

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

BZA Appeal No. 18540

Hearing Date: April 30, 2013

INTERVENOR/PROPERTY DEVELOPER'S STATEMENT IN OPPOSITION

Lock 7 Development LLC ("Lock 7" or "Developer") hereby requests that the Board of Zoning Adjustment ("BZA" or "Board") deny the appeal of 2101 Connecticut Avenue Cooperative Apartments, Inc. (the "Coop" or "Appellant"). The Coop appealed the determination letter (the "Determination") issued by the Zoning Administrator (the "ZA") on December 5, 2012 concerning a proposed addition to the existing building at 2012 Kalorama Road NW (the "Property"). The Developer obtained the Determination as guidance that elements of the proposed addition would conform to the Zoning Regulations. On February 5, 2013, the Coop appealed the Determination. The appeal should be denied because the Coop's appeal is factually inaccurate, incorporates much information not relevant to zoning, and misinterprets the Zoning Regulations.

I. BACKGROUND

The Property is zoned R-5-B and is in the Kalorama Triangle Historic District. The Property contains approximately 4,230 square feet of land area. The Property is bounded to the north by Kalorama Road, to the south by a 7.5-foot public alley, to the east by a five-story apartment building, and to the west by a three-unit apartment building.

The Property is improved with a contributing building constructed circa 1908. The building was constructed as a single family dwelling, but it was last used as a two-unit flat, as shown on the certificate of occupancy attached as Exhibit A. The three-story building has a nonconforming eastern side yard of five feet and provides three parking spaces that are

nonconforming as to size in a rear garage. The existing building otherwise conforms to the Zoning Regulations.

Lock 7 plans to construct a rear addition to the existing building to create an eight-unit condominium apartment building. The addition will rise to a conforming height of approximately 38.5 feet (50 feet is permitted), which will be shorter than the existing building. Once completed, the expanded building will have a conforming FAR of 1.4 (1.8 is permitted), lot occupancy of 58% (60% is permitted), and rear yard of approximately 20 feet (15 feet is required). The garage will be removed, but the three parking spaces will be retained at the rear in the same location with their current dimensions. The addition will not have a side yard, so the existing side yard will be converted into an open court.

The proposed project does not require relief from the Zoning Regulations and may be constructed as a matter-of-right. Design approval by the Historic Preservation Review Board (“HPRB”) is the only discretionary approval required, and the project already received concept approval.¹ The relative size of the addition, the extent of preservation of the building’s rear, the appearance of side walls, the location of trash cans, and the space for HVAC units are not governed by the Zoning Regulations and are design issues solely outside the purview of the BZA. Accordingly, with respect to zoning, Lock 7 is entitled to a building permit for this project.

II. THE ROLE OF THE DETERMINATION

The Appellant bases much of its appeal on an incorrect understanding of the role of a determination letter in the development process. A determination letter alone does not entitle one to a building permit. The Appellant misunderstands that the requirement of “plans drawn to

¹ The HPRB granted concept approval on October 25, 2012 and reaffirmed the concept approval on January 24, 2013.

scale indicated numerically” in section 106.1.12 of the D.C. Construction Codes pertains to documents and information that must be submitted for a *building permit*, but it does not prevent the ZA from giving guidance on discreet and distinct zoning issues based on less information prior to the application for a building permit.

Frequently, before proceeding with construction-level drawings, a developer will consult with the ZA about a planned project. The developer will seek guidance on specific zoning issues based on the plans or concepts presented to the ZA. The ZA will issue a determination letter based on the issues that he discussed with the developer, but the determination letter does not reflect a complete zoning analysis of the project and does not opine on zoning issues not discussed. Also, it does not guarantee the issuance of a building permit. However, the determination letter does not replace the complete zoning analysis that accompanies a building permit application. Once the developer submits plans for a building permit, the ZA will conduct a full zoning analysis that defers to the limited issues in the determination letter. The developer is entitled to a building permit based on a determination letter only if the determination letter plans and permit plans are consistent and the permit plans otherwise satisfy all elements of the Zoning Regulations.

In the present case, given the role of the Determination in the development process, the Appellant’s claims about an incomplete zoning analysis and lack of information is inconsequential. Lock 7 sought guidance from the ZA only on the nine issues discussed in the Determination. As set forth below, the Determination was correct on these nine issues, but the letter does not mean that a building permit can be automatically issued. Lock 7 will submit complete plans with an application to obtain the building permit. The ZA will conduct a complete analysis of these permit plans to assure compliance with the Zoning Regulations. With

respect to the nine issues, the permit plans must be consistent with the Determination plans for all of the conclusions in the Determination to remain valid. If the permit plans lack information, do not contain a scale, or are otherwise deficient, then they would not satisfy the requirements for the issuance of a building permit. The permit plans for the present project will be consistent with the Determination letter plans with regard to at least some of the nine issues, so Lock 7 will be entitled to a building permit provided that the permit plans otherwise satisfy the Zoning Regulations.

III. THE DETERMINATION CORRECTLY INTERPRETS THE ZONING REGULATIONS

The Appellant asserts that the ZA erred in the Determination in four areas. However, as set forth below, the Determination was correct, and the proposed project is permitted as a matter-of-right.

A. The Parking Determination for a Historic Resource was Correct

Under Chapter 21 the Zoning Regulations, Lock 7 is required only to retain the existing three spaces, but additional parking is not required. These parking spaces were provided in their current location and configuration prior to 1958, so pursuant to section 2100.1, these spaces are not required to conform to the Zoning Regulations because they were not required at all when created.² Further, the Board has confirmed that existing parking spaces for a historic building must be retained. [*Application of Ingomar Associates Inc.*, BZA Order No. 18201, pp. 6-7, 10, attached as Exhibit B]. Thus, in the present case, the existing three spaces are exempt from the requirements of Chapter 21 of the Zoning Regulations as a “grandfathered” condition, but the spaces cannot be removed.

² Section 2100.1 states, “All buildings or structure erected *on or after May 12, 1958* shall be provided with parking spaces to the extent specified in § 2101...” (emphasis added).

However, Lock 7 will retain the three spaces in their current location and configuration. As an existing condition that did not originally require compliance with the Zoning Regulations, the three existing spaces cannot be forced to comply with the current standards for parking spaces. If compliance were required, then every time a pre-1958 building undergoes a change that affects zoning standards, no matter how small, existing parking spaces would be forced to comply with the current parking standards. This has never been the practice, and it is clearly not the intent of the Zoning Regulations to change parking conditions in existence before 1958 when the work will not alter the condition of existing parking spaces.

Since the building at 2012 Kalorama Road is a contributing building to the historic district, the Appellant correctly cites section 2120.3 as applicable to this project, but the Appellant fails to properly apply the meaning of this section. This section has a two-pronged test to determine whether more parking must be provided for an addition to a historic building. Because the two prongs are joined by an “and,” the project must meet both prongs for parking to be required. The first prong requires that “the gross floor area of the historic resource is being increased by 50% or more.” The proposed project satisfies this prong. The second prong requires that “the parking requirement attributable to the increase in gross floor area is at least four (4) spaces.” The proposed project fails to satisfy the second prong, so additional parking is not required.

