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October 8, 2002

**CHRISTINE MOSELEY SHIKER**  
202-457-7167

Internet Address: [cmshiker@hklaw.com](mailto:cmshiker@hklaw.com)

**VIA HAND DELIVERY**

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

Re: Board of Zoning Adjustment Case No. 16930  
500 New Jersey Avenue, N.W.  
**Prehearing Submission**

Dear Board Members:

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

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7167.

Sincerely,



Christine Moseley Shiker

Enclosures

cc: David McGettigan, Office of Planning (Via Hand Delivery; w/enclosure)  
Ken Laden, DDOT (Via Hand Delivery; w/enclosure)  
Abdoulaye Bah, DDOT (Via Hand Delivery; w/enclosure)

**BZA**  
**Case No. 16930**  
**Exhibit No. 57**

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 16930A  
EXHIBIT NO. 4

200 OCT 9 PM 3:04

**BEFORE THE BOARD  
OF ZONING ADJUSTMENT  
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION OF  
LAWRENCE N. BRANDT, INC.  
500 NEW JERSEY AVENUE, N.W.**

**BZA APPLICATION NO. 16930  
HEARING DATE: OCT. 22, 2002  
ANC 6A**

D.C. DEPT. OF PLANNING  
200 OCT - 2 11:3:04

**STATEMENT OF THE APPLICANT**

**I.  
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Lawrence N. Brandt, Inc. (the "Applicant") in support of its application to the Board of Zoning Adjustment for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR § 3103.2 and 3104.1: (i) a variance from the floor area ratio ("FAR") requirement of Section 771; (ii) a variance from the height requirement under Section 770; (iii) a variance from the parking requirement under Section 2101; (iv) a variance from the loading requirement under Section 2201; and (v) a special exception from the roof structure requirement of Section 411.5.

As discussed below, this application is a modification to the previously approved Board of Zoning Adjustment Case No. 16744, in which development of the site was approved with almost identical relief. The relief will permit the construction of the new regional headquarters building for the National Association of Realtors ("NAR") with ground floor retail uses located at 500 New Jersey Avenue, N.W. (the "Site") and located in the HR/C-3-C District. As was determined by the Board in the previous case, development of the Site with this size of building is appropriate for the Site, fully compatible with the surrounding area, and consistent

with both the Comprehensive Plan and the Zoning Regulations.

## **II.** **JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the variance relief requested herein pursuant to Section 3103 and 3104 of the District of Columbia Municipal Regulations (“Zoning Regulations”). 11 DCMR §§ 3103 and 3104.

## **III.** **BACKGROUND**

### **A. Previous Approval**

The Board previously granted approval for virtually identical variance relief for development of this Site in Board of Zoning Adjustment Case No. 16744. A copy of Board of Zoning Adjustment Order No. 16744 is attached hereto as Exhibit F. In that case, the Board approved the development of the Site with 92,350 square feet of gross floor area devoted to office and supporting retail use, or 11.11 FAR, a height of 130 feet, parking of five spaces, with an additional fifty-five spaces located in vault space, and one service delivery space. The development of the Site at that time was proposed on a speculative basis. Despite the merits of the previously approved design, the Site was not developed and was sold to the Applicant. The Applicant intends to develop and sell the Site with the new national headquarters building for the NAR.

### **B. Description of the Site**

The Site is located at 500 New Jersey Avenue, N.W. It is a narrow, extremely, small triangle (8,312 square feet) and comprises the entire private land

area of Square 627 (Lots 7, 12, 801 and 802). Square 627 is bounded by New Jersey Avenue to the east, E Street to the south, First Street to the west, and Federal Reservation 196 and F Street to the north. The combination of private land area and public, open space comprises over 37,000 square feet of land. The Site is currently improved with a boarded and fenced gas station, vacant retail structures and incidental parking. The Site is located in the HR/C-3-C District and within the Downtown East Receiving District.

**C. Description of Surrounding Area**

The Site is located northwest of the Capitol along the New Jersey Avenue monumental corridor. The Generalized Land Use Map of the Comprehensive Plan designates the Site and the surrounding area in the highest density commercial designation. Similarly, the Site and the surrounding area are located in the Central Employment Area. The Site is a short walk from Union Station, with Metrorail, Metrobus, and regional rail service, as well as a short walk from the Capitol, the Supreme Court, and the Senate and House of Representative office buildings.

The area immediately surrounding the Site includes five high density hotels. They are the Hyatt Regency, the Holiday Inn, the Washington Court, the Hotel George and the Phoenix Park Hotel, with heights ranging from ninety to 130 feet. Georgetown University Law Center predominates the area to the west and northwest of the Site. Numerous high density office buildings are also in the area, including law, government, association and union buildings.

#### **D. Project Description**

The Applicant proposes to construct an office development with ground floor retail uses (the "Building") for use as the new regional headquarters building of the NAR. The Building will have twelve stories and a total height of 130 feet, containing approximately 87,995 square feet of gross floor area, or 10.52 FAR. As a design feature, the Building incorporates rounded sides projecting into public space which provides an additional 9,720 square feet of floor area. The total square footage of the Building is identical to the total square footage of the project approved as part of BZA Case No. 16744. The NAR will occupy the top four stories of the Building and will lease the remaining portions of the Building.

The Building was designed by Graham Gund and Associates, an internationally renowned architectural firm, and has been applauded by some of the most prominent architects in the Washington, D.C., area. The design was chosen by a panel of three prominent architects in Washington, including George White, former architect of the Capitol, Harry Robinson, III, former dean of architecture at Howard University and acting chairman of the Commission of Fine Arts, and Colden "Coke" Florence.

The dramatic and modern design of the Building is not only aesthetically pleasing but sets a new standard for environmentally "green" commercial structures in the nation. Among its state-of-the-art environmental features are the following: verification systems to measure air quality and other internal environs; specially designed curtain wall glazing for thermal heat dissipation; exterior sun control devices ("brise soleil"); a "grey water" recyclable water system; and state-of-the-at

lighting controls and systems. A comprehensive list of the environmental features of the Building is attached hereto as Exhibit G.

The Building fronts on wide streets, with New Jersey Avenue having a 160 foot right-of-way and E and First Streets having ninety foot rights-of-way. As a result, the Building is framed by wide sidewalks and landscaped public space areas to the east and west (approximately fifty-two feet and twenty-five feet, respectively). The sidewalk and public space area along E Street to the south is approximately seventeen feet. Federal Reservation 196 is adjacent to the Site to the north. To maximize the wide sidewalks and public space areas as well as the green space to the north, the Building is set back from the private property line approximately forty-four feet, which effectively enlarges the public, open space north of the Site. The Applicant and the NAR have begun working with the National Park Service for proposed improvements to this public space area. Once the improvements are made, the NAR will maintain this area as well.

**IV.**  
**THE APPLICANT MEETS THE BURDEN OF PROOF FOR**  
**VARIANCES FROM THE REQUIREMENTS FOR FAR, HEIGHT,**  
**PARKING, AND LOADING**

**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 has unusual or extraordinary conditions affecting its size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) these conditions bring about 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 proposed development and the variances requested for the same meet all three prongs of this test.

#### **B. Overview of the Site's Exceptional Conditions**

The Site has exceptional conditions as a result of its extremely small size and its unusual shape. First, the Site is unique because it is extremely small. In fact, no other square in the area comes close to the small size of the Site. As stated above, the total private land area of Square 627 is only 8,312 square feet. Yet, the 160 foot right-of-way along New Jersey Avenue, with in excess of fifty feet of sidewalk and public space area on each side, and the Federal Reservation area to the north create usable open space far in excess of a normal building. Similarly, a seventeen foot sidewalk is located along E Street, and the First Street right-of-way and public space area extend twenty-five feet from the curb line. Building out to the property lines (although cutting a small portion from the northern most tip of the triangle), the footprint of the building is only approximately 6,800 square feet, resulting in an extremely small amount of rentable square feet per floor. If only eight stories can be built under the matter of right zoning, seven of which would be

rentable office space, the Site would only produce approximately 54,000 square feet of gross floor area. As is discussed in detail below, this result is economically infeasible given extraordinary costs since the small, narrow site has streets on all sides. Therefore, the small size of the Site is an exceptional condition.

Second, the shape of the Site is an exceptional condition. The Site is a long, narrow triangle, which significantly affects the layout and configuration of the Building. The base of the triangle is only approximately sixty-eight feet along E Street, while the height is approximately 241 feet along First Street and the hypotenuse is approximately 251 feet along New Jersey Avenue. Thus, the Site is long and extremely narrow.

Furthermore, although there are other triangular-shaped sites in the District of Columbia (the "District"), the angle at which New Jersey Avenues cuts through the L'Enfant grid system renders this Site a one-of-a-kind. Both New Jersey and Delaware Avenues extend from the north-south axis at fifteen degrees, compared to most diagonals in the L'Enfant Plan being twenty degrees or greater. As a result, it was geometrically possible for only four squares to be the same shape as the Site. However, of these four possible squares, only one remains that includes private property: namely, the Site.

The coincidence of all of these attributes on one site creates a truly unique site, and the need for each of the variances described below is a direct result of the same. Each area of relief is described in detail along with a discussion of the practical difficulty associated with it and the impact of the relief on the public and



the Zone Plan. As is shown here and below, the Building satisfies each of the three requirements for the variance relief requested.

**C. Variance Relief for Height and FAR under Sections 770 and 771**

**1. Basis for Variance**

Sections 770 and 771 of the Zoning Regulations provide that any structure in the C-3-C District is permitted a maximum height of ninety feet and a maximum FAR of 6.5 for any permitted use. As stated above, the Site and the surrounding area are included within the HR Overlay District, which permits as a matter of right a height of 130 feet and a maximum FAR of 8.5, as long as at least 2.0 FAR is devoted to hotel or residential use. The Site and surrounding area are also located within the Downtown East Receiving Zone, and as a result, additional height and FAR are permitted through Transferable Development Rights ("TDRs"). Specifically, with TDRs, a building may be built to a height of 110 feet, with a maximum of 9.0 FAR, as a matter of right. In combination, the maximum theoretical height for a building constructed on the Site is 130 feet and the maximum theoretical FAR is 9.0.

The Applicant proposes a building with a total of approximately 87,995 feet of gross floor area devoted to office and supporting retail uses, or 10.59 FAR, with a height of 130 feet. Thus, the Applicant requests an area variance of 4.07 FAR and a height variance of forty feet from the matter of right provisions. Under the maximum permitted height described above, however, no height variance would be required, and an FAR variance of only 1.59 would be required. The variances allow the Building to fill the envelope of the Site yet result in a building that is

comparable in height with surrounding development but still unusually small in terms of gross square footage.

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

As a result of the unique size and shape of the Site, a strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant. First, the Building will be viable only with a certain critical mass of space. Due to the size and shape of the Site, the construction costs are significantly more expensive per square foot of gross floor area than a typical Class A office building in Washington, D.C. While a typical Class A office building ranges from 150,000 to 250,000 square feet, this Building is approximately 90,000 square feet. This significant size difference imposes considerable diseconomies of small scale on the Building. The requested additional square footage is absolutely necessary in order for the Building to be economically viable.

Additionally, the Building has street frontage on all four faces of the Site. A comparably sized building would have one or two party walls and a wall facing the alley; however, the Building incorporates no inexpensive party walls or alley facing walls which can be aesthetically downgraded. As a result, the façade cost per square foot of rentable area and the perimeter-to-area ratio are three times that of a typical office building in Washington, D.C.

The costs of the Building and the façade are further increased by the prominent location of the Site on a L'Enfant special street and in close proximity to the Capitol. Specifically, New Jersey Avenue constitutes an entryway to the Capitol

and is designated as a special street in the Historic Design Feature Element of the Comprehensive Plan for the National Capital (the "Element"). The ceremonial width of New Jersey Avenue and sidewalks in excess of fifty feet on each side emphasize the designation as a special street. The Element specifically states that it is a policy for distinctive buildings to be placed on special streets. Accordingly, a certain caliber building must be built on this Site, such as this significant building from Graham Gund.

Moreover, significant adverse economies of scale result because the Site is so small. The costs of the three elevators, plus the garage entry, ramp system, and extensive site work costs, are fixed costs for the Building, regardless of the size, and must be amortized over the square footage in the Building. Because the total square footage is so small (approximately 90,000 square feet of rentable area in the Building), these fixed costs cause the Building's cost per rentable square foot to be significantly higher than a typical Class A office building.

The economic viability analysis prepared by Bolan Smart Associates is attached hereto as Exhibit I. This report establishes that the Building is completely infeasible financially if only permitted to build to the matter of right height and density. In an extensive comparison of the Building proposed for the Site and a typical District office building, Bolan Smart found that to rent the Building in a competitive manner with the generic building would result in a loss of approximately \$15.00 per rentable square foot. In its conclusion, Bolan Smart found that the high development costs will mandate rents per rentable square foot far above market competitive rents, which for this Building will actually need to be

significantly below market in order to compensate for chronic building inefficiencies. The result is a building that cannot be built.

Furthermore, Bolan Smart found that additional methods of achieving more height and density under the Zoning Regulations are infeasible in the present case. Specifically, the acquisition of TDRs is not feasible and indeed may only compound the problem at the Site. The acquisition of TDRs would add to the cost of the Building, worsening the underlying economic situation. Moreover, the Building would still be capped at less than 77,000 square feet of gross floor area, providing an insufficient increased size to create a financially viable office building. Furthermore, the incorporation of residential or hotel uses worsens the Building's economics and viability, as discussed in detail in the report.

For these reasons, the small size, unique shape, and grand public space setting of the Site render a matter of right structure practically difficult and, in fact, economically infeasible.

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

The variance relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Map. To the contrary, the requested variances make considerable contributions to improving the public good by enabling the right building to be built on this small but prominent Site. The Comprehensive Plan designates the Site and the surrounding area in the highest

density commercial land use category. The high density commercial land use category includes a mix of employment, retail, office, cultural and entertainment centers which serves as the business and retail heart of the District and the metropolitan area. 10 DCMR §1106.5. Furthermore, the Site and the surrounding area are located within the Central Employment Area. According to the Comprehensive Plan, office use within the Central Employment Area should be, in terms of square footage, the largest commercial use in the area. 10 DCMR §1107.6(b). Therefore, the height and FAR variances are consistent with the Comprehensive Plan.

Second, the increased height and FAR of the Building are consistent and compatible with the surrounding structures. As set forth above, the HR Overlay District and the Downtown East Receiving Zone designations permit certain structures to be built to comparable heights and densities as the Building. This Building is unable to take advantage of either of those designations, as discussed above, and therefore, the Applicant must request these variances. However, the Building will be consistent with the surrounding development and, in fact, be lower in actual built height than the adjacent Washington Court Hotel (which is approximately seven feet higher) and the Georgetown University Law Center (which is approximately fourteen feet higher). The topography of the area enables this Building to have no adverse impact on the surrounding community. Specifically, New Jersey Avenue in the vicinity of the Site has a significantly lower elevation than surrounding areas, as is discussed in the report attached hereto as Exhibit H.

The design and environmental features of this Building suggest a building of the future and will enhance the neighborhood. In addition to the impressive design, the Building will help provide vitality to a corridor of the District which is currently unrealized. The Building will serve as a catalyst for the highest quality urban revitalization, and will bring considerable revenues and employment opportunities to the District.

**D. Variance from the Parking Requirements of Section 2101**

Section 2101 of the Zoning Regulations requires that an office building within the C-3-C District provide one parking space for each 1,800 square feet, after the first 2,000 square feet. The Building as proposed includes approximately 87,995 feet, which requires a total of forty-eight parking spaces on site  $[(87,955 - 2,000) / 1,800] = 47.775$ . The Building includes sixty-eight parking spaces; however, only twenty-five parking spaces are provided completely within the property line. The remaining parking spaces are located within vault space, and, accordingly, the Applicant must request a variance.

As described above, the Site is affected by exceptional conditions due to its unique shape and size, and a strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant. The Site is extremely narrow, being only approximately sixty-eight feet wide at the widest portion of the site. Due to its narrowness, the parking garage ramp must be located at the widest point of the Site, which is on E Street. The resulting configuration of the garage permits only twenty-five parking spaces to be located within the property line. However, an additional forty-three parking spaces can be located

within vault space, yielding a total of sixty-eight parking spaces, which is more than that required by the Zoning Regulations.

Moreover, relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan, as embodied in the Zoning Regulations and Map. The Building exceeds the requirements set forth in the Zoning Regulations; however, because the parking spaces are not located completely within the property line, the parking provided does not satisfy the Zoning Regulations. The parking spaces are provided, however, in the same garage as all other parking spaces and with access to the Building from the garage. The small size and narrowness of the Site are the sole impediments to providing all spaces within the property lines and in strict compliance with the Zoning Regulations. Accordingly, because more than the required number of parking spaces will be provided, there will be no detrimental impact on the public or on the Zone Plan.

**E. Variance from the Loading Requirement of Section 2201**

Section 2201 of the Zoning Regulations requires that an office building with less than 100,000 square feet of gross floor area in the C-3-C District provide at least one thirty foot deep loading berth, at least one 100 square foot loading platform, and at least one twenty foot deep service/delivery loading space. The Building includes one ten foot by twenty foot service delivery space and one loading platform in excess of 100 square feet. However, because of the size and shape of the Site, the Building can not include the required loading berth. Accordingly, the Applicant requests a variance from Section 2201.

As described above, the Site has a unique size and shape which gives rise to an exceptional condition. Specifically, the small size and narrow width of the Site are the sole reasons for the requested variance. At its widest point, the Site is sixty-eight feet wide. Due to the entrance to the garage, the service area must be located along First Street. If a thirty foot loading berth were provided, the Building would be cut in half, due to the fact that the Building is only forty-five feet wide at the point where the service delivery is located. Accordingly, a strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant.

Relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan, as embodied in the Zoning Regulations and Map. The service/delivery space should adequately satisfy all of the loading needs for the Building. This type of Building has a comparatively low population density and should have a corresponding low level of deliveries. Similarly, the nature of this Building and the tenancy for the same will generate fewer deliveries and deliveries by smaller trucks (such as catering vehicles). Furthermore, an additional screened loading area within the public space will likely be provided along First Street, with the required approvals, to accommodate additional loading needs. Moreover, a loading zone is designated on First Street between 9:30 a.m. and 6:30 p.m. This additional loading area can be used as a third level of loading in the very rare situation that it may be needed. Accordingly, the requested relief will not have an adverse impact on the public or the Zone Plan.



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

**A. Standard for Approving Special Exception Relief**

Due to the exceptionally small size of the Site, the proposed office building does not comply with the roof structure requirement that the walls be of equal height required by Section 411.5. Accordingly, the Applicant requests special exception relief to deviate from the strict compliance of Section 411.5 of the Zoning Regulations as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

**B. Standard of Review for Roof Structure Special Exceptions**

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure requirement where full compliance is "impracticable because of operating difficulties, size of building lot, or other

conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

**C. Relief from Section 411.5 to Deviate from Roof Structure Requirements**

The Applicant requests relief from Section 411.5 of the Zoning Regulations. That section requires the enclosing walls of a penthouse to be of equal height. The roof plans illustrates that the project incorporates one roof structure, with multiple heights. The multiples heights are necessary in order to reduce the size and bulk of the penthouse and to comply with the required setbacks. The tallest portion of the roof structure is 17'11 $\frac{3}{4}$ ", which encloses the elevator equipment. The penthouse steps down to sixteen feet surrounding the elevator core, stepping down further to nine feet, ten inches for the elevator lobby. On the eastern portion of the roof, the roof structure is ten feet, eight inches, in order to enclose the cooling tower.

