong of the variance test.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Mary Carolyn Brown", written in a cursive style.

Mary Carolyn Brown
Norman M. Glasgow, Jr.

Enclosures

D.C. Board of Zoning Adjustment
December 2, 2011
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cc: Paul Goldstein, Office of Planning
George Keys, Esq., Jordan and Keys (on behalf of party opponents)
Advisory Neighborhood Commission 2B

KS FBC, LLC
1746 N Street, NW
Washington, DC 20036
(202) 833-3050

TO: BOARD OF ZONING ADJUSTMENT

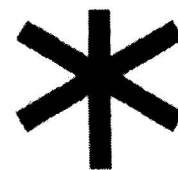
FROM: MICHAEL KORNS

DATE: NOVEMBER 30, 2011

RE: APPLICATION FOR 17TH & O STREETS

Pursuant to the Board's request at the hearing on November 15th for a breakdown of the unit types at the proposed apartment building, please see below.

Type	Number
Studio	43
Jr. 1BR & 1BR	159
2BR	16
Total	218



December 1, 2011

Michael Korn
Keener-Squire Properties
1746 N Street, NW
Washington, DC 20036

RE: First Baptist Church of Washington DC

Mr. Korn,

In 2009 rand* construction corporation was engaged by the First Baptist Church of Washington, DC to review site conditions, develop recommendations, and assist in the planning of the facilities maintenance program for the Church. Rand* partnered with Geier Brown Renfrow Architects of Alexandria, Virginia, and undertook a review of the facility and the issues confronting the Church.

The resulting report provided by rand* identifies a series of repairs required to the facility totaling approximately \$5.067 million. These repairs have become necessary due to delayed maintenance, expired lifespan of certain systems, and the desire of the church to upgrade the facility for compliance to new ADA standards. The "Summary of Immediately Required Repairs and Deferred Maintenance" on page 2 summarizes the \$5.067 million in repairs identified in the 2009 report. Of the total \$5.067 million of identified repairs, almost \$5 million was identified as requiring repairs immediately (\$1.17 million) or as soon as possible (\$3.81 million).

In addition to the \$5.067 million of required repairs, the church will need to pay for annual maintenance for the building systems, as well as to reserve for future replacements over the next 10 to 25 years. To help quantify these projected costs, rand* put together a simplified analysis of life cycle maintenance costs, and eventual system replacement costs. This analysis is presented on page 3 as the "Executive Summary of First Baptist Church Repair & Life Cycle Costs". Please note that this projection represents the estimated future costs the Church will incur to repair, maintain and replace building systems following the \$5.067 million in repairs and replacement identified in the 2009 report. As detailed on page 3, following completion of the \$5.067 million of work detailed in the 2009 report, rand* estimates that the church will spend an average of \$39,500 per year on maintenance and will need to reserve an additional \$423,677 per year for future capital costs. These figures are estimates developed based on historical and assumed rates of cost increase. Actual costs may vary.

To date the Church has elected to defer the majority of the work identified in the report. At present the Church has completed the roofing repairs to the admin building and the parapet repair.

David Fletcher

Principal

Rand Construction Corporation

rand*
construction
corporation

515 m street se, suite 102
washington, dc
20003 usa

telephone: 202.449.9840
fax: 202.449.9844
randcc.com

WASHINGTON DC

ALEXANDRIA VA

RICHMOND VA

ATLANTA GA

TAMPA FL



The First Baptist Church
of the City of Washington D.C.

rand*

Summary of Immediately Required Repairs and Deferred Maintenance

1328 16th Street, NW Washington DC

<u>Description/Task</u>	<u>Budget Cost</u>	<u>Completed</u>
Design Services	\$508,209	No
Project Management/Field Supervision	\$965,078	No
Hazmat Evaluation	\$8,700	No
Replace parapet veneer	\$23,630	Yes
Misc. brick veneer repairs	\$10,750	No
Replace admin bldg roof	\$323,886	Yes
Misc. roofing repairs	\$69,229	No
ADA compliance renovations	\$426,948	No
Window Replacement	\$53,550	No
Replace Mechanical systems	\$1,741,036	No
Fire Protection/Life Safety	\$6,275	No
Electrical Upgrades	\$383,500	No
Stair & Handrail replacements	\$27,480	No
Replace doors for ADA compliance	\$5,000	No
Paint doors & frames	\$8,475	No
Misc. Exterior rust repairs	\$8,700	No
Misc. exterior repairs	\$11,775	No
Replace Admin flooring	\$50,073	No
Drywall/ACT repairs	\$89,523	No
Repair water damaged DW/ACT	\$71,666	No
Replace Fire Alarm system for ADA	\$273,085	No
	<u>\$5,066,568</u>	



The First Baptist Church
of the City of Washington D.C.