The plain meaning of section 2120.3(b) (the second prong) is that the parking requirement *for the addition alone* must be at least four spaces. This requirement is not additive to the existing building because it is specific only to the parking “attributable to the increase in gross floor area.” The section does not say anything about the parking attributable to the existing

building because a historic building does not have a present parking requirement.³ Thus, if the purpose of section 2120.3(b) were to require parking for both the existing building and the addition, then it would say it.

The Zoning Commission Order that created section 2120.3(b) confirms the interpretation that it applies only to the parking requirement for the addition: “The text amendments set clear standards for when parking requirements apply to additions to historic resources and when they do not. The amendments only require additional parking when an increase in gross floor area would require the provision of four or more parking spaces.” [ZC Order No. 06-33, p. 1]. In *Ingomar Associates*, Order No. 18201, the Board confirmed this interpretation by finding that a proposed addition to a historic building had a parking requirement of only three spaces, which meant that section 2120.3 did not require additional parking for the entire project. [p. 6]. Thus, precedent and a plain reading demonstrate that the clear meaning of section 2120.3(b) is that the parking requirement attributable to the addition without the existing building is the trigger.

Pursuant to section 2101.1, the parking requirement for an apartment house in the R-5-B zone is one space per two dwelling units. Since the parking requirement for this use is not based on gross square feet and is instead based on the number of dwelling units, one should look to the number of dwelling units in the addition to determine whether such addition satisfies the second prong of the test (section 2120.3(b)). In this case, there will be six units in the addition, so the parking requirement for the addition is three spaces. This does not satisfy the second prong of the test, so no parking is required. Thus, the Determination correctly states that maintaining the existing three spaces is sufficient to comply with the Zoning Regulations.

³ The Board confirmed that a historic building does not have a present parking requirement in *Ingomar Associates*, Case No. 18201.

Even if one were to consider the net increase in units, regardless of whether they are in the addition, the parking requirement would still be three spaces. The project will have a net increase of six units, and the parking requirement for six units is three spaces. This still does not trigger the second prong of the test, and no matter how the addition is considered, so additional parking is not required.

Further, the Coop incorrectly states that the existing spaces must comply with the protection requirements in section 2117.7. First, the parking spaces comprise an existing condition that is not required to comply with the Zoning Regulations. Second, the Determination does not offer any opinion on whether the parking spaces would comply with this section, and there is nothing in the Determination says the spaces would comply with this section. When the Zoning Administrator reviewed the project, Lock 7 had not developed the project plans to the detail of having bumper guards, curbs, etc. The parking spaces will have such protections, and the Zoning Administrator will assess compliance with this section when he reviews the plans submitted for a building permit. Nevertheless, as shown on the plans, the parking spaces are entirely on the Property and will not allow vehicular encroachment on the public alley or over any lot line.

Similarly, the Appellant misunderstands the meaning of section 2117.8 and incorrectly applies driveway standards to this case. This section does not apply to a public alley from which parking spaces are directly accessed. This section applies only to a driveway, which is “a private road giving access from a public thoroughfare to a building or buildings on abutting grounds.” [*Webster’s Third New International Dictionary*]. Thus, a public alley is not a driveway. If one were to follow the Appellant’s interpretation, then parking could never be accessed from a public alley less than 12 feet wide. Clearly that interpretation is wrong since the city contains myriad

10-foot and smaller alleys from which many properties legally access parking. In this case, as stated before, this section does not apply because the parking spaces are an existing condition created before the modern Zoning Regulations. Nonetheless, the 7.5-foot rear alley is an existing condition for a public right-of-way, and Lock 7 has no ability to control the alley's width. The Property will not contain a driveway since the parking spaces will open directly onto the public alley, so section 2117.8 does not apply in any event.

B. Conversion of a Nonconforming Side Yard to an Open Court is Permitted

The Determination correctly concludes that the Developer may convert the nonconforming five-foot side yard into an open court. The Appellant incorrectly concludes that this is not permitted by confusing the concept of eliminating the side yard with the concept of converting it. The proposed project will not alter the existing side yard condition in any way, so it is permitted under section 405.8.

Section 405.8 permits an addition to a pre-1958 building with a nonconforming side yard “provided, that the width of the *existing* side yard shall not be *decreased*...” (emphasis added). Because of the word “existing,” this section does not require that an addition have a new side yard when a side yard is not required in the zone. A side yard for a new rear addition was never “existing.” The language is clear that the prohibition on a side yard decrease applies only to the area that is presently the side yard, and it is the use of the word “existing” that makes this distinction. If the intent was to apply to all side yards, both existing and new, then the regulation would have excluded the word “existing.” Under section 405.8, a project cannot decrease the width of the space between the existing building and the side lot line, but there is no existing side yard between a yet-to-be-built addition and a side lot line.

Because section 405.8 refers only to an existing nonconforming side yard (i.e., the space between the existing building and the side lot line), a new side yard is not required for an

addition in a zone where side yards are not required. Under the Appellant's interpretation, the existing side yard width must be maintained for any addition. This is an incorrect interpretation because it is clear that, for an addition, section 405.8 permits a side yard that is wider than the existing side yard or no side yard when not required. Otherwise, every addition to a pre-1958 building with a nonconforming side yard would have a side yard that is exactly the same width as the existing side yard.

Clearly, the intent of section 405.8 is to allow additions with side yards greater than a nonconforming side yard or with no side yard when one is not required. In BZA Case No. 18201, the developer proposed construction of a rear addition to an existing historic building with a nonconforming side yard. The existing side yard would be maintained, but the rear addition would not have a side yard. The Board did not find that this conflicted with section 405.8 or that relief was required.

The issue in the present case is whether the space between the existing building and side lot line (the existing nonconforming side yard) can be maintained and converted in to an open court. The Board made it clear in *Ingomar Associates*, Case No. 18201 that converting an existing nonconforming side yard into a court is permitted as a matter-of-right. In that case, the developer proposed a rear addition to an existing historic building with a nonconforming side yard. The rear addition converted the existing nonconforming side yard into several open courts, and the BZA agreed that relief was not required for this conversion.⁴

The present case is no different than Case No. 18201, and the Zoning Regulations clearly permit Lock 7 to convert the existing nonconforming side yard into an open court. In the present case, where the existing building ends and the addition begins, there will not be a side

⁴ The developer did seek relief for the width of the new open courts, but the BZA explicitly acknowledged the conversion from side yard to open courts.

yard, so it will become an open court by definition.⁵ The new open court to the rear of the existing side yard will have a conforming width of 10.5 feet. The existing side yard width will not decrease; rather, the width will remain as an open court because of the rear addition without a side yard. Accordingly, the Determination was correct in its guidance that the project could include an addition with no side yard and a conversion to an open court.

C. The Determination was Correct that FAR and Lot Occupancy Conform to the Zoning Regulations

The stated FAR and lot occupancy for the project conform to the Zoning Regulations, and the Appellant's assertion that they do not has no evidentiary or analytical basis. As discussed before, the Appellant misunderstands the role of a determination letter. Based on the information that Lock 7 presented to the Zoning Administrator, the project's FAR and lot occupancy will be below the maximums permitted in the R-5-B zone. The Developer calculated the FAR and lot occupancy based the accepted guidelines for doing so. The Appellant did not present anything demonstrating that this calculation was done incorrectly.