The small size of the Site dictates this outcome. The width of the Building is only approximately sixty-eight feet, and the Building is long and narrow, following the shape of the Site. In order to enclose all of the required elevator and mechanical equipment, the penthouse must have a certain size. Due to the height of the elevator equipment, the center portion of the penthouse cannot be lowered any

further. In fact, the steps in height correspond to the maximum height necessary to house the required mechanical equipment in each area.

Furthermore, the steps in height are necessary to comply with the setback requirements set forth in both the Zoning Regulations and the 1910 Height Act. The roof structure is set back from the edge of the Building equal to or in excess of height in all places. Finally, the steps in height result in a well-designed roof, which permit access for its tenants, with views of the Capitol and surrounding areas.

The proposed elevator penthouse does comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations by ensuring adequate light and air to adjacent property and abutting streets. The steps in height will not likely be visible from the street and have been designed to complement the massing and architectural quality of the Building. Furthermore, the steps in height reduce the overall height and bulk of the penthouse. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Section 411.5.

## V. COMMUNITY CONTACTS

The Applicant presented the project to the ANC 6A Zoning and Licensing Subcommittee on September 11, 2002, and was prepared to present the project to the full ANC at its October 3, 2002, monthly meeting. The ANC 6A was unable to vote on the project due to the lack of a quorum. The project has received impressive support from the District at large. In addition, support letters from numerous

adjacent and nearby property owners have been filed, including letters from the Hyatt Hotel (400 New Jersey Avenue, N.W.), Hotel George (15 E Street, N.W.), the Holiday Inn Capitol Hill (415 New Jersey Avenue, N.W.), Greenhoot Cohen (500 First Street, N.W.), the Federal Trade Commission (601 New Jersey Avenue, N.W.), and the Lenkin Company (440 First Street, N.W.).

**VI.**  
**EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION**

- Exhibit A: Portions of the Sanborn Atlas showing the Subject Site highlighted in yellow;
- Exhibit B: A portion of the Zoning Map showing the Subject Site highlighted in yellow;
- Exhibit C: Surveyor's Plat of the Subject Site;
- Exhibit D: Updated Architectural Drawings and Elevations, including landscape plan;
- Exhibit E: Colored Elevations and Renderings of Building;
- Exhibit F: Board of Zoning Adjustment Order No. 16744;
- Exhibit G: Comprehensive Listing of Building's Environmental Features;
- Exhibit H: Report from Lindsley Williams, Land Planner;
- Exhibit I: Letter Report from Bolan Smart Associates, Inc.;
- Exhibit J: Traffic and Parking Impact Analysis
- Exhibit K: Outline of Testimony of NAR Representative;
- Exhibit L: Outline of Testimony of Graham Gund, Building architect;
- Exhibit M: Outline of Testimony of John B. Schlichting, CarrAmerica Development, Inc., development manager;
- Exhibit N: Outline of Testimony of Eric Smart, Bolan Smart Associates, Inc.;

Exhibit O: Outline of Testimony of Lindsley Williams, Land Planner; and

Exhibit P: Outline of Testimony for Osborne George, O.R. George & Associates.

**VII.**  
**WITNESSES**

- A. Representative from the National Association of Realtors.
- B. Graham Gund, Project Architect.
- C. John B. Schlichting, CarrAmerica Development, Inc., Development Manager.
- D. Eric Smart, Bolan Smart Associates, Inc.
- E. Lindsley Williams, Land Planner
- F. Osborne George, O.R. George & Associates

**VIII.**  
**CONCLUSION**

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

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: Whayne S. Quin  
Whayne S. Quin, Esq.

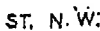
By: Christine Moseley Shiker  
Christine Moseley Shiker, Esq.

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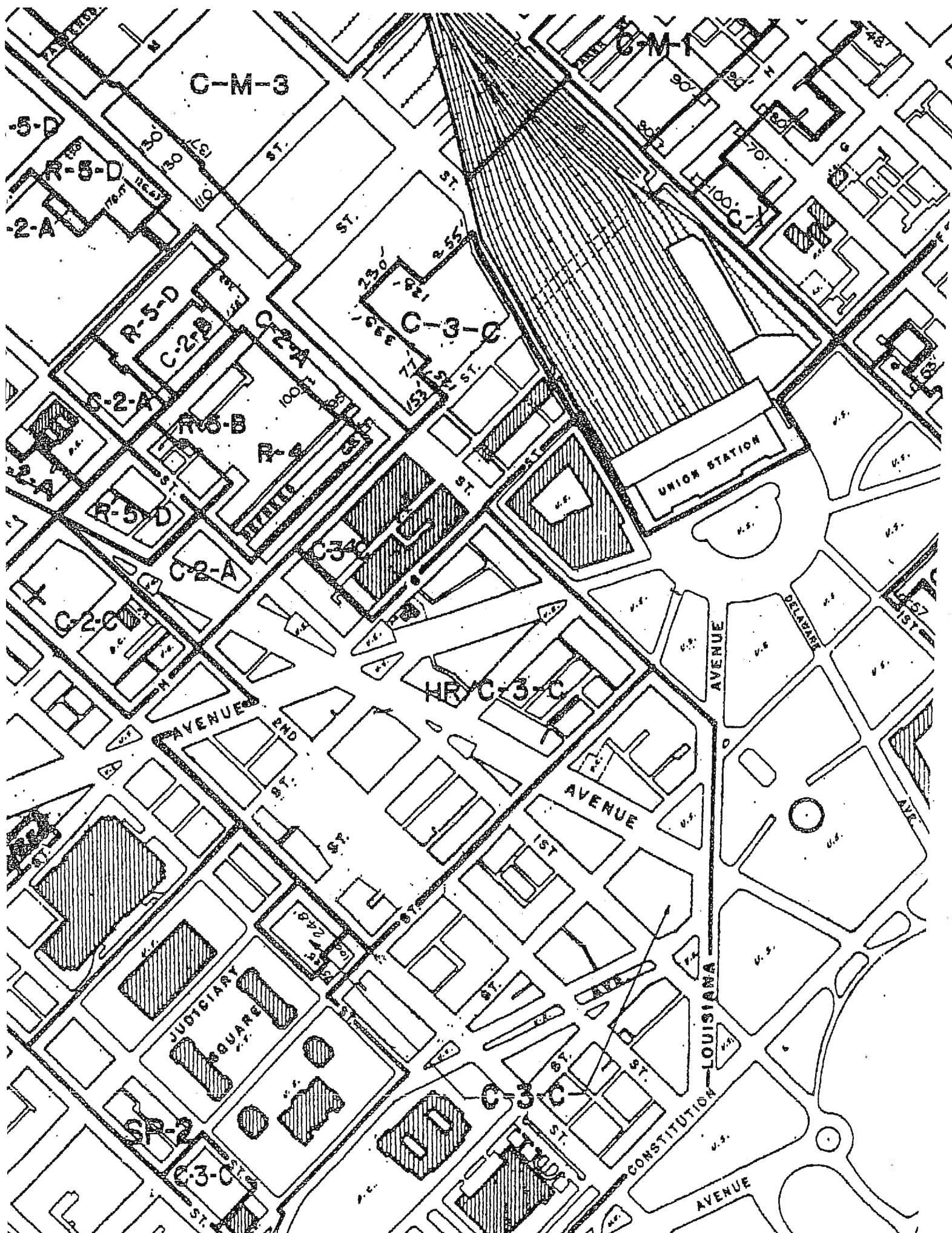


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CONFIDENTIAL - EYES ONLY



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C

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., June 18, 2002

Plat for Building Permit of SQUARE 627 LOTS 7, 12, 801 & 802

Scale: 1 inch = 30 feet

Recorded in Book B Page 154 (LOT 7)  
Book 164 Page 15 (LOT 12); A & T Book  
Page 3220-G (LOT 801); A & T Book  
Page 3745-Z (LOT 802)

Receipt No. 009232

Furnished to: HOLLAND & KNIGHT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

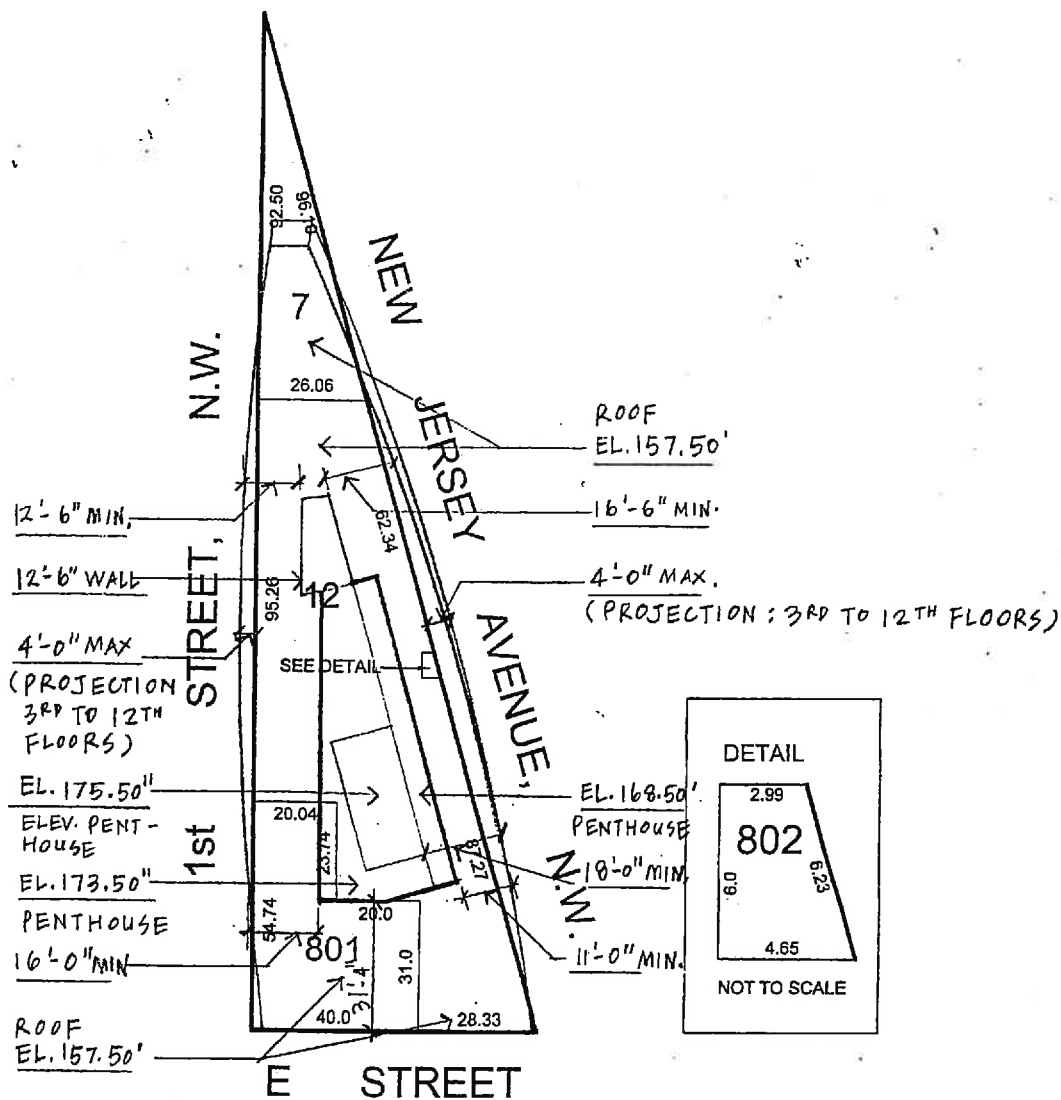
Date: 7/9/02

Surveyor, D.C.

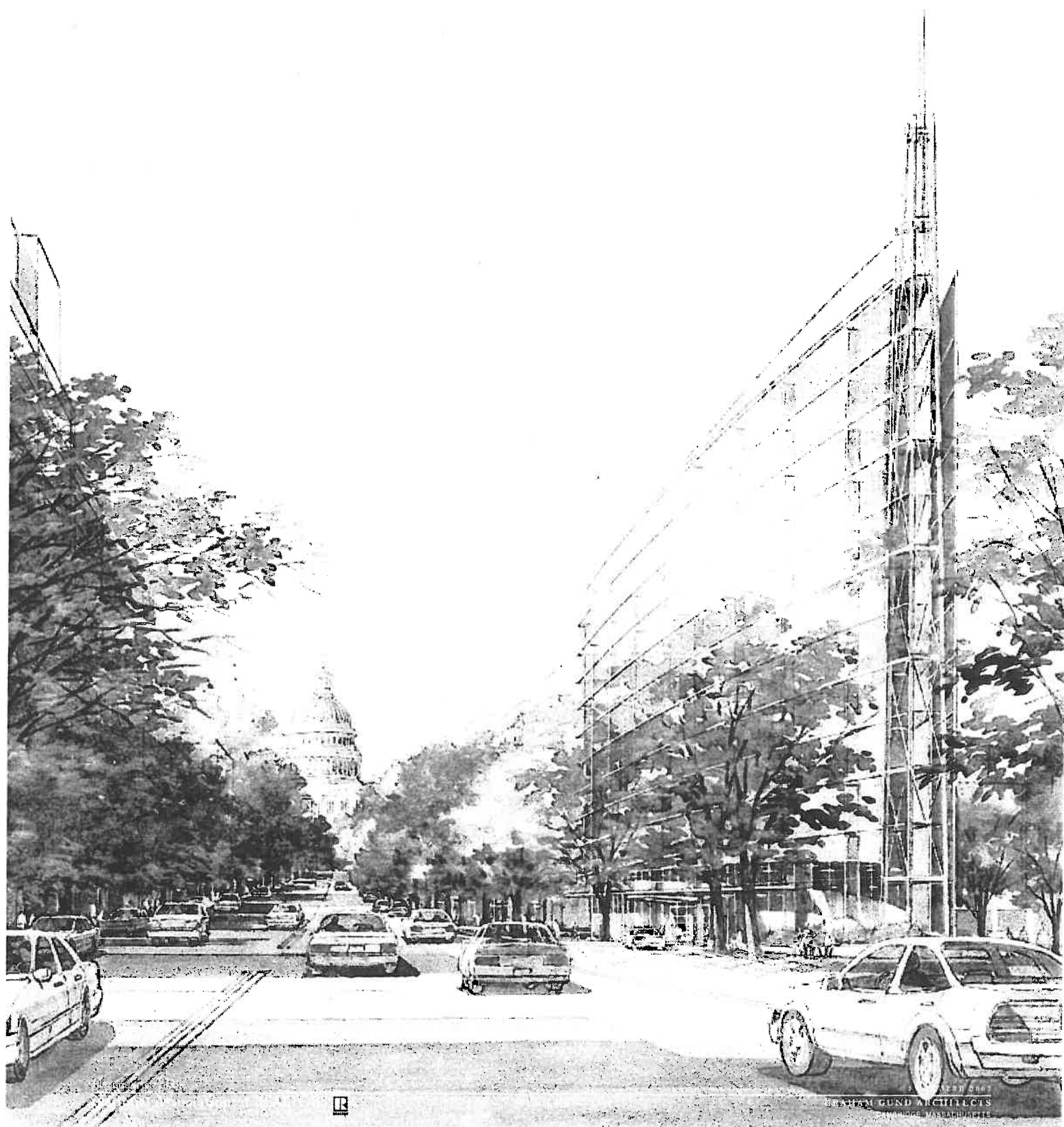
By: L.E.S. *[Signature]*

*[Signature]*  
(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.



E



F

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16744 of THE HELLMAN COMPANY, INC. and AMOCO OIL COMPANY, pursuant to 11 DCMR § 3103.2 for variances from the floor area ratio requirement (Section 771), the height requirement (Section 770), the parking requirement (Section 2101) and the loading requirement (Section 2201) for the construction of an office building in the HR/C-3-C District at 500 New Jersey Avenue, N.W. (Square 627, Lots 7, 12, 801, and 802).

HEARING DATE: July 24, 2001  
DECISION DATE: July 24, 2001 (Bench Decision)

SUMMARY ORDER

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 6A, and to owners of all property within 200 feet of the property that is the subject of this application. The application was referred to the Office of Planning (OP) for review and report. The Board waived the rules to accept the filing of the OP report, which supported, with conditions, the application. The application was also referred to the Department of Public Works (DPW) for review and report. The Board waived the rules to accept the filing of DPW's report. DPW had no objections to the project.

The subject property is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to the application, did not file a written statement. Robert L. Hall, Single Member District Commissioner for ANC 6A01, filed with the Board two letters in support (Exhibit Nos. 22 and 48). The Zoning and Licensing Committee of ANC 6A also filed a letter in support of the project (Exhibit No. 53).

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR §§ 771, 770, 2101, and 2201. No person or entity appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.



Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 under §§ 771, 770, 2101 and 2201, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations and Map, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS**:

1. The Applicant will construct the building in substantial conformance with the architectural drawings presented in the Application with the following conditions:
  - a. The roofline will be a mansard-type roofline similar to that depicted on plan 2.11; including a cornice line at the 130-foot level.
  - b. The First Street façade shall have windows to the maximum extent feasible.
  - c. The windows shall have a traditional scale.
  - d. The façade will include distinguishing elements, such as balconies or bay windows, subject to the approval by the Public Space Committee of the Department of Public Works. The façade may also include other distinguishing elements not subject to the Public Space Committee's approval, such as French doors.
2. The materials to be used for the project will be high quality materials, such as granite, limestone, limestone-like pre-cast concrete, brick, or an equivalent high quality material, subject to the availability at the time, and generally in accordance with the plans submitted as part of this application.

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR §3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 5-0-0 (John Parsons, Anne Mohnkern Renshaw, Sheila Cross Reid, David Levy and Geoffrey H. Griffis to approve.)**

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member approved the issuance of this Order.

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
DIRECTOR

FINAL DATE OF ORDER: JUL 26 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

★ ★ ★

**BZA APPLICATION NO. 16744**

As Director of the Office of Zoning, I hereby certify and attest that on JUL 26 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Whayne S. Quin, Attorney  
Holland & Knight, LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, DC 20006

The Hellman Companies  
Amoco Oil Company  
1828 L Street, N.W., Suite 900  
Washington, DC 20036

Ivette Basterrechea, Chairperson  
Advisory Neighborhood Commission 6A  
P.O. Box 76680  
Washington, DC 20013

Robert L. Hall  
Single Member District Commissioner 6A01  
624 H Street, N.E., First Floor  
Washington, DC 20002

Michael Johnson, Zoning Administrator  
Dept. of Consumer and Regulatory Affairs  
Building and Land Regulation Administration  
941 North Capitol Street, N.E., Suite 2000  
Washington, DC 20009

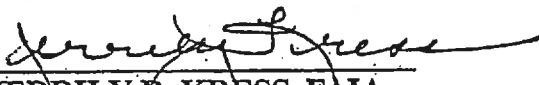
Kenneth G. Laden, Administrator  
Office of Transportation Planning  
Department of Public Works  
2000 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20009

Attestation Sheet 16744  
Page No. 2

Ellen McCarthy  
Office of Planning  
801 North Capitol Street, N.E.  
4<sup>th</sup> Floor  
Washington, DC 20002

Alan Bergstein  
Office of the Corporation Counsel  
441 4<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20001

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
Director, Office of Zoning

G

## MEMORANDUM

To: Richard Rosenthal – NAR RPOC  
Dale Stinton - NAR

CC: Larry Brandt – Lawrence N. Brandt, Inc.  
Steve Banigan – SMB Architects, P.C.  
Laura Cabo – Graham Gund Architects  
John Prokos – Graham Gund Architects  
Ken Simmons – CarrAmerica Development  
John Schlichting – CarrAmerica Development

From: Juan Powell – CarrAmerica Development, Inc.

