

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

September 4, 2012

MARY CAROLYN BROWN
202-862-5990
carolyn.brown@hklaw.com

RECEIVED
D.C. OFFICE OF ZONING
2012 SEP -4 AM 10:54

VIA HAND DELIVERY

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

Re: BZA Application No. 18396
1601 14th Street, N.W. (Square 240, Lot 161 (former Lot 821))

Dear Members of the Board:

On behalf of Parc Deux Restaurant Partners LLC, we are submitting herewith an original and twenty copies of the Statement of Applicant in support of the special exception request for the above-referenced property. We look forward to the Board of Zoning Adjustment's consideration of this application at the hearing on September 18, 2012.

Very truly yours,

HOLLAND & KNIGHT LLP



Mary Carolyn Brown

Enclosures

cc: Matt Jesick, Office of Planning
Advisory Neighborhood Commission 2F

#11510936_v1

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18396
EXHIBIT NO. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 18396
EXHIBIT NO. 29

RECEIVED
D.C. OFFICE OF ZONING
2012 SEP -4 AM 10:55

STATEMENT OF THE APPLICANT

The subject property is located is at the northeast corner of 14th and Q Streets, N.W., in the ARTS/C-3-A District, as shown on the portion of the Zoning Map attached as Exhibit A. The site is

comprised of Lot 161 in Square 240, which is the city block bounded by 14th Street on the west, Q Street on the south, R Street on the north, and 13th Street on the east, in Northwest Washington, D.C.¹ The property fronts on 14th Street and measures 80 feet wide. It runs approximately 103.4 feet deep along Q Street, with a ten-foot wide alley abutting the rear of the lot.

The property contains approximately 8,273.6 square feet of land and is improved with an existing one-story building containing approximately 6,615 square feet of space. The building spans the full width of the lot on 14th Street and extends 93.4 feet deep into the lot. The last ten feet of the lot are unimproved. The building is comprised of three smaller structures that were later consolidated into a single building. It was formerly occupied by an auto showroom and later, a drycleaners. Constructed during the late-nineteenth and early twentieth centuries, the building contributes to the character of the Fourteenth Street Historic District in which it is located. Plats of the site are attached at Exhibit B.

2. The Vicinity

The property is one block northwest of Logan Circle along the revitalized corridor of 14th Street, which contains a mix of commercial and residential uses. Across 14th Street to the west is a new six-story residential building with ground floor retail, and smaller scale buildings with retail and services uses, including home furnishing stores. Other large and small-scale buildings are located to the south, which include a mix of residential, retail and arts uses. The Studio Theater is also located to the south. Abutting the site to the north is the John Wesley AME Zion Church. Across the alley to the east are three-story historic rowhouses comprised of single-family and multi-family dwellings.

B. Description of Proposed Use

The Applicant intends to establish a restaurant in the existing one-story building on the site and construct a one-story rear addition for storage. The storage area will include a walk-in cooler for

¹ New Record Lot 161 was recorded in the Office of the Surveyor on June 26, 2012, in Book 276 at Page 118.

food storage in one section and refrigerated trash storage in another section. The addition will extend the rear of the building by eight feet and will have a width of 45 feet along the length of the alley. The overall height of the addition is approximately nine feet. The walk-in coolers and storage facility are only accessible through three interior doors and one access door on the alley side. The addition will be completely enclosed and visibly shielded from neighboring properties by a nine-foot high, painted wood fence. Trash from the restaurant will be placed in the coolers and picked-up on a routine schedule from the alley. A loading/service parking space will be located in the rear yard, adjacent to the addition. Plans for the rear addition are attached as Exhibit C.

IV.
The Applicant Meets the Standards for
A Special Exception under the Zoning Regulations

A. Nature of Relief Sought

The Applicant seeks special exception relief from the minimum depth requirement for a rear yard in order 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. After construction of the

addition, 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 depth requirements.

B. Standard of Review

Pursuant to section 774.2 of the Zoning Regulations, the Board may waive the rear yard requirements for property located in the C-3-A District through special exception relief. The standards for rear yard relief require an Applicant to meet the following provisions.

1. Section 774.3: 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 proposed rear addition will not house any office uses and only has the potential to affect the abutting alley and the three-story multi-family rowhouse to the east. However, no windows are proposed for the new rear addition to create any adverse impacts to the building across the alley. Only one access door will be located on the alley to allow for trash removal. At the request of the neighbors, the addition will be enclosed in a fence to create a visual barrier along the alley. The limited height of the cooler addition ensures sufficient light and air to the residential property across the alley. Because the additional 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.

2. Section 774.4: 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 any habitable rooms by the addition of the coolers and storage facility. The one-story addition will 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

principle windows for the proposed restaurant will overlook 14th and Q Streets, N.W., such that light will not be affected.

3. Section 774.5: 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, and the limited size of the addition, it is not required to provide any parking or loading facilities. See 11 DCMR §§ 2120 and 2200.5. 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.

4. Section 774.6: 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 has coordinated with the Office of Planning regarding its review of the application. The proposed addition has also been reviewed and approved by the staff of the Historic Preservation Office through its delegated authority from the Historic Preservation Review Board.

V. Community Support

At its duly noticed and regularly scheduled meeting of July 11, 2012, Advisory Neighborhood Commission 2F voted unanimously to support this application. A copy of the resolution is attached as Exhibit D.

VI.
Witnesses

The Applicant may call the following witnesses to provide testimony at the Board's public hearing in support of the application:

1. Representative of Starr Restaurant Group, on behalf of Parc Deux Restaurant Partners LLC
2. Representative of Stokes Architecture

VII.
Exhibits in Support of the Application

The following exhibits are attached to this statement in further support of the application:

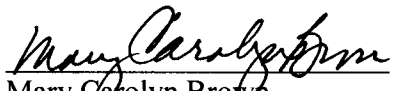
- Exhibit A: Portion of the Zoning Map illustrating the site
- Exhibit B: Portions of the Sanborn/Tax Maps illustrating the site
- Exhibit C: Architectural Plans and Photographs
- Exhibit D: Recommendation Letter from ANC 2F
- Exhibit E: Outlines of Witness Testimony

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations. The Applicant therefore respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Mary Carolyn Brown
2099 Pennsylvania Ave., N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

September 4, 2012