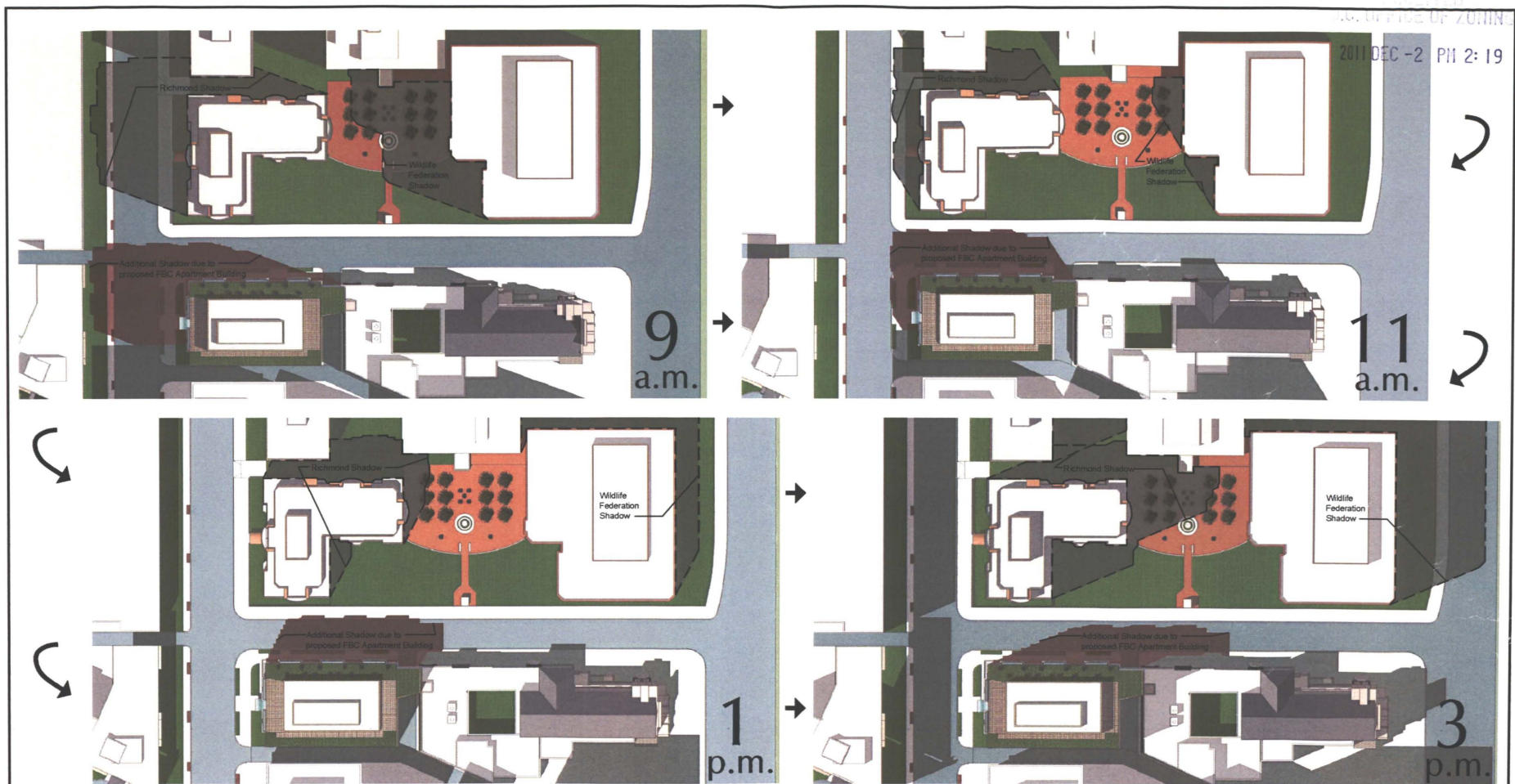
rand*

Summary of First Baptist Church Repair & Life Cycle Costs

1328 16th Street, NW Washington DC

Description/Task	Life Cycle	Annualized Maintenance Costs	Total Maintenance Costs *	Anticipated Replacement	Annual Capital Reserve Required	Replacement budget cost
Design Services	N/A	\$2,500	\$62,500	N/A	\$27,320	\$682,990
Project Mgmt/Field Supervision	N/A	\$5,000	\$125,000	N/A	\$51,879	\$1,296,984
Hazmat Evaluation	N/A	N/A	N/A	N/A	N/A	N/A
Replace parapet veneer	10 - 15 yrs	\$2,000	\$20,000	2022	\$3,176	\$31,757
Misc. brick veneer repairs	10 - 15 yrs	\$2,000	\$20,000	2022	\$1,445	\$14,447
Replace admin bldg roof	20-25 yrs	\$5,000	\$100,000	2035	\$21,764	\$435,276
Misc. roofing repairs	15-20 yrs	\$1,500	\$22,500	2027	\$6,203	\$93,038
ADA compliance renovations	10 - 15 yrs	\$3,500	\$35,000	2022	\$57,378	\$573,782
Window Replacement	10 - 15 yrs	\$1,500	\$15,000	2022	\$7,197	\$71,967
Replace Mechanical systems	20 - 25 yrs	\$5,000	\$100,000	2035	\$116,990	\$2,339,807
Fire Protection/Life Safety	10 - 15 yrs	\$2,500	\$25,000	2022	\$843	\$8,433
Electrical Upgrades	10 - 15 yrs	\$2,500	\$25,000	2022	\$51,539	\$515,392
Stair & Handrail replacements	15 - 20 yrs	\$500	\$7,500	2027	\$2,462	\$36,931
Replace doors for ADA compliance	10 - 15 yrs	\$500	\$5,000	2022	\$672	\$6,720
Paint doors & frames	5 - 10 yrs	\$500	\$2,500	2017	\$2,278	\$11,390
Misc. Exterior rust repairs	5 - 10 yrs	\$500	\$2,500	2017	\$2,338	\$11,692
Misc. exterior repairs	10 - 15 yrs	\$500	\$5,000	2022	\$1,582	\$15,825
Replace Admin flooring	5 - 10 yrs	\$2,500	\$12,500	2022	\$13,459	\$67,294
Drywall/ACT repairs	10 - 15 yrs	\$500	\$5,000	2022	\$12,031	\$120,311
Repair water damaged DW/ACT	15-20 yrs	\$500	\$7,500	2030	\$6,421	\$96,313
Replace Fire Alarm system for ADA	10 - 15 yrs	\$500	\$5,000	2030	\$36,700	\$367,003
		\$39,500	\$602,500		\$423,677	\$6,797,352

* Total Maintenance Costs are through the life cycle of each particular task item



