

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application of Jemal's Uline LLC
1130-1150 3rd Street, N.E.
Square 748, Lots 8-11, 30-34, 42, 43, 802, 808-812

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted on behalf of Jemal's Uline LLC (the "Applicant"), the owner of property located at 1130-1150 3rd Street, N.E. (Square 748, Lots 8-11, 30-34, 42, 43, 802, 808-812) (the "Site"), in support of its application pursuant to 11 DCMR, Section 3129.7, for the approval of interior and exterior modifications to the plans approved by the Board of Zoning Adjustment (the "Board") pursuant to Order Nos. 17809, as extended pursuant to Order Nos. 17809-A and 17809-B, to permit the expansion and renovation of the existing Uline arena and ice house in the C-M-1 and C-M-3 Districts at the Site.

Pursuant to § 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested modifications.

I. Description of Prior Board Approvals

The Applicant requests that the entire record in Application No. 17809 be incorporated by reference in this Application. In Application No. 17809, which as approved on September 16, 2008, the Board granted special exception relief from the off-street parking requirements for historic structures under § 2120 and a special exception from the roof structure number and setback requirements under § 411 to permit the expansion and renovation of the existing Uline arena and ice house for office use. A copy of Order Nos. 17809, 17809-A, 17809-B are included with this application.

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II. Background Information Regarding the Site

The Site is split-zoned C-M-1 and C-M-3, and includes Lots 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000. Square 748 is bounded by M Street, N.E. on the north, 3rd Street, N.E. on the east, L Street, N.E. on the south, and Delaware Avenue, N.E. on the west. The Site occupies the northern portion of the square, with frontage on M Street, 3rd Street, and Delaware Avenue.

The Site is occupied by the former M.J. Uline Ice House and Arena Complex, a designated landmark in the *District of Columbia Inventory of Historic Sites*. The ice house was constructed first in 1931, with subsequent additions in 1935-36, to house an ice manufacturing and delivery business. The sports arena was constructed in 1939-40, primarily as an ice skating and hockey rink, with the adjacent ice plant providing the necessarily refrigeration and freezing equipment.

III. Description of Approved Project and Proposed Modifications

Pursuant to Order No. 17809, the Board approved the development of a total of 280,765 square feet of gross floor area devoted to office uses, 182 off-street parking spaces, and loading facilities. However, since initial approval of the project, the owner has removed the below grade parking to reduce excavation beneath the Arena and to reduce modifications to the existing foundation structure. Also, a high water table and the location of existing utilities in the street provide additional complexities. The parking garage relocation has reduced the overall office rentable square footage by removing the previously approved new icehouse addition on the southeast corner of the Site. Thus, the Applicant is seeking BZA approval to modify the approved plans to make the building's design more practical and buildable for the anticipated

users and given current market conditions. These modifications result in the following changes to the approved plans:

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1. Revised Design and Introduction of Retail Uses – A retail component has been introduced to the base of the office portion creating a mixed use development, office space has been reduced and shifted, and parking has been relocated to a screened parking structure.

The design of the Arena continues to preserve the well-known brick base, flying concrete arches, and the original window areas. Three stories of offices above the ground level retail are maintained in the Arena, with an office entry located at the center of the building along Delaware Ave. The skylight and the atrium have been removed from the original scheme to maintain more of the original structure. Loading has been located at the southwest corner, at the furthest location from 3rd Street residential and faces the railroad overpass stone wall.

The Ice House also has two retail areas. The project will recapture space in the basement adjacent to Arena at M Street. Retail will also be provided along 3rd Street. The existing “Ticket Entry” will serve as the Ice House office entry and connects to the central courtyard and Arena office access. The Ice House office will maintain to be a total of three stories from the 3rd Street grade from the original scheme. The new Ice House office structure will be setback from the existing face of building to emphasize the existing versus new.

The new parking garage is located to the south of the Ice House. The parking garage will be screened from the view of adjacent residential properties. The concern for these residential properties is further taken into consideration as the parking garage is accessed from Congress St, NE and not accessed by a new curb-cut on 3rd Street NE.

2. Development Data - The revised project does not create any new areas of zoning relief. In Application No. 17809, the Board granted special exception relief to reduce the off-street parking requirements (243 required; 162-182 provided), and granted relief from the roof structure number and setback requirements under § 411. In the current design, the project will continue to require relief to reduce the off-street parking requirements (202 required; 172 provided) and roof structure relief. However, the degree of parking relief has been reduced in that the current design is proving 85% of the required parking, whereas the approved design provided approximately 67%-75% of the required parking. Moreover, as indicated in the following comparison charts, the revised design and uses have resulted in minor changes to the project's overall development data, and accordingly the application is within the scope of Section 3129.7 of the Zoning Regulations:

APPROVED DEVELOPMENT - BZA PREHEARING SUBMITTAL 09/02/08

BUILDING DATA			
	ARENA (GSF)	ICE HOUSE (GSF)	TOTAL (GSF)
FL1	49,609	0	49,609
FL2	44,215	6,531	50,746
FL3	44,715	34,914	79,629
FL4	31,194	37,152	68,346
FL5	0	32,435	32,435
TOTAL	169,733	111,032	280,765

PARKING SQUARE FOOTAGE (NOT INCLUDED IN GSF)			
PARKING L1	32,268	0	32,268
PARKING L2	33,485	0	33,485
TOTAL	65,753	0	65,753

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PROPOSED DEVELOPMENT - BZA APPLICATION SUBMITTAL 03/08/2013

BUILDING DATA					
	ARENA (GSF)	ICE HOUSE (GSF)	PARKING(GSF)	LOTS 30- 34	TOTAL (GSF)
FL1	51,859	6,496	0	5,808	64,163
FL2	46,501	17,740	16,932	0	81,173
FL3	41,321	20,719	16,932	0	78,972
FL4	40,331	17,774	16,932	0	75,037
FL5	0	0	16,252	0	16252
TOTAL	180,012	62,729	67048	5,808	315,597

*GSF IS BASED BY BUILDING AND NOT BY ZONING CLASSIFICATION

**ROOFTOP STRUCTURES EXCLUDED

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