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October 8, 2013

VIA HAND DELIVERY

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 OCT -8 AM 11:28

Re: BZA Application No. 18638
1456-1460 Church Street, N.W. (Square 209, Lots 65, 66, 67)

Dear Members of the Board:

On behalf of Rosebusch LLC and Gregg M. Busch, we are submitting herewith an original and ten copies of the Applicant's Pre-Hearing Statement in support of the above-referenced application. We look forward to the Board's hearing on this matter on October 22, 2013.

Respectfully Submitted,



Mary Carolyn Brown

Enclosures

cc: Advisory Neighborhood Commission 2F (w/encl. by mail)
Stephen Gyor, Office of Planning (w/encl. by hand delivery)
Fleming El-Amin, District Department of Transportation (w/encl. by hand delivery)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18638
EXHIBIT NO. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.18638
EXHIBIT NO.24

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

**APPLICATION OF
ROSEBUSCH LLC & GREGG M. BUSCH
1456-1460 CHURCH ST., N.W.**

**BZA APPLICATION NO. 18638
HEARING DATE: OCT. 22, 2013
ANC 2F02**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

Rosebusch LLC and Gregg M. Busch (collectively, the "Applicant") submit this statement in support of their application to the Board of Zoning Adjustment for the following variance and special exception relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3103.2 and 3104.1: (i) special exception from the roof structure requirements of sections 770.6 and 1902.1(a); (ii) special exception from the rear yard requirements of section 774; (iii) a variance from the lot occupancy requirements of section 2604.2; and (iv) a variance from the off-street parking requirements of section 2101.1.

The relief requested will permit the construction of a new residential building at 1456-1460 Church Street, N.W., (Square 209, Lots 65, 66, and 67) (the "Site"), located in the ARTS/C-3-A District, as shown on the zoning map attached as Exhibit A. The proposed development is appropriate for the Site, fully compatible with the surrounding area, and will not substantially impair the intent, purpose, and integrity of the Zone Plan.

II.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("BZA" or "Board") has jurisdiction to grant the variance and special exception relief requested herein pursuant to D.C. Code § 6-641.07 (2001 ed.) and 11 DCMR §§ 3103.2 and 3104.1.

III.

BACKGROUND

A. Description of the Site

The Site is located at 1456-1460 Church Street, N.W., at Lots 65, 66, and 67 in Square 209. The south half of Square 209 is bounded by Church Street to the north, 15th Street to the west, P Street to the south, and 14th Street to the east. The Site is presently improved with three nineteenth century buildings and contains approximately 3,420 square feet of land. Of the three existing buildings, 1456 and 1458 Church Street are three-story flat-front brick rowhouses with bracketed wood cornices. These houses are extremely modest in size, measuring only 12-feet, 6-inches wide by 28-feet deep. The building at 1460 Church is a three-story, flat-front brick rowhouse, with a corbelled brick cornice. This house is only slightly larger than the other two, originally measuring 13 feet wide by 34 feet deep, with a small ell-wing added later at the rear. The Site fronts on Church Street (50 feet wide); a ten-foot wide alley is located at the rear of the property. The Site is zoned ARTS/C-3-A and is located within the 14th Street Historic District.

B. Description of the Surrounding Area

The Site is located less than one block from 14th Street N.W., and less than two blocks from Logan Circle. The 14th Street corridor is continuing to be redeveloped with a wide variety of high-density commercial, residential, and mixed use buildings. As some of the last remaining undeveloped parcels on the 1400 block of Church Street, Lots 65, 66, and 67 currently offer little

to the surrounding neighborhood as older buildings fall into disrepair. Surrounded by new mixed use and residential high-rise buildings on both sides, the buildings on the Site do not currently fit into the streetscape, which has artfully incorporated older structures into new urban spaces. Revitalization of the Site will be a positive addition to the neighborhood. The proposed new building will be one of many new developments in the area, which has become a flourishing retail, residential, and transit corridor.

The Site is easily accessible by public transportation: It is located a half-mile from the U Street Metrorail Station, which serves the Green Line, and 0.6 miles from the Dupont Circle Metrorail Station, which serves the Red Line. The Site is also located along numerous Metrobus lines, including the G2, S1, S2, S4, S9, 52, 53, 54, 915, and DC 98 lines, and is within three blocks of two Capital Bikeshare stations.

The Site abuts a seven-story residential building to the east that incorporated a modest 1920s apartment building, and a seven-story residential building (which steps down to four stories immediately adjacent to the Site) that faces 15th Street to the west. Across Church Street is a parking lot.

C. Project Description

The Applicant proposes to redevelop the Site by incorporating the three existing nineteenth century buildings into a new eight-story apartment building with approximately 38 units. The proposed addition will be constructed to the rear, and will project over two of the three buildings by approximately 15 feet. The new building will have a height of 75 feet, with the roof structures rising another 14 feet, 8 inches, for an overall height above the measuring point of 89 feet, 8 inches.

The design of the new building's façade is primarily metal paneled with aluminum windows, glass sliding doors, and aluminum fascia and break metal wrapped trim. Detailed

renderings are included in Sheets 16-20 of the architectural plans and submitted as Exhibit C. The proposed development will retain and incorporate the main masonry bocks of the three historic rowhouses to their original depth of approximately 28-32 feet. These facades will be cleaned, repaired, and repointed. The center rowhouse will serve as the entrance lobby to the larger project, while the entrances to the other two houses will provide access to individual units. A secondary entrance at the rear of the building is provided from the public alley. The Applicant proposes to provide two parking spaces along the public alley, also at the rear of the building.

IV.

THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

A. Standard of Review

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the relief requested are satisfied. The D.C. Court of Appeals has consistently emphasized the narrow scope of the Board's discretion in reviewing special exception applications:

In evaluating requests for special exceptions, the Board is limited to a determination of whether the exception sought meets the requirements of the particular regulation on which the application is based. ... The applicant has the burden of showing that the proposal complies with the regulations; but once that showing has been made, the Board ordinarily must grant the application.

National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adjustment, 753 A.2d 984, 986 n.1 (D.C. 2000); *see also Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973) (noting that "[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations"). If the specific requirements of the regulation are met, in other words, the Board is generally precluded from denying an application for special exception relief.

B. Roof Structure Relief

Housing for mechanical equipment or a stairway or elevator penthouse on the roof of a building or structure must be placed in one enclosure, and the enclosing walls from the roof level must be of equal height. 11 DCMR §§ 411.3 and 411.5. Additionally, the roof structures must not exceed 18 feet, 6 inches in height above the roof upon which it is located. 11 DCMR § 770.6. Here, the narrow parcel size and the existence of the historical buildings on the Site require the Applicant to seek relief from these provisions.

In order to maximize the light and air of the residential units and to minimize the size and visibility of the roof structures from the street, the Applicant proposes to build three separate roof structures with walls of unequal height. The egress stairs are proposed to be located on the east and west sides of the building, and will each rise to a height of 8 feet, 6 inches. The elevator penthouse will be located slightly off-center on the roof, and will rise to a height of 14 feet, 8 inches.

Each roof structure is a necessary feature to the building, and their location and number is driven by the layout and design of the residential units within the building. The stairs have been separated due to the Building Code requirement to provide two means of egress for buildings, as well as the desire to break up massing on the roof. These deviations from the roof structure standards are necessary to provide access to the roof, including handicapped access.

In order to comply with the requirement that roof structures be placed in one enclosure, the Applicant could build a continuous wall around all the equipment. However, such a wall would increase the massing and visibility of the penthouse, which would undermine the purpose of the regulations, which is to exercise a degree of architectural control over roof structures. 11 DCMR § 411. Instead, the separate enclosures for the stair towers and elevator will help minimize the appearance of the roof structures and protect the visual quality of the 14th Street

Historic District. The surrounding walls will be of a quality material to integrate them into the overall design of the building. Moreover, the proposed roof structures do comply with the setback requirements, as well as with the spirit and intent of the roof structure provisions and the Zoning Regulations by helping to ensure adequate light and air to adjacent properties and abutting streets.

C. Height of Roof Structure

Under section 1902.1(a) of the Uptown Arts Overlay, no roof structure may exceed a height of 83.5 feet above the measuring point used for the building. Here, the Applicant proposes that a portion of the roof structure, which will accommodate the elevator override equipment, will rise to a height of 14 feet, 8 inches on a building that is 75 feet in height, resulting in an overall height of approximately 89 feet, 8 inches. The additional height of the elevator penthouse will allow access, including handicap access, to the roof terrace and ancillary amenity space. The rooftop terrace will further the purposes of the ARTS Overlay to encourage residential development and strengthen the architectural character of the neighborhood. Furthermore, the elevator core has been pushed back to the center of the building to limit its view from the street. The penthouse will be integrated into the overall design of the new structure to ensure its compatibility with the 14th Street Historic District in which it is located.

Pursuant to section 1906.1 of the Zoning Regulations, the Board may grant relief from the requirements of the ARTS Overlay as special exceptions, provided certain criteria are met, as set forth below:

1. *Section 1906.1(a): The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.*

The proposed height of the roof structures will substantially advance the purposes of the ARTS Overlay District by allowing the necessary mechanical equipment for the building and by providing access to a communal rooftop terrace. Among others, the purpose of the ARTS Overlay is to encourage residential development, including the adaptive reuse of older buildings, to provide an attractive combination of new and old buildings. 11 DCMR §§ 1900.2. The ARTS Overlay also supports development that strengthens the design character and identity of the area. *Id.* Here, the rooftop terrace is a major amenity to this residential development and a significant design feature that strengthens the ARTS Overlay and 14th Street corridor. It provides a safe recreational gathering space for residents of the building and fosters increased activity in the overlay district. Without relief from the penthouse height restrictions, this important feature of the building and the design character of the ARTS Overlay would have to be eliminated.

The proposed height of the roof structure will not adversely affect the neighboring properties or be detrimental to the health, safety, convenience, or general welfare of people living, working, or visiting the area. The penthouse will be clad in complementary materials to ensure its successful integration and compatibility with the overall design of the new structure. It will be pushed back far enough to ensure sufficient light and air to neighboring properties and will be located to minimize its visibility. The HPRB has approved the conceptual design plans for the building, including the location, height and appearance of the roof structures.