SHADOW STUDIES - April 21 & Aug. 21

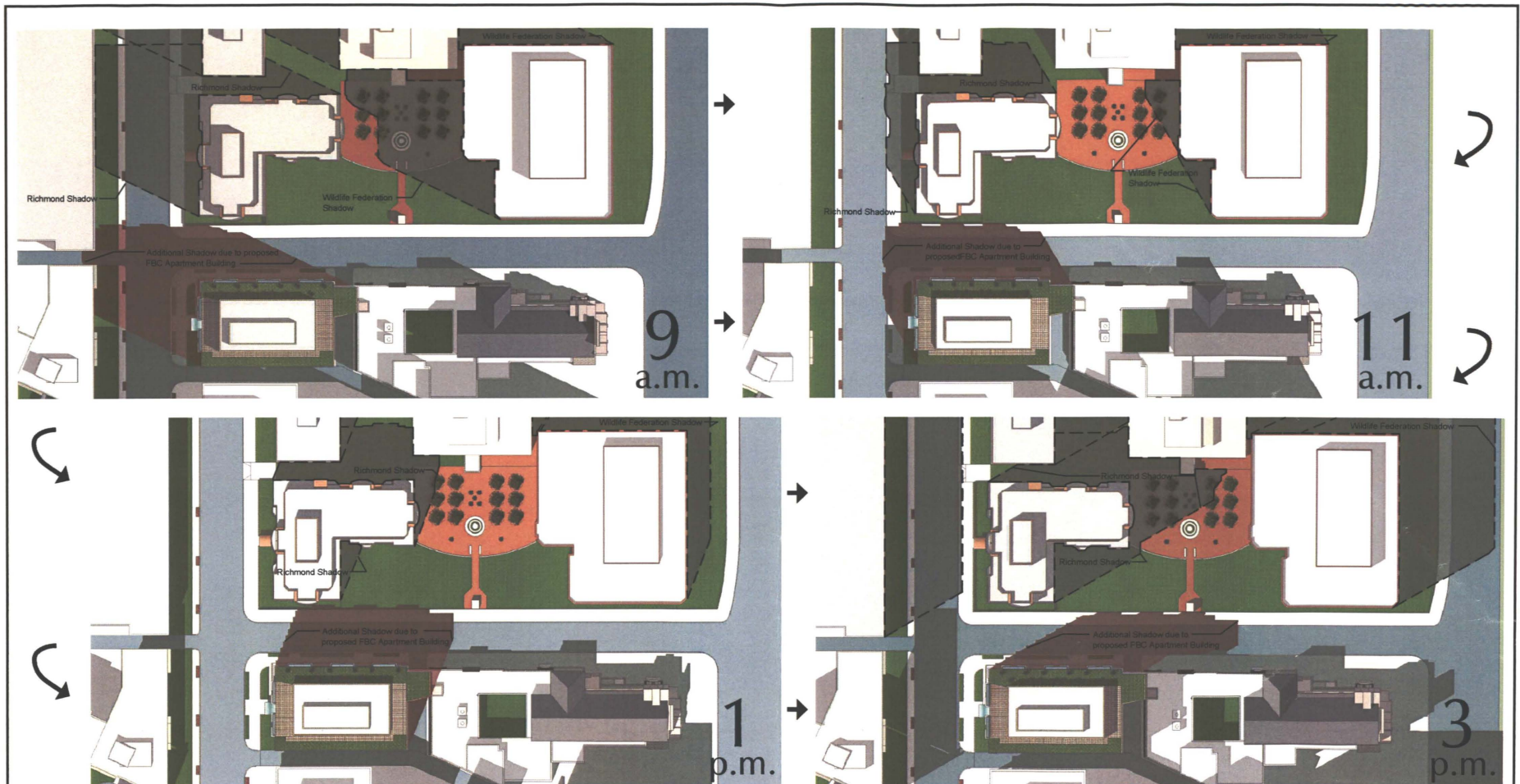
This study shows that, in the months between the equinoxes, the proposed apartment building casts no shadow on the garden between the hours of 9 a.m. and 3 p.m.

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



SHADOW STUDIES - April 4 & Sept 10

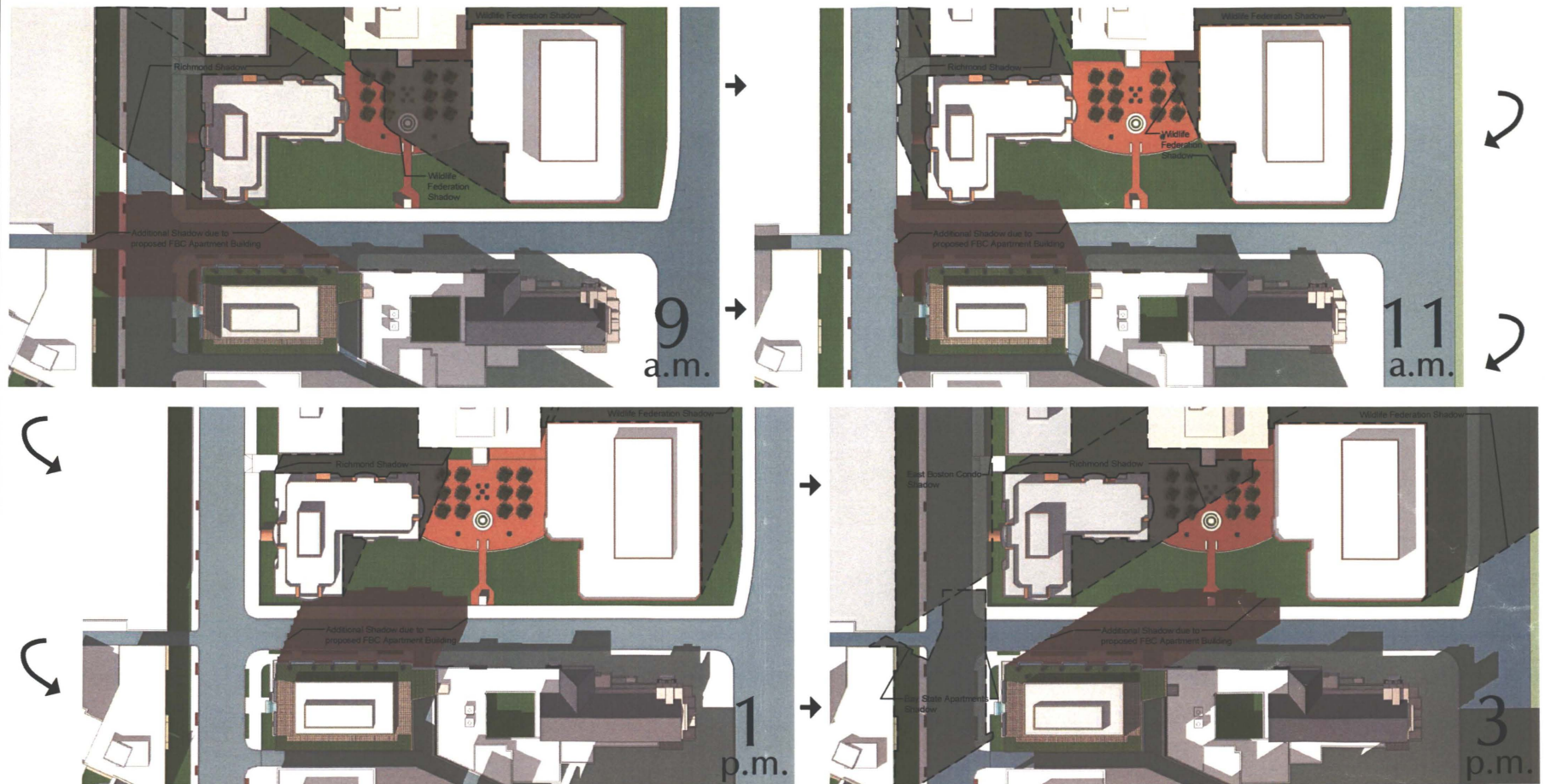
The results of this study indicate that on April 4th & September 10th, between 9 a.m. and 3 p.m., the proposed building casts almost no shadow on the public garden. Between these dates, the sun is higher in the sky, and therefore shadows are shorter. From April 5th through September 9th, the proposed new building will cast no shadow on the garden between 9 a.m. and 3 p.m. See other sheets for examples.