Whether the "zoning analysis" accompanying the Determination contains inaccuracies or lacks dimensions and a scale is immaterial. The Zoning Administrator will issue a building permit only if the FAR and lot occupancy meet the R-5-B standards based on the ZA's own calculations. Lock 7 did not ask whether its methods of calculating FAR and lot occupancy were correct. Rather, it asked whether (1) the cellar should be included in the FAR calculation and (2) the areaway leading to the court would be included in the lot occupancy calculation. The Determination answered both in the negative, and, based on this, Lock 7 made its own FAR and lot occupancy calculations. The Zoning Administrator did not independently verify the project's

⁵ Under the definitions in section 199, an open court is "an unoccupied space... open to the sky, on the same lot with a building, which is bounded on two or more sides by the exterior walls of the building or by two or more exterior walls, lot lines, or yards" that "opens onto a street, yard, or an alley not less than 10 feet wide."

FAR and lot occupancy and merely concluded that Lock 7's stated FAR and lot occupancy are conforming. A subsequent site plan would be consistent with the site plan accompanying the Determination only if the ZA's subsequent FAR and lot occupancy calculations satisfy the R-5-B standards. Thus, the Determination does not contain any errors about the calculated FAR and lot occupancy because it does not identify any calculation errors and it does not reflect any independent ZA verification.

D. The Determination was Correct that Inclusionary Zoning is Not Applicable

The project at 2012 Kalorama Road is not subject to the requirements of inclusionary zoning ("IZ") because the project does not meet the applicability criteria. Section 2602.1 states that IZ applies to new multiple dwellings with 10 or more units. The Appellant incorrectly asserts that this project and the adjacent project at 2014 Kalorama are "one development" with 17 units. This is wrong, and the Appellant makes this claim without offering any supporting evidence or analysis other than a false statement that they are under common ownership.

Chapter 26 of the Zoning Regulations, legislative history, and case precedent do not provide any guidance for whether two adjacent projects with the same developer are "one development" subject to IZ. Therefore, one must consider a plain reading of the regulations and look at the actual circumstances to determine whether a reasonable person would conclude that these are "one development." Based on the following reasons, it is clear that 2012 Kalorama and 2014 Kalorama are separate developments:

1. The projects are owned by different entities, financed by different bank loans, subject to different mortgages, and funded by different investors.
2. The projects are on different record lots.

3. The projects will be developed pursuant to separate demolition, building, and other applicable permits. The projects will not share any permits.
4. The projects will not be constructed contemporaneously, with construction beginning and concluding for each building at different times.
5. The completed projects will have separate gas, electric, and water/sewer systems.
6. The completed projects will not have any connections, internal or otherwise, and they will not share any facilities or amenities.
7. The completed projects will be owned by two different condominium associations with different bylaws, condominium regulations, and reserve accounts.
8. Each completed building will be marketed separately without reference to the other.

The Developer has never considered the two projects as one, and it has never represented them as one development. The only reason the projects are considered as one for HPRB was because the Historic Preservation Office requested it for the sake of efficiency in reviewing them.

Common development of two adjacent buildings does not make “one development” for IZ purposes. Independently, these two facts are of little consequence. Section 2602.1(c) explicitly distinguishes multiple one-family or row dwellings from multiple dwellings precisely to avoid the confusion of when adjacent or nearby buildings being commonly developed are subject to IZ. Adjacent multiple one-family or row dwellings being commonly developed are subject to IZ, but adjacent multifamily dwellings being commonly developed are not, without something more.

Certainly, if the two present buildings were separated, then no one would even think to consider these projects as one development. If the Board were to consider them as one

development simply because of a common developer, then it would set a very dangerous precedent. What would stop a future claim that two projects being developed by one developer are one development if they were separated by one building? What about a separation of two buildings? What about if they were directly across the street? With all of the facts that demonstrate that these two projects are separate, it would start a slippery slope to conclude that proximity and a common developer is the same as a multiple development subject to IZ. That is clearly not the intent of the IZ regulations.

In addition, it is very incongruous to consider two adjacent projects as one for IZ purposes but not for other zoning standards. The Appellant cannot have it both ways. If the projects were truly “one development,” then they would be one project under all zoning standards, such as for calculating FAR and lot occupancy. This is not the case, and each project will individually satisfy the R-5-B standards. Based on the foregoing analysis, the Determination was correct that IZ is not required for the project at 2012 Kalorama Road.

IV. CONCLUSION

The Appellant misconstrues the role of the Determination and misinterprets the Zoning Regulations. The Developer will submit permit plans consistent with the plans accompanying the Determination letter, but the Determination alone does not guarantee a building permit. Nevertheless, the Appellant fails to provide any compelling analytical or precedential basis for its four objections. Based on the above precedent and analysis, the Determination is correct in its interpretation of the four issues. First, the three parking spaces are an existing pre-1958 condition, so the Zoning Regulations require their retention but not their alteration. Second, the addition does not have an independent parking requirement for four or more spaces, so additional parking is not required. Third, the rear addition may be constructed to the side lot line as long as the existing side yard width along the existing building does not change. Fourth, the

nonconforming side yard may be converted into an open court. Fifth, the FAR and lot occupancy were calculated based on accepted principles on which the Determination does not opine. Finally, 2012 Kalorama is an eight unit project entirely separate from 2014 Kalorama, so IZ is not applicable. For all of these reasons, the appeal should be DENIED.

V. EXHIBITS

EXHIBIT A	Certificate of Occupancy for 2012 Kalorama Rd for Two Units
EXHIBIT B	BZA Order No. 18201
EXHIBIT C	Resume of Expert Witness

Respectfully submitted,
GOULSTON & STORRS, P.C.


Cary Kadlec

EXHIBIT A



District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

No. B 148991

CERTIFICATE OF OCCUPANCY

3/23/87

(date)

Permission is hereby granted to John Enns
to use suite(s) _____ on the 1st., 2nd., 3rd. & Basement floor(s)
of the building located on lot(s) 150 square 2537
known as premises 2012 Kalorama Road, Northwest for the following
purpose(s) Flat: one unit first, second & third and one unit basement
Not sexually oriented.

BZA #:

EXPIRATION DATE:

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY
for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT
TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE
in the type of business, ownership of business, or part of premises used therefor, will
render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-5-B FEE \$ 27.00

Donald G. Murray, Acting Director

By [Signature]
Designee

OFFICE COPY

86-P 3601. wd112

SCANNED 5.30.96

C-52686

EXHIBIT B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18201 of Ingomar Associates Inc., pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the rear yard requirement under § 933.2 and court requirements under § 935, and a special exception under § 2120.6 for relief from parking requirements for a historic resource, to allow a four-story rear addition to an existing building for commercial and residential occupancy, in the W-1 District at premises 1072 Thomas Jefferson Street, N.W. (Square 1198, Lots 821 and 822).¹

HEARING DATE: April 26, 2011
DECISION DATE: May 17, 2011

DECISION AND ORDER

This self-certified application was submitted January 25, 2011 by Ingomar Associates Inc., the owner of the property that is the subject of the application (“Applicant”). The application was filed pursuant to 11 DCMR § 3103.2 for area variances from the minimum rear yard requirement under § 933.2 and minimum court width requirements under § 935, as well as a special exception under § 2120.6 for the removal of three parking spaces, to allow construction of a rear addition to an existing historic building on a site zoned W-1 at 1072 Thomas Jefferson Street, N.W. (Square 1198, Lots 821 and 822). Following a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted 4-0-1 on May 17, 2011 to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated February 3, 2011, the Office of Zoning sent notice of the application to the Office of Planning (“OP”); the District Department of Transportation; the Councilmember for Ward 2; Advisory Neighborhood Commission (“ANC”) 2E, the ANC for the area within which the subject property is located; and the single-member district ANC 2E05.