2. *Section 1906.1(b): Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.*

The Site is affected by an exceptionally narrow width of only 38 feet, as well as an exceptionally small size of only 3,420 square feet of land area. In order to accommodate the

inclusionary units required under Chapter 26, the Applicant is availing itself of the bonus density and height designed to encourage construction of affordable housing. The bonus height permits the building to be constructed to a height of 75 feet, thereby leaving only 8 feet, 6 inches, for mechanical equipment and an elevator override so that the maximum permitted height of 83.5 feet is not exceeded. The standard mechanical penthouse is 18 feet, 6 inches. Here, the Applicant has reduced that overall height to 14 feet, 8 inches. However, it still exceeds the maximum overall height in the Arts Overlay District by 6.16 feet. Without the additional penthouse height, however, no elevator roof access can be provided and the mechanical equipment required for the building cannot be properly installed and screened. Strict application of these provisions would undermine the purpose and intent of the IZ regulations, which allow an Applicant to avail itself of bonus height and density to offset the costs of inclusionary units. If this provision were strictly applied, the IZ provisions would have the unusual effect of essentially precluding roof terraces for developments using bonus height and density in the Arts Overlay District. In fact, the IZ regulations are design to encourage comparable housing choices and not diminish the types of amenities provided in a building.

3. *Section 1906.1(c): The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report.*

The proposed roof terrace -- and the elevator providing access to this amenity -- is an exceptional urban design feature for a building located adjacent to the 14th Street corridor and Logan Circle, and will enhance the quality of life in the ARTS Overlay District. The building is designed so as to integrate well with the other new buildings on the block. The Applicant has met with the Office of Planning and has received concept approval from the Historic

Preservation Review Board ("HPRB") for the proposed project. In adopting its staff recommendation, the HPRB noted that

[t]he proposal is somewhat different from the other additions on the block in that it has a higher percentage of glass and doesn't rely on the language or imagery of the street's industrial buildings to achieve compatibility. This works uniquely well because of the small size of the project, which has a slender frontage and human scale, and might be overwhelming or out of character on a significantly larger or wider addition.

See HPRB Report, attached as Exhibit D.

4. *Section 1906.1(d): Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.*

As shown on the plans, all vehicular access and egress occur via an existing public alley to the rear of the building. The access is designed to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions. The proposed building plan provides two off-street parking spaces, which are sufficient for the demand of the building and will not increase or result in increased traffic in the alley. Furthermore, the proposed extension of the roof structure height will have no impact on vehicular access and egress.

5. *Section 1906.1(e): The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the Arts Overlay District.*

The Applicant requests a modest extension in roof structure height for the elevator penthouse. The penthouse will only be as tall as necessary to allow elevator access to the roof, and will be set back significantly from adjacent property lines and public right-of-ways so that there will be limited visibility of it from the public space. Accordingly, the proposed modest extension of the roof structure height will not require any additional requirements or conditions from the Board.

D. Rear Yard Relief

Section 774.1 of the Zoning Regulations requires buildings in the C-3-A District to provide a rear yard for the residential portion of a project with a minimum depth of 2.5 inches per foot of vertical height, but not less than 12 feet. Based on the overall building height of 75 feet as measured at the rear of the structure, the Applicant is required to provide a rear yard of 15.6 feet deep. Here, the Applicant proposes a rear yard of only 13.6 feet deep, or two feet less than the requirement. The setbacks are necessary to properly provide "breathing room" and open space for the historic townhouse structures, while granting reasonable depth and configuration for the units. If the Site were not improved with the existing buildings, the Applicant would not be requesting any rear yard relief.

Pursuant to Section 774.2, the Board may waive rear yard requirements pertaining to a C-3-A District, provided that the following standards are met:

1. *§ 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 residential building has been designed to ensure sufficient light and air, and to protect the privacy of the residential occupants. Each unit in the building will front on the street or alley elevations of the building, thereby providing maximum light and air to these apartments without affecting the privacy of the residents. The subject Property's rear elevation is separated from the closest adjacent building by a 10 foot alley, which is adequate for the proposed building. Moreover the adjacent building provides its own rear yard, thereby protecting the residents of that building. The north elevation fronts on Church Street (50-feet wide) and faces directly onto a parking lot. There are no office windows confronting any apartment windows.

2. *§ 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 proposed building has been designed to limit the angle of sight lines and to maximize the distance of penetration of sight lines into habitable rooms. The principal windows overlook either Church Street or the rear alley so that light and privacy are adequately protected. The two-foot rear yard relief will have little impact on the angle of the sight lines due to the rear alley separating the rear windows from the residential building to the south. As noted above, no residential windows confront an office building.

3. *§ 744.5 - The building plan shall include provision for adequate off-street functions, including parking and loading areas and access points.*

The proposed building plan has adequate off-street service functions, including two off-street parking spaces, which are sufficient for the demand of the building, given the Site's excellent transportation options and perfect "Walk-Score" of 100 percent. No loading facilities are required or provided for the building due to its historic stature, although access will be available from the service alley.

4. *§ 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 Departments 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 and the District's Department of Transportation on the review of this project. The Applicant has received conceptual design approval from HPRB and will continue to work with HPO staff as the project progresses through the final design stages.

V.
**THE APPLICANT MEETS THE STANDARDS FOR
AREA VARIANCES UNDER THE ZONING REGULATIONS**

A. Nature of Relief Sought

1. Lot Occupancy Variance

The Applicant requests a variance from the lot occupancy requirements of section 2604.2. Pursuant to section 2604.1 of the Zoning Regulations, the Applicant is availing itself of the Inclusionary Zoning ("IZ") bonus density. Buildings in the C-3-A District may occupy up to 80% of the lot in order to achieve the IZ bonus density. The Applicant proposes to occupy 85% of the lot.

2. Parking Variance

The Applicant requests a variance from the off-street parking requirements. Under section 2101.1, one parking space must be provided for every two units, or in this case, a total of 19 spaces. Automobile parking spaces must be a minimum of 9 feet in width and 19 feet in length. *See* 11 DCMR § 2115.1. Here, the Applicant proposes to provide only two spaces, both at the rear of the building just off of the alley. The size of these spaces will be substandard, measuring approximately 13 feet wide by 15 feet, 11 inches long. These dimensions are one inch less than the required minimum size of parking spaces for historic resources, which is 8 feet in width by 16 feet in length. *See* 11 DCMR § 2115.3.

B. Standard of Review for Variance Relief

Under D.C. Code § 6-641.07(g)(3) (2001 ed.)¹ and 11 DCMR § 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

¹ Section 6-641.07 of the D.C. Code provides, *inter alia*, that:

[w]here 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

(1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). See, also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

Applicants for an area variance need to demonstrate that they will encounter "practical difficulties" in the development of the property if the variance is not granted. See *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting that "area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden"). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be "unnecessarily burdensome." See *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990). As discussed below, the proposed project meets all three prongs of the variance test.

C. The Site's Extraordinary or Exceptional Conditions

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294

conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this subchapter and subchapter V of this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, ... [the Board is authorized to grant], upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

D.C. Code § 6-641.07(g)(3) (2001 ed).

(D.C. 1974). In this case, the Site is affected by several exceptional conditions due to its narrow width of 38 feet, its small size of 3,420 square feet, and the existence of three historic buildings on the Site that must be maintained, repaired, and renovated. These existing structures must be incorporated into the design of the new building, which also limits and constrains the floor plate of the building. The floor and roof assemblies of the historic townhouses will be retained at 1456 Church Street, largely replaced at 1458 Church Street due to deterioration, and partially replaced at 1460 Church Street to slightly lower the floors. Significant portions of the townhouses' floor and roof assemblies will be retained, but portions will also be replaced. These buildings have been on the Site since the late nineteenth century, and together these buildings' characteristics place substantial restrictions on potential building and parking configurations. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990) (uniqueness may arise from a confluence of factors which affect a single property). Due to these exceptional conditions inherent in the property, the Applicant seeks relief as described below.

D. Resulting Practical Difficulty

1. Lot Occupancy Variance

As a direct result of the unique conditions on the property, the Applicant has encountered practical difficulties in meeting the strict application of the lot occupancy requirements. The Zoning Regulations permit buildings in the C-3-A District to occupy up to 80% of their lot when the project uses the IZ bonus density. Because of the existence of the historic townhouse structures and the small, 3,420 square foot Site, the Applicant proposes to occupy 85% of the lot.

The setbacks necessary to accommodate the existing historic townhouse structures pushes the mass of the building to the rear of the Site, which affects the ability to conform to the lot occupancy requirements. The Site's uniquely narrow width and small lot size make it

impossible meet the specified occupancy limitations. If the historic buildings were not located on the Site, there would be no need for the lot occupancy variance, as the mass of the building could be pushed closer to Church Street. As the mass is pushed away from Church Street, lot occupancy is increased and relief is necessary. As a result, strict compliance with the lot occupancy requirements would result in a practical difficulty for the Applicant, thus requiring a variance from section 2602.2.

2. Parking Variance

The Applicant has encountered practical difficulties in meeting the strict application of the parking requirements. The zoning regulations require that the proposed development provide 19 parking spaces at a minimum of 9 feet wide and 19 feet long. Because the Site is only 38 feet wide, however, there is simply not enough room to accommodate all the required elements.

Due to the extreme narrow width of the lot and the historic buildings on the Site, the Applicant cannot excavate the Site to provide below-grade parking, ramps for two-way circulation, or a turning radius sufficient to ingress or egress a parking garage. One compact space alone is 8 feet wide by 16 feet long. Minimum width dimensions to have ramp turning movement and a ramp going down to another level is approximately 60 feet, yet the Site is less than two-thirds that width. It is therefore virtually impossible for the Applicant to meet the parking requirements. As a result, strict compliance with the off-street parking requirements would result in a practical difficulty to the Applicant, thus requiring a variance from section 2101.1.

3. No Harm to Public Good or Zone Plan

The requested variances from the lot occupancy requirements and the off-street parking provisions will not result in any substantial detriment to the public good, nor will it impair the

purpose, intent, or integrity of the Zone Plan. The redevelopment of the existing historic buildings into an eight-story residential building will significantly contribute to the vibrancy of the neighborhood while supporting the District's housing goals for this area. The development will allow for the repair and renovation of contributing buildings to the historic district and will help to revitalize the block on which the Site is located.

With respect to the lot occupancy requirements, the slight increase from 80% to 85% at the lower floors will not significantly reduce light and air to the building residents. Above the level of the historic buildings, the building will comply with the lot occupancy requirements.