Date: September 4, 2002

Re: National Association of Realtors  
500 New Jersey Avenue  
Summary of Sustainable Options

### **Sustainable Accepted List**

The following is a summary of those sustainable features that have been approved by the National Association of Realtors for inclusion in the project.

1. **Light Colored Roof** – The light colored roof will reduce the energy gain through the roof.
2. **Environmentally Friendly Refrigerants** – Chloroflourocarbon compounds are damaging to the ozone layer. Instead, we will use hydrochloroflourcarbon refrigerants.
3. **Use of Free Cooling** - The base building design approach includes the specification of a self-contained HVAC system with a waterside economizer capability. Given the right weather conditions, this will allow “free cooling” to occur.
4. **Variable Frequency Drives on Mechanical Equipment** – The self-contained HVAC units, pumps and cooling tower will have variable frequency drives, which reduce energy consumption.
5. **High Efficiency Lighting** – Electronic ballasts have been specified as well as T-8 lamps. Both of which reduce energy consumption.
6. **Dry Type Transformers** – Dry type transformers have been specified.

7. **Water Conserving Fixtures** – Low consumption fixtures have been specified.
8. **Measurement and Verification** - This system provides additional sensors to advise on the indoor air quality.
9. **Grey Water Recovery** - This system will store and re-use roof runoff rain water to irrigate the landscaping on the site and the adjacent National Park Service park.
10. **High Performance Glazing** - Due to the extent of glazing in the building, energy codes require that we use a high performance glass. The range of options currently being considered are in the highest level of energy performance. At this point, the exact glass has not yet been determined.
11. **Garage and Stairway Automatic Lighting Control System** – This system will reduce energy consumption by automatically turning off the lighting at a predetermined time by use of a time clock.
12. **Tenant Floor Lighting Controls** – A four-zone lighting control system is to be installed on each of the tenant floors. Zones will be controlled through a timeclock through the Building Management System (BMS).
13. **Occupancy Sensors.** Occupancy sensors, which detect if a room is occupied, will be used in the base building bathrooms. Additionally, occupancy sensors will become a “Building Standard” item for the private offices created as a result of the tenant work. All tenants will be encouraged to use such devices in their build-outs.
14. **Main Lobby Lighting Controls.** The main lobby will also have an automatic lighting control system. The exact system will be determined as part of the design of the lobby lighting. It could be as simple as the contactor and timeclock approach referenced above, or could be integrated with a dimming control panel.
15. **Local and Recyclable Materials** - We will look for opportunities to use both local and recyclable materials in both the base building and tenant build-out phases of the project.
16. **Exterior Sun Control Devices** – The south elevation of the building will contain exterior sunscreens or a brise-soleil. This feature will serve to reduce the thermal load, and reduce energy costs.

H



Law Offices

# HOLLAND & KNIGHT LLP

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Helsinki	Tokyo
Mexico City	
Rio de Janeiro	*Representative Office

**LINDSLEY WILLIAMS**  
**LAND USE, PLANNING AND**  
**ZONING CONSULTANT**  
**AFFILIATED WITH THE LAW FIRM**  
**OF HOLLAND & KNIGHT LLP**  
202-828-1873  
Internet Address:  
LWilliams@hklaw.com

## **Outline of Testimony before the Board of Zoning Adjustment**

**BZA Application No. 16930**  
**500 New Jersey Avenue, N.W.**

**Lindsley Williams**

**October 08, 2002**

### **Summary of Testimony and Report:**

- Subject property is affected by a host of exceptional conditions, because of the size of the site, the configuration of the site, the three zone categories now applicable to the property and the requirements of Zoning and other Regulations as to public space and street design
- Strict application of the Regulations would create significant difficulties and impose exceptional costs for the construction
- The variances and Special Exception can be granted without substantial detriment to any surrounding properties or integrity of the underlying zone plan
- Each of the variances and the Special Exception sought in this application should be granted.

# HOLLAND & KNIGHT LLP

Report to the BZA

Page 1

## I. Site Location and Description:

### Location:

The "Square," which forms a slender right triangle, is bounded by New Jersey Avenue, First, and E Streets, N.W. (F Street runs across the top of this triangle.) It is known as Square 627.

Project site consists of all lots within Square 627, namely Lots 7, 12, 801 and 802 and some portion of below-grade contiguous public space in which vaults would be constructed. (Public alleys that had historically existed within the Square were closed previously and are now part of the lots cited above.)

### Sizes:

#### The Square:

- Extended to its curb lines, exceeds not only 37,000 s.f. (prehearing submission), it actually scales out (photometrically) as exceeding 39,000 s.f.
- Excluding the sidewalks and curbside treebox areas that surround the entire Square, the area exceeds 23,000 s.f.
- Excluding what are effective building setback lines created by added public space ("public parking") along both New Jersey Avenue (37' 0") and First Street (estimated at 15' 0"), the residual area of the Square diminishes to under 9,000 s.f.

Specifically, the four Lots that are the focus of this Case, *combined*, have an area of 8,312 s.f. and:

- Constitute all private property within the Square.
- Have frontages of approximately 251 feet on New Jersey Avenue, approximately 241 feet along First Street, and approximately 68 feet on E Street with First and NJ converging at an angle of fifteen degrees (15°) at the northern end of the property.

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Report to the BZA

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- Constitute all private property within the Square.
- Have frontages of approximately 251 feet on New Jersey Avenue, approximately 241 feet along First Street, and approximately 68 feet on E Street with First and NJ converging at an angle of fifteen degrees (15°) at the northern end of the property.

**Existing Site Condition:**

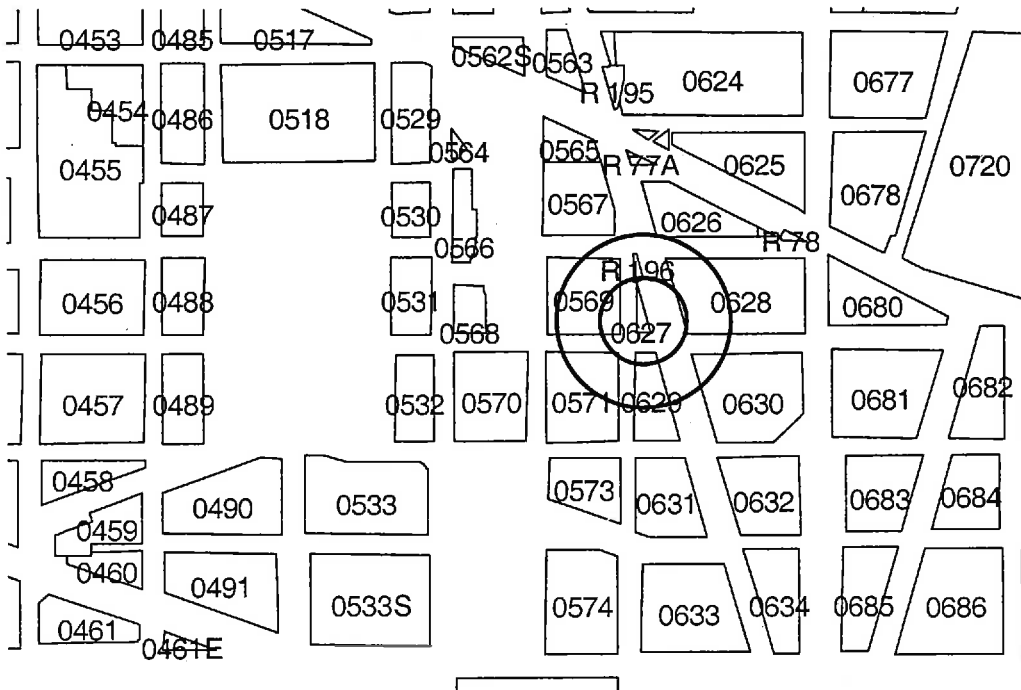
- A. Gasoline station, closed and fenced off
- B. Two other commercial buildings (both vacant and closed).
- C. Reservation 196, under the jurisdiction of the National Park Service, occupies much of the northern part of the Square previously described. At this time, this Reservation is surrounded by a chain link fence approximately four feet high, with segments intentionally left unfenced serving as entrances, one park bench, and one mature deciduous tree; some of the fencing has vegetation in the form of hedges behind it. Assessment records indicate that this Reservation has an area of 3,814 s.f.
- D. Taken as a whole, the project site is unattractive in its current condition.

# HOLLAND & KNIGHT LLP

Report to the BZA

Page 3

**II. Summary Map of Area, Showing Square and Reservation Numbers** – Below is a map that outlines the perimeters of the Squares and Reservations in the area of the Site.\* Site is within the “donut” superimposed on the diagram.



\* Detailed examination of area reveal a small triangular area now serving as a traffic island on the north side of F Street separating First Street and New Jersey Avenue. This area “completes” the triangle formed by the curb alignments of those rights of way. The area within that space is consistently noted within *Baist* atlases as Reservation 195, a designation that also appears in the *Baist* atlases for that area. The witness has not pursued the question of whether this is, or was, part of Reservation 195 or 196, or the question of jurisdiction of that small area.

# HOLLAND & KNIGHT LLP

Report to the BZA

Page 4

### **III. Description of Surrounding Area – Use, Density and Height/Stories (see Tab G, a portion of which is depicted in a presentation panel within the hearing room)**

- A. Major frontage is along the New Jersey Avenue monumental corridor.
- B. Area contains broad mix of commercial and institutional uses and building types, along with some utilities and public service facilities.
- C. Overall area is east of I-395 tunnel and trench; south of Massachusetts Avenue, west of North Capitol Street, and north of Constitution and Louisiana Avenues, NW
- D. **Surrounding Square 627**
  - 1. **To the west and northwest:**
    - a. Georgetown University Law School consisting of three law school buildings, each of five stories approached by steps from New Jersey Avenue.
    - b. The Law School's high-rise dormitory building, apparently developed under prevailing HR/C-3-C zoning rules, a day care center, and three former residential structures.
    - c. The area immediately east of the Law School's dormitory is under construction at this time for additional law school functions that will become approximately half the height of the dorm, similar in scale to the law school building immediately north.
    - d. Parking lot, previously projected to be the site of "Capitol Square," an office building that would have been developed to thirteen stories by Tobishima Corporation that projected nearly 500,000 s.f. of "rentable" area).

# **HOLLAND & KNIGHT LLP**

Report to the BZA

Page 5

**2. To the southwest:**

- a. High-density, eight story office buildings (including office building for National Association of Counties (“NACO”) at 440 First Street and to its south, another 8 story office building (400 First Street, NW).
- b. Three-story U.S.-owned building, occupied and used by the Center for Creative Non Violence (“CCNV”) as a shelter for homeless persons, and vacant lots listing CCNV as owner, but used for parking.
- c. Federal Home Loan Bank Board, in a 9-story 90-foot building located between C and D Streets on the west side of First Street, NW.

**3. To the south:**

- a. Hyatt Regency Capitol Hill Hotel (occupies entirety of Square 629, with over 61,000 square feet of land area). Hotel has 835 guestrooms, 10 levels at and above grade within 90-foot height envelope, with hotel function space below grade along with parking.
- b. Offices of Jones, Day, a law firm (51 Louisiana Avenue, NW) five stories oriented to named avenue, but also facing First Street (seven stories) with parking deck.



# HOLLAND & KNIGHT LLP

Report to the BZA

Page 6

4. **To the north and northeast:**

- a. A segment of (former?) Reservation 195 on the north side of F Street, now a traffic divider.
- b. Lowe Enterprises' new 250,000 s.f. office building at 601 New Jersey Avenue in Square 626; has 9 stories, and reaches or comes close to being 110 feet in height.
- c. Eight story office building facing Massachusetts Avenue (at 20 Massachusetts Avenue) and to its east a small branch bank in a single story structure at the tip of Square 626).

5. **To the east:**

- a. The Washington Court Hotel, with **fifteen (15) stories** of hotel rooms and facilities, built as part of a corner building measured off of F Street, NW, allowing it to rise 130 feet from that higher F Street measuring point but based on width of New Jersey Avenue, NW (Square 628) along with offices in same original building constructed after approval of BZA Case 13945.\* Hotel is part of overall building on underlying record lot that includes 555 New Jersey Avenue (offices) and both 50 and 80 F Street, NW, also offices, all built to the limit permitted by HR/C-3-C.
- b. A mid-rise Pepco power distribution center, corner of New Jersey and E Street, NW.

---

\* BZA Case 13945 was granted in 1983 as a Bench Decision on questions of reducing the amount of required parking (Special Exception) and variances in the number of parking spaces to be supplied, their geometry (size) and the geometry of the aisles leading to and from them. Significantly, the Order notes that providing all parking required would itself become a "practical difficulty" and goes on to note that three additional levels below grade would also face significant costs to keep the basements dry since water level at its location is only 13 feet below the ground level there.

## **HOLLAND & KNIGHT LLP**

Report to the BZA

Page 7

- c. Along E Street, NW three eight or nine story buildings first constructed for use as apartments or hotels, including the Capitol Plaza apartments (8 story, close to 90 feet, 35 E Street), the offices of the Children's Defense Fund (8 story, close to 90 feet, 25 E Street, earlier known as the Hotel Stratford) and The Hotel George (9 story, 90 feet, at 15 E Street, formerly known as the Bellevue Hotel).
- d. Along the North Capitol Street frontage of the same Square, the Phoenix Park Hotel (at 520 North Capitol Street, and Dubliner Pub, the hotel formerly known as the Commodore), at 9 stories and, at 500 North Capitol Street, an 8 story office building, all at or approaching 90 feet, measured from North Capitol Street, which is significantly higher than New Jersey Avenue (details follow).

**6. To the southeast:**

- a. High-density hotel ("Holiday Inn" with ten floors and 90 foot height) and high-density general offices, the latter primarily oriented toward North Capitol Street ("Hall of States", seven stories) and Louisiana Avenue ("Teamsters" headquarters).
- b. District Fire station, recently re-opened following renovations: Battalion 1, Truck 6, Engine 4, and Ambulance 6. Marked on its exterior as erected 1916. This building is a designated historic landmark.
- c. Small, one-story building now used for storage (427 New Jersey Avenue, owned by the D.C. Government).
- d. The recently completed Japanese-American war memorial, in the triangle formed by Louisiana and New Jersey Avenues, and C Street, NW.

**HOLLAND & KNIGHT LLP**

Report to the BZA

Page 8

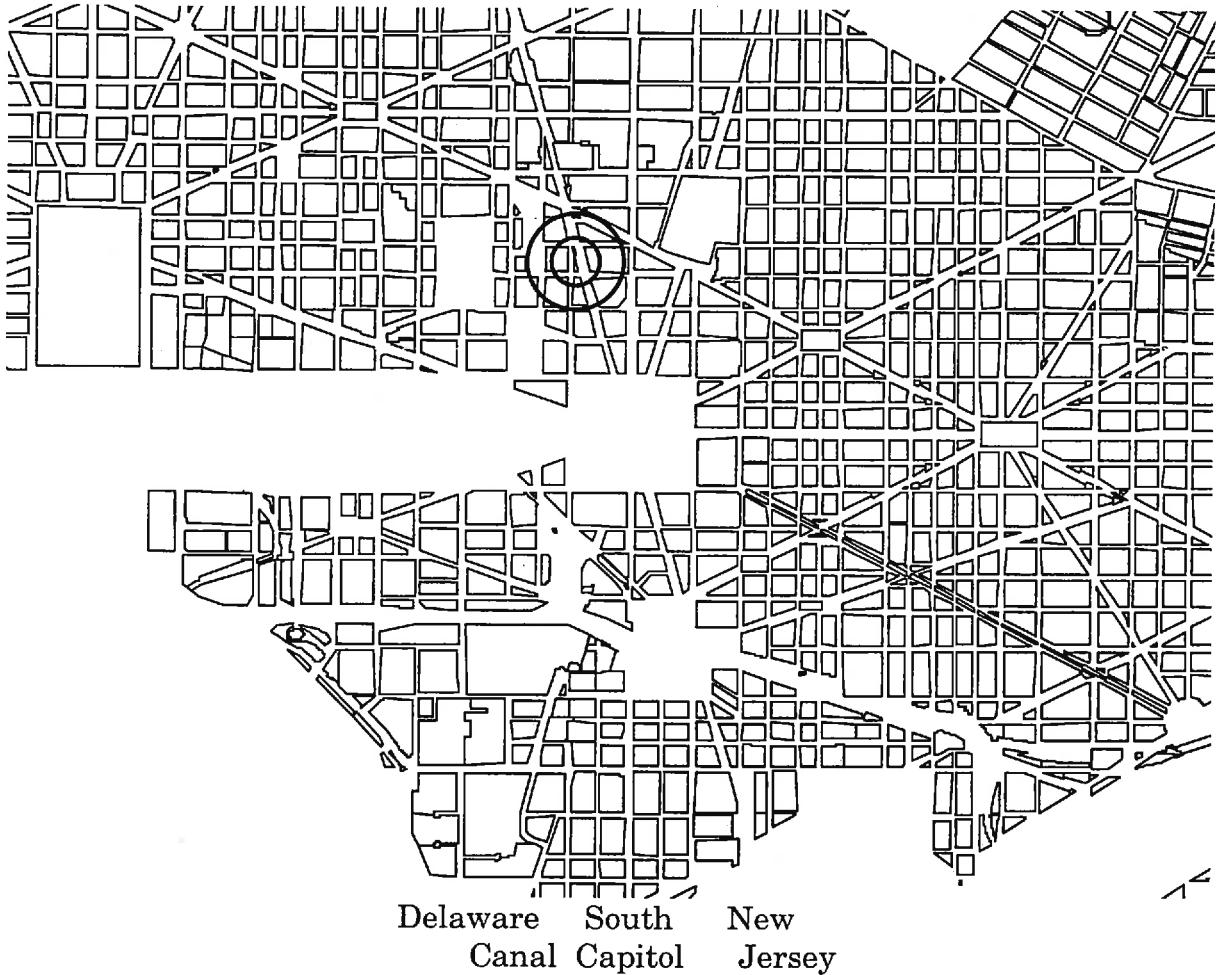
**IV. Topography of Area**

- A. New Jersey Avenue's elevation in feet above sea level at key intersections (from U.S. Army Corps of Engineers 1987 Photogrammetric Data 100 Scale Maps)

Intersections: East-West / North-South	Elev. At Third Street	Street & Elev.	Street & Elev.	Street & Elev.	North Capitol Street
M Street, NW	75.9	<b>NJ-78.8</b>	Kirby/2 <sup>nd</sup> -79.0	1 <sup>st</sup> -76.5	57.2
L Street, NW	<i>I-395</i>	<b>NJ-49.4</b>	2 <sup>nd</sup> -49.4	1 <sup>st</sup> -44.3	38.2
K Street, NW	47.1	<b>NJ-44.8</b>	<b>2<sup>nd</sup>-44.8</b>	1 <sup>st</sup> -39.9	34.3
I Street, NW	52.8	2 <sup>nd</sup> -55.8	<b>NJ-55.2</b>	1 <sup>st</sup> -49.0	31.7
H Street, NW	44.8	2 <sup>nd</sup> -41.x	<b>NJ-38.2</b>	1 <sup>st</sup> -35.5	29.2
G Street, NW	41.8	2 <sup>nd</sup> -39.2	<b>NJ-32.1</b>	<b>1<sup>st</sup>-32.1</b>	26.8
F Street, NW	38.5	2 <sup>nd</sup> -40.9	<b>1<sup>st</sup>-29.0</b>	<b>NJ-28.7</b>	40.2
E Street, NW	34.4	2 <sup>nd</sup> -25.5	<b>1<sup>st</sup>-25.5</b>	<b>NJ-23.1</b>	43.0
D Street, NW	29.7	2 <sup>nd</sup> -31.2	1 <sup>st</sup> -21.6	<b>NJ-19.2</b>	43.0
C Street, NW	29.3	2 <sup>nd</sup> -20.7	1 <sup>st</sup> -18.7	<b>NJ-27.5</b>	44.7
Constitution Avenue, NW	13.8	2 <sup>nd</sup> -14.5	1 <sup>st</sup> -16.5	<b>NJ-50.0</b>	57.9
<b>The Capitol</b>					<b>88.2</b>

Page 9

- New Jersey      North Capitol      Delaware



At the scale of that diagram, which approximates 1" being 3,000 feet, the Subject Site is barely visible (within "donut"), but the overall L'Enfant plan is clear.