¹ The caption has been modified to reflect the relief finally requested by the Applicant. The application originally sought only a variance from the rear yard requirement of § 933, but was amended by the Applicant in light of changes to the project made in response to issues raised by the Old Georgetown Board. The additional areas of relief were presented to Advisory Neighborhood Commission 2E before its final review of the project on April 4, 2011, and were included in the notice posted on the property on April 7, 2011 in accordance with § 3113.14.

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A public hearing was scheduled for April 26, 2011. Pursuant to 11 DCMR § 3113.13, the Office of Zoning on February 18, 2011 mailed notice of the hearing to the Applicant, the owners of property within 200 feet of the subject property, and ANC 2E. Notice was published in the *D.C. Register* on April 1, 2011 (58 DCR 2826).

Requests for Party Status. In addition to the Applicant, ANC 2E was automatically a party in this proceeding. The Board granted a request for party status in opposition to the application from Graham Davidson, who represented the owner of the building at 1074-76 Thomas Jefferson Street, next to the proposed addition. The Board denied a request for party status submitted by Elliott Moulton on the ground that his request did not provide an explanation of how his interests “would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those other persons in the general public,” as required by 11 DCMR § 3106.2(e)(5).

Applicant’s Case. The Applicant provided testimony and evidence from Outerbridge Horsey, an expert in architecture; and Julio Murillo and Donald Malnati, principals of the Murillo/Malnati Group (“MMG”), the contract purchaser of the subject property. The Applicant described its project as a new rear addition, containing commercial and residential space, to a smaller historic building devoted to commercial uses; the changes to its original proposal made in response to concerns of the Old Georgetown Board; and measures the Applicant intends to implement to minimize impacts to neighboring properties during the construction of the addition.

Government Reports. By report dated April 19, 2011 and through testimony at the public hearing, OP recommended approval of the requested variances from the rear yard and open court width requirements as well as a special exception under 11 DCMR § 2120.6 to reduce the number of parking spaces at the subject property from three to none. According to OP, the zoning relief “would not affect the light, air and privacy to adjacent properties” and the “location and scale of the proposed addition would not be intrusive on the historic character of the area and would be complementary to the historic resource to which it is being added.” (Exhibit 30.)

ANC Report. By letter dated April 12, 2011, ANC 2E indicated that, at a regular, duly noticed monthly public meeting held April 4, 2011, with a quorum present, the ANC voted unanimously to adopt a resolution indicating no objection to the Applicant’s proposed zoning relief, citing its objective “to preserve the existing structure facing Thomas Jefferson Street, NW and improvements to the rear of the property”.

Party in opposition. The party in opposition stated objections to the Applicant’s proposal especially with respect to its alleged detrimental impact on the general welfare of the surrounding community and the character of the area, especially the houses along Thomas Jefferson Street. According to the party in opposition, the Applicant had not justified construction of the addition without meeting the minimum required rear yard requirement, which was necessary in this case to provide light and air for the residences that will face the rear of the property and to provide a setback from the traffic, odors, and noise that occur in the alley. The

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party in opposition expressed concern that the Applicant's project will not remain a mixed-use development because the residential units will prove unappealing, so that the owner will eventually convert the residential space to commercial use.

Person in opposition. The Board heard testimony from a person in opposition to the application, who questioned the location of residential units at the rear of the addition, overlooking the alley, and expressed concern about increased demand for parking generated by the development.

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is a rectangular parcel located on the west side of Thomas Jefferson Street, N.W., south of M Street (Square 1198, Lots 821 and 822). The two lots comprising the subject property combine to form a parcel fronting on Thomas Jefferson Street (Lot 822) and abutting a public alley at the rear (Lot 821). The Applicant will combine the two lots into one as part of proposed project.
2. The subject property is approximately 28 feet wide and 105 feet deep, with an area of 2,933 square feet.
3. The property is improved with a building built in phases: a three-story frame structure at the east end facing Thomas Jefferson Street, built around 1810; and a two-story brick structure, built around 1896, located in the center of the property and adjoining the original building at the rear.
4. The site is located within the Georgetown Historic District, and the building, which is contributing to the historic district, is also designated an individual historic landmark as the Adams Mason House.
5. The Foundation for the Preservation of Historic Georgetown holds a "scenic, open space and architectural façade" easement over Lot 822. The purpose of the easement, which was granted in 1983 by a prior owner of the subject property, is to "assist in preserving and maintaining the premises and the architectural ensemble of the Old Georgetown Historic District." The easement requires approval by the Foundation of any changes to Lot 822. By letter dated December 2, 2010, the Foundation acknowledged its preliminary approval of the Applicant's concept plan conditioned on representations made by the Applicant that: (i) no addition would be made to the third floor of the existing building located on Lot 821, and that building would be left intact; (ii) the portion of the new building or addition constructed on Lot 822 will be no higher than four stories; (iii) MMG will obtain a variance from the Board from the rear yard requirement; (iv) the total square footage and height of the proposed building on Lot 822 will be within

limits allowed by the Zoning Regulations for the W-1 District; (v) given that the new building on Lot 822 will require the combination of Lots 821 and 822 into a single lot of record, MMG will agree to grant, and pay all recording costs for, a new easement covering the entire property, satisfactory to the Foundation; (vi) MMG will consider making a voluntary cash contribution to the Foundation to assist in advancing its mission and defraying its costs of enforcement; and (vii) MMG will provide the Foundation with copies of all drawings, proposals, or other documents furnished to any regulatory body having jurisdiction over the project.²

6. The neighborhood in the vicinity of the subject property is developed with a mixture of residential, office, retail, and hotel uses. Building heights in the area generally range from two to seven stories. The properties immediately to the north and south of the subject property are both developed with four-story buildings; the building to the north is used as commercial office space while the building to the south contains residences above ground-floor retail. Properties to the north along M Street are zoned C-2-A, while the next block of Thomas Jefferson Street to the south is zoned W-3 and properties to the east of 30th Street, a block east of the subject property, are located in the W-2 zone.
7. The alley abutting the subject property to the west is 19 feet wide and is used by both residential and commercial properties, including restaurants. The alley experiences a relatively high volume of traffic and frequent congestion, due in part to the frequent use of the alley for parking.
8. The subject property currently contains three parking spaces, located at grade at the rear of the lot and accessible from the public alley.
9. The subject property is served by public transportation, including Metrobus and Circulator routes on M Street as well as a bus service providing regular access to nearby Metrorail stations in Foggy Bottom, Dupont Circle, and Rosslyn.
10. A survey of nearby parking facilities undertaken by the Applicant identified several commercial parking garages in the vicinity of the subject property, primarily on Thomas Jefferson and M Streets. The garages offer monthly parking plans suitable for employees and residents at the subject property, and currently have spaces available for rent.