With respect to the parking requirements, the Applicant is aware that the community is concerned about off-street parking. In that regard, the Applicant will be undertaking several initiatives. First, the Applicant commits that it will provide, and make a condition of its BZA approval, that every residential lease for the building will contain a provision that occupants will not apply for, receive, or possess a residential parking permit (RPP) while leasing a unit in the building. In the event that a tenant has, obtains, or uses such a permit, it will be a breach of the lease and the lease will be terminated. Second, on an annual basis, the Applicant will request DMV to provide information as to whether any residents have requested or obtained a RPP. These measures provide safeguards that future occupants will not be able to park on neighborhood streets through use of the RPP program. Third, the Applicant will install a minimum of 13 interior bicycle parking spaces for building residents. Fourth, the Applicant proposes to offer each initial tenant of every unit a one-year membership to Capital Bikeshare or a car share company. Together, these initiatives will eliminate the potential of spillover parking onto the residential streets in the neighborhood, and will help to ameliorate the community's concerns.

The development will include two parking spaces at the rear of the building, one of which will be reserved for the building manager and the other will be used for handicapped parking or a car-share space. These spaces can also be used for loading or move-ins and move-outs, which will occur at the rear of the lot, accessed by the public alley. Tenants will be able to coordinate with the building manager to reserve these spaces for loading purposes.

The two proposed parking spaces will adequately serve the needs of the prospective residents, given the Site's close proximity to public transportation and to the surrounding mixed-use neighborhood, which provides a pedestrian-friendly environment and a diversity of retail, restaurants, and recreational activities. The building is being marketed to those persons who have made an urban living lifestyle decision not to have an automobile. The District's most recent census shows a population of over 600,000, with approximately 260,000 households, of which approximately one-third of those households do not own an automobile. With a location that has a walk-score of 100 (referred to as a "Walker's Paradise") and close access to two Metrorail stations, numerous active Metrobus lines, and two Capital Bikeshare stations, the subject property will readily attract households that do not have, need, or want an automobile. Thus, relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose, and integrity of the Zone Plan.

VI. COMMUNITY SUPPORT

The Applicant presented the project to the Advisory Neighborhood Commission 2F ("ANC 2F") at its meeting on May 22, 2013. At its regularly-scheduled public meeting on June 5, 2013, at which a quorum was present, ANC 2F voted 7-0-1 to support the application. The ANC letter of support is attached as Exhibit E.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

- Exhibit A: A portion of the Zoning Map showing the Site;
- Exhibit B: Portions of Sanborn/tax maps illustrating the Site;
- Exhibit C: Architectural Plans and Drawings for the project;
- Exhibit D: HPRB Staff Report and HPRB Actions Taken;
- Exhibit E: ANC 2F Letter of Support;
- Exhibit F: Outline of Testimony of representative of the Applicant.

VIII.
WITNESSES

The Applicant may call the following witnesses to testify in support of the application:

- A. Brook Rose, RoseBusch LLC
- B. Peter Fillat, Peter Fillat Architects, architect for the project
- C. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight
 LLP

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Mary Carolyn Brown
Norman M. Glasgow, Jr.
Mary Carolyn Brown, Esq.

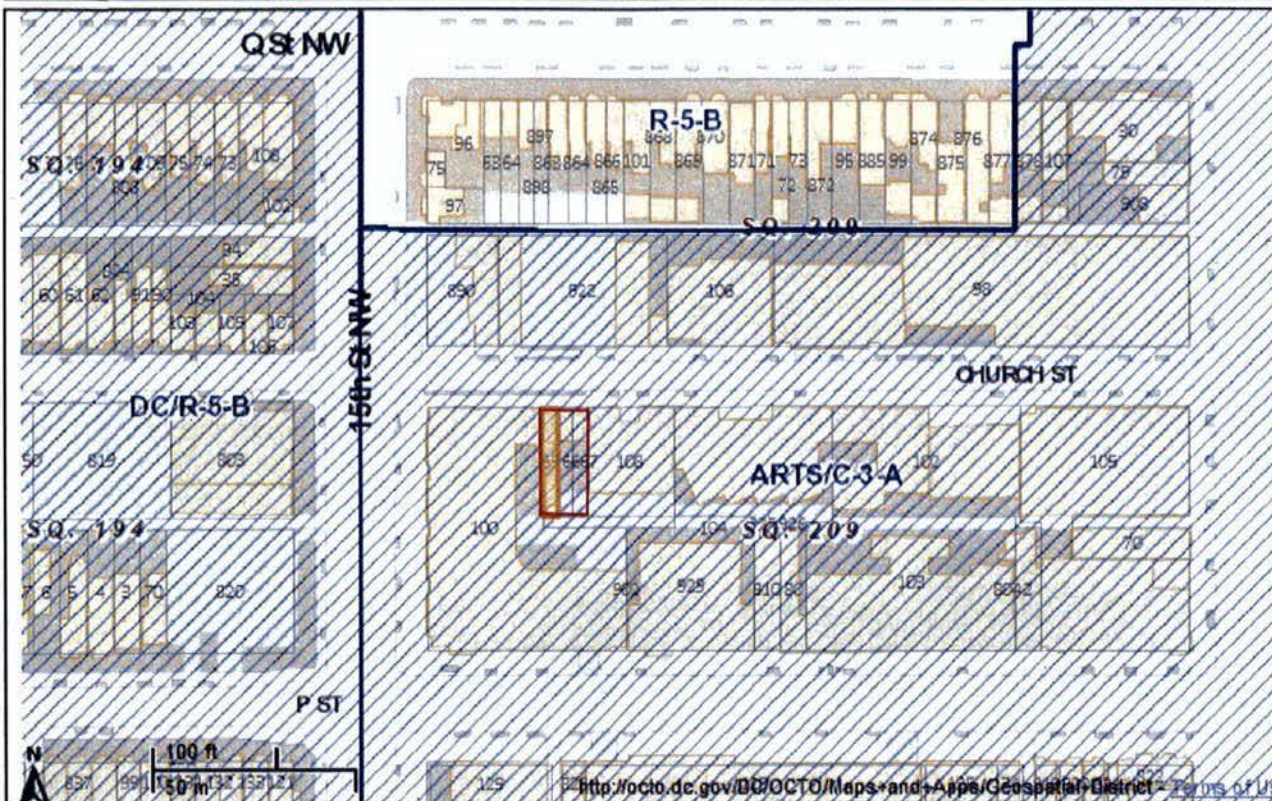
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Washington, D.C. 20006
(202) 955-3000

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Zoning Report for Square: 0209 Lot: 0065

October 1, 2013



Zoning Layers

Zone Districts	Pending Overlays	Active PUDs
Pending Zones	Baist Index	Pending
Overlays	Historic Districts	TDRs
		Campus Plans
		CEA

Latitude: 38.910316, Longitude: -77.033683

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

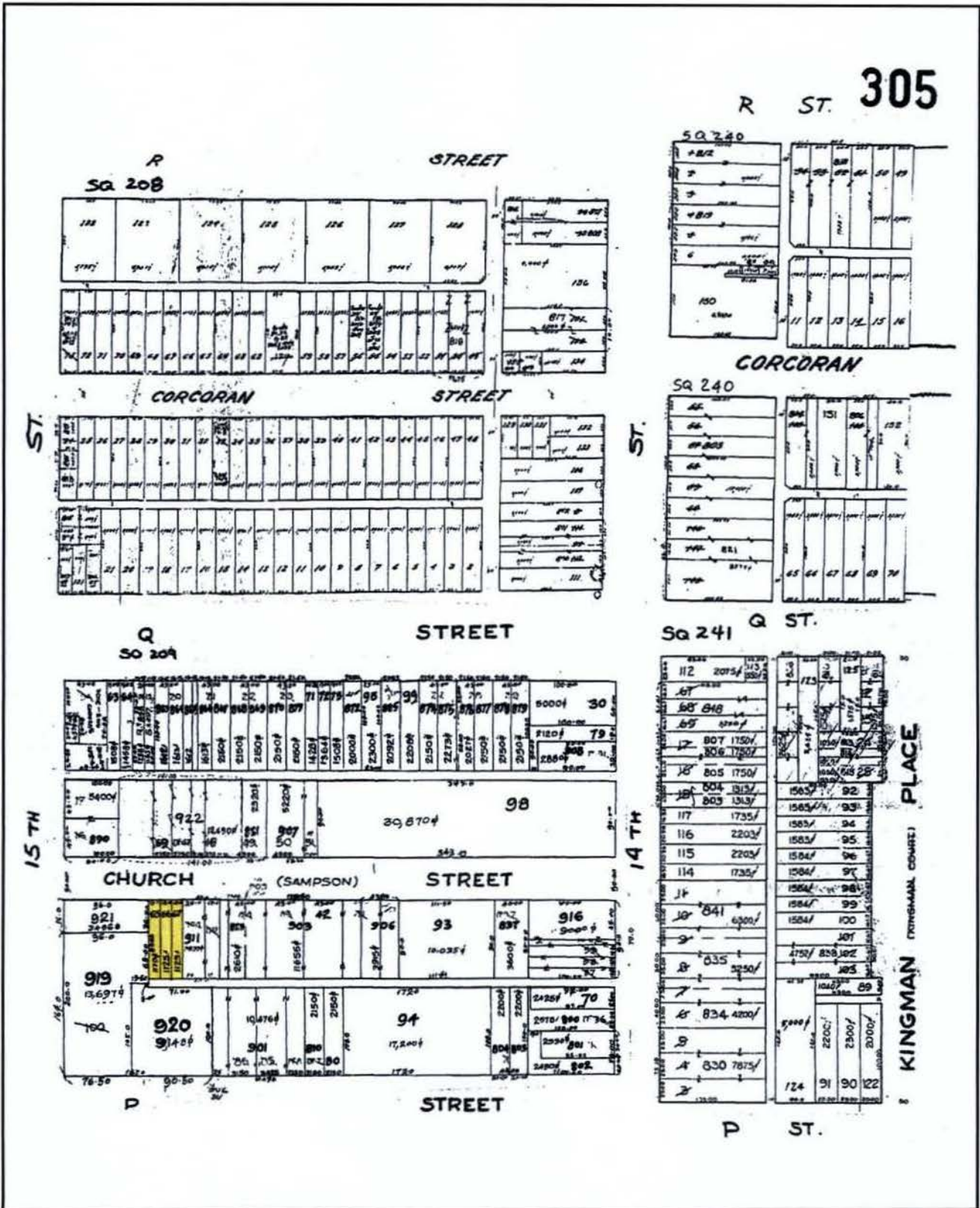
Zoning Data Summary*

Square/Suffix/Lot	0209 / n/a / 0065
Premises Address	1460 CHURCH ST NW
Zoning District (s)	C-3-A
Overlay District (s)	ARTS
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	2
Council Member	Jack Evans
ANC	2F
ANC Chairperson	Matt Raymond
SMD	2F02
Commissioner	Walt Cain

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.