# HOLLAND & KNIGHT LLP

Report to the BZA

Page 10

Here are the salient points:

- In the original L'Enfant plan, New Jersey and Delaware Avenues formed a tightly tapered "X" centered on the Capitol, each 15 degrees off the north south axis of North and South Capitol Streets.
- The alignment of north south numbered Streets and east-west lettered streets was symmetric and remains so.
- Thus, not taking diagonal streets into account, there should be four sites (or "theoretical Squares") of an identical form, but in four mirrored orientations.
- However, two other diagonal streets were also part of the L'Enfant plan, namely Boundary Avenue (now Massachusetts Avenue, to the north) and Virginia Avenue (to the south).
- Each of those two diagonals was established such that each split the "theoretical Squares" at First and E Streets in the Southwest and Northeast quadrants. In fact, neither now remains. Columbus Plaza and Union Station obliterated the theoretical Square in the northeast quadrant more than a century ago and the Square in the southwestern quadrant is now precisely where the northern spur of Interstate 395 mixes with the Southwest Freeway and only one small element of the original land, Reservation 120, survives in Federal jurisdiction, the other two (former Reservations 222 and 223 were transferred to the District Government in the 1960s for freeway construction and right of way, their current status).
- The southeastern "Square," which has and remains part of Reservation 17. While most of that Reservation was transferred to the District Government, the portion that remains in Federal hands is under the jurisdiction of the Architect of the Capitol, is unzoned, and is occupied by a two-story inverted L-shaped building that is the being renovated for use as the Capitol Page School.
- Thus, the Subject Square is the only one of the original four theoretical Squares in the L'Enfant plan including private property.

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For a broader context, reproduced below is the same type of map but with the area expanded to run east-west from Georgetown to Anacostia River, east of the current RFK Memorial Stadium, and north south from Florida Avenue south to include nearly all of Buzzard Point. Again, the subject site is highlighted (within “donut”).



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Original L'Enfant Diagonal Avenue	Northern or Western Limit	Southern or Eastern Limit	Angle Relative to Axis
<i>Radiating from the Capitol Dome</i>			
New Jersey Ave.	Florida Ave., NW	N Street, SE	15° / North Capitol St. 15° / South Capitol St.
Delaware Ave.	New York Ave., NE	P Street, SW †	15° / North Capitol St. 15° / South Capitol St.
Maryland Ave.	Maine Ave., SW The Capitol	The Capitol M Street, NE	20° / East Capitol St. 27½° / The Mall
Pennsylvania Ave.	The White House The Capitol	The Capitol Anacostia River	20° / The Mall 27½° / East Capitol St.
<i>Radiating from the White House</i>			
Connecticut Ave.	Columbia Road, NW	The White House	23½° / Sixteenth St., NW
Vermont Ave.	Florida Ave., NW	The White House	23½° / Sixteenth St., NW
New York Ave.	23 <sup>rd</sup> Street, NW †	Sixteenth St., NE	23½° / E St., NW
Pennsylvania Ave.	M Street, NW The White House ‡	The White House The Capitol	23½° / The Mall 20° / East Capitol St.

† Extent represents furthest extent of specific avenue as depicted in *Baist* Atlas Volumes published in 1923 (Volume One) and 1924 (Volume Two).

‡ Segment forced off centerline from Capitol to White House, with western termination of Pennsylvania being at Fifteenth and Treasury Streets, NW.

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## **VI. Existing zoning on Site: HR/C-3-C/ and Downtown East Receiving Zone**

### **A. Base: C-3-C**

1. Uses (§§741)
  - a. Commercial uses permitted as a matter-of-right, including retail, service and office use
  - b. Hotels
  - c. Apartment houses and other residential use
2. Height/stories – maximum of 90 feet/no limit (§770.1)
3. Density - maximum of 6.5 FAR, with no limitation of nonresidential uses (§771.2)
4. Lot occupancy – 100% (§772.1)
5. Rear yard – 2½ inches per foot of height above the residential plane, but not less than 12 feet (§774.1); where there is a through lot, as here, this may be measured to the centerline of the street designated for that purpose.
6. Side yard - not required (§775)
7. Parking (§2101.1) – For general office use, minimum of 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet.
8. Loading (§2201.1) – For office uses exceeding 30,000 square feet but less than 100,000 square feet:
  - a. One loading berth, minimum depth of 30 feet, and with a minimum width of 12 feet.
  - b. One loading platform, minimum area of 100 square feet.
  - c. One Service Delivery Space, minimum depth of 20 feet, at least 10 feet wide.



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B. **HR** (effective March 21, 1981).

1. Purpose: For “**immediate periphery of Central Employment Area**” to encourage construction of Hotels and apartment houses, and provide incentives for that.
2. Use, Height and Bulk
  - a. Uses – Not changed by **HR** rules, but any areas where hotels were only allowed as a Special Exception (not applicable here) become matter-of-right.
  - b. **Bulk – Maximum FAR increased from whatever applied in base zone (here 6.5) to 8.5**
  - c. **Height – Maximum height increased from whatever applied in base zone (and width of street) to 130 feet or the maximum allowed under Height Act of 1910**, provided that no portion of the building exceeding 110 feet would project into the plane formed at 45 degrees to the line at 110 feet.

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- C. **Transferable Development Rights and “Downtown East” Receiving Zone** (effective January 18, 1991, renumbered November 13, 1992; see §1709.15).
1. Purpose: To encourage historic preservation and bonus uses within the areas to which the DD overlay zone provisions apply, and declare areas where rights earned can be utilized.
  2. Use, Height and Bulk in the Receiving Zones
    - a. Uses – Not Change in use allowed or required under TDR’s DD/Downtown East rules
    - b. **Bulk – Maximum FAR increased from whatever applied in base zone (here 6.5) to 9.0** (see §1709.23).
    - c. Height – Maximum height increased from whatever applied in base zone (and width of street) to maximum of 110 feet.
- D. **Conclusion: Area is deemed appropriate, at least under certain conditions, for development on a matter-of-right basis for commercial uses, to a height of 130 feet, and to a density of 9.0.**

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### **VII. Comprehensive Plan (adopted 1999, Enacted 2000, Mapped 2001)**

- A. Entire area east of Third Street, north to and past Massachusetts Avenue, east to North Capitol Street and south to Louisiana Avenue (but with some Squares changed to “Federal”) designated in the “High Density Commercial Land Use Category in the Generalized Land Use Map. This designation is not “mixed” with any others.**
- B. The Generalized Land Use Policies Map depicts the area bounded by Massachusetts Avenue (to the north), North Capitol Street and Louisiana Avenue (to the east and southeast), Constitution and Pennsylvania Avenues (to the south) and Fifteenth Street (to the west) as being the “Downtown Plan Area.” The project site is located in the eastern portion of this overall area. Thus, the precepts and policies of the “Downtown Plan Element” of the plan pertain (Chapter 9).**

**VIII. Proposed Development**

- A. Construction of new office building, with first floor below grade areas for other possible uses, including retail. Total gross floor area results in a requested approval for increasing maximum floor area ratio (FAR) to 10.59.
- B. Height – the overall maximum height would be 130 feet (with 12 stories), plus a penthouse and embellishments.
- C. Total of 68 parking spaces to be provided (25 within the ownership of the project, 43 more in vault space), and one (1) service delivery space on site.

**IX. Relief Required**

- A. Variance for Height
- B. Variance for Floor Area Ratio (gross floor area)
- C. Variance from Parking Requirements (on site)
- D. Variance from Loading Requirements (on site)
- E. Special Exception for Unequal Height of Roof Structures.

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### X. Standards for a Variance (§3103.2)

- *Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,*
- *the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;*
- *Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

### XI. Standards for Special Exception Sought (§§ 411.1 and 3104.1)

- *When impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be entitled to approve the location, design, number, and all other aspects of such structure . . . provided the light and air or adjacent buildings shall not be affected adversely.*
- *. . . the Board is authorized to grant special exceptions where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps . . . [including exceptions to ] . . . regulations for roof structures.*

**XII. Compliance with the Variance and Special Exception Standards.**

- A. Exceptional or extraordinary situation or conditions **of the land** applying to all four variances sought (also relevant to Special Exception):
1. Limited lot size, approximately 8,300 square feet.
  2. Lot shape, a slender right triangle: 15°
  3. Uniquely situated land area within original L'Enfant plan (details follow), this being only Square of the four theoretical equivalent Squares, to include any *private* land:
    - NE is at Columbus Plaza (Union Station), bisected by Massachusetts Avenue.
    - SW is now buried below the interchange of I-395's northern extension and the SW freeway; previously it was bisected by Virginia Avenue SW in the same manner as the NE square was bisected by Massachusetts Avenue.
    - SE was part of an open area within original Tin Plate or Dermott map and was part of a larger Reservation, now adjacent to the Capitol Power Plant; the geometric complement to the project site is the location of a two-story L-shaped building now under renovation to house the Capitol Page School, under the jurisdiction of the Architect of the Capitol.
  4. Site lies at nearly the lowest point of New Jersey Avenue between M Street to the north and Capitol Hill, and east-west numbered streets lead up by one or more stories either side.

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- B. Common elements of absence of detriment to public good applying to all four variances sought:
  - 1. Height would fall below that of either the Washington Court Hotel / office complex and the Georgetown University Law School dormitory.
  - 2. Density of the building, while computing to FAR by formula, is effectively much less and will not begin to over saturate the area in terms of net density, which is conceptualized on the basis of districts having more conventional form and aggregates.
- C. For the Specific Variances Sought, additional information:
  - 1. Height
    - a. Exceptional or extraordinary situation or condition -- [General conditions noted above]
    - b. Practical difficulty – [Architectural, economic, and construction issues, *by others*]
    - c. No detriment to the public good
      - (1) Entire area is within an area the Zoning Commission has concluded can, and, consistent with the Comprehensive Plan, should absorb buildings rising to 130 feet (high density).
      - (2) Other nearby buildings in base zone district rise higher than this one absolutely and no more than it as a function of zoning/Height Act measurement.

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## 2. Maximum Floor Area Ratio

- a. Exceptional or extraordinary situation or condition --  
[General conditions noted above]
- b. Practical difficulty – [Architectural, economic, and  
construction issues, by *others*]
  - (1) Insufficient area and appropriate dimensions to  
realize economically viable building
  - (2) Have used all the available roof areas, balconies,  
etc.
- c. No detriment to the public good
  - (1) Entire area is within an area the Zoning  
Commission has concluded can, and, consistent  
with the Comprehensive Plan, should absorb  
buildings of the greatest density).
  - (2) Use is commercial, totally consistent with the  
precepts of the Comprehensive Plan in all its  
relevant elements
  - (3) Other nearby buildings have vastly greater gross  
density, which is what determines the “load” of  
uses on this area; this building’s “burden” to the  
infrastructure is negligible, but to the area, it will  
be pivotal.



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## 3. Parking

- a. Exceptional or extraordinary situation or condition --  
[General conditions noted above]
- b. Practical difficulty – [Architectural, economic, and  
construction issues, by *others*]
  - (1) Insufficient area and appropriate dimensions to  
realize economically viable building
  - (2) Parking is essentially impossible to locate within  
the limits of the private property lines,  
necessitating its being located in adjacent vault  
areas.
- c. No detriment to the public good
  - (1) Required parking is provided in amount required,  
but is merely located outside the perimeter within  
which the rules would normally measure it.

## 4. Loading

- a. Exceptional or extraordinary situation or condition --  
[General conditions noted above]
- b. Practical difficulty – [Architectural, economic, and  
construction issues, by *others*]
- c. No detriment to the public good
  - (1) Required loading space is provided to degree  
required, but is merely located immediately outside  
the perimeter of the lot line within “the parking”  
along the western face of the proposed building,  
adjacent to the service delivery space.

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5. Roof Structure of Unequal Height (Special Exception, not variance).
  - a. Exceptional or extraordinary situation or condition -- [General conditions noted above]
  - b. Practical difficulty – [Architectural, economic, and construction issues, by *others*]. The uneven height sought is solely to shield the essential mechanical equipment from view and comply with the 1:1 set back requirements from the edge of the property line at the top of the building, the plane of which would be impermissibly penetrated were all walls full height from the outer perimeter of the base of the roof structure itself.
  - c. No detriment to the public good
    - (1) There are no abutting properties.
    - (2) No *surrounding* property is be situated in a relationship depriving them of light and air by virtue of the uneven height sought.
    - (3) Light falling to surrounding public space would not be perceptibly affected by uneven height.
    - (4) Walls of unequal height are a reasonable, functional, and aesthetic response to the problems resulting from the small area of the roof and the setback requirements under the Zoning Regulations and Height Act of 1910.

**XIII. Conclusions**

- A. Subject property is affected by a host of exceptional conditions, because of the size of the site, the configuration of the site, the three zone categories now applicable to the property and the requirements of Zoning and other Regulations as to public space and street design
- B. Strict application of the Regulations would create significant difficulties and impose exceptional costs for the construction
- C. The variances can be granted without substantial detriment to any surrounding properties or integrity of the underlying zone plan
- D. Each of the variances sought in this application should be granted, as should the special exception for the roof structure.

I

## BOLAN SMART ASSOCIATES, INC.

900 19<sup>TH</sup> STREET, NW, SUITE 600, WASHINGTON, DC 20006 • (202) 371-1333 • FAX (202) 371-1334

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Date: October 2002

To: District of Columbia Board of Zoning Adjustment

RE: **Economic Viability Analysis, 500 New Jersey Ave., NW**

Dear Board Members:

Bolan Smart Associates has been asked to update a July 2001 economic feasibility analysis of the proposed 500 New Jersey Avenue, NW office building. In the earlier analysis, the approximately 54,000 gross square feet of building area permitted under the existing zoning was proven to be uneconomic to develop. The principal reason related to the inordinate cost of building and operating a small, triangular shaped building footprint that renders the building significantly less efficient than market competitive properties. The solution was found in building a larger, more market competitive building, allowing construction and operating inefficiencies as well as land cost components to be spread over a broader base.

Since our work leading to July 2001, the property was sold to Lawrence Brandt and Brandt has contracted to sell a completed building to the National Association of Realtors (NAR). The NAR intends to occupy approximately 40% of this to serve as their regional headquarters. The remainder will be leased at market rates. In an effort to create a national example of environmentally sensitive design, the original building plans have been significantly revised. We have been asked now to revisit the question of economic feasibility and to employ the new building proposal and associated development costs into our analysis. Our findings are summarized as follows:

1. **The building, as permitted by-right, flies in the face of established office building development practices in the District of Columbia.** Between 1996 and 2001, a total of 33 new private office buildings were constructed in downtown Washington, DC. These buildings total 7,512,932 square feet of rentable space. Of those buildings, 27 (or 82%) have rentable square footage in excess of 100,000 square feet of space. Of the remaining six buildings, four were developed for pre-identified occupants (build-to-suit buildings).

Those included buildings for The Carnegie Endowment, Faith Family and Freedom, The American Public Health Association, and The Institute for International Economics. That leaves only *two* office buildings constructed in downtown Washington between 1996 and 2001 with less than 100,000 square feet rentable area, representing less than 1% of total new construction. It should also be noted that both of these buildings (800 8th Street, NW, and 800 Eye Street, NW) are infill buildings, and have a normal rectangular configuration, rather than the triangular configuration of the proposed 500 New Jersey Avenue, NW.

2. **The size and configuration, when combined under the by-right provisions, are intrinsically uneconomic.** Clearly, there are a number of triangular shaped private office buildings in downtown Washington. The proposed by-right 500 New Jersey Avenue differs from virtually all of them in three important respects. First, it would be smaller than any other such building, at less than 54,000 gross square feet of space. Second, it would be the only such building whose all four sides require "front door" architectural treatment. That is to say, most buildings either abut another building or have at least one façade requiring a less costly architectural treatment than in the front façade. 500 New Jersey Avenue has four sides with street frontage. Third, the building as permitted by-right, would require three passenger elevators if it is to compete with other quality downtown buildings for tenants – or one elevator for every 18,000 square feet of gross building area. A normal downtown Washington office building typically provides one passenger elevator for every 40,000 or more square feet of building area. Combined, these three factors make a building of this size and configuration permitted by-right at 500 New Jersey Avenue intrinsically prohibitively expensive to build and rent at market determined competitive rates.
3. **The cost of base building construction of 500 New Jersey Avenue, NW, as permitted by-right, is approximately 50% more costly than for a larger, typically configured office building.** Construction cost estimators project that 500 New Jersey Avenue, NW will cost \$145 per gross square foot for core (elevators, stairs, lobby, garage entry/ramps) and shell

construction. It is noted that a more typical urban speculative office building could be expected to cost between \$90 and \$100 per gross square foot.

4. **500 New Jersey Avenue, NW if developed by-right, is completely uneconomic.** Bolan Smart Associates has developed a financial pro-forma for 500 New Jersey Avenue if developed on a by-right basis, and secondly, as requested in this application. For comparative purposes, we have also developed a financial pro-forma for a generic downtown Washington, DC office building. That analysis is shown in Table 1. From this table, several facts are immediately apparent:

- a) The generic new downtown office building, containing 250,000 square feet of space, would need to rent for \$42.27 per rentable square foot (line 25, Table 1) to break-even, a number virtually identical to recent rent comparables and current market experience. Adjusting for a generic market core factor (building lobbies, access areas, restrooms, etc.) of 8% of total square footage produces a competitive market cost to the office space user equivalent to \$45.65 per useable square foot (line 27, Table 1).
- b) The by-right building, containing 54,000 gross square feet, would need to rent for \$48.95 per rentable square foot (line 25, Table 1), or \$56.78 per useable square foot (line 27, Table 1) to be financially feasible. On a useable basis, that is 24% greater than for the so-called generic downtown office building. The reasons for this enormous cost differential are clear. First, the construction cost per square foot of base building construction is substantially greater (\$145/gross square foot versus \$95/gross square foot for a more typical Washington office building). Second, the soft costs are substantially higher because they are a percentage of base building costs. Thus, for example, construction interest costs increase sharply since a greater amount must be financed. Third, due to the high proportion of vertical structural elements and building common area relative to actual useable square footage,

the by-right building contains proportionately less rentable square feet, and as a further derivative, less usable square feet of space, than a more typical office building, placing it in an impossible competitive position in the marketplace. Our analysis concludes that the by-right building would cost an office user \$11.13 per useable square foot (line 29, Table 1) more than a typical first class downtown Washington office building. The consequence of this is that an office user would refuse to rent the by-right building without the landlord agreeing to mark down the cost per rentable square foot to equalize for the same end cost per useable square foot achievable at a generic competitive building. Under these conditions, the 500 New Jersey Avenue building would need to rent for \$33.99 per rentable square foot (line 30, Table 1) to stand competitive with a generic office property, resulting in a landlord loss of \$14.96 per rentable square foot (line 31, Table 1). Without question, it would be inconceivable for the landlord to absorb a 24% loss per rentable square foot between the market competitive rent for the space and the required break-even cost.

