

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

**Application of 2321 4th Street LLC, on behalf of H Street Community Development Corp.
 2321 4th Street, N.E. (Square 3629, Lot 808)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by 2321 4th Street LLC, on behalf of H Street Community Development Corp., the owner of property located at 2321 4th Street, N.E. (Square 3629, Lot 808) (the "Site"), in support of its application pursuant to 11 DCMR Section 3129.2, for the approval of minor modifications to the plans approved by the Board of Zoning Adjustment (the "Board") pursuant to Order No. 18372, which approved zoning relief to allow the construction of a new residential building with ground floor retail and service uses in the C-3-A District at the Site.

I. Description of Prior Board Approval

The Applicant requests that the entire record in Application No. 18372 be incorporated by reference in this Application. In Application No. 18372, which as approved on June 26, 2012, the Board granted a variance from the lot occupancy requirements of Section 772.1; a variance from the off-street parking requirements of Section 2101.1; a variance from the off-street loading requirements of Section 2201.1; and a variance from the loading berth minimum vertical clearance height requirement of Section 2201.6 to allow the construction of a new residential building with ground floor retail and service uses at the Site. A copy of Order No. 18372 and the plans approved pursuant to that order are included with this application.

II. Background Information & Proposed Minor Modifications

The Site is located at on the east side of 4th Street, N.E., between Rhode Island Avenue, N.E. and Bryant Street, N.E., and consists of Lot 808 in Square 3629. The Site contains approximately 39,190 square feet of land area and is currently unimproved.

As shown on the plans approved pursuant to Order No. 18372, the approved development includes approximately 155,287 square feet of gross floor area, which will be comprised of 155 - 160 residential units and approximately 12,072 square feet of ground floor retail and service uses. The Board granted the Applicant flexibility to convert the proposed retail use into residential use in the future in the event that the retail spaces cannot be leased. The approved building included 6 stories constructed to a maximum building height of 64'-6". The project also includes 40 off-street parking spaces.

The Applicant is now seeking approval of minor modifications to the approved project so that it has a greater likelihood of being funded by DCHFA and DHCD. Thus, the Applicant is seeking BZA approval to modify the approved plans to reduce the building from 6 stories and 64'-6", to 5 stories and 54'-10" feet; to reduce the number of units from 155-160 units to 116-120

units, and to maintain the residential parking ratio of one parking space for every four units, plus three spaces for retail, as previously approved by the Board, for a total of 32 parking spaces. As indicated in the supplemental memorandum prepared by the Applicant's traffic consultant and included with this application, the reduction in residential units and the associated reduction in parking spaces will not create any adverse conditions related to transportation and parking.

The revised project does not create any new areas of zoning relief. Moreover, as indicated on the attached comparison chart, the revised design results in minor changes to the project's overall development data. Accordingly, this application is within the scope of Section 3129.6 of the Zoning Regulations and can be approved by the Board as a minor modification since the revised plans do not change any of the material facts upon which the Board based its original approval of the application.

In addition, the Applicant notes that Advisory Neighborhood Commission 5E, at its regularly scheduled March 19, 2013 public meeting, voted unanimously to support the revised plans.

2321 4th Street NE, Washington DC 20002					
Square 3629 - Lot 0808 - Zoning District C-3-A					
	6/12/2012		3/22/2013		
	Permitted/ Required	Approved	Permitted/Required	Proposed	Difference
Lot Area		39,203.87 sf		39,203.87 sf	no change
Lot Occupancy	80% with IZ	96.72%	Relief approved per BZA order # 18372	78.50%	no relief necessary
Gross Floor Area					
Proposed Total		154,742.9 sf		122,357.2 sf	- 32,385.7 sf
Floor Area ratio					
Total	4.0	3.95	4.0	3.12	- 0.8
Building Height					
Max Height	65.0 ft	64.5 ft	65.0 ft	54.8 ft	- 9.7 ft
Mechanical Penthouse					
Max Height	18.5 ft	11.0 ft	18.5 ft	11.0 ft	no change
Rear Yard					
Min Width	12.0 ft	18.0 ft	12.0 ft	47.6 ft	29.6 ft
Courts, Closed & Open					
Court A - North Court (Open)					
Min Width	17.0 ft	17.0 ft	15.0 ft	17.0 ft	no change
Min Area	578.0 sf	5,071.5 sf	365.0 sf	4,160.7 sf	- 910.8 sf
Court B - South Court (Closed)					
Min Width	17.0 ft	66.0 ft	15.0 ft	66.0 ft	no change
Min Area	578.00 sf	7,565.0 sf	365.0 sf	7,488.0 sf	- 77.0 sf
Court C - Southwest Court (Open)					
Min Width	12.0 ft	15.0 ft	12.0 ft	15.0 ft	no change
Dwelling Units		155-160		116-121	-39
Retail GSF		5,173.0 sf		5,096.0 sf	- 77.0 sf
Parking Spaces					
Residential Min	1:2 units = 80	1:4 units = 40	Relief approved per BZA order # 18372	1:4 units = 29	-11
Retail Min	1:300 GSF over 3,000 = 7 Spaces	1:750 GSF over 3,000= 3 Spaces	Relief approved per BZA order # 18372	1:750 GSF over 3,000= 3 Spaces	
Total	87	43		32	-11
Loading					
Loading Berth Min	1@ 55'	1@ 30'	Relief approved per BZA order # 18372	1@ 30'	no change
Min Clear Height Req'd	14.0 ft	12.0 ft	Relief approved per BZA order # 18372	12.0 ft	no change