Portion of Sanborn/Tax Map
1456-1460 Church Street, N.W.





1456-1460 CHURCH ST.

BZA CASE NO. 18638

PREHEARING SUBMISSION OCTOBER 8, 2013

CHURCH ST. RESIDENTIAL
13001

COVER

SCALE: NO SCALE
DATE: 10.08.13

peter fillat architects
PETER FILLAT ARCHITECTS, INC. 1001 N. 1ST ST. SUITE 200, CHICAGO, IL 60610

01

		DESCRIPTION	REFERENCE	REQUIRED/ALLOWED	PROPOSED	COMMENT
ADDRESS: 1456-1460 CHURCH STREET NW LEGAL DESCRIPTION: SQUARE 209, LOTS 65,66,67 LAND AREA: 3,420 SF FRONTAGE: CHURCH STREET 38' (NORTH) PUBLIC ALLEY 38' (SOUTH) ADJACENT PROPERTY 90' (EAST) ADJACENT PROPERTY 90' (WEST) ZONE: ARTS/C-3-A HISTORIC OVERLAY: 14TH ST. HISTORIC DISTRICT PROPOSED USE: 100% RESIDENTIAL UNIT COUNT: 38 UNITS INCLUSIONARY ZONING: APPLIES (CHAPTER 26; § 1901.1)		MAXIMUM BUILDING HEIGHT	11 DCMR § 1902.1	75'-0"	75'-0"	
		RESIDENTIAL DENSITY	11 DCMR § 1909.1 (C); 11 DCMR § 1904.3	4.8 + 0.5 = 5.3 TOTAL FAR	5.25 FAR	
		LOT OCCUPANCY	11 DCMR § 1909.1 (C)(ii)	80%	85%	RELIEF REQUESTED
		SIDE YARD	11 DCMR § 775.5	IF PROVIDED, 2" WIDTH/FT HEIGHT	NONE PROVIDED	
		REAR YARD	11 DCMR § 774.1	15'-6"	13'-6"	RELIEF REQUESTED
		OFF-STREET PARKING	11 DCMR § 2101.1	19	2	RELIEF REQUESTED
		OFF-STREET LOADING	11 DCMR § 2201.1	NOT REQUIRED	NONE PROVIDED	
		ROOF STRUCTURES				
		AREA	11 DCMR § 411.7 11 DCMR § 411.8	MAXIMUM 0.37 FAR MAXIMUM $\frac{1}{3}$ ROOF AREA	0.10 FAR 18% OF ROOF AREA	
		ENCLOSURE WALLS, HEIGHTS	11 DCMR § 411	ONE ENCLOSURE ENCLOSING WALLS OF EQUAL HEIGHT	3 ENCLOSURES ENCLOSING WALLS DIFFERENTIAL HEIGHTS	RELIEF REQUESTED
		HEIGHT	11 DCMR § 1902.1	MAXIMUM PH HEIGHT 83.5 FT - 75 FT = 8.5 FT	89'-8"	
		SETBACK	11 DCMR § 400.7	SETBACK 1:1 RATIO (MINIMUM 14'-8")	35'-8-1/2" (NORTH/CHURCH ST.) 26'-7-1/2" (SOUTH/ALLEY)	



