

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Parc Deux Restaurant Partners, LP
1601 14th Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background

Parc Deux Restaurant Partners, LP ("Applicant") proposes to open a restaurant at 1601 14th Street, N.W., Washington, D.C. (Square 240, Lot 821) ("Property"). The Property contains approximately 8,273.6 square feet ("SF") of land and is improved with an existing one-story building with 6,615 SF formerly used as an auto showroom and later, a drycleaners. The Applicant proposes to construct and install a walk-in cooler in the rear of the building, which requires special exception relief from the rear yard requirement. The Property is located in the Arts/C-3-A District at the northeast corner of 14th Street and Q Streets, N.W., and also falls within the boundaries of the 14th Street Historic District. The building fronts on Q Street with a 10-foot alley located at the rear of the Property.

II. Rear Yard Relief Requested

Because of the small size of the development parcel, the Applicant seeks special exception relief from the rear yard depth to construct and install a 461.5 square foot walk-in cooler. One section of the cooler would be used for trash storage and another section for food and other storage. Pursuant to section 774.1 of the Zoning Regulations, a rear yard in the C-3-A District must be provided with a depth of 2.5 inches for each foot of vertical height, but not less than 12 feet. Where the property abuts an alley, the rear yard may be measured from the center line of the alley. 11 DCMR § 774.7(a).

Here, the existing building is approximately 15 feet in height, generating a requirement for a rear yard depth of 12 feet. As measured from the center line of the alley, the property presently has a rear yard depth of approximately 14 feet, 10 inches. The chiller facility will extend into the rear yard a depth approximately 8 feet and 45 feet along the length of the alley, and will be enclosed with a wooden fence. The rear yard depth will be reduced from 15 feet to approximately 6 feet, 10 inches. The Applicant therefore requests relief from the rear yard requirements. The chiller and rear yard are shown on the attached drawing prepared by Stokes Architecture.

Pursuant to section 774.2 of the Zoning Regulations, the Board may waive the rear yard requirements upon special exception relief. The special exception standards for rear yard

waiver set forth in the C-3-A District regulations require the Applicant to meet the following standards:

- *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

The existing building fronts on 14th Street to the west and Q Street to the south and adjoins the John Wesley AME Zion Church building to the north. To the east of the building is the public alley and beyond the alley, a three-story residential building. There are no windows located on the rear façade of the existing building on the Property, which faces the alley. The proposed walk-in coolers will be located at the rear façade with three interior access doors and one access door on the alley side. The walk-in coolers will be completely enclosed and visibly shielded by a 9-foot high, painted wood fence. Trash from the restaurant will be placed in the coolers and picked-up on routine schedule from the alley. The limited height of the cooler addition ensures sufficient light and air to the residential property across the alley. Because the coolers will not have windows and will be screened by a fence, the privacy of occupants in the residential property across the alley will be fully protected.

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- *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The existing building does not have windows on the rear façade so there is no impact to its habitable rooms by the addition of the coolers. The one-story coolers have been designed to be placed behind fencing so as to limit the angle of sight lines and maximize the distance of penetration of sight lines into habitable rooms of the residential building across the alley. The principal windows for the proposed restaurant will overlook 14th and Q Streets, NW such that light will not be affected.

- *The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.*

As noted above, the proposed coolers include three interior access points within the restaurant and one exterior access door at the mid-way point of the cooler which provides direct access to the coolers from the alley. Because of the building's historic character, it is not required to provide any parking or loading facilities. Nevertheless, the Applicant is providing a loading space in a portion of the rear yard along the alley, which will provide adequate off-street service functions for the building.

- *Upon receiving an application for an approval under §774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Department of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

The Applicant is aware that this application will be submitted to all relevant departments and agencies for review.

III. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. Through the Applicant's written statement, and through testimony and evidence presented at the public hearing, the Applicant will demonstrate how it meets its burden of proof to obtain the Board's approval of the special exception.

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