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goulston&storrs
counsellors at law

Jeff C. Utz
Associate
jutz@goulstonstorrs.com
202-721-1132 Tel
202-263-0532 Fax

November 29, 2011

VIA HAND DELIVERY

Meredith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18289
EXHIBIT NO. 28

**Re: EQR-EYE Street, LLC – BZA Application No. 18289 for 443 – 459 I
Street, NW – Square 516, Lots 812 – 815 and 876 (the “Property”) –
Pre-hearing Statement**

Dear Chairperson Moldenhauer and Members of the Board:

Please accept for filing the enclosed fourteen day pre-hearing filing of EQR-EYE Street, LLC (the “Applicant”), the applicant under BZA Case No. 18289 for the Property. The Applicant is requesting special exception and variance relief in order to restore historic buildings and construct an addition to create an approximately 164,912 square foot residential and retail building with below grade parking (the “Project”). In order to implement the Project, the Applicant is seeking (i) special exception relief pursuant to 11 DCMR § 3104.1 from 11 DCMR §§ 777.1 and 411.11 relating to penthouse uniform height requirements, and (ii) variance relief pursuant to 11 DCMR § 3103.2 from 11 DCMR § 772.1 relating to lot occupancy requirements, from 11 DCMR § 776.4 relating to closed court area requirements, and from 11 DCMR § 1707.4 relating to FAR limitations on historic lots.

Board of Zoning Adjustment

I. Submission of Revised Plans

The Applicant hereby submits its revised plans for the Project attached as Exhibit A to this filing (the “Plans”).

II. Withdrawal of Section 411.11 Special Exception Relief Relating to Roof Structure Setback

The Applicant hereby withdraws its request for special exception relief from Section 411.11 relating to the penthouse setback requirements of Section 770.6(b) of the Zoning Regulations. In consultation with the Office of Planning, the Applicant has modified the Plans such that the special exception relief relating to the penthouse setback is no longer required. The redesigned penthouse will set back from all exterior walls, including the alley wall, a distance no less than one (1) foot for each foot of height of such structure.

However, the Applicant still proposes a roof structure that does not satisfy the uniform height requirements of Section 777.1 (and Section 411.5) since the roof structure is still comprised of two (2) different heights, a “low penthouse” of nine (9) feet and a “high penthouse” of eighteen (18) feet six (6) inches. Such configuration for the roof structure remains as described in the Applicant’s application and results from the design that incorporates the historic buildings while stepping up to a 130 foot neighbor. As stated in the Applicant’s application, we believe that the standards for the approval for a special exception from Sections 777.1 and 411.11 are satisfied in this instance.

III. Request for Flexibility For Modifications Necessary for Historic Review

The Applicant also hereby requests flexibility to further develop the Plans in consultation with the Historic Preservation Office (“HPO”). Since the Property is

located in the Mount Vernon Square Historic District, the Project is subject to the jurisdiction of the Historic Preservation Review Board (“**HPRB**”). HPRB approved the Project by HPA Order No. 06-064 and extended such approval on March 24, 2011 for a period of two (2) years. As the Applicant refines its permit drawings, the development team will be required to work with HPO staff to ensure compliance with historic preservation directives.

IV. Community Support

The community also supports the relief requested by this application. The Applicant met with, and received the unanimous approval of, Advisory Neighborhood Commission (“ANC”) 6C’s Planning, Zoning, and the Environment Committee on November 2, 2011. The Applicant met with, and obtained the unanimous support of, ANC 6C on November 21, 2011. The Applicant also informally presented to the Mount Vernon Square Neighborhood Association (“MVSNA”).

V. Conclusion

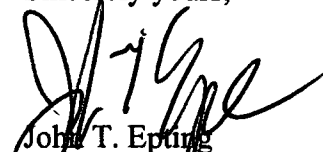
By this filing, the Applicant is also submitting the resume of Laurence Caudle, of Hickok Cole Architects as Exhibit B, in order to qualify him as an expert in the field of design and architecture before the Board, and its outlines of witness testimony as Exhibit C.

We look forward to presenting this case to the Board on December 13, 2011. If you have any questions, please do not hesitate to contact John at (202) 721-1108 or Jeff at (202) 721-1132. Thank you for your attention to this application.

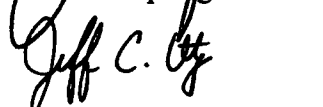
Board of Zoning Adjustment Case No. 18289 – 455 I Street, NW
November 29, 2011

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,



John T. Epling



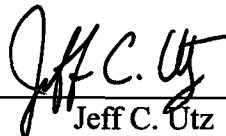
Jeff C. Utz

Enclosures

cc: Greg White
Ben Stoll
Scott Fuller
Laurence Caudle

Certificate of Service

I certify that on November 29, 2011, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeff C. Utz

Stephen Cochran (2 copies)
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

ANC 6C (6 copies)
234 E St., NE
Washington, DC 20002

Keith Silver – ANC 6C01
901 New Jersey Ave., NW
Washington, DC 20001

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