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



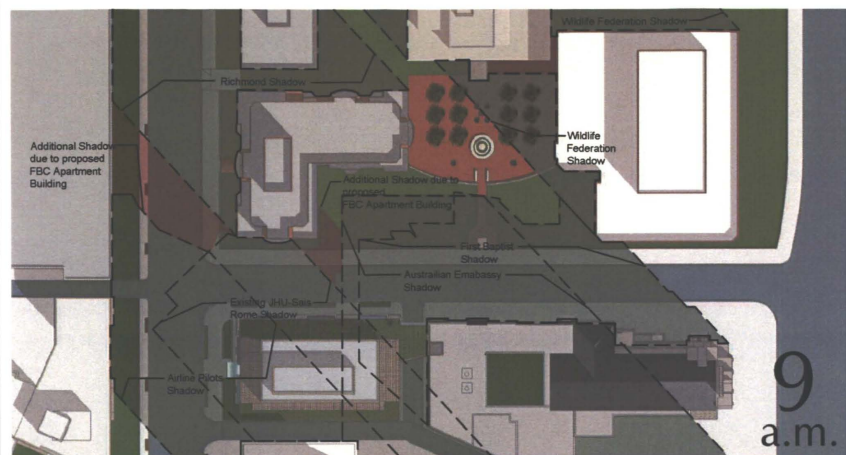
SHADOW STUDIES - March 21 & Sept. 21 (Equinoxes)