The Applicant's Project

11. The Applicant proposes to construct a four-story addition at the rear of the subject property. After renovation of the existing building and completion of the new rear addition, the development will contain commercial uses in all cellar and above-grade

² The Foundation's letter apparently reverses the lot numbers: under the Applicant's proposal, the existing building on Lot 822 will be renovated but not enlarged, while the new construction will occur at the rear of the parcel, on Lot 821.

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floors of the existing building and a portion of the new addition, with residential uses located on all four floors of the addition: a studio apartment on the ground floor level, two units on the second floor, and two duplexes located on the third and fourth floors, for a total of five units ranging in size from approximately 500 to 1,000 square feet.

12. The completed project will have a lot occupancy of 79.8 percent and a floor area ratio ("FAR") of 2.30 (1.3 residential and 1.0 commercial). The W-1 Zone permits a maximum lot occupancy of 80 percent and a maximum FAR of 2.5, not more than 1.0 of which may be used for other than residential purposes. (11 DCMR §§ 932.1, 931.2.)
13. The rear addition will occupy the area currently devoted to the rear yard, extending approximately 36 feet from a one-story connection to the existing building to the rear lot line and 28 feet from the northern to the southern property line. Because of the location of the new addition, the area on the southern edge of the lot, currently a side yard, will be converted to a court ("Court 1"). This court will be approximately 12.5 feet wide along the two-story portion of the building and approximately 6.5 feet wide along the three-story portion facing Thomas Jefferson Street. The addition will have a one-story bay, with two additional courts, each approximately 30 inches wide, on either side ("Courts 2A and 2B"); the bay will face the court created along the southern edge of the existing building.
14. Two additional courts will be created on the second story. One, approximately seven feet wide, will be located between the new residential units in the rear addition and commercial space in the existing building ("Court 3"). The other, approximately 6.5 feet wide, will be located between the southern edge of the original portion of the existing building and the neighboring building to the south ("Court 4").
15. The massing of the Applicant's project – a four-story addition behind two- and three-story historic structures – will be consistent with the size and massing characteristics of several nearby buildings that also feature larger rear additions behind smaller historic structures.
16. The project was reviewed by the Old Georgetown Board³ in a process that included participation by the Historic Preservation Office in OP. The Applicant revised the project

³ The Old Georgetown Board is the "Board of Review" referenced in § 3 of An Act: To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital. (popularly known as the "Old Georgetown Act," D.C. Official Code § 6-1203, which requires the Commission of Fine Arts to "appoint a committee of 3 architects, who shall serve as a Board of Review ... and who shall advise the Commission of Fine Arts, in writing, regarding designs and plans referred to it." Section 2 of that same Act, DC Official Code § 6-1202, requires the Mayor "before issuing any permit for the ... alteration ... of any building within said Georgetown district" to "refer the plans to the ... Commission of Fine Arts for a report". The Commission is to inform the Mayor of its recommendations, "including such changes as ... are necessary and desirable to preserve the historic value" of the District and the Mayor "shall take such actions as in his judgment are right and proper in the circumstances."

in response to comments by the Old Georgetown Board; some of the revisions created a need for additional zoning relief with respect to courts and parking.

17. A rear yard is generally required for a residential building in the W-1 District. (*See*, 11 DCMR § 933.1.) When the residential use begins at grade – as in the case of the Applicant’s project – the minimum depth of the rear yard must be three inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than 12 feet. 11 DCMR § 933.2.) The required minimum rear yard for the proposed rear addition, which will be 44 feet high, is 12 feet. The Applicant proposes to construct the addition to the rear lot line, thus providing no rear yard.
18. In the case of a residential building in the W-1 District, where an open court is provided, its width must be at least four inches per foot of height, or not less than 10 feet. In the case of other structures in the W-1 Zone, the minimum width of an open court is 2.5 inches per foot of height, or not less than six feet. (11 DCMR § 935.1.) The Applicant is proposing to provide open courts that will range in width from approximately 30 inches to 12.5 feet; only a portion of one court will provide the minimum required width.
19. Because the building was constructed prior to May 12, 1958, its present parking requirement is zero spaces. Ordinarily, additional parking is required when an addition increases the intensity of use of such a building by more than 25%. (11 DCMR §§ 2100.6 and 2100.7.) The building, however, receives a credit against this additional amount equal to the parking requirements that would have applied as of May 12, 1958. Not taking that credit into account, the additional minimum parking requirement for the Applicant’s project under § 2101.1, would be three spaces (one space for every three residential units and one space for every 1,800 square feet of office use in excess of 2,000 square feet). However, in the case of an addition or change of use in a historic resource,⁴ off-street parking is required only when the gross floor area of the historic resource will be increased by at least 50% and the parking requirement attributable to the increase in gross floor area is at least four parking spaces. (*See*, 11 DCMR § 2120.3.) Since the additional parking requirement for the subject property would be three spaces, the Applicant’s project is not required under the Zoning Regulations to provide parking.
20. Nevertheless, the Zoning Administrator has advised the Applicant that the removal of non-required parking spaces from a historic resource requires special exception relief

⁴ The building on the subject property meets the definition of a “historic resource” set forth in § 2120.2 as “a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.”

under 11 DCMR § 2120.6. The Applicant has chosen to accept this ruling and requested the special exception relief.⁵

Harmony with Zoning

21. The subject property is zoned W-1. The purpose of the Waterfront (W) Districts is “to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, arts and cultural, and other miscellaneous uses.” (11 DCMR § 900.4.) The W-1 Zone permits a moderate height and density, and is “intended to be relatively self-contained by supplying a variety of housing, service, employment, and recreational opportunities in one location,” so that an area is allowed “to serve many different needs of a single population and to thereby reduce the amount of vehicular traffic generated by the uses in the [W] districts.” (11 DCMR §§ 900.3, 900.5.)
22. The Applicant’s project will conform to the applicable zoning requirements with respect to building height, bulk, and use.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks area variances from the minimum rear yard requirement under § 933.2 and minimum court width requirements under § 935 to allow construction of a rear addition to an existing building in the W-1 District at 1072 Thomas Jefferson Street, N.W. (Square 1198, Lots 821 and 822). The Board is authorized under § 8 of the Zoning Act to grant variance relief 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 the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and

⁵ The Board notes that ordinarily the removal of non-required spaces is governed by 11 DCMR § 2100.10, which provides:

2100.10 In the case of a building or structure for which the Zoning Regulations now require more parking spaces than were required when the building or structure was built, the following shall be required:

- (a) If the existing number of parking spaces now provided is less than or equal to the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced; and
- (b) If the existing number of parking spaces now provided is more than the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced below the minimum number of parking spaces required by this chapter.

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without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (See, 11 DCMR § 3103.2.)