- c) The proposed building as requested, containing 97,265 gross square feet of space, would need to rent for \$44.92 per rentable square foot (line 25, Table 2) to break-even, or \$51.21 per useable square foot (line 27, Table 2). That is still \$5.56 per useable square foot (line 29, Table 1) more than a comparable new Class A downtown Washington office building. The reasons this building requires a greater rent than a more typical downtown Washington office building are twofold. First, due to the unusual configuration of the site, the base building cost per square foot is still substantially greater than for a more conventional office building with a more conventional rectangular footprint. Secondly, the proposed building would still contain fewer usable square feet of office space than a more typical building with the same gross square footage because of its small size and unusual shape. Nonetheless,



we believe that the additional 12% of required rent to lease an expanded 500 New Jersey Avenue compared with a generic office property may be justified in the marketplace, to a limited extent, due to the high proportion of window line offices and “sustainable” building development features.

5. **Acquisition of TDRs is not feasible, and indeed may only compound the problem at 500 New Jersey Avenue, NW.** TDR rights would have to be acquired in the open market and at whatever private market costs prevail for such rights. Thus, acquisition of TDR rights would add to the cost of the building instead of directly improving the underlying economics. Furthermore, if TDR rights were acquired under by-right provision, that would presumably still cap the building at less than 77,000 gross square feet, which is insufficient increased size to create a financially viable office building, for reasons noted above.
6. **Adding a hotel or residential component to 500 New Jersey Avenue, NW worsens the project's economics and viability.** On a per square foot basis, hotel and residential development in downtown Washington generally generate less income than Class A office space. Substituting hotel or residential space for office space would make an already unprofitable office structure even more unprofitable mixed use structure. Furthermore, a number of major design changes would be required to absorb two or more uses on such a small site (including very likely a second elevator core, a second lobby, and major changes to both the HVAC and mechanical systems of the structure, that would have a devastating impact on project's economics). Finally, the small size of a lodging or residential component that could be added would in themselves be very expensive to operate when considered on a per unit basis. Regardless of the economic constraints, the site can simply not physically support the addition of either hotel or residential use, due its extraordinarily small, narrow building footprint.

**Conclusion**

The results of our analysis lead to a clear and unambiguous conclusion: 500 New Jersey Avenue NW is completely infeasible financially if only 54,000 gross square feet of space can be developed. The small size of the building will limit its appeal and marketability. High development costs will mandate rents per rentable square foot far above market competitive rents, which for this building, will actually need to be significantly below market in order to compensate for chronic building inefficiencies. The result is a building that cannot be built.

If the applicant's request is granted, seeking a total of approximately 87,995 gross square feet of FAR plus 9,270 gross square feet of building projection space, for a total of 97,265 gross square feet, then our analysis leads to the conclusion of a building that more closely approaches financial feasibility.

We hope this overview and the attached tables are helpful in framing the economic issues associated with the proposed 500 New Jersey Avenue, NW.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Smart', with a stylized flourish at the end.

Eric Smart,  
Principal, Bolan Smart Associates

Table 1 - 10/2002

**REQUIRED REVENUES FOR FINANCIAL FEASIBILITY - (\$2002)  
500 NEW JERSEY AVENUE, NW**

	<u>Generic Market Standard Bldg.</u>	<u>500 New Jersey By-right Dev.</u>	<u>500 New Jersey Proposed Dev.</u>
<b><u>Total Project</u></b>			
1) gross square feet above grade (FAR)	250,000 gsf	54,000 gsf	97,265 gsf
2) efficiency adjustment	<u>96.00%</u> efficiency	<u>91.00%</u> efficiency	<u>91.00%</u> efficiency
3) gross to rentable sf	240,000 rsf	49,140 rsf	88,511 rsf
4) useable adjustment (core factor)	<u>8.00%</u> core factor	<u>18.00%</u> core factor	<u>15.00%</u> core factor
5) rentable sf to useable sf	220,800 usf	40,295 usf	75,234 usf
6) parking ratio	0.77 / 1,000 rsf	0.77 / 1,000 rsf	0.77 / 1,000 rsf
7) parking spaces	185 spaces	38 spaces	68 spaces
<b><u>Development Costs</u></b>			
	<u>per sf</u>	<u>per sf</u>	<u>per sf</u>
8) land cost	\$90.00 /gsf	\$90.00 /gsf	\$61.69 /gsf
9) base building construction	\$95.00 /gsf	\$145.00 /gsf	\$147.50 /gsf
10) soft costs (ae, fin, legl, market, e 25.00% of dev. costs	\$46.25 /gsf	\$58.75 /gsf	\$52.30 /gsf
11) contingency / developer fee 7.00% of dev. costs	\$12.95 /gsf	\$16.45 /gsf	\$14.64 /gsf
12) tenant improvements \$45.00 /rsf	<u>\$43.20 /gsf</u>	<u>\$40.95 /gsf</u>	<u>\$40.95 /gsf</u>
13) total delivery costs per unit	\$287.40 /gsf	\$351.15 /gsf	\$317.08 /gsf
<b><u>Funding Requirements</u></b>			
14) debt 75.00% of dev. costs	<u>\$215.55</u> total	<u>\$263.36</u> total	<u>\$237.81</u> total
15) 25 years amortization 7.00% interest rate	\$18.50 /year	\$22.60 /year	\$20.41 /year
16) cash equity 25.00% of dev. costs	\$71.85 total	\$87.79 total	\$79.27 total
17) pv of value after 25 yrs amort.	<u>(\$13.75)</u>	<u>(\$17.56)</u>	<u>(\$15.18)</u>
18) net equity	\$58.10	\$70.23	\$64.09
19) net equity yield 14.00% yield	<u>\$8.13</u> /year	<u>\$9.83</u> /year	<u>\$8.97</u> /year
20) net annual cost	\$26.63 /year	\$32.43 /year	\$29.38 /year
<b><u>Required Rent</u></b>			
21) vacancy / credit loss 6.00%	\$2.39 /rsf	\$2.77 /rsf	\$2.54 /rsf
22) operating cost	\$8.25 /rsf	\$8.75 /rsf	\$8.00 /rsf
23) real estate taxes	\$5.00 /rsf	\$5.00 /rsf	\$5.00 /rsf
24) annual financing costs	<u>\$26.63</u> /rsf	<u>\$32.43</u> /rsf	<u>\$29.38</u> /rsf
25) total annual cost (incl. parking) - required rent	\$42.27 /rsf	\$48.95 /rsf	\$44.92 /rsf
<b><u>Competitive Position</u></b>			
26) core factor (rentable to useable adjustment)	8.00% bldg	16.00% bldg	14.00% bldg
27) implied effective market rent (cost to user)	\$45.65 /usf	\$56.78 /usf	\$51.21 /usf
28) generic building competitive rent per usf	<u>\$45.65</u> /usf	<u>\$45.65</u> /usf	<u>\$45.65</u> /usf
29) market competitive position per usf	\$0.00 /usf	\$11.13 /usf over mkt	\$5.56 /usf over mkt
30) market rent per rsf to compete for user	<u>\$42.27</u> /rsf	<u>\$33.99</u> /rsf	<u>\$37.69</u> /rsf
31) market competitive position per rsf	\$0.00 /rsf loss	(\$14.96) /rsf loss	(\$7.24) /rsf loss

Note: 1) Proposed 500 New Jersey development comprised of 87,995 FAR gross square feet plus 9,270 projection gross square feet.

8) Total land cost assumed fixed per by-right assumptions, meaning per gsf cost can drop when factored against larger building.

17) Residual value after 25 years assumed as delivery cost escalated annually @1.75% minus return of original cash equity

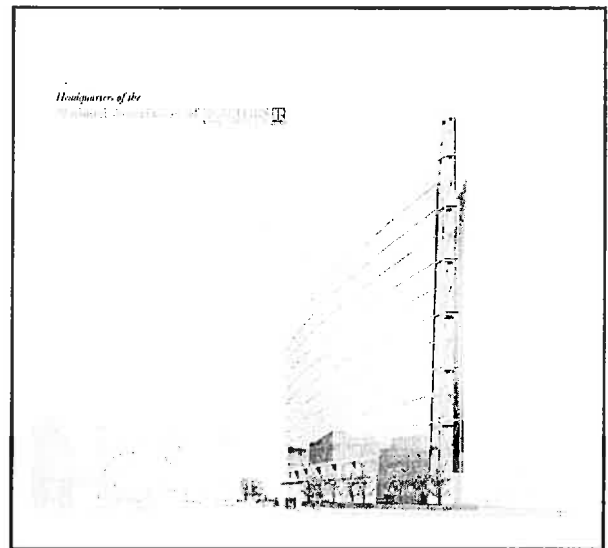
5

*Technical Memorandum:*

**TRAFFIC IMPACT ASSESSMENT, BOARD OF  
ZONING ADJUSTMENT APPLICATION FOR  
NATIONAL ASSOCIATION OF REALTORS  
HEADQUARTERS BUILDING, 500 NEW JERSEY  
AVENUE, NORTHWEST, WASHINGTON, D. C.  
(Application No. 16930)**

*Prepared for:*

**LAWRENCE N. BRANDT, INC.**  
3201 New Mexico Avenue, N.W., #300  
Washington, D.C. 20016  
Mr. Robert F. Brandt, President



*Correspondents:*

**HOLLAND & KNIGHT, LLP**  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, D.C. 20006  
Whayne S. Quinn, *Esquire*  
Christy M. Shiker, *Esquire*

*Prepared by:*

**O. R. GEORGE & ASSOCIATES, INC.**  
10210 Greenbelt Road, Suite 310  
Lanham, MD 20706

**October 7, 2002**

# O. R. GEORGE & ASSOCIATES, INC.

*Traffic Engineers – Transportation Planners*

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## TECHNICAL MEMORANDUM

**DATE:** October 7, 2002

**TO:** Lawrence N. Brandt, Inc.

Attn: Mr. Robert F. Brandt, President  
Mr. Lawrence N. Brandt, Vice President

**FROM:** Osborne R. George

**RE:** Board of Zoning Adjustment Application No. 16930 -  
National Association of Realtors Headquarters Building  
500 New Jersey Avenue, NW, Washington, DC

### 1.0 INTRODUCTION AND PURPOSE

In accordance with your request, we have reviewed and evaluated your company's proposal to develop an office building at the referenced location, based upon the details presented in the subject application. The purpose of the assessment was to determine whether the proposed development can be undertaken such that it "*will not tend to affect adversely the use of neighboring property...*" based upon the variance relief sought. This evaluation was made based upon traffic generation, site access, parking and related issues and perspectives. Accordingly, this evaluation has considered the following specifics of the application:

- (a) ***Variance from the Floor Area Ratio (FAR) requirement*** - Under the Applicant's proposal, the development would yield a Gross Floor Area (GFA) of 87,995 ± Square Feet, versus 54,030 Square Feet under a matter-of-right development.
- (b) ***Variance from the height requirement of the relevant sections of the City's Zoning Regulations***: From the perspective of traffic generation and associated access issues, the variance in height is "incorporated" in the increased GFA [Item (a) above].
- (c) ***Variance from the parking requirements under the relevant sections of the Zoning Regulations***. The application proposes a parking supply well in excess of the parking required; and potential impacts relate principally to the point of access, the ramping arrangement proposed, and the fact that some of the parking is within vault space.
- (d) ***Variance from the loading requirements***: The application submits that the site dimensions, and the restrictions presented due to the parking location and access, physically preclude provision of the loading facilities required by the Zoning Regulations.
- (e) ***Special Exception from roof structure requirements***: This aspect of relief does not affect traffic generation or parking usage.

## **1.0 INTRODUCTION AND PURPOSE (Continued)**

This assessment has concluded that the relief sought will not tend to adversely impact the use of neighboring property. The memorandum relies, to a significant degree, on issues raised during the technical review and public hearing phase of BZA Application No. 16744, which was processed by the City in 2001. For ease of reference, a copy of the Zoning Order, issued in that case, is included as Attachment 1. The remainder of this memorandum addresses the above aspects of the application, specifically from the perspective of the traffic access needs and related issues, and establishes the basis for the conclusion stated. For ease of reference, and to facilitate the presentation, which follows, the site location and its environs are shown in Exhibit 1.



**O. R. GEORGE &  
ASSOCIATES, INC.**  
Traffic Engineers - Transportation Planners

**EXHIBIT 1: Site Location Map - 500 New Jersey Avenue, N.W.**  
National Association of Realtors Headquarters  
Building, BZA Application # 16930



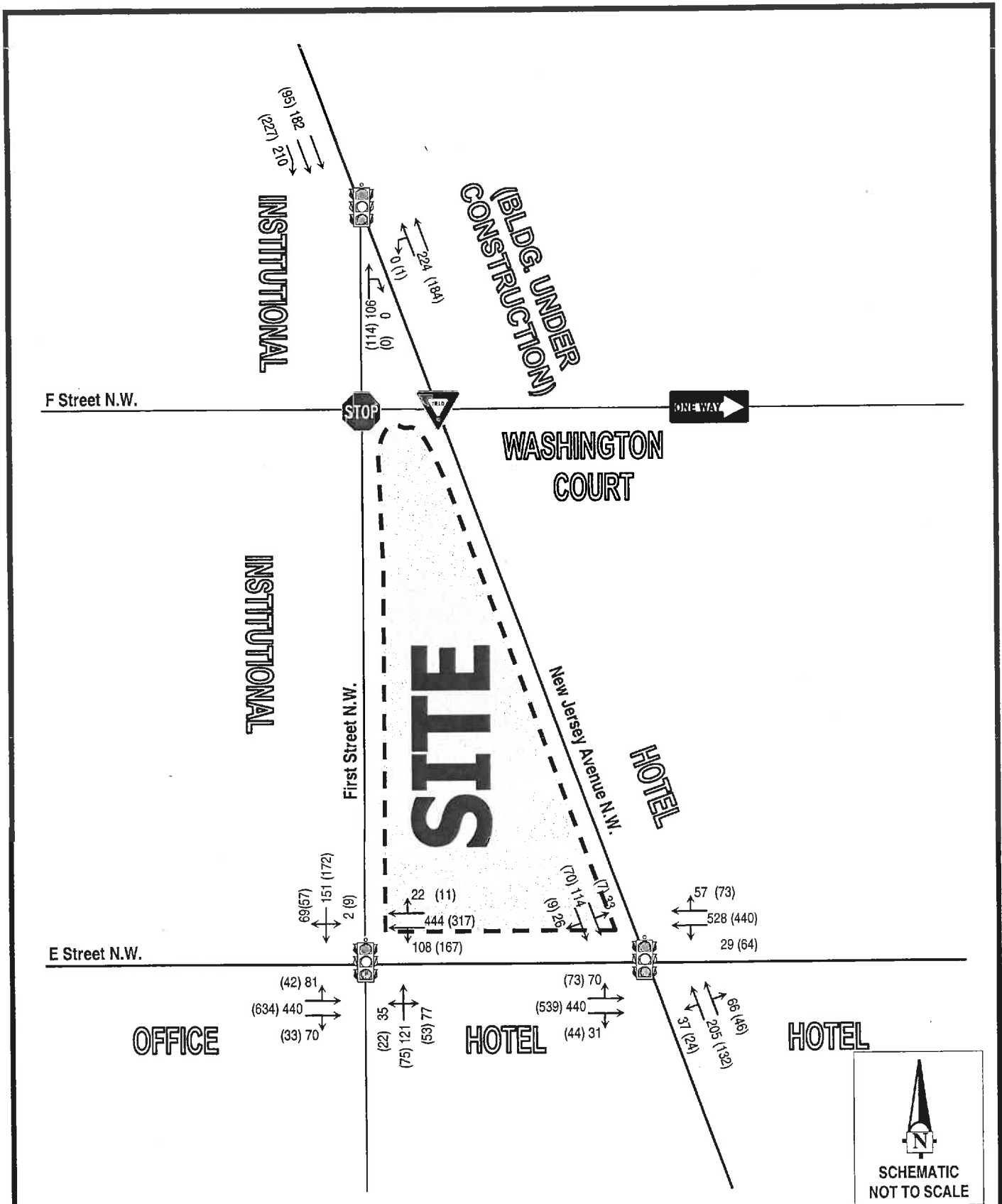
## 2.0 LOCAL SETTING AND BACKGROUND TRAFFIC/PARKING CONDITIONS

In keeping with the guidelines prescribed by the City's Department of Transportation (DDOT) for assessing the impacts of development proposals, this section discusses existing traffic and parking conditions within the local area of the subject property. As noted in the application statement, the site is bounded by New Jersey Avenue on the east, E Street on the south, First Street on the west, and F Street (and a park reservation) on the north. The property is situated within easy access to interstate highway facilities (such as I-395 and the Center Leg Freeway), as well as to principal arterials including Massachusetts Avenue, North Capitol Street, and sections of New Jersey Avenue to the north. In the immediate vicinity of the subject property, the following roadway facilities provide direct access to the property.

- **E Street, NW:** A sixty-foot wide east-west principal arterial serving two (2) lanes of vehicles travel in each direction, with parking along both sides of the roadway. Adjacent to the subject property, parking is prohibited in view of bus stop locations.
- **New Jersey Avenue, NW:** A sixty-foot wide collector street serving two (2) travel lanes in each direction, with metered parking along both sides of the roadway.
- **First Street, NW:** A thirty-eight-foot wide north-south collector street serving a single travel lane of travel in each direction, with metered parking along both sides of the roadway.

All roadway classifications noted above are based on the "Functional Classification Map" published by the District Department of Transportation.

In order to determine current traffic operating conditions within the local area, field observations were made, and morning and afternoon peak hour intersection turning movement counts were undertaken between the hours 8:00 – 9:00 AM and 4:00 – 5:00 PM, during the week of September 30, 2002. The turning movement count summaries are presented in Attachment 2. Exhibit 2 shows the roadway lane configuration and the existing turning movement volumes recorded. The traffic volumes obtained were analyzed by utilizing the Highway Capacity Manual (HCM) procedures, in accordance with DDOT's requirements. As is shown in Table 1 (on page 6) the adjacent intersections currently operate at quite acceptable levels of service.



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**EXHIBIT 1: Site Location Map - 500 New Jersey Avenue, N.W.**  
National Association of Realtors Headquarters  
Building, BZA Application # 16930

**TABLE 1**  
**CAPACITY ANALYSES RESULTS SUMMARY -**  
**EXISTING TRAFFIC CONDITIONS**  
**(500 NEW JERSEY AVENUE, NW)**

INTERSECTION	AM PEAK HOUR		PM PEAK HOUR	
	Level of Service	Average Delay (Secs)	Level of Service	Average Delay (Secs)
• New Jersey Ave. @ E Street, NW	B	16.1	B	17.9
• New Jersey Ave. @ First Street, NW	A	9.5	B	10.4
• First Street @ E Street, NW	B	16.8	C	23.7

**Source:** O. R. George & Associates.

The Highway Capacity Manual defines Level of Service as a *qualitative measure describing operational conditions within a traffic stream or at an intersection, and their perception by motorists and/or passengers*. The definition generally describes these conditions in terms of factors such as speed and travel time, freedom to maneuver, traffic interruptions, as well as comfort, convenience and safety. Current engineering practice defines six (6) Levels of Service, which are given letter designations A through F. Level of Service A represents best operations, and Level of Service "F" represents worst conditions. Level of Service D/E is generally considered to be the minimum acceptable standard for planning and design purposes in the District of Columbia. The capacity analysis worksheets for the analysis results (presented in Table 1 above) are included as Attachment 3 to this report.

### **3.0 IMPACT ASSESSMENT – TECHNICAL APPROACH**

#### **3.1 Technical Approach**

Current engineering practice assesses the potential traffic impacts of a land use development based primarily on the trip making characteristics of the site during weekday morning and afternoon peak hours. This is also the procedure required by the District of Columbia Government review process. The process also relies on traditional factors, most notably standardized vehicle trip generation rates, as recommended by the Institute of Transportation Engineers (ITE).