03

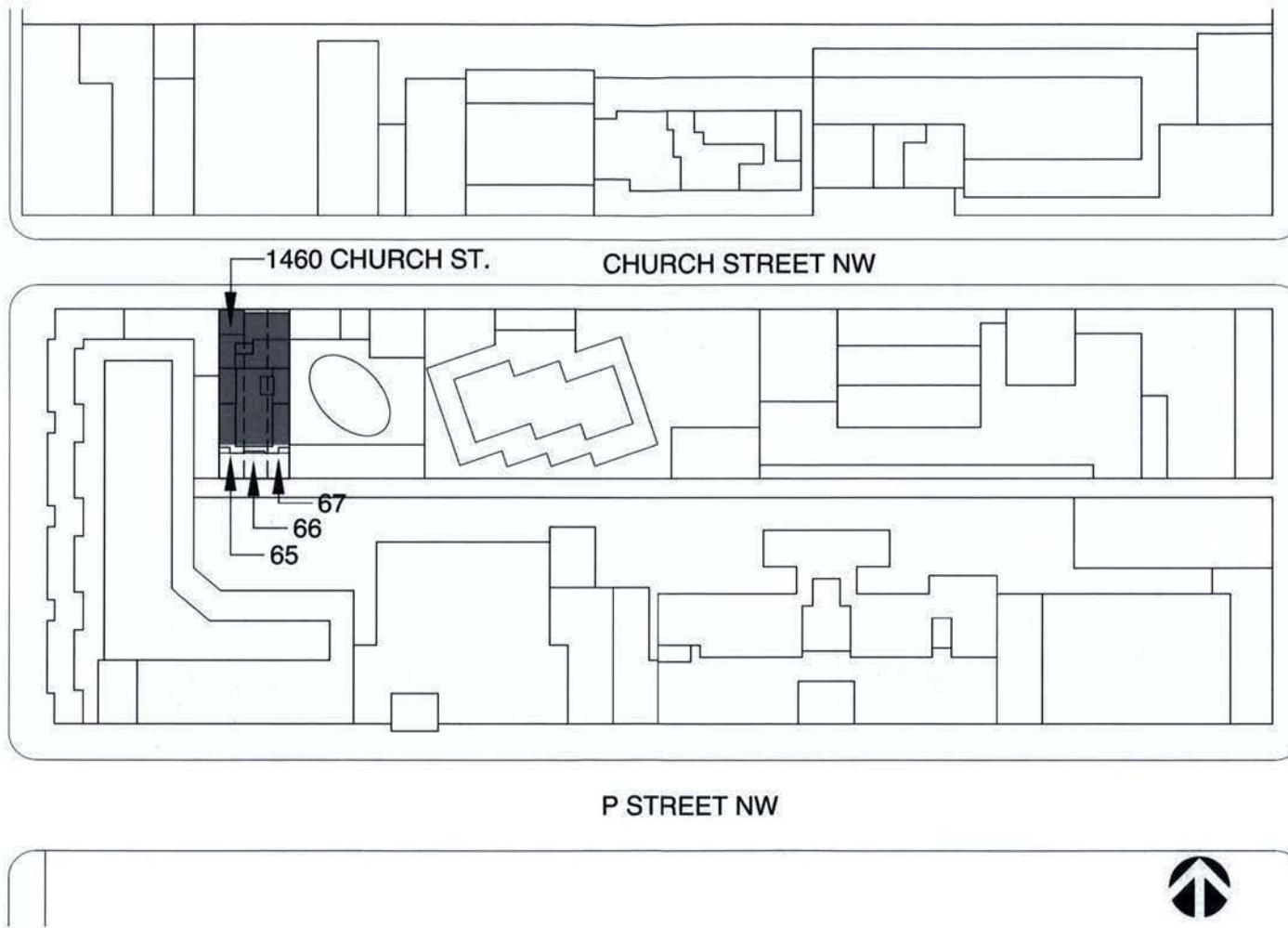
CHURCH ST. RESIDENTIAL
13001

SITE PLAN

SCALE: N.T.S.
DATE: 10.08.13

peter fillat architects
ARCHITECTS, INTERIORS, LANDSCAPE ARCHITECTS

15TH STREET NW



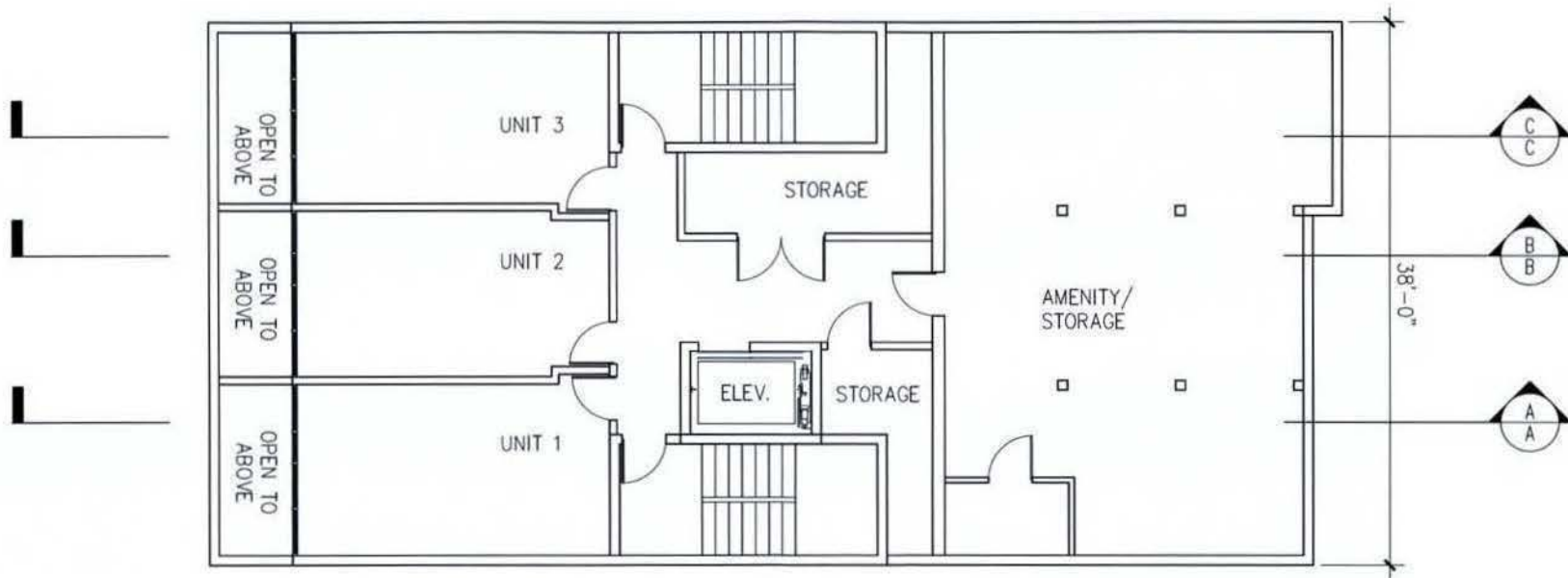
14TH STREET NW

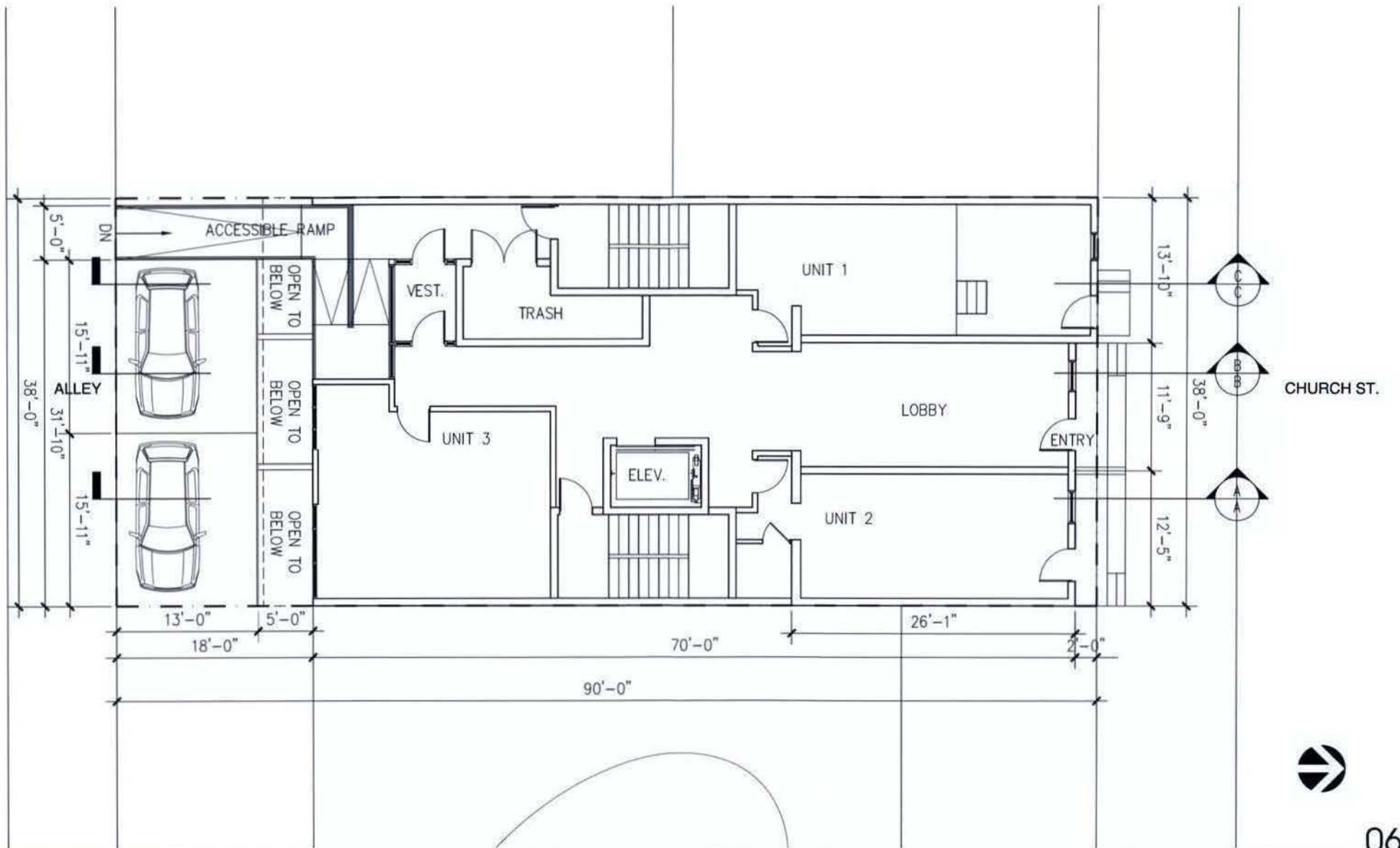
CHURCH ST. RESIDENTIAL
13001

SITE PLAN

SCALE: 1:60
DATE: 10.08.13

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ARCHITECTURE | INTERIORS | LANDSCAPE