As the Applicant notes, the District of Columbia Court of Appeals has held that “an exceptional or extraordinary situation or condition” may encompass the buildings on a property, not merely the land itself, and may arise due to a “confluence of factors.” See *Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). Based upon the record, the Board concludes that the subject property is affected by an exceptional situation or condition due to a confluence of factors, and that those factors affect the Applicant’s ability to develop the property in a manner consistent with matter-of-right zoning requirements in the W-1 District.⁶ The subject property is improved with a relatively small building, and the Applicant’s ability to enlarge the structure has been constrained by recommendations of the Old Georgetown Board and by conditions imposed by the scenic, open space, and architectural façade easement created by a prior owner of the property. See, e.g., *Gilmartin*, 579 A.2d at 1167 (BZA’s finding of uniqueness based on easements was upheld where property differed from other properties due to specific easements crossing in particular fashion in relation to improvements so as to preclude use of part of the property for parking, in effect making property’s topography unique); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1099 (D.C. 1979) (restrictions imposed by covenant may be considered as an extraordinary condition of a particular piece of property, since they effectively restrict design, height, and use); *Capitol Hill Restoration Society v. District of Columbia Zoning Comm’n*, 380 A.2d 174, 185 (D.C. 1977) (existence of lawful private restrictions on land use is an actuality properly considered in zoning decisions). Due to the easement and the concerns of the Old Georgetown Board, the Applicant designed an addition that will be set back to the rear of the lot. The proposed massing will minimize the appearance of the addition from Thomas Jefferson Street, thereby maintaining the historic low-scale character of the street. The setback will also avoid obstructing some at-risk windows located in the property to the north.

Also in consideration of the easement and the comments of the Old Georgetown Board, the project was designed to maintain much of the existing open space located at the southern edge of

⁶ The Board was not persuaded by the Applicant’s testimony that the property is subject to an exceptional situation due solely to its location in a historic district and its status as a contributing building and an individually designated historic landmark. Such a contention was expressly rejected by the District of Columbia Court of Appeals:

The inclusion of intervenor's property in the Capitol Hill Historic District is not a condition which uniquely affects the lot at issue. If this fact were sufficient to justify a finding of uniqueness, then each and every parcel of land within the Capitol Hill Historic District would be entitled to a variance on this basis.

Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939, 942 (D.C. 1987). The District’s historic preservation law does not prohibit alterations to landmarks or contributing buildings, but only requires that the Mayor find that any such addition is consistent with applicable principles before issuing a building permit. (See D.C. Official Code § 6-1105.) However, when, as if in this instance, an entity charged with historic preservation review recommends a limitation on development, the Board has found that an exceptional condition exists.

the property, thereby converting a nonconforming side yard into several open courts. The Applicant is unable to enlarge the subject property to create additional width for the courts created in the former side yard, or to increase the widths of the other courts without unduly decreasing the size of the new addition. Under the Zoning Regulations, the open area could have been occupied by an addition, so as to eliminate the nonconforming side yard and avoid creating nonconforming courts, but the Applicant was required to maintain much of the area as open space to satisfy requirements of the Old Georgetown Board and the easement holder.

The Board further concludes that strict compliance with the Zoning Regulations would create practical difficulty in constructing the project as a result of the exceptional circumstances related to the construction of a rear addition compatible with the requirements of the easement and concerns of the Old Georgetown Board. Under the circumstances, strict compliance with the Zoning Regulations would limit the size of the rear addition such that the resulting space would be too small to house marketable residential units or to comprise a viable project. The Applicant demonstrated that that compliance with the rear yard requirement would require a 40-percent reduction in the size of the addition, thereby eliminating three of the planned five dwelling units and diminishing the Applicant's ability to create residences large enough to be marketable.

The requested variances can be granted without causing substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan. The project will add five dwelling units to an otherwise commercial development, consistent with the purpose of the W Zone to encourage a diversity of compatible land uses at various densities, including combinations of residential and office uses.⁷ The Applicant's project will comply with zoning requirements with respect to FAR, lot occupancy, height, and use; variance relief is needed only to accommodate the placement of the addition at the rear of the lot, as necessitated by the easement and the concerns of the Old Georgetown Board. Because of the project's massing, the addition will have only a limited effect on the historic streetscape of the subject property, while the alley abutting the rear of the property will ensure that the rear addition will not unduly affect the provision of light and air to nearby properties.

The Applicant also requests a special exception under § 2120.6 from the parking requirement for an addition to a historic structure. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to

⁷ The Board was not persuaded by the testimony of the party in opposition that the owner of the subject property will eventually convert the residential space to commercial use because the apartments will inevitably prove unmarketable. The W-1 Zone limits non-residential FAR to not more than 1.0 of the maximum 2.5. (11 DCMR § 931.2.) After the addition is completed, the subject property will have a FAR of 2.3, comprising 1.3 devoted to residential use and the permitted maximum of 1.0 FAR of commercial space. The property owner will not be permitted to convert the apartments to commercial space, thereby increasing the nonresidential FAR at the subject property, without first obtaining a use variance.

affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR § 3104.1.)

Pursuant to § 2120.3, a historic resource and any addition to a historic resource are exempt from the requirement of § 2100.4 to provide additional parking as a result of a change of use and from the requirement of § 2100.6 to provide additional parking as a result of an increase of intensity of use, except that parking is required for any addition where the gross floor area of the historic resource is being increased by 50% or more, and the parking requirement attributable to the increase in gross floor area is at least four spaces. Pursuant to § 2120.6, the Board may grant relief from all or part of the parking requirements of § 2120 if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking would result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource. The Board may grant only the relief needed to alleviate the difficulty proved by the owner, who must also demonstrate compliance with the general special exception standard set forth in § 3104 and address certain criteria specified in the Zoning Regulations.⁸ In this case, the subject property does not have a parking requirement under § 2120; however, according to the Applicant, the Zoning Administrator has interpreted that section to require special exception approval for the removal of existing parking spaces at a historic resource, even if those spaces are not required parking spaces under the Zoning Regulations.

The Board concludes that the requested special exception can be granted consistent with the criteria specified in § 2120.6. The Board credits the Applicant's testimony that the existing parking spaces will be removed so as to provide residential units of adequate size in an addition designed so that its location and massing will satisfy the requirements of the easement and the Old Georgetown Board intended to maintain the historic integrity and appearance of the historic resource. The improvements at the subject property, including the planned addition, will be relatively small, so the redevelopment of the historic resource will not likely result in a significant number of people using the building at one time or add significantly to traffic congestion in the vicinity. The Applicant testified that removal of the parking spaces would likely decrease traffic congestion in the alley, which will no longer be used to access parking spaces at the subject property, and that parking on site would not be needed or marketable for the planned dwelling units. The subject property is located near several commercial parking facilities, and is also well-served by public transportation. Based on the findings of fact and for the reasons discussed above, the Board concludes that the requested special exception will be in

⁸ These criteria are: (a) maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time; (b) amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood; (c) quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and (d) proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District Department of Transportation. (11 DCMR § 2120.6(a)-(d).)