As noted earlier in this report, and in the Applicant's statement, the subject site is located within the City's Central Employment Area, in proximity to several major roadway arteries, which include Metrobus service. It is also within convenient walking distance from Union Station, the City's major multimodal transportation hub, which links local area with Metrorail, regional commuter rail, and inter-city rail service. The site is also in proximity to high-density hotel development, and to Capitol Hill. These adjacency factors provide attractive opportunities for public transportation mode usages, which are viable alternatives to single-occupant vehicles.

The City prescribes the use of trip generation rates recommended by ITE. These rates are only directly applicable to stand-alone suburban sites, with limited or no access to public transportation. However, the City's review process allows for adjustment in these rates, in keeping with the trip making characteristics and the experience of the local area. This approach is also consistent with current research and engineering practice within the transportation engineering profession, as well as with national and local public policy objectives, which emphasize Transportation Management Programs (TMP), and Transit Oriented Development. These factors and considerations are incorporated in the trip generation estimates presented in Section 3.2 following.

#### **3.2 Trip Generation**

As noted earlier, the application proposes development of an 87,995 GFA office building. Of this development density, approximately 33,965 GFA (i.e., 39%) represents the variance in Floor Area Ratio requested. Development-Related Ridership Surveys conducted by the Washington Metropolitan Area Transit Authority (WMATA) show transit usage in the range of 60 - 75%, for urban employment uses situated in proximity to Metrorail stations. A fifty percent (50.0%) non-auto mode split was considered conservative (i.e., on the high side), and appropriate for the current evaluation. Table 2 following presents the application of the ITE rates, as well as the adjusted rates reflecting transportation mode split factors considering the opportunities afforded by the location of the subject site.

**TABLE 2**  
**PEAK HOUR TRIP GENERATION – VARIANCE APPLICATION**  
**FOR 500 NEW JERSEY AVENUE NW, WASHINGTON D.C.**

<b>Trip Rates</b>	<b><u>AM Peak Hour</u></b>			<b><u>PM Peak Hour</u></b>		
	<b><u>In</u></b>	<b><u>OUT</u></b>	<b><u>Total</u></b>	<b><u>IN</u></b>	<b><u>Out</u></b>	<b><u>Total</u></b>
1) Based Upon ITE Trips/1,000 GFA Office	1.37	0.19	1.56	0.25	1.24	1.49
2) Adjusted Trips/1,000 GFA (Office)	0.68	0.10	0.78	0.13	0.62	0.75
<b>Trip Generation</b>						
3) Trips per 54,030 GFA (Matter-of Right Use)	37	5	42	7	34	41
4) Trips per 33,965 (As per Variance Request)	23	3	26	4	21	25
<b>TOTAL</b>	<b>60</b>	<b>8</b>	<b>68</b>	<b>11</b>	<b>55</b>	<b>66</b>

*Source:* O. R. George & Associates

The data presented in Table 2 shows that the development will generate an average of 67 vehicle trips (total inbound/outbound) accessing the future building during the morning and afternoon peak hours. Of this trip generation, approximately twenty-five (25) trips are attributable to the increased FAR density requested by the subject application. It is noted that a trip generation of fifty (50) trips is the typical threshold for the requirement of a “full” traffic study. Furthermore, the trip generation of sixty-seven (67) trips represent approximately three percent (3.0%) percent of the existing peak hour vehicle trips utilizing the adjacent intersections of E Street at First Street and at New Jersey Avenue, NW. This level of trip generation is well within the typical daily fluctuation of traffic at such an urban intersection, and is of no significant impact. Traffic approaching the site would use various routes and directions into the local area, thus diffusing the impact on the study area intersections. Additionally, the proposed building density is reduced, and the traffic generated by the future National Association of Realtors Headquarters Building is less than that evaluated by the BZA under the 2001 Application No. 16744.

#### **4.0 ASSESSMENT OF VARIANCE REQUIREMENTS**

This section addresses the traffic and parking impacts and/or implications of the variance requests made under the application.

##### **4.1 Variance From the Floor Area Requirements**

The subject application requests an FAR variance of 4.07. Based upon the 8,312 Square Foot site area, this computes to a Gross Floor Area of 33,965 Square Feet. It is projected that this would generate approximately twenty-five (25) vehicle trips during the weekday peak hours. *This study submits that this level of trip generation is not significant, and would not adversely impact traffic flow within the subject area, or access to neighboring properties*

##### **4.2 Variance from Height Requirements**

The variance in height requested is intended to generate additional building square footage based upon the physical constraints of the site. Consideration of traffic implications of the additional square footage is incorporated in the FAR variance dealt with in Section 4.1 above. *This variance request should have no adverse traffic impacts on the local area.*

##### **4.3 Variance from the Parking Requirements**

The application proposes to provide sixty-eight (68) off-street parking spaces, which is well in excess of the requirement per the Zoning Regulations. The variance requested is principally to allow most of these spaces to be located within vault space, and therefore not creditable to the development. Access to the entire parking supply is proposed to be via an entrance off the E Street frontage of the building. The Applicant's statement has noted that this is the only practical location, considering the ramping arrangements that are necessary. This location satisfies the criteria of the City's Zoning Regulations, and compares well with a number of large garage sites noted elsewhere throughout the City. The only traffic-related issue pertains to the point of access, and the following factors are noted.

- a) The proposed access is close to an existing curb cut, which had served a gas station use over a long period of time.
- b) Most of the traffic entering the site would approach the area from the east via E Street, the South via New Jersey Avenue, and from the north via New Jersey Avenue, making a right-turn movement into the site.

It is noted that left-turn movements into the parking garage (from eastbound E Street) could present minor operational constraints. This study notes that this left-turn parking access arrangement is not unlike that provided for major parking garages in many locations in downtown Washington D.C. This includes a 700-space (+) parking garage situated along the south side of E Street, one block to the east of the subject site. *Based upon the empirical evidence provided by such locations, and considering the relatively small size of the parking garage (at 68 spaces), it is submitted that the parking proposal would not adversely impact neighboring properties, or area roadway users in general.*

#### **4.4 Variance From the Off-Street Loading Requirements**

Based upon the size of the proposed building and the zoning district, in which it is located, the following off-street loading facilities are required:

- a) A 30-ft. deep loading berth;
- b) At least one (1) 100-square foot loading platform; and
- c) At least one (1) 20-ft. deep service delivery space.

The Applicant proposes to provide one ten-foot by twenty-foot service delivery area. Loading provisions for a building typically do not have a material impact on peak hour vehicle trip generation. The more critical factors are the points of access to the public roadway, and the degree to which there might be conflicts with adjacent through traffic. The site plan proposes that such loading activities would occur off First Street, which is a very lightly used section of roadway. In order to facilitate this arrangement, removal of up to two (2) metered parking spaces may be necessary. The Applicant would be required to obtain all approvals from the responsible agencies of the District of Columbia Government, which would include assessment of any fiscal impacts. *Assuming such approval is granted, the loading arrangement would be adequate to accommodate the needs of the proposed building, and should result in no significant adverse impacts on the local area.*

#### **4.5 Other General Considerations**

Transportation planning and land use development are inextricably linked elements of the urban planning process. In this connection, it is noted that the immediate area of the site has not been the subject of significant development activity. An office building is under development in the northeast quadrant of the New Jersey Avenue/F Street intersection to the north. It is also noted that the existing parking lot immediately to the west (off First Street) has been the subject of recent development proposals, which called for approximately 0.5 million square foot office building. It is understood that the property, which had previously been owned by the TOBISHIMA Bank of Japan, has now been transferred to the Georgetown University Law Center. Current plans call for the site to be developed as a combination sports-fitness and academic facility totaling 200,000 GSF, to be associated with the Law Center. Telephone conversations with the project architects, and with staff of the Georgetown University Law Center, have confirmed these plans for the adjacent site.

## 5.0 CONCLUSION

Based upon the foregoing data, analysis and discussion, this assessment concludes that, from the perspective of vehicular access and parking provisions, and considering traffic operations within the area of the site, the Applicant's proposal should also not adversely impact the use of neighboring properties. Furthermore, the proposal should not adversely impact users of the adjacent roadway network in general. Regarding the importance of satisfying the requirements of Section 3103.2: "*Variances, of DCMR, Title 11 (Zoning)*", this study also concludes that no substantial detriment to the public good will result from implementation of the Applicant's proposal. It is reiterated that the land use, parking and loading provisions of the subject application are substantially the same as those approved by the Board of Zoning Adjustment under Case No. 16744. The current proposal is for densities approximately five percent (5%) less than the uses under the earlier application. The parking supply proposed is eight (8) spaces greater, and the access and loading provisions are the same. These factors further support the conclusions reached under the current assessment.

We trust that the above meets your requirement. Please let us know if we can be of further assistance in this matter. *Thank you!*

ORG/tdj

Attachments: As noted.



# **ATTACHMENT 1**

**Board of Zoning Adjustment  
Order No. 16744**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16744 of THE HELLMAN COMPANY, INC. and AMOCO OIL COMPANY, pursuant to 11 DCMR § 3103.2 for variances from the floor area ratio requirement (Section 771), the height requirement (Section 770), the parking requirement (Section 2101) and the loading requirement (Section 2201) for the construction of an office building in the HR/C-3-C District at 500 New Jersey Avenue, N.W. (Square 627, Lots 7, 12, 801, and 802).

HEARING DATE: July 24, 2001  
DECISION DATE: July 24, 2001 (Bench Decision)

SUMMARY ORDER

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 6A, and to owners of all property within 200 feet of the property that is the subject of this application. The application was referred to the Office of Planning (OP) for review and report. The Board waived the rules to accept the filing of the OP report, which supported, with conditions, the application. The application was also referred to the Department of Public Works (DPW) for review and report. The Board waived the rules to accept the filing of DPW's report. DPW had no objections to the project.

The subject property is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to the application, did not file a written statement. Robert L. Hall, Single Member District Commissioner for ANC 6A01, filed with the Board two letters in support (Exhibit Nos. 22 and 48). The Zoning and Licensing Committee of ANC 6A also filed a letter in support of the project (Exhibit No. 53).

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR §§ 771, 770, 2101, and 2201. No person or entity appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 under §§ 771, 770, 2101 and 2201, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations and Map, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS**:

1. The Applicant will construct the building in substantial conformance with the architectural drawings presented in the Application with the following conditions:
  - a. The roofline will be a mansard-type roofline similar to that depicted on plan 2.11; including a cornice line at the 130-foot level.
  - b. The First Street façade shall have windows to the maximum extent feasible.
  - c. The windows shall have a traditional scale.
  - d. The façade will include distinguishing elements, such as balconies or bay windows, subject to the approval by the Public Space Committee of the Department of Public Works. The façade may also include other distinguishing elements not subject to the Public Space Committee's approval, such as French doors.
2. The materials to be used for the project will be high quality materials, such as granite, limestone, limestone-like pre-cast concrete, brick, or an equivalent high quality material, subject to the availability at the time, and generally in accordance with the plans submitted as part of this application.

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR §3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 5-0-0 (John Parsons, Anne Mohnkern Renshaw, Sheila Cross Reid, David Levy and Geoffrey H. Griffis to approve.)**

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member approved the issuance of this Order.

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
DIRECTOR

FINAL DATE OF ORDER: JUL 26 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

★ ★ ★



**BZA APPLICATION NO. 16744**

As Director of the Office of Zoning, I hereby certify and attest that on JUL 26 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Whayne S. Quin, Attorney  
Holland & Knight, LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, DC 20006

The Hellman Companies  
Amoco Oil Company  
1828 L Street, N.W., Suite 900  
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Ivette Basterrechea, Chairperson  
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P.O. Box 76680  
Washington, DC 20013

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624 H Street, N.E., First Floor  
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Michael Johnson, Zoning Administrator  
Dept. of Consumer and Regulatory Affairs  
Building and Land Regulation Administration  
941 North Capitol Street, N.E., Suite 2000  
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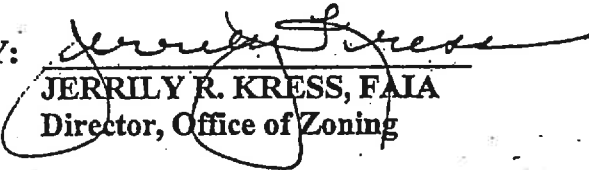
Kenneth G. Laden, Administrator  
Office of Transportation Planning  
Department of Public Works  
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Attestation Sheet 16744  
Page No. 2

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Alan Bergstein  
Office of the Corporation Counsel  
441 4<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20001

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
Director, Office of Zoning

# **ATTACHMENT 2**

## **Turning Movement Count Summaries**

**O.R. George & Associates, Inc.**  
 10210 Greenbelt Road, Suite 310  
 Greenbelt, MD 20706  
 Tel: (301) 794-7700 Fax (301) 794-4400

Counted by : ORGA- B.S  
 Board : D-4 2236  
 City/County : Washington D.C  
 Weather : Warm/Sunny/dry

File Name : NEW@E  
 Site Code : 07072241  
 Start Date : 10/01/2002  
 Page No : 1

**Groups Printed- 1 - Passenger Vehicles**

End Time	New Jersey Avenue, N.W. From North				New Jersey Avenue, N.W. From South				E Street, N.W. From East				E Street, N.W. From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
08:15 AM	7	32	7	46	10	53	19	82	7	136	14	157	18	115	7	140	426
08:30 AM	9	27	5	41	9	52	15	76	8	132	16	156	15	107	10	132	405
08:45 AM	8	25	6	39	8	49	18	75	8	130	14	152	19	112	6	137	403
09:00 AM	9	30	8	47	10	51	14	75	6	130	13	149	18	106	8	132	403
Total	33	114	26	173	37	205	66	308	29	528	57	614	70	440	31	541	1636
04:15 PM	2	17	2	21	6	35	13	54	15	110	18	143	15	133	12	160	378
04:30 PM	1	19	3	23	5	31	12	48	17	104	19	140	20	132	10	162	373
04:45 PM	2	18	2	22	7	29	11	47	18	114	19	151	18	136	13	167	387
05:00 PM	2	18	2	20	6	37	10	53	14	112	17	143	20	138	9	167	383
Total	7	70	9	86	24	132	46	202	64	440	73	577	73	539	44	656	1521
Grand Total	40	184	36	260	61	337	112	510	93	968	130	1191	143	979	75	1197	3157
Approch %	15.4	71.0	13.5		12.0	66.1	22.0		7.8	81.3	10.9		11.9	81.8	6.3		
Total %	1.3	6.8	1.1	8.2	1.9	10.7	3.5	16.2	2.9	30.7	4.1	37.7	4.5	31.0	2.4	37.9	

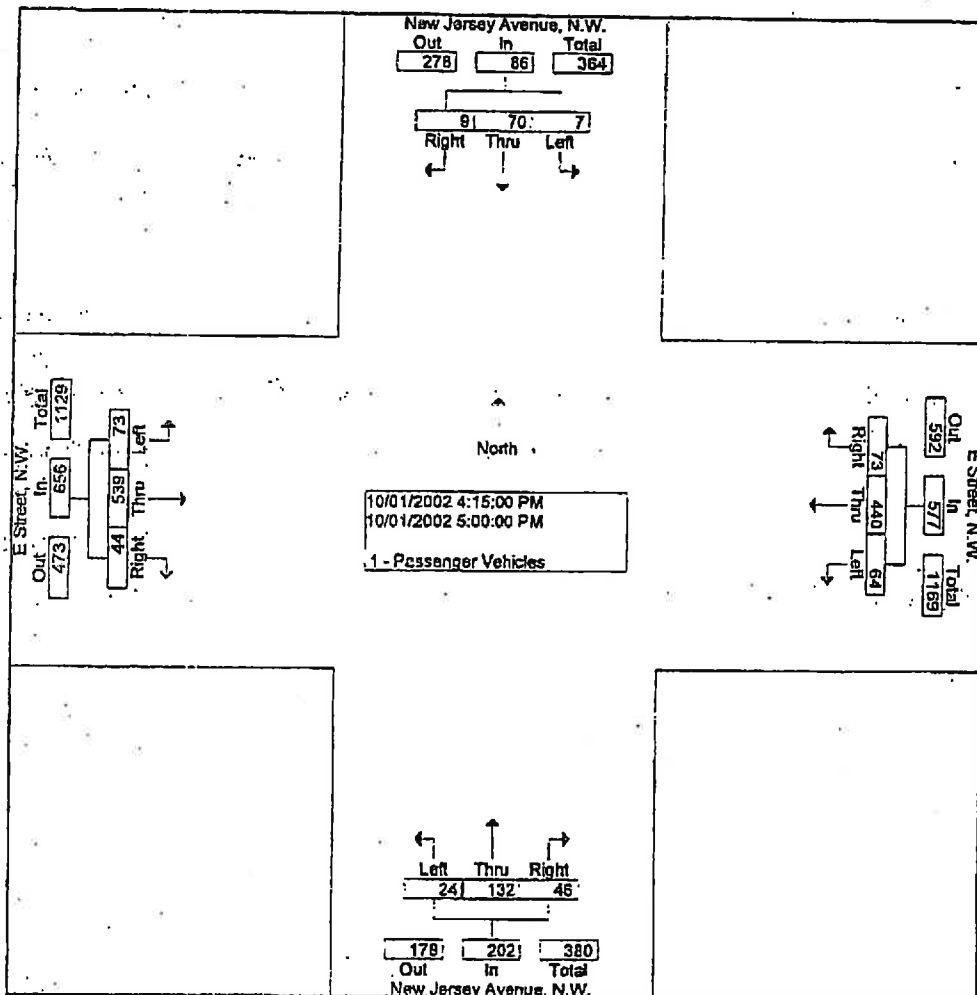


Counted by : ORGA- B.S  
 Board : D-4 2236  
 City/County : Washington, D.C  
 Weather : Warm/Sunny/dry

O.R. George & Associates, Inc.  
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 Tel: (301) 794-7700 Fax: (301) 794-4400

File Name : NEW@E  
 Site Code : 07072241  
 Start Date : 10/01/2002  
 Page No : 3

End Time	New Jersey Avenue, N.W. From North				New Jersey Avenue, N.W. From South				E Street, N.W. From East				E Street, N.W. From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour From 04:15 PM to 05:00 PM - Peak 1 of 1																	
Intersection 04:15 PM																	
Volume	7	70	9	86	24	132	46	202	64	440	73	577	73	539	44	656	1521
Percent	8.1	81.4	10.5		11.9	65.3	22.8		11.1	76.3	12.7		11.1	82.2	6.7		
04:45 Volume	2	18	2	22	7	29	11	47	18	114	19	151	18	136	13	167	387
Peak Factor																	
High Int. 04:30 PM					04:15 PM				04:45 PM				04:45 PM				0.983
Volume	1	19	3	23	6	35	13	54	18	114	19	151	18	136	13	167	
Peak Factor				0.935				0.935				0.955				0.982	