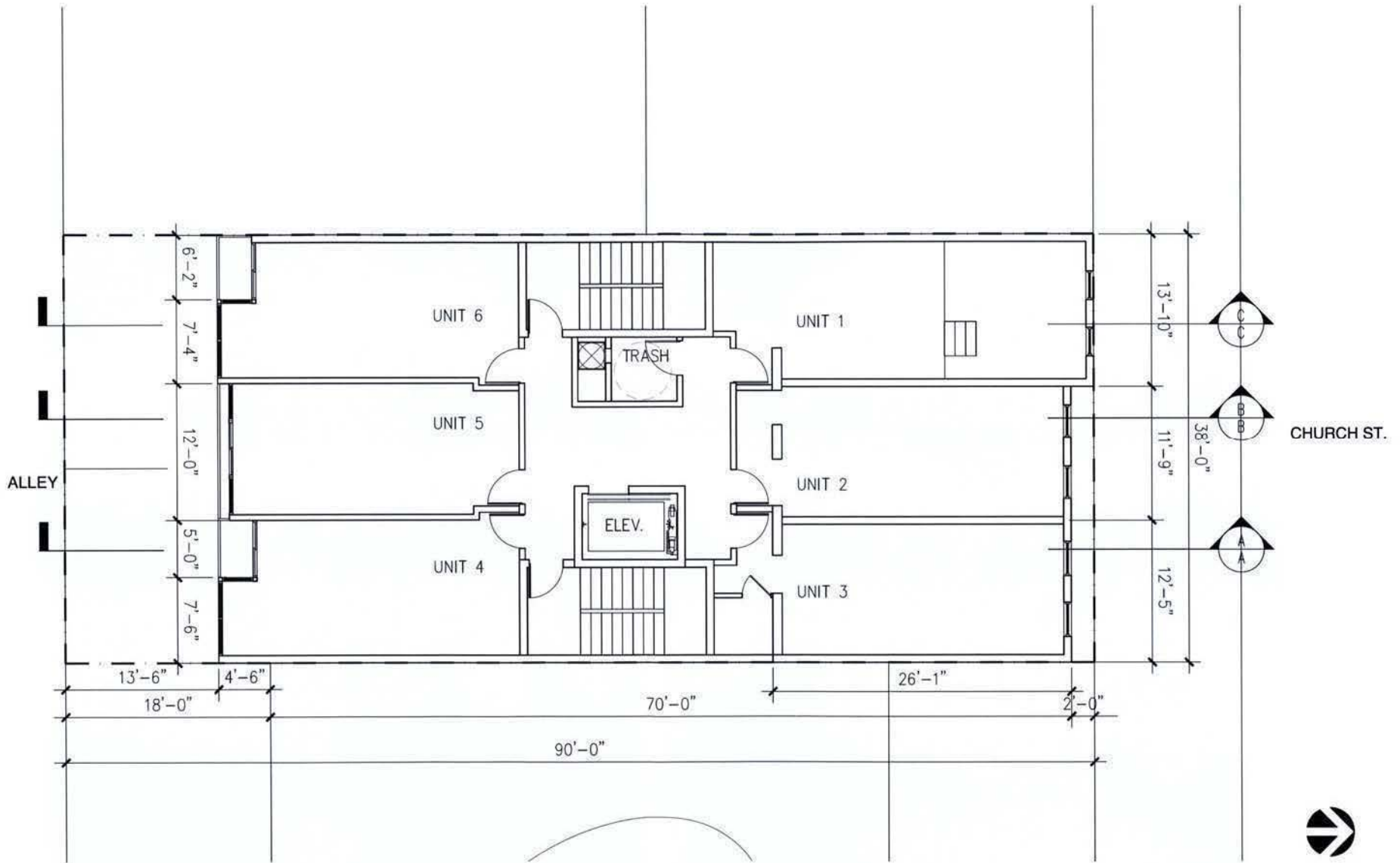


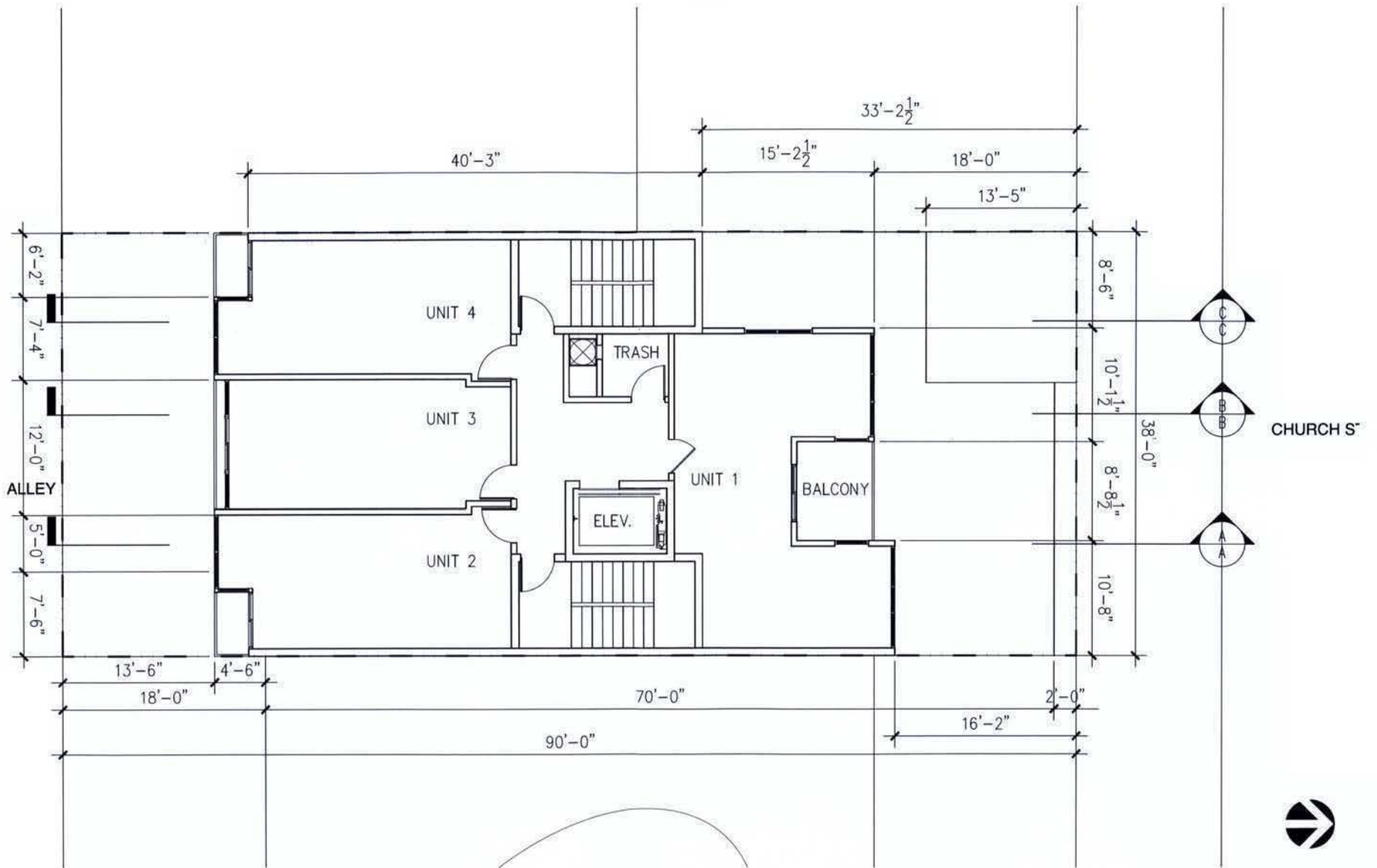
CHURCH ST. RESIDENTIAL
13001

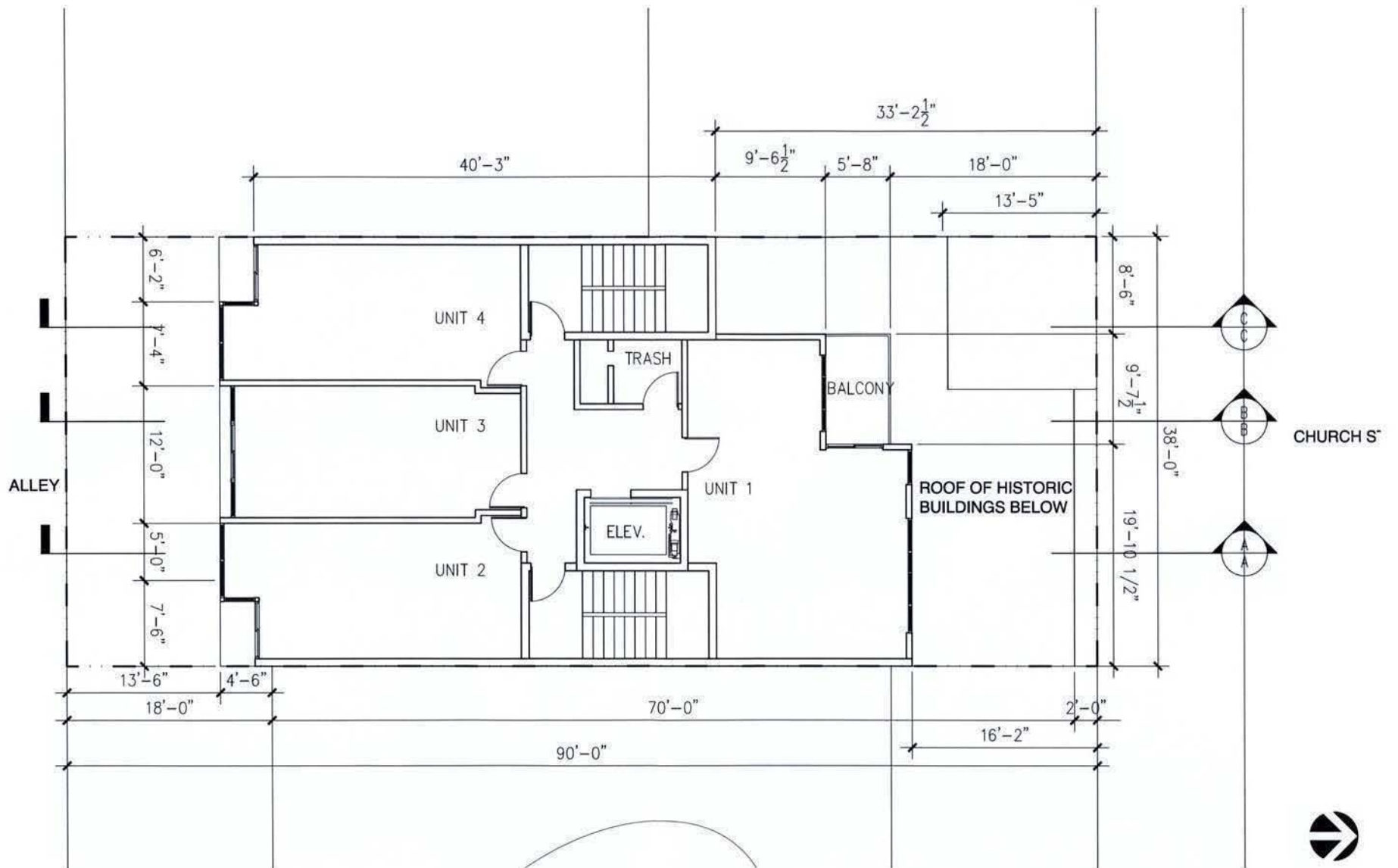
GROUND FLOOR PLAN

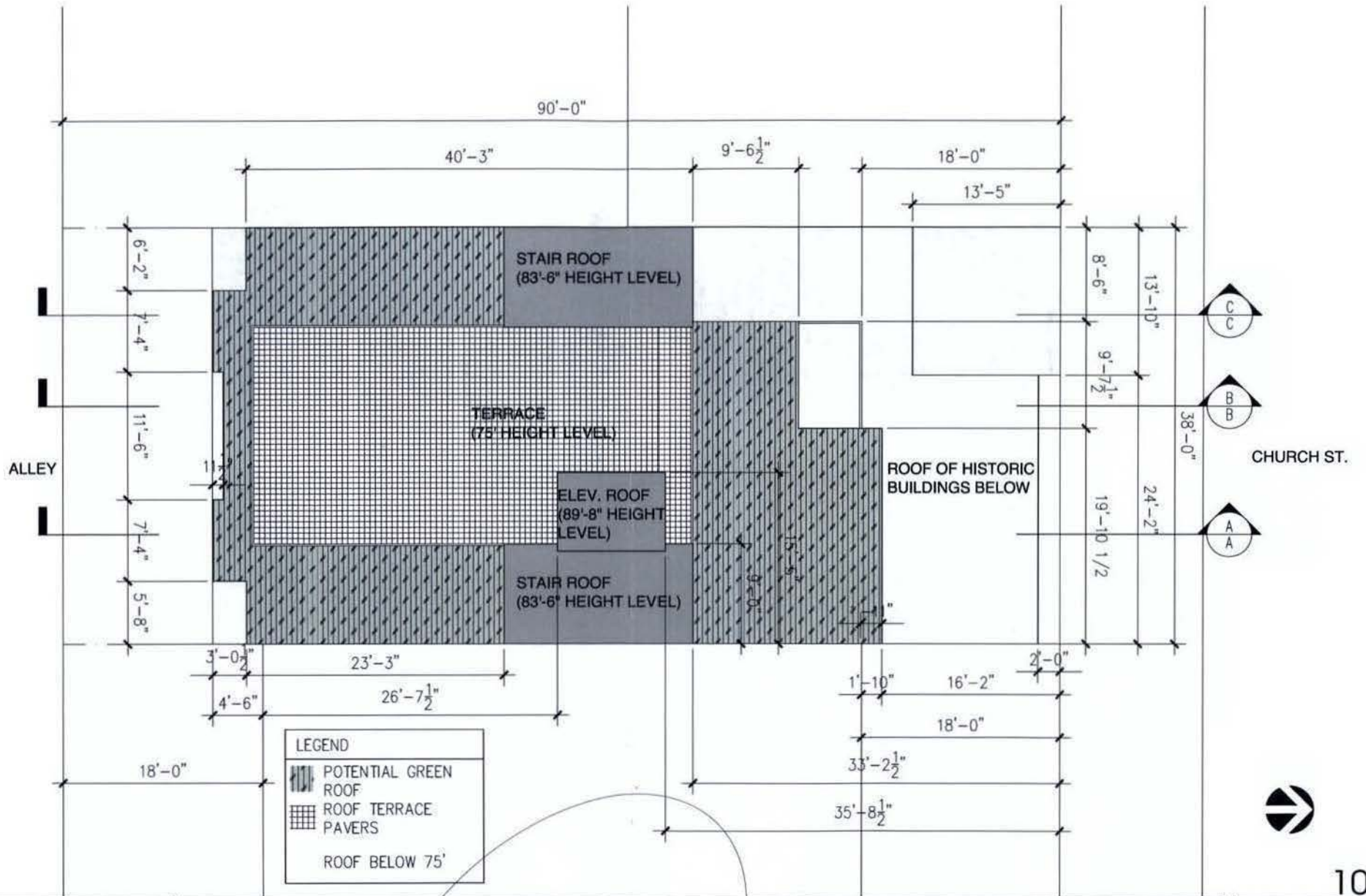
SCALE: 1/8" = 1'-0"
DATE: 10.08.13

peter fillat architects
ARCHITECTURE | INTERIOR | LANDSCAPE







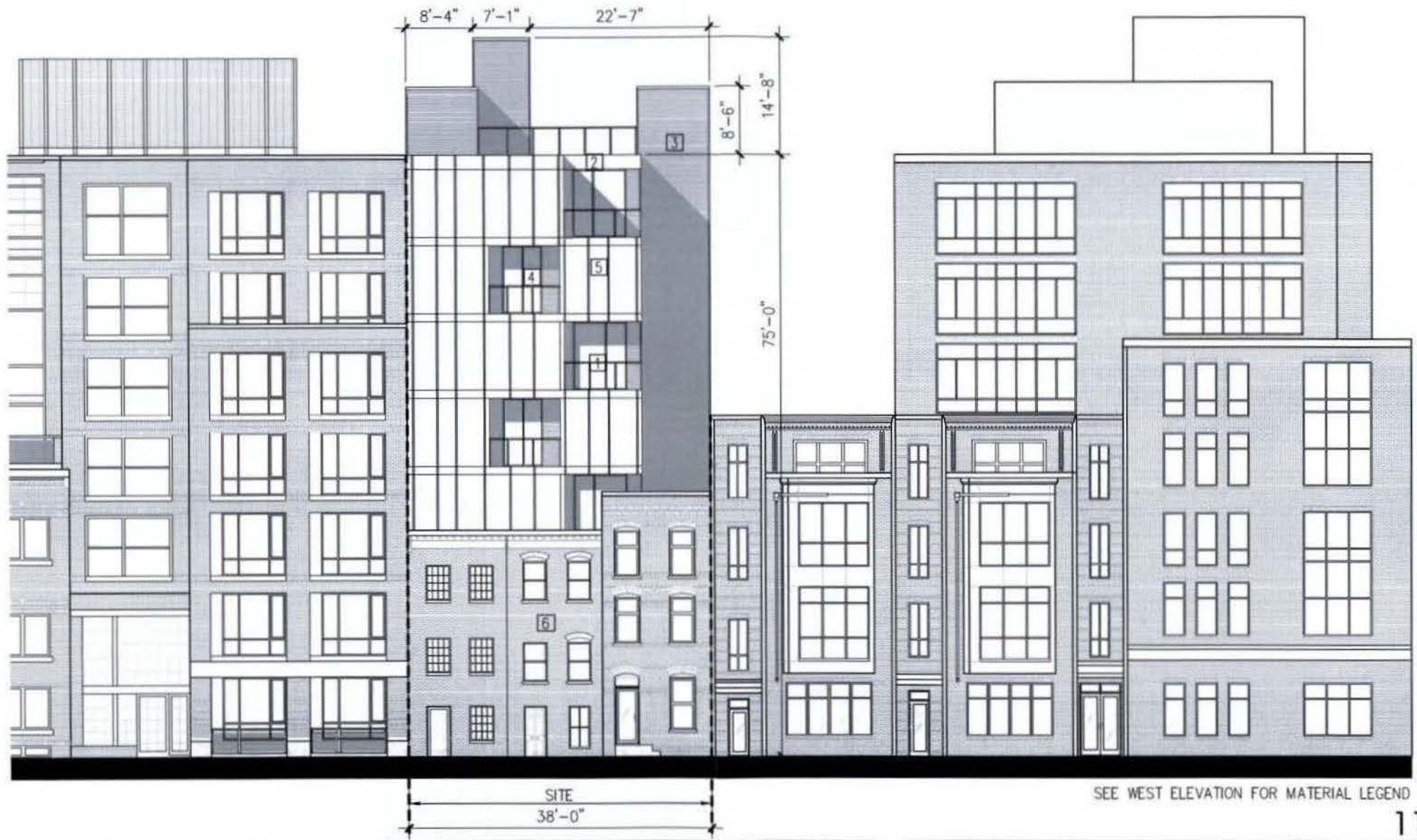


CHURCH ST. RESIDENTIAL
13001

ROOF PLAN

SCALE: 1/8" = 1'-0"
DATE: 10.08.13

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ARCHITECTURE | INTERIORS | LANDSCAPE