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harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

Section 13(b) (d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (d)(3)(A)) requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. In this case, ANC 2E indicated no objection to the three areas of zoning relief requested by the Applicant, citing the ANC's objective to preserve the existing structure facing Thomas Jefferson Street, N.W. and improvements to the rear of the property. The Board's grant of the Application will allow for the preservation desired.

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Board concurs with the OP's recommendation that the zoning relief should be granted,

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 2E, the Board concludes that the requested zoning relief can be approved so that the Applicant's project is not likely to become objectionable to adjoining and nearby property. For the reasons stated above, the Board concludes that the Applicant has satisfied the requirements for area variances from the minimum rear yard requirement under § 933.2 and minimum court width requirements under § 935, as well as a special exception under § 2120.6 for the removal of three parking spaces, to allow construction of a rear addition, to be devoted to commercial and residential use, to an existing historic building used as commercial office space on a site zoned W-1 at 1072 Thomas Jefferson Street, N.W. (Square 1198, Lots 821 and 822). Accordingly, it is hereby **ORDERED** that the application is **GRANTED**, pursuant to Exhibit 28B (Revised Plans).

VOTE: 4-0-1 (Jeffrey L. Hinkle, Lloyd J. Jordan, Nicole C. Sorg, and Anthony J. Hood
(by absentee vote) to Approve; Meridith H. Moldenhauer not present,
not voting)

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

A majority of Board members has authorized the issuance of this order.

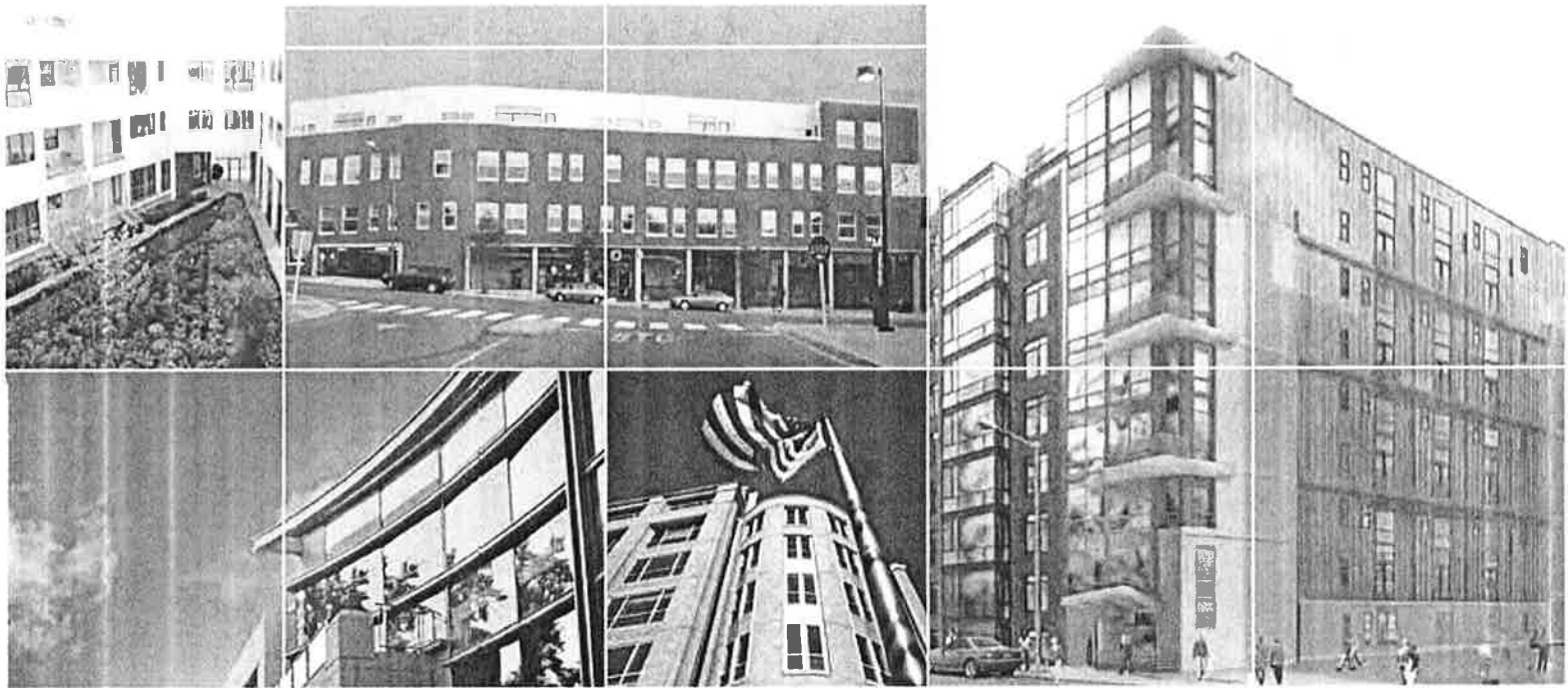
ATTESTED BY: _____


RICHARD S. NERO, JR.