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



SHADOW STUDIES - Nov. 21 & Jan. 21

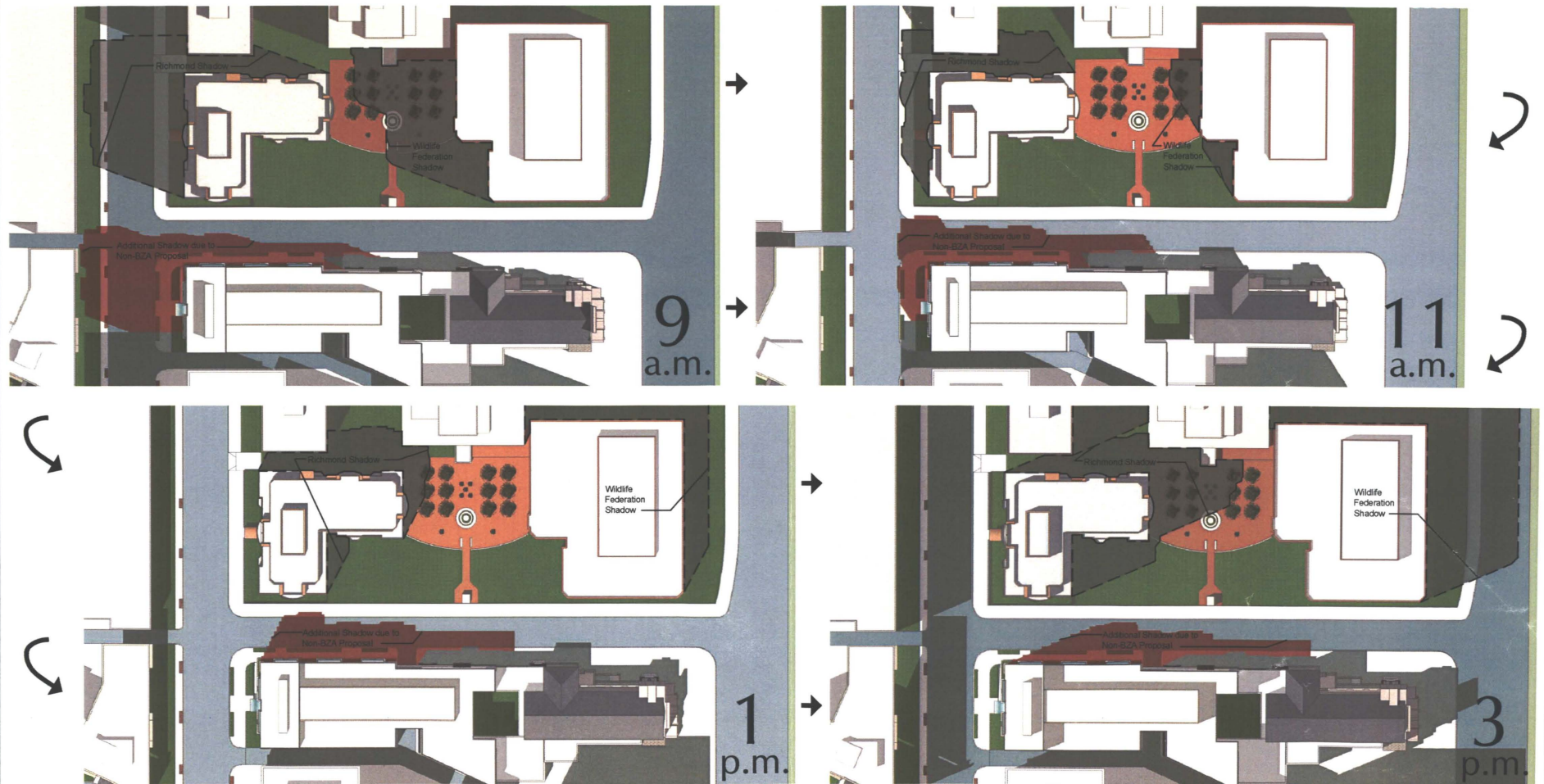
The results of this study indicate that, even within one month of the winter solstice, the entire garden will receive direct sun for 2-3 hours of the day including lunch hours when it is sometimes used. This is, of course, outside of the growing season for plants.

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



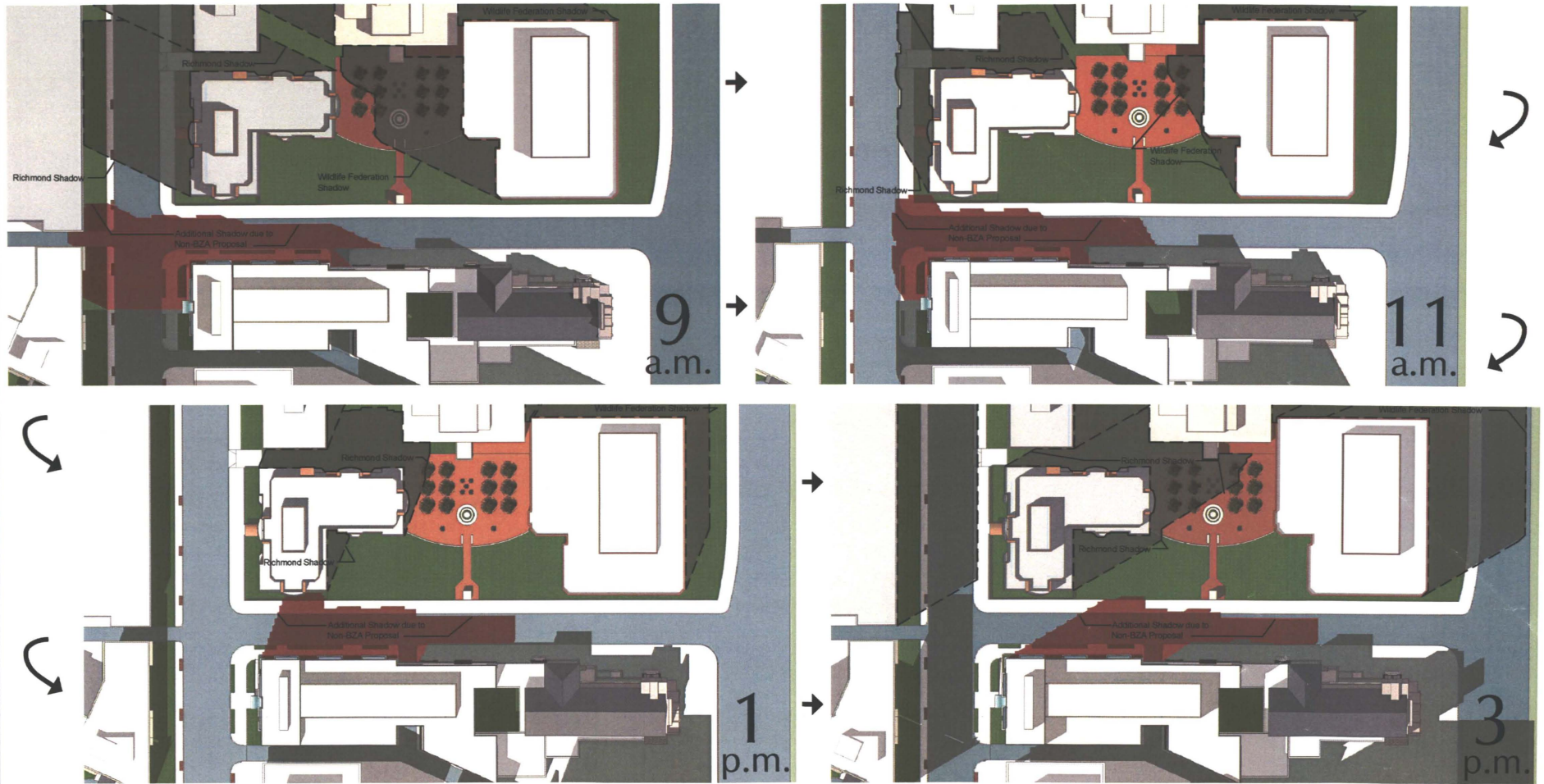
SHADOW STUDIES - April 21 & Aug. 21 (NO-BZA SCHEME WITH ADDITION OVER CHURCH ANNEX TO 70' HEIGHT LIMIT)