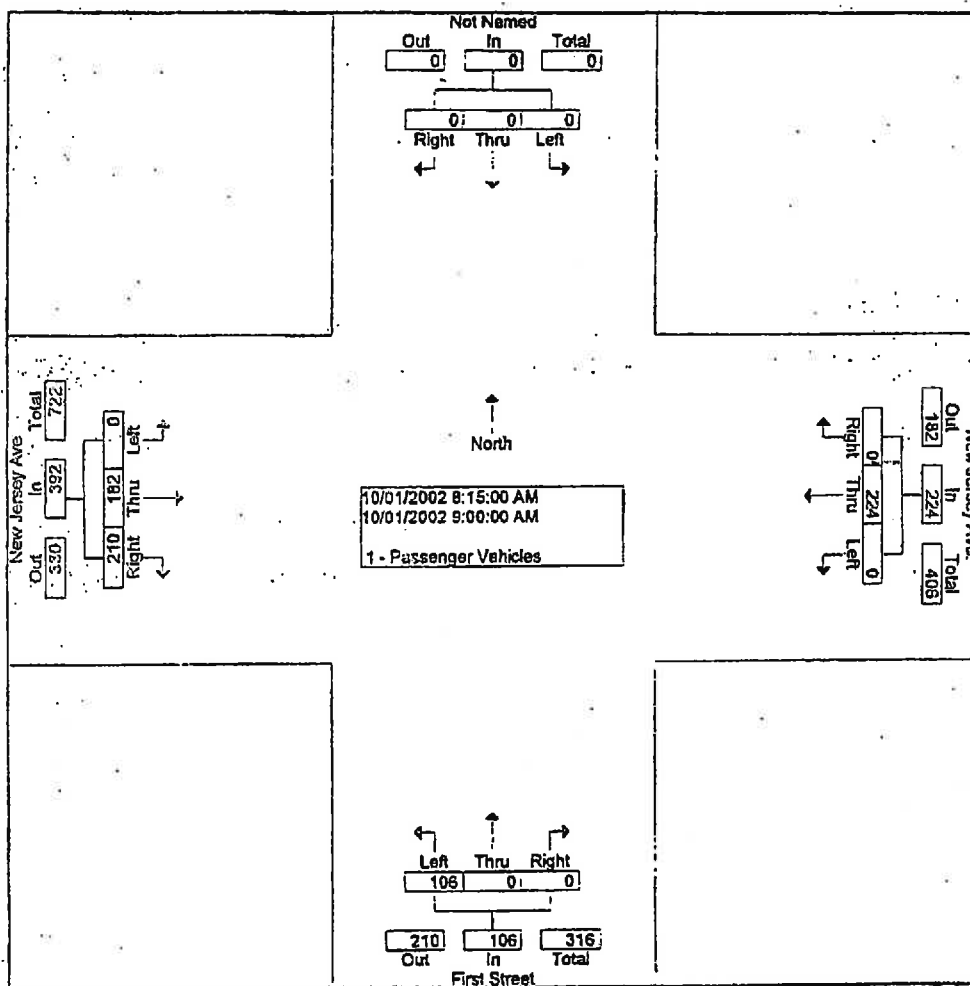


**O.R. George & Associates, Inc.**  
 10210 Greenbelt Road, Suite 310  
 Greenbelt, MD 20706  
 Tel: (301) 794-7700 Fax: (301) 794-4400

Counted by : ORGA- B.S  
 Board : D-4 2236  
 City/County : Washington D.C  
 Weather : Warm/Sunny/dry

File Name : FIR@NEW  
 Site Code : 07072241  
 Start Date : 10/01/2002  
 Page No : 2

	From North				First Street From South				New Jersey Ave. From East				New Jersey Ave From West				
End Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 08:15 AM to 09:00 AM - Peak 1 of 1																	
Intersection 08:15 AM																	
Volume	0	0	0	0	106	0	0	106	0	224	0	224	0	182	210	392	722
Percent	0.0	0.0	0.0		100.0	0.0	0.0		0.0	100.0	0.0		0.0	46.4	53.6		
08:15 Volume	0	0	0	0	29	0	0	29	0	54	0	54	0	46	53	99	182
Peak Factor																	0.992
High Int. 8:00:00 AM					09:00 AM				08:45 AM				08:15 AM				
Volume	0	0	0	0	30	0	0	30	0	60	0	60	0	46	53	99	
Peak Factor								0.883				0.933				0.990	



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Board : D-4 2236

City/County : Washington D.C

Weather : Warm/Sunny/dry

File Name : FIR@NEW

Site Code : 07072241

Start Date : 10/01/2002

Page No : 1

**Groups Printed- 1 - Passenger Vehicles**

End Time	From North				First Street From South				New Jersey Ave. From East				New Jersey Ave From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
08:15 AM	0	0	0	0	29	0	0	29	0	54	0	54	0	46	53	99	182
08:30 AM	0	0	0	0	22	0	0	22	0	58	0	58	0	44	54	98	178
08:45 AM	0	0	0	0	25	0	0	25	0	60	0	60	0	47	49	96	181
09:00 AM	0	0	0	0	30	0	0	30	0	52	0	52	0	45	54	99	181
Total	0	0	0	0	106	0	0	106	0	224	0	224	0	182	210	392	722
04:15 PM	0	0	0	0	29	0	0	29	0	49	0	49	0	27	57	84	162
04:30 PM	0	0	0	0	23	0	0	23	0	43	0	43	0	21	55	76	142
04:45 PM	0	0	0	0	32	0	0	32	1	47	0	48	0	25	59	84	164
05:00 PM	0	0	0	0	30	0	0	30	0	45	0	45	0	22	56	78	153
Total	0	0	0	0	114	0	0	114	1	184	0	185	0	95	227	322	621
Grand Total	0	0	0	0	220	0	0	220	1	408	0	409	0	277	437	714	1343
Approch %	0.0	0.0	0.0	0.0	100.0	0.0	0.0	100.0	0.2	99.8	0.0	99.8	0.0	38.8	61.2		
Total %	0.0	0.0	0.0	0.0	16.4	0.0	0.0	16.4	0.1	30.4	0.0	30.5	0.0	20.6	32.5	53.2	

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Board : D-4 2236

City/County : Washington D.C

Weather : Warm/Sunny/dry

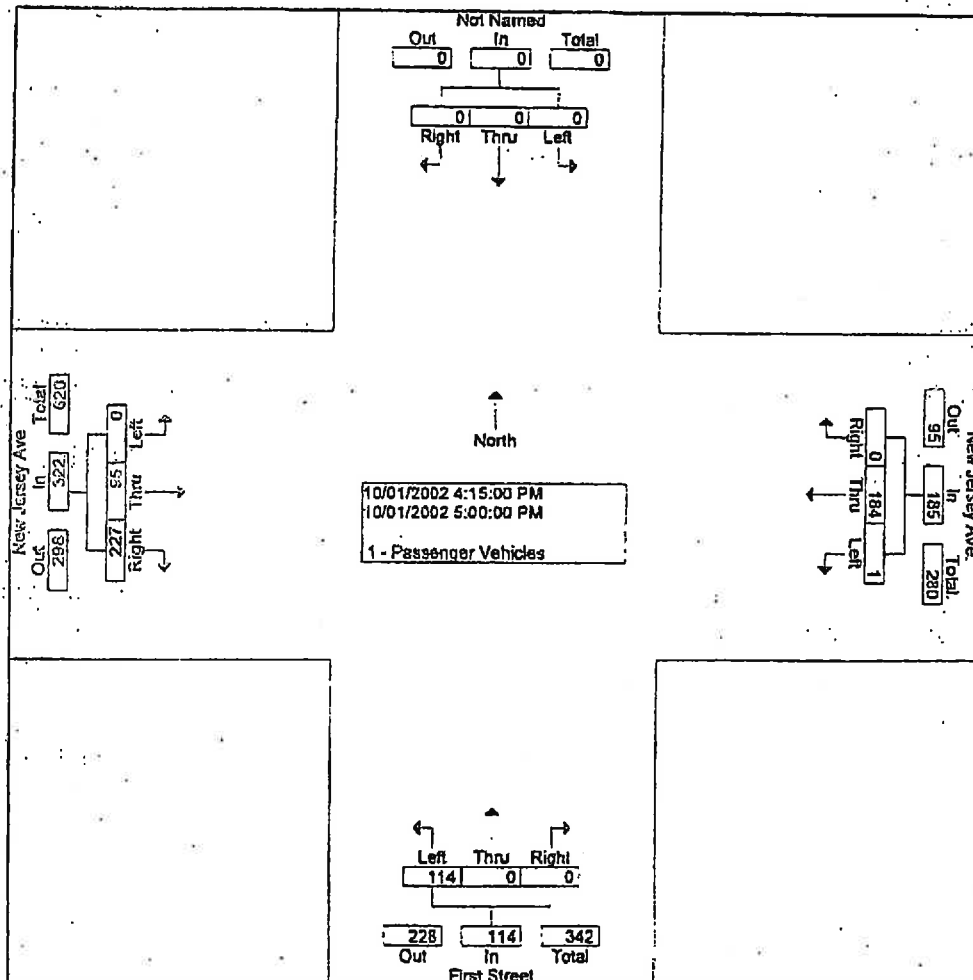
File Name : FIR@NEW

Site Code : 07072241

Start Date : 10/01/2002

Page No : 3

End Time	From North				First Street From South				New Jersey Ave. From East				New Jersey Ave From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour From 04:15 PM to 05:00 PM - Peak 1 of 1																	
Intersection 04:15 PM.																	
Volume	0	0	0	0	114	0	0	114	1	184	0	185	0	95	227	322	621
Percent	0.0	0.0	0.0		100.0	0.0	0.0		0.5	99.5	0.0		0.0	29.5	70.5		
04:45 Volume	0	0	0	0	32	0	0	32	1	47	0	48	0	25	59	84	164
Peak Factor																	0.947
High Int.					04:45 PM				04:15 PM				04:15 PM				
Volume	0	0	0	0	32	0	0	32	0	49	0	49	0	27	57	84	
Peak Factor								0.891				0.944				0.958	



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Board : D-4 2236

City/County : Washington D.C

Weather : Warm/Sunny/dry

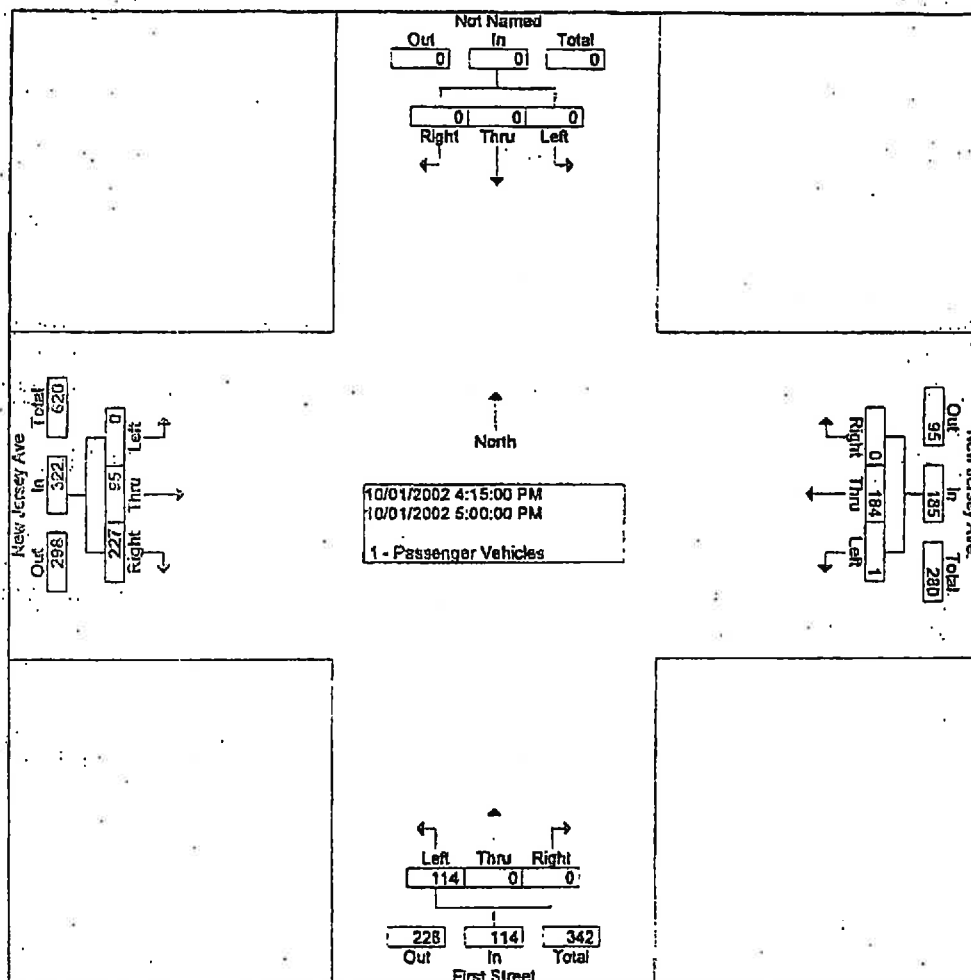
File Name : FIR@NEW

Site Code : 07072241

Start Date : 10/01/2002

Page No : 3

	From North				First Street From South				New Jersey Ave. From East				New Jersey Ave From West				
End Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 04:15 PM to 05:00 PM - Peak 1 of 1																	
Intersection	04:15 PM																
Volume	0	0	0	0	114	0	0	114	1	184	0	185	0	95	227	322	621
Percent	0.0	0.0	0.0		100.0	0.0	0.0		0.5	99.5	0.0		0.0	29.5	70.5		
04:45 Volume	0	0	0	0	32	0	0	32	1	47	0	48	0	25	59	84	164
Peak Factor																	0.947
High Int.					04:45 PM				04:15 PM				04:15 PM				
Volume	0	0	0	0	32	0	0	32	0	49	0	49	0	27	57	84	
Peak Factor									0.891				0.944				0.958



**O.R. George & Associates, Inc.**

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Counted by : ORGA- B.S

Board : D-4 2236

City/County : Washington D.C

Weather : Warm/Sunny/dry

File Name : FIR@E

Site Code : 07072241

Start Date : 10/01/2002

Page No : 1

**Groups Printed- 1 - Passenger Vehicles**

End Time	First Street From North				First Street From South				E Street From East				E Street From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
08:15 AM	1	35	17	53	9	25	20	54	30	112	6	148	19	107	16	142	397
08:30 AM	0	40	19	59	10	33	18	61	25	110	7	142	23	113	20	156	418
08:45 AM	0	39	13	52	8	30	17	55	29	109	4	142	18	109	18	145	394
09:00 AM	1	37	20	58	8	33	22	63	24	113	5	142	21	111	16	148	411
Total	2	151	69	222	35	121	77	233	108	444	22	574	81	440	70	591	1620
04:15 PM	2	44	16	62	7	20	15	42	45	77	3	125	12	158	10	180	409
04:30 PM	3	43	18	64	4	18	12	34	40	81	4	125	10	162	7	179	402
04:45 PM	2	41	11	54	6	22	14	42	42	82	2	126	9	160	8	177	399
05:00 PM	2	44	12	58	5	15	12	32	40	77	2	119	11	154	8	173	382
Total	9	172	57	238	22	75	53	150	167	317	11	495	42	634	33	709	1592
Grand Total	11	323	126	460	57	196	130	383	275	761	33	1069	123	1074	103	1300	3212
Approach %	2.4	70.2	27.4		14.9	51.2	33.9		25.7	71.2	3.1		9.5	82.6	7.9		
Total %	0.3	10.1	3.9	14.3	1.8	6.1	4.0	11.9	8.6	23.7	1.0	33.3	3.8	33.4	3.2	40.5	

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File Name : FIR@E

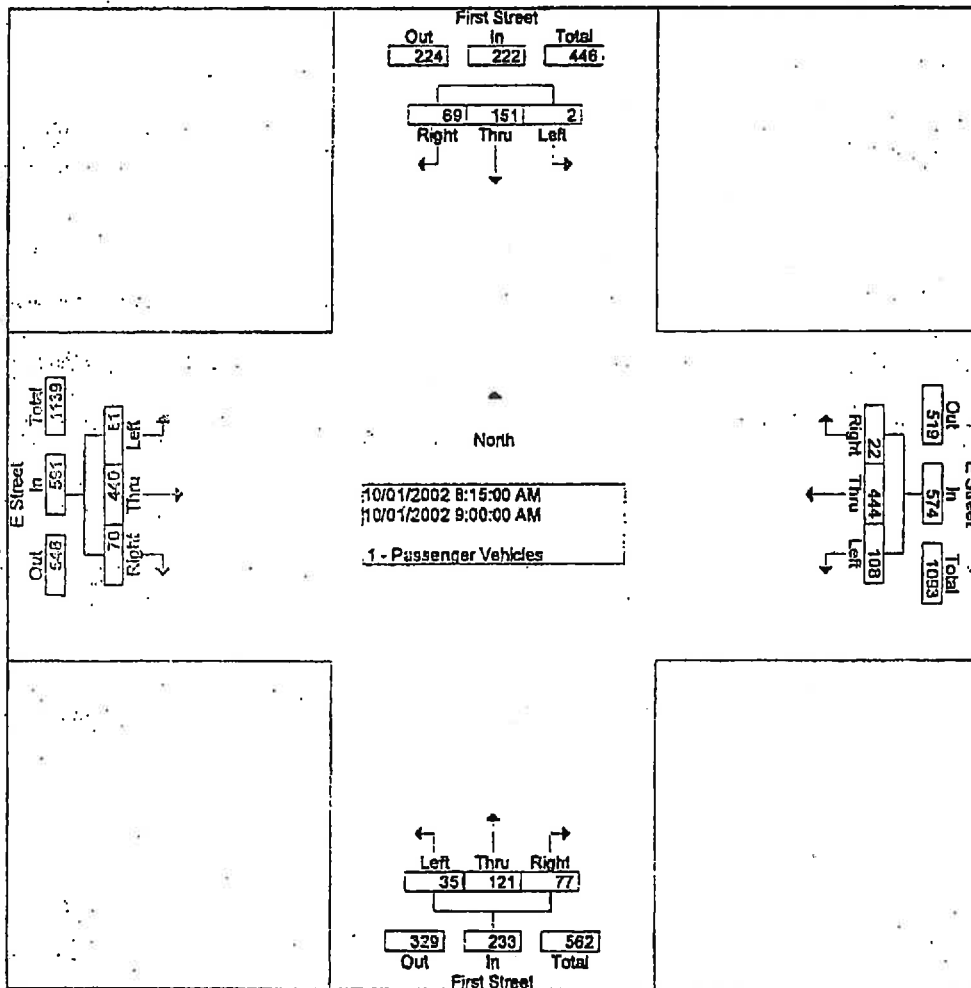
Site Code : 07072241

Start Date : 10/01/2002

Page No : 2

Counted by : ORGA- B.S  
Board : D-4 2238  
City/County : Washington D.C  
Weather : Warm/Sunny/dry

	First Street From North				First Street From South				E Street From East				E Street From West				
End Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 08:15 AM to 09:00 AM - Peak 1 of 1																	
Intersection	08:15 AM																
Volume	2	151	69	222	35	121	77	233	108	444	22	574	81	440	70	591	1620
Percent	0.9	68.0	31.1		15.0	51.9	33.0		18.8	77.4	3.8		13.7	74.5	11.8		
08:30 Volume	0	40	19	59	10	33	18	61	25	110	7	142	23	113	20	156	418
Peak Factor																	0.969
High Int.	08:30 AM				09:00 AM				08:15 AM				08:30 AM				
Volume	0	40	19	59	8	33	22	63	30	112	6	148	23	113	20	156	
Peak Factor	0.941				0.925				0.970				0.947				