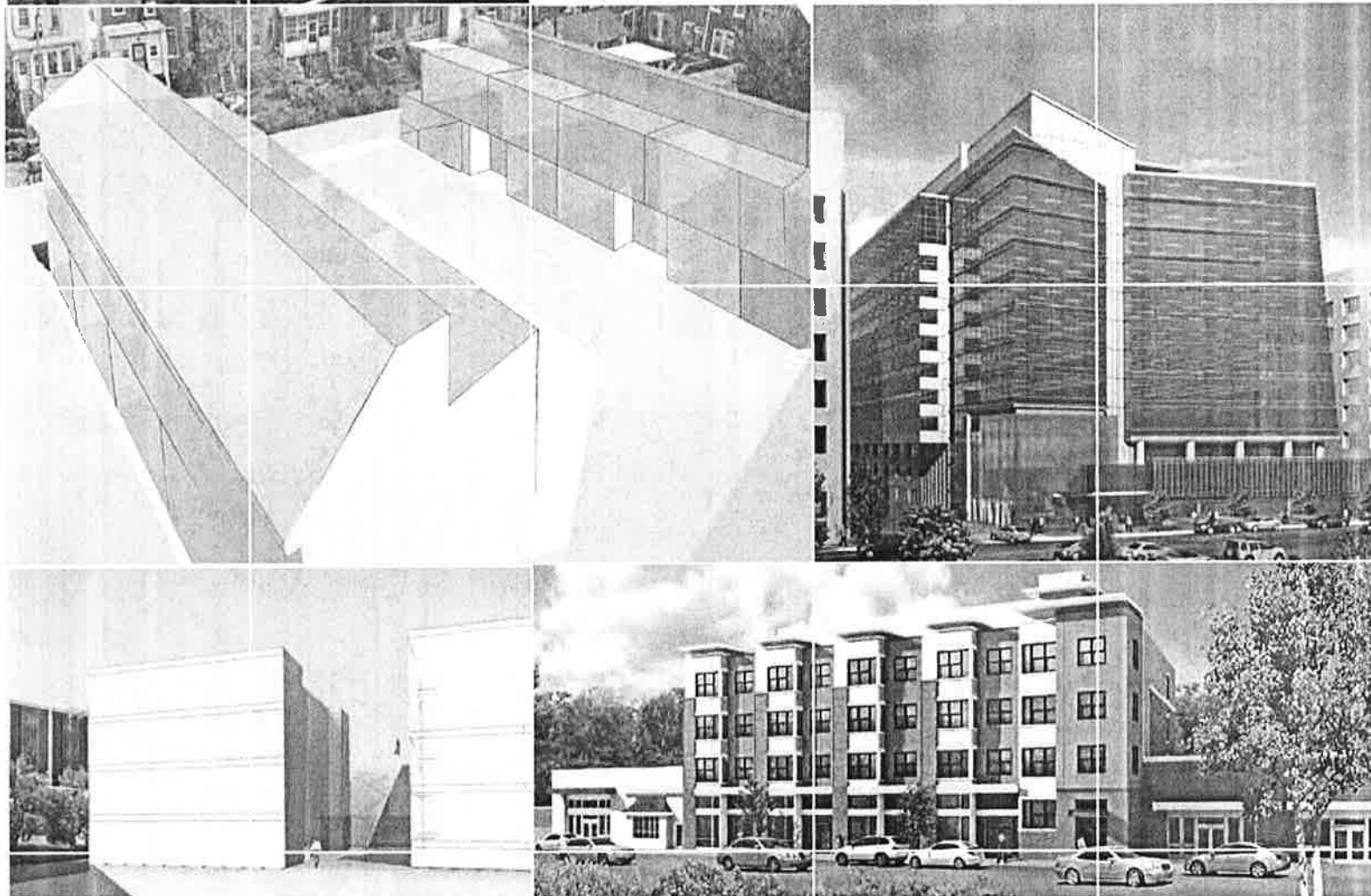
Acting Director, Office of Zoning

FINAL DATE OF ORDER: SEP 29 2011

EXHIBIT C



RONALD SCHNECK, AIA
Principal, Square 134 Architects
Work



Ronald Schneck, AIA

Square 134 Architects co-founder Ron Schneck has specialized in innovative design, most recently on several distinctive condominium projects. By focusing on identifying the right solutions for unique challenges, he has been on the forefront of implementing cutting-edge "green" technology and innovative cladding systems. In addition to his condominium work, he has extensive experience in commercial office buildings and commercial interiors.

Prior to serving as an Associate with the award-winning firm of Hickok Cole Architects in Washington, DC, where he worked for ten years, Mr. Schneck graduated Magna Cum Laude as a Bachelor of Architecture from Temple University in 1996. In addition to his professional work, he has participated in volunteer programs aimed at promoting appreciation of the built environment among children.

Mr. Schneck's design work has been recognized by several prominent awards, as well as publications such as *The Washington Post* and *Washington Spaces* magazine. He is an Adjunct Faculty member at the University of Maryland School of Architecture, where he began teaching in Fall of 2006.

Projects of Note:

Harrison Street Condominiums, 2007, Washington, DC. (In design) Design of a 40,000 sf low-rise luxury condominium project at Harrison Street and Wisconsin Avenue.

McGill Court at 2nd & W Streets, NW, 2007, Washington, DC. (In design) Design of urban alley townhouse dwellings.

Park East Condominiums, 2006, Washington DC. Project manager and designer of this 43-unit condominium, which blends modern materials such as fiber-cement and zinc panels with traditional brick. In addition, residential-scaled bays break the massing down to respect the scale of the neighborhood.

Logan Row Condominiums, 2005, Washington DC. Project manager and designer for a new, 20 unit condominium building in the downtown residential core of Washington, D.C. The building consists of a new 5-story residential structure on a vacant lot and the renovation of four 3-story adjacent townhouses. The exterior finishes consist of elegantly detailed brick and stone.

Fennessy Lofts, 2004, Washington DC. Project manager and designer for a new 50,000 sf ultra-high-end condominium building currently under construction. Project consists of a 9-story, 28-foot wide, 38-unit "addition" to an historic landmark, a late 1800s horse stable. The distinctive design takes full advantage of the unique site considerations, and required extensive coordination with City agencies including ANC, HPRB and BZA.

Democratic National Committee, 2003, Washington, DC. Project manager and designer for complete renovation and new construction to the 52,000 sf Democratic National Headquarters including complete interior renovation to the existing 1980s building, the interior renovation to the top two floors of the adjacent National Democratic Club, and the design of a concrete, metal and glass three-story "connector" that links the two spaces.

Elevation 314, 2001, Washington DC. Architect-of-Record project manager for the first "green" multi-family rental residence in the District of Columbia. Collaborated with numerous specialized consultants incorporating sustainable systems including a bio-retention system, a geo-thermal heat pump system and use of eco-friendly materials, while simultaneously integrating the modern building into an historic neighborhood.

Ronald Schneck, AIA - continued

Residential Condominiums:

728 Longfellow Street condominium conversion, 66 units

2nd and W Streets condominium conversion, Washington DC, 36 units

The Fenton Group, Silver Spring MD, 98 units

Fennessy Lofts, Washington DC, 38 units

Logan Row Condominiums, Washington DC, 20 units

Park East Condominiums, Washington DC, 43 units

1109 M Street, Washington DC, 9 units

2209 Massachusetts Avenue, Washington DC, 5 units

Venue 27 Condominiums, Washington DC, 20 units

Residential Apartments:

Elevation 314, Washington DC, 54 units

Commercial Office Buildings:

New Dominion I, Herndon VA, 150,000 sf

Prosperity Medical Center, Fairfax VA, 100,000 sf

Shady Grove Medical Office Building, Shady Grove MD, 110,000 sf

601 New Jersey Avenue, Washington DC, 270,000 sf

Columbia Center, Washington DC, 410,000 sf

Commercial Interiors:

Democratic National Committee Headquarters, Washington DC, 52,000 sf

Principal Health Care, 250,000 sf

Computech, Bethesda MD, 50,000 sf

Offices of Terry McAuliffe, 1,500 sf

Washingtonpost.com, Arlington VA, 5,000 sf

Institutional:

Sheridan School Renovation and Addition, 35,000 sf

Democratic National Committee Headquarters, 52,000 sf

World Charter Public School, 5,000 sf

Democratic National Club

Commercial Mixed-Use:

Dakota Pointe, Washington DC, 800,000 sf

Forbes Foundation, Silver Spring MD, 400,000 sf

L'Enfant Plaza Redevelopment, Washington DC, 900,000 sf

Private Residential:

Winston-Salem Affordable House, Philadelphia PA

Addison Residence, Philadelphia PA

Najafi Residence, Potomac MD

Other:

1725 New Hampshire Avenue Canopy and Lobby, Washington DC

Regatta Bay Condominium Clubhouse, 3,000 sf

Park East Condominiums Sales Center, Washington DC, 1,000 sf

World Center Building/Olives Restaurant Renovation Washington DC, 5,000 sf

Ballston Metro Center – Atrium Renovation, Arlington VA, 21,000 sf

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2013, copies of the attached documents were delivered via email to the following:

Emily Vaias, Esq.
Linowes and Blocher LLP
evaia@linowes-law.com

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simpson_billy@yahoo.com

Jay Surabian, Esq.
Assistant Attorney General
Department of Consumer and Regulatory Affairs
jay.surabian@dc.gov


Cary Kadlecek