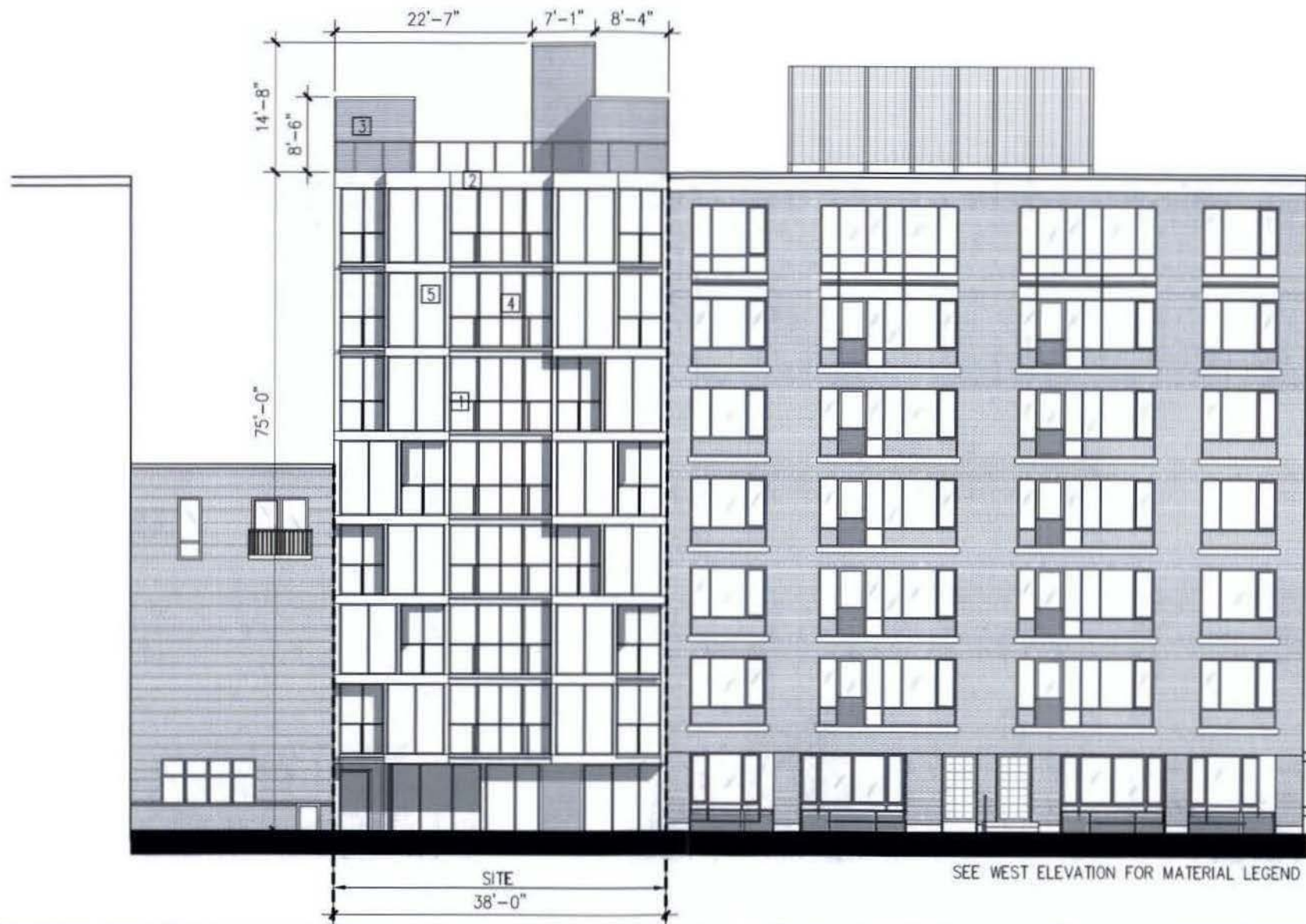


CHURCH ST. RESIDENTIAL
13001

NORTH ELEVATION - CHURCH ST.

SCALE: 3/32"=1'-0"
DATE: 10.08.13

peter fillat architects
3011 10th Ave. S. Suite 100, Minneapolis, MN 55410

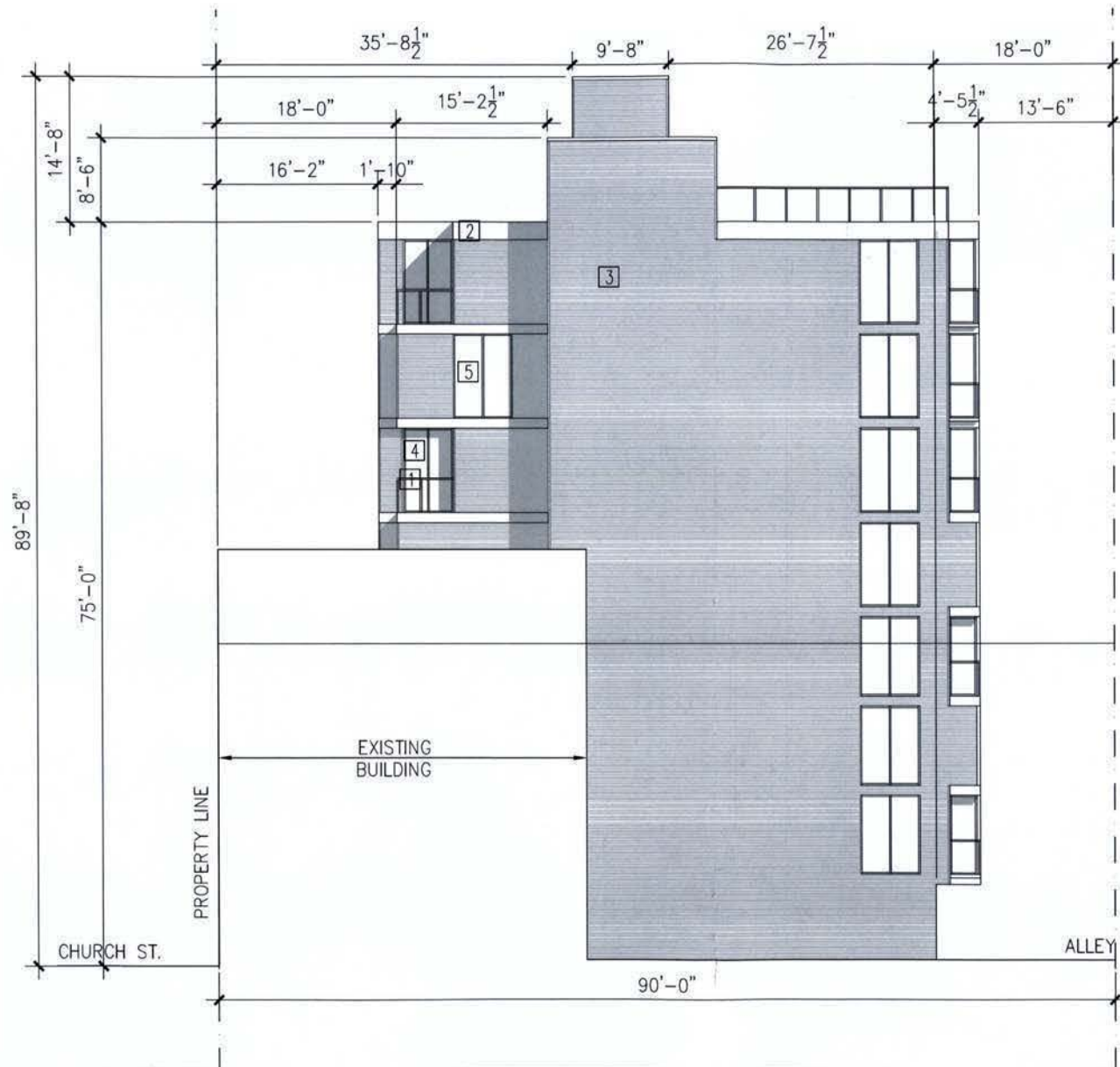


CHURCH ST. RESIDENTIAL
13001

SOUTH ELEVATION - ALLEY

SCALE: 3/32"=1'-0"
DATE: 10.08.13

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ARCHITECTURE • INTERIORS • LANDSCAPE



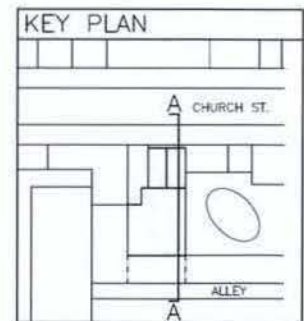
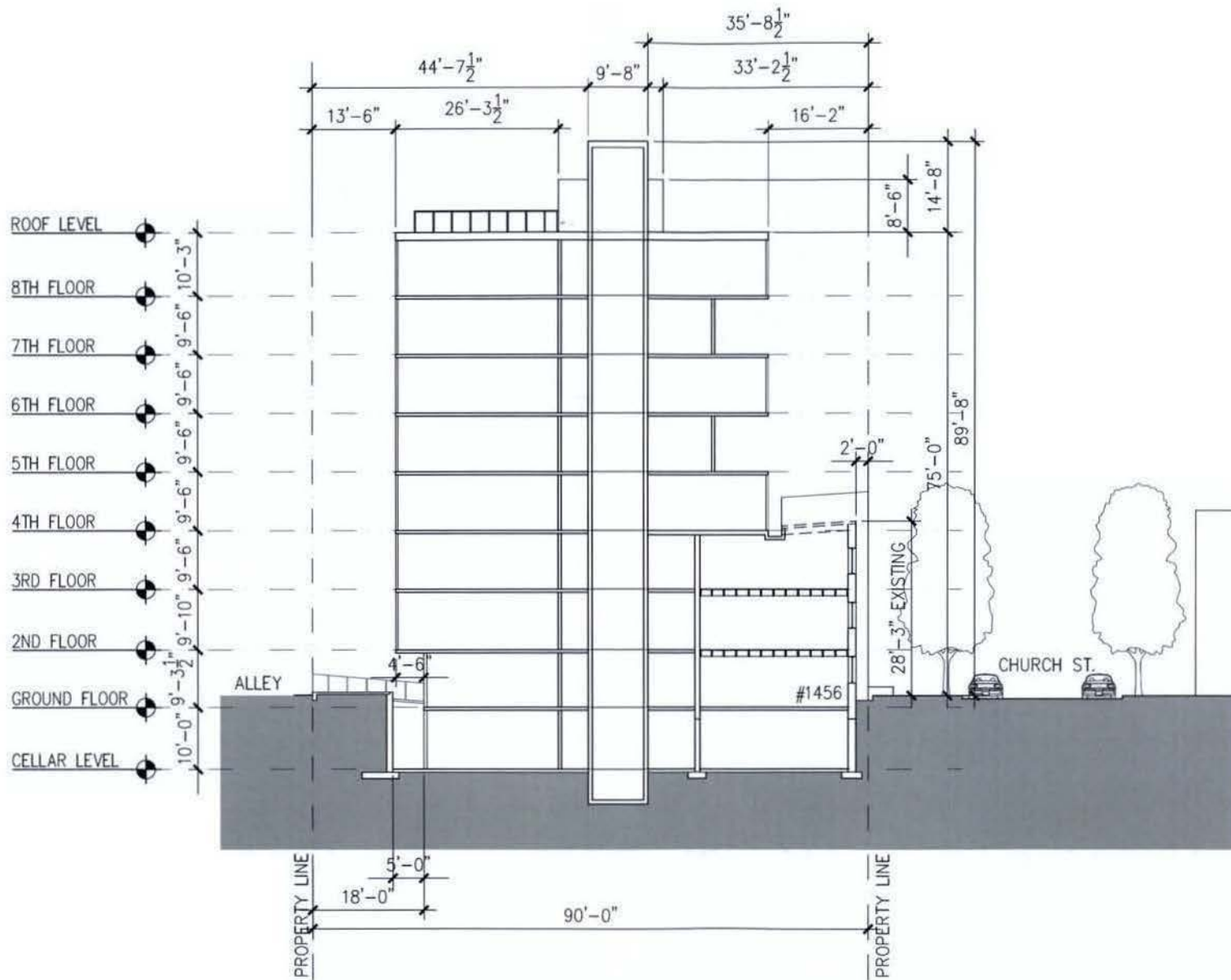
CHURCH ST. RESIDENTIAL
13001

WEST ELEVATION

SCALE: 3/32"=1'-0"

DATE: 10.08.13

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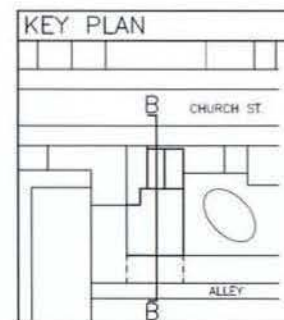
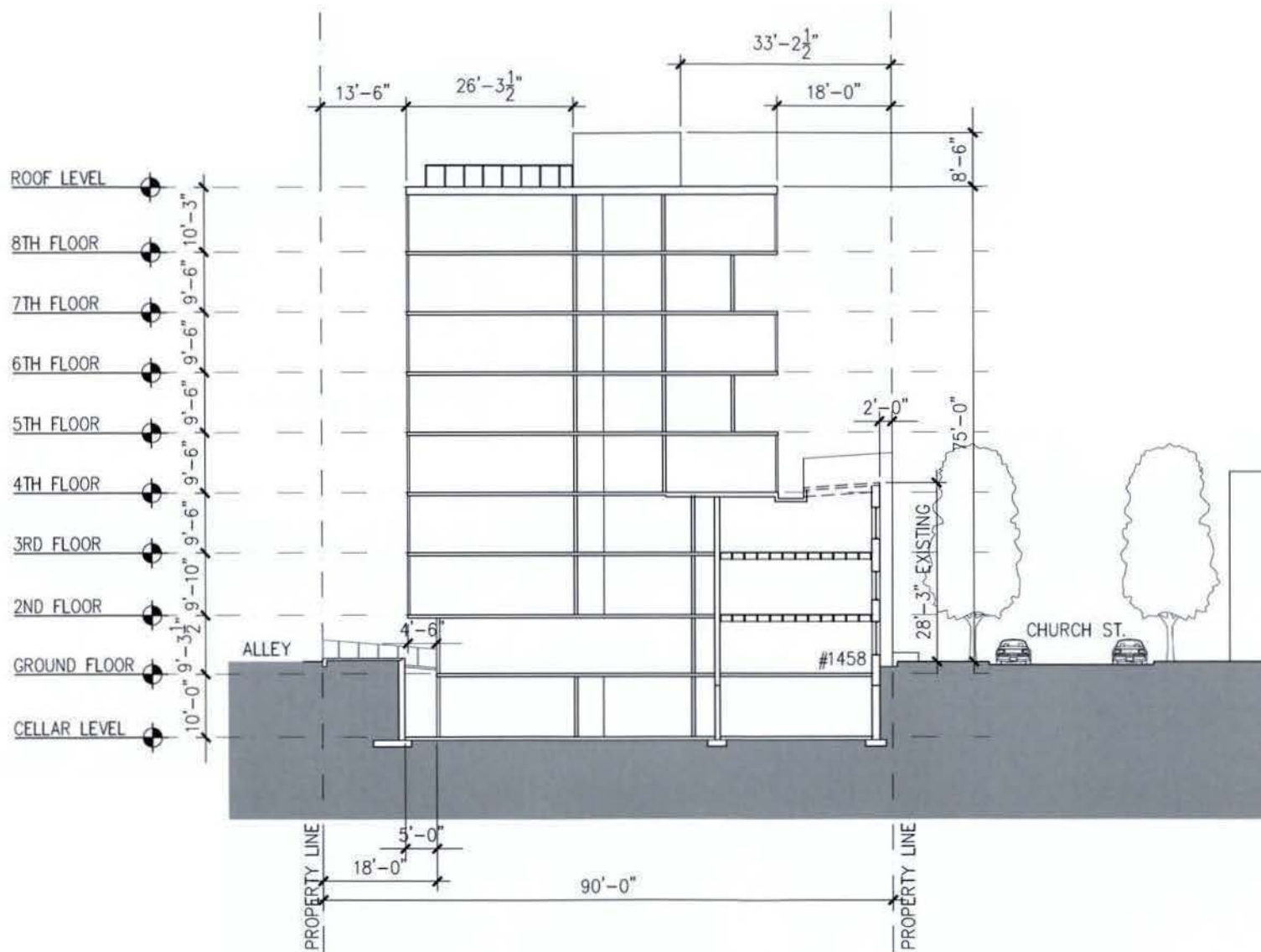


CHURCH ST. RESIDENTIAL
13001

BUILDING SECTION A

SCALE: 1/16"=1'-0"
DATE: 10.08.13

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ARCHITECTURE | INTERIOR | LANDSCAPE

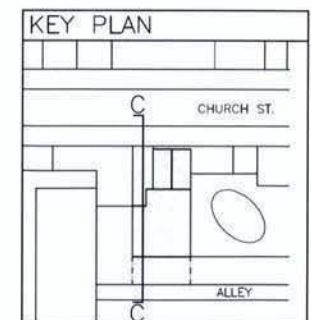