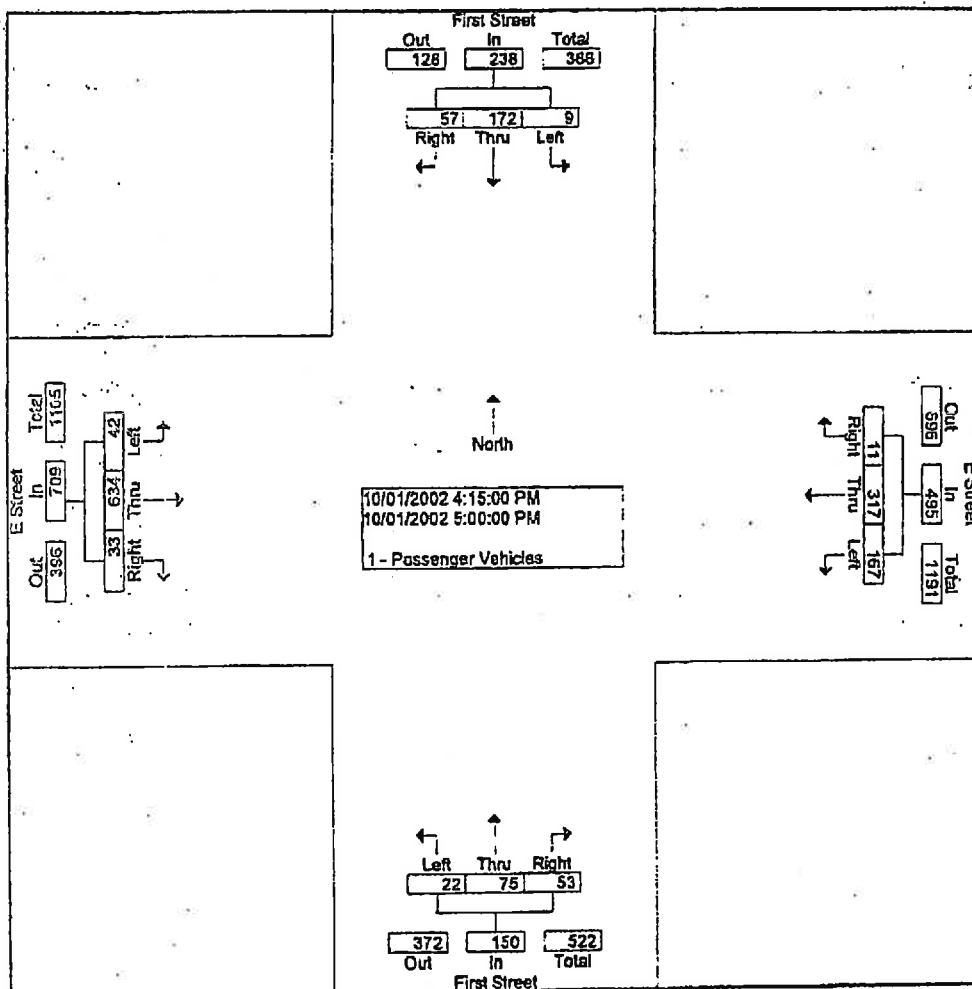


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Counted by : ORGA- B.S  
 Board : D-4 2236  
 City/County : Washington D.C  
 Weather : Warm/Sunny/dry

File Name : FIR@E  
 Site Code : 07072241  
 Start Date : 10/01/2002  
 Page No : 3

	First Street From North				First Street From South				E Street From East				E Street From West				
End Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 04:15 PM to 05:00 PM - Peak 1 of 1																	
Intersection 04:15 PM																	
Volume	9	172	57	238	22	75	53	150	167	317	11	495	42	634	33	709	1592
Percent	3.8	72.3	23.9		14.7	50.0	35.3		33.7	64.0	2.2		5.9	89.4	4.7		
04:15 Volume	2	44	16	62	7	20	15	42	45	77	3	125	12	158	10	180	409
Peak Factor																	0.973
High Int. 04:30 PM					04:15 PM				04:45 PM				04:15 PM				
Volume	3	43	10	64	7	20	15	42	42	82	2	126	12	158	10	180	
Peak Factor	0.930				0.893				0.982				0.985				





# **ATTACHMENT 3**

**Capacity Analysis  
Worksheets**

SHORT REPORT												
General Information						Site Information						
Analyst	ORGA-org					Intersection	E @ New Jersey					
Agency or Co.	Washington, DC					Area Type	CBD or Similar					
Date Performed	10/07/02					Jurisdiction						
Time Period	PM Peak Existing(2002)					Analysis Year	NAR/500 NJ Avenue					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	0	0	2	0	0	2	0	0	2	0
Lane group	LTR			LTR			LTR			LTR		
Volume (vph)	73	539	44	64	440	73	24	132	46	7	70	9
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	P	P	P	P	P	P	P	P	P	P	P	P
Startup lost time	2.0			2.0			2.0			2.0		
Ext. eff. green	2.0			2.0			2.0			2.0		
Arrival type	3			3			3			3		
Unit Extension	3.0			3.0			3.0			3.0		
Ped/Bike/RTOR Volume	20		7	20		4	20		3	20		1
Lane Width	11.5			11.5			10.0			10.0		
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr				5			5					
Bus stops/hr	6			6			0			0		
Unit Extension	3.0			3.0			3.0			3.0		
Phasing	EW Perm		02	03		04	NS Perm		06	07		08
Timing	G = 40.0		G =	G =		G =	G = 30.0		G =	G =		G =
	Y = 5		Y =	Y =		Y =	Y = 5		Y =	Y =		Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	721			637			222			95		
Lane group cap.	1258			1159			947			1046		
v/c ratio	0.57			0.55			0.23			0.09		
Green ratio	0.50			0.50			0.38			0.38		
Unif. delay d1	14.0			13.8			17.1			16.2		
Delay factor k	0.50			0.50			0.50			0.50		
Increment. delay d2	1.9			1.9			0.6			0.2		
PF factor	1.000			1.000			1.000			1.000		
Control delay	15.9			15.7			17.7			16.3		
Lane group LOS	B			B			B			B		
Approch. delay	15.9			15.7			17.7			16.3		
Approach LOS	B			B			B			B		
Intersec. delay	16.1			Intersection LOS						B		

SHORT REPORT												
General Information						Site Information						
Analyst	ORCA-org					Intersection	E @ New Jersey					
Agency or Co.	Washington, DC					Area Type	CBD or Similar					
Date Performed	10/07/02					Jurisdiction						
Time Period	AM Peak Existing(2002)					Analysis Year	NAR/500 NJ Avenue					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	0	0	2	0	0	2	0	0	2	0
Lane group	LTR			LTR			LTR			LTR		
Volume (vph)	70	440	31	29	528	57	37	205	66	33	114	26
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	P	P	P	P	P	P	P	P	P	P	P	P
Startup lost time	2.0			2.0			2.0			2.0		
Ext. eff. green	2.0			2.0			2.0			2.0		
Arrival type	3			3			3			3		
Unit Extension	3.0			3.0			3.0			3.0		
Ped/Bike/RTOR Volume	20		3	20		6	20		4	20		2
Lane Width	11.5			11.5			10.0			10.0		
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr				5			5					
Bus stops/hr	6			6			0			0		
Unit Extension	3.0			3.0			3.0			3.0		
Phasing	EW Perm		02	03		04	NS Perm		06	07		08
Timing	G = 35.0		G =	G =		G =	G = 35.0		G =	G =		G =
	Y = 5		Y =	Y =		Y =	Y = 5		Y =	Y =		Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	508			676			338			191		
Lane group cap.	1048			1158			1085			1106		
v/c ratio	0.57			0.58			0.31			0.17		
Green ratio	0.44			0.44			0.44			0.44		
Unif. delay d1	16.9			17.0			14.7			13.7		
Delay factor k	0.50			0.50			0.50			0.50		
Increm. delay d2	2.3			2.2			0.7			0.3		
PF factor	1.000			1.000			1.000			1.000		
Control delay	19.1			19.2			15.4			14.0		
Lane group LOS	B			B			B			B		
Approch. delay	19.1			19.2			15.4			14.0		
Approach LOS	B			B			B			B		
Intersec. delay	17.9			Intersection LOS						B		

SHORT REPORT												
General Information						Site Information						
Analyst	ORGA-org					Intersection	First @ NJ					
Agency or Co.	Washington, DC					Area Type	CBD or Similar					
Date Performed	10/07/02					Jurisdiction						
Time Period	AM Peak Existing(2002)					Analysis Year	NAR/500 New Jersey Avenue					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	1	0	2	0	0	0	0	0	0	0
Lane group		T	R		LT			LR				
Volume (vph)		182	210		224			106				
% Heavy veh		0	0		0			0				
PHF		0.90	0.90		0.90			0.90				
Actuated (P/A)		P	P		P			P				
Startup lost time		2.0	2.0		2.0			2.0				
Ext. eff. green		2.0	2.0		2.0			2.0				
Arrival type		3	3		3			3				
Unit Extension		3.0	3.0		3.0			3.0				
Ped/Bike/RTOR Volume	10		0				10		0	10		
Lane Width		10.0	10.0		10.0			12.0				
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N		N
Parking/hr												
Bus stops/hr		0	0		0			0				
Unit Extension		3.0	3.0		3.0			3.0				
Phasing	EW Perm	02	03	04	NB Only	06	07	08				
Timing	G = 50.0	G =	G =	G =	G = 20.0	G =	G =	G =				
	Y = 5	Y =	Y =	Y =	Y = 5	Y =	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate		202	233		249			118				
Lane group cap.		1895	848		1895			407				
v/c ratio		0.11	0.27		0.13			0.29				
Green ratio		0.63	0.63		0.63			0.25				
Unif. delay d1		5.0	6.8		6.1			24.3				
Delay factor k		0.50	0.50		0.50			0.50				
Increment. delay d2		0.1	0.2		0.1			1.8				
PF factor		1.000	1.000		1.000			1.000				
Control delay		6.1	7.6		6.3			26.1				
Lane group LOS		A	A		A			C				
Approch. delay		6.9			6.3			26.1				
Approach LOS		A			A			C				
Intersec. delay		9.5			Intersection LOS						A	

SHORT REPORT												
General Information						Site Information						
Analyst	ORGA-ORG					Intersection	First @ NJ					
Agency or Co.	Washington, DC					Area Type	CBD or Similar					
Date Performed	10/07/02					Jurisdiction						
Time Period	PM Peak Existing(2002)					Analysis Year	NAR/500 New Jersey Avenue					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	1	0	2	0	0	0	0	0	0	0
Lane group		T	R		LT			LR				
Volume (vph)		95	227	1	184		114		0			
% Heavy veh		0	0	0	0		0		0			
PHF		0.90	0.90	0.90	0.90		0.90		0.90			
Actuated (P/A)		P	P	P	P		P		P			
Startup lost time		2.0	2.0		2.0				2.0			
Ext. eff. green		2.0	2.0		2.0				2.0			
Arrival type		3	3		3				3			
Unit Extension		3.0	3.0		3.0				3.0			
Ped/Bike/RTOR Volume	10		0				10		0	10		
Lane Width		10.0	10.0		10.0				12.0			
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N		N
Parking/hr												
Bus stops/hr		0	0		0				0			
Unit Extension		3.0	3.0		3.0				3.0			
Phasing	EW Perm	02	03	04	NB Only	06	07	08				
Timing	G = 50.0	G =	G =	G =	G = 20.0	G =	G =	G =				
	Y = 5	Y =	Y =	Y =	Y = 5	Y =	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate		106	252		205			127				
Lane group cap.		1895	848		1809			407				
v/c ratio		0.06	0.30		0.11			0.31				
Green ratio		0.63	0.63		0.63			0.25				
Unif. delay d1		5.8	6.9		6.1			24.4				
Delay factor k		0.50	0.50		0.50			0.50				
Incram. delay d2		0.1	0.9		0.1			2.0				
PF factor		1.000	1.000		1.000			1.000				
Control delay		5.9	7.8		6.2			26.4				
Lane group LOS		A	A		A			C				
Approch. delay		7.2			6.2			26.4				
Approach LOS		A			A			C				
Intersec. delay		10.4					Intersection LOS					B

SHORT REPORT												
General Information						Site Information						
Analyst	ORCA-org					Intersection	E @ First					
Agency or Co.	Washington, DC					Area Type	CBD or Similar					
Date Performed	10/07/02					Jurisdiction						
Time Period	AM Peak Existing(2002)					Analysis Year	NAR/500 NJ Avenue					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	0	0	2	0	0	1	0	0	2	0
Lane group	LTR			LTR			LTR			LTR		
Volume (vph)	81	440	70	108	444	22	35	121	77	2	151	69
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	P	P	P	P	P	P	P	P	P	P	P	P
Startup lost time	2.0			2.0			2.0			2.0		
Ext. eff. green	2.0			2.0			2.0			2.0		
Arrival type	3			3			3			3		
Unit Extension	3.0			3.0			3.0			3.0		
Ped/Bike/RTOR Volume	20		4	20		1	20		5	20		4
Lane Width	14.0			14.0			12.0			10.0		
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr	5		5				5		5			
Bus stops/hr	0			0			0			0		
Unit Extension	3.0			3.0			3.0			3.0		
Phasing	EW Perm	02	03	04	NS Perm	06	07	08				
Timing	G = 40.0	G =	G =	G =	G = 30.0	G =	G =	G =				
	Y = 5	Y =	Y =	Y =	Y = 5	Y =	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	652			636			253			242		
Lane group cap.	1223			1198			481			1037		
v/c ratio	0.53			0.53			0.53			0.29		
Green ratio	0.50			0.50			0.38			0.38		
Unif. delay d1	13.6			13.6			19.5			17.1		
Delay factor k	0.50			0.50			0.50			0.50		
Increm. delay d2	1.7			1.7			4.1			0.5		
PF factor	1.000			1.000			1.000			1.000		
Control delay	15.3			15.3			23.5			17.7		
Lane group LOS	B			B			C			B		
Approch. delay	15.3			15.3			23.5			17.7		
Approach LOS	B			B			C			B		
Intersec. delay	16.8			Intersection LOS						B		

## SHORT REPORT

## General Information

Analyst  
Agency or Co. ORGA-org  
Washington, DC  
Date Performed 10/07/02  
Time Period PM Peak Existing(2002)

## Site Information

Intersection  
Area Type E @ First  
Jurisdiction CBD or Similar  
Analysis Year NAR/500 NJ Avenue

## Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	2	0	0	2	0	0	1	0	0	1	0
Lane group	LTR			DefL TR			LTR			LTR		
Volume (vph)	42	634	33	167	317	11	22	75	53	9	172	57
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	P	P	P	P	P	P	P	P	P	P	P	P
Startup lost time		2.0		2.0	2.0			2.0			2.0	
Ext. eff. green		2.0		2.0	2.0			2.0			2.0	
Arrival type		3		3	3			3			3	
Unit Extension		3.0		3.0	3.0			3.0			3.0	
Ped/Bike/RTOR Volume	20		4	20		2	20		6	20		6
Lane Width		14.0		12.0	14.0			12.0			10.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr	5		5				5		5	5		5
Bus stops/hr		0		0	0			0			0	
Unit Extension		3.0		3.0	3.0			3.0			3.0	
Phasing	EW Perm	02	03	04	NS Perm	06	07	08				
Timing	G = 35.0	G =	G =	G =	G = 35.0	G =	G =	G =				
	Y = 5	Y =	Y =	Y =	Y = 5	Y =	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 80.0						

## Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		783		186	362			159			258	
Lane group cap.		1267		202	795			570			570	
v/c ratio		0.62		0.92	0.46			0.28			0.45	
Green ratio		0.44		0.44	0.44			0.44			0.44	
Unif. delay d1		17.3		21.2	15.8			14.4			15.8	
Delay factor k		0.50		0.50	0.50			0.50			0.50	
Increm. delay d2		2.3		45.5	1.9			1.2			2.6	
PF factor		1.000		1.000	1.000			1.000			1.000	
Control delay		19.6		66.7	17.7			15.6			18.4	
Lane group LOS		B		E	B			B			B	
Apprch. delay	19.6			34.3			15.6			18.4		
Approach LOS	B			C			B			B		
Intersec. delay	23.7			Intersection LOS						C		

K



**OUTLINE OF TESTIMONY FOR**  
**REPRESENTATIVE FROM THE**  
**NATIONAL ASSOCIATION OF REALTORS**

- I. Introduction
- II. Description of the National Association of Realtors
- III. Selection of Site and Building Design
- IV. Description of Proposed Development
- V. Variance Relief Requested
  - A. Description of Property and Exceptional Condition
  - B. Brief Description of Relief Requested
    - 1. Variances
      - a. FAR Requirement
      - b. Height Requirement
      - c. Parking Requirement
      - d. Loading Requirement
    - 2. Special Exception
  - C. Architects to Provide Detailed Description
- VI. Conclusion

L

**OUTLINE OF TESTIMONY**  
**GRAHAM GUND AND ASSOCIATES, PROJECT ARCHITECTS**

- I. Introduction
  - A. Description of Graham Gund and Associates
  - B. History and Experience
  - C. Selection for this Project
  - D. Context of Design
- II. Description of Project
  - A. General Description
    - 1. Description of Area
    - 2. Description of Building Design
    - 3. Development of Surrounding Area
  - B. Unusual and Exceptional Conditions Affecting Site
    - 1. Small Size
    - 2. Long, Narrow Shape
- III. Variance Relief Requested
  - A. Deviation from the FAR Limitation
    - 1. Exceptional Condition or Situation
    - 2. Practical Difficulty
    - 3. No Detriment to Public Good
  - B. Deviation from the Height Requirement
    - 1. Exceptional Condition or Situation
    - 2. Practical Difficulty

- 3. No Detriment to Public Good
- C. Deviation from the Parking Requirement
  - 1. Exceptional Condition or Situation
  - 2. Practical Difficulty
  - 3. No Detriment to Public Good
- D. Deviation from the Loading Requirement
  - 1. Exceptional Condition or Situation
  - 2. Practical Difficulty
  - 3. No Detriment to Public Good
- IV. Special Exception Relief Requested
  - A. Deviation from Roof Structure Requirement – Walls of Equal Height
  - B. Standard for Special Exception Relief Met
- V. Conclusions

M

**OUTLINE OF TESTIMONY OF**  
**CARRAMERICA DEVELOPMENT, INC.**

- I. Introduction
- II. History and Experience of CarrAmerica Development, Inc.
- III. Development Manager
- IV. Construction and Development
- V. Conclusions

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N

**OUTLINE OF TESTIMONY OF  
ERIC SMART, BOLAN SMART ASSOCIATES, INC.**

- I. Introduction
- II. Experience and Expertise
- III. Description of Site and Building Project
- IV. Established Office Building Development Practice
- V. Economic Issues
  - A. By-Right Development
  - B. Typical Office Development
  - C. Proposed Site
  - D. Conclusions and Comparisons
- VI. Development Under HR Overlay
- VII. Development With Transferable Development Rights
- VIII. Conclusions



0

**OUTLINE OF TESTIMONY OF  
LINDSLEY WILLIAMS, LAND PLANNER**

- I. Introduction
- II. Site Location and Description:
- III. Description of Surrounding Area – Use, Density and Height/Stories
- IV. Topography of Area
- V. Zoning
- VI. Comprehensive Plan
- VII. Proposed Development
- VIII. Relief Requested
  - A. Proposed Variances
    - 1. FAR Requirement
      - a. Exceptional or Extraordinary Situation or Condition
      - b. Practical Difficulty
      - c. No Detriment to Public Good
    - 2. Height Requirement
      - a. Exceptional or Extraordinary Situation or Condition
      - b. Practical Difficulty
      - c. No Detriment to Public Good
    - 3. Parking Requirement
      - a. Exceptional or Extraordinary Situation or Condition
      - b. Practical Difficulty
      - c. No Detriment to Public Good
    - 4. Loading Requirement
      - a. Exceptional or Extraordinary Situation or Condition

- b. Practical Difficulty
- c. No Detriment to Public Good

B. Special Exception Relief Requested

- 1. Walls of Unequal Height
- 2. Special Exception Standard Met

IX. Conclusion

P

**OUTLINE OF TESTIMONY OF  
OSBORNE GEORGE, O.R. GEORGE & ASSOCIATES, INC.**

- I. Introduction
- II. Experience and Expertise
- III. Local Setting and Background Traffic/Parking Conditions
- IV. Impact Assessment
  - A. Technical Approach
  - B. Trip Generation
- V. Assessment and Evaluation of Variance Requests
  - A. Variance from FAR Requirement
  - B. Variance from Height Requirement
  - C. Variance from Parking Requirement
  - D. Variance from Loading Requirement
  - E. Other General Considerations
- VI. Conclusions