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

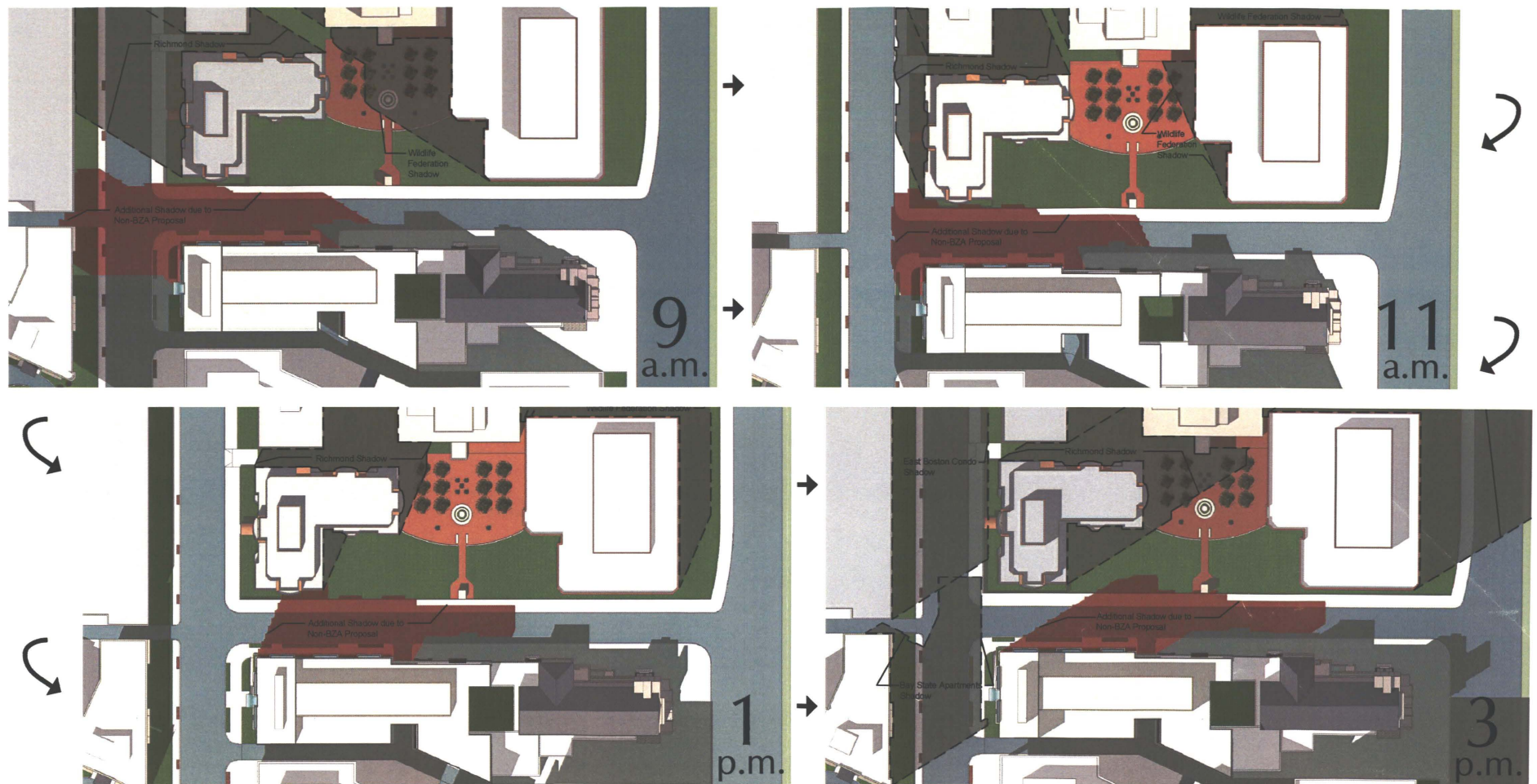
17 TH & O STREETS, N.W. WASHINGTON, D.C.



SHADOW STUDIES - April 4 & Sept 10 (NO-BZA SCHEME WITH ADDITION OVER CHURCH ANNEX TO 70' HEIGHT LIMIT)

ARCHITECT: ERIC COLBERT & ASSOCIATES PROJECT: FIRST BAPTIST APT BLDG. CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



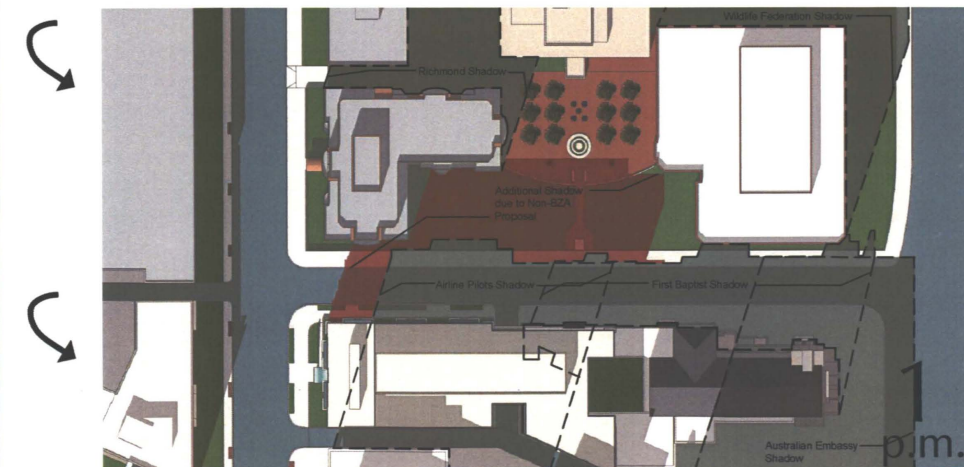
SHADOW STUDIES - March 21 & Sept. 21 (Equinoxes) (NO-BZA SCHEME WITH ADDITION OVER CHURCH ANNEX TO 70' HEIGHT LIMIT)

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.



SHADOW STUDIES - Nov. 21 & Jan. 21 (NO-BZA SCHEME WITH ADDITION OVER CHURCH ANNEX TO 70' HEIGHT LIMIT)

ARCHITECT: ERIC COLBERT & ASSOCIATES

PROJECT: FIRST BAPTIST APT BLDG.

CLIENT: KEENER-SQUIRE PROPERTIES

17 TH & O STREETS, N.W. WASHINGTON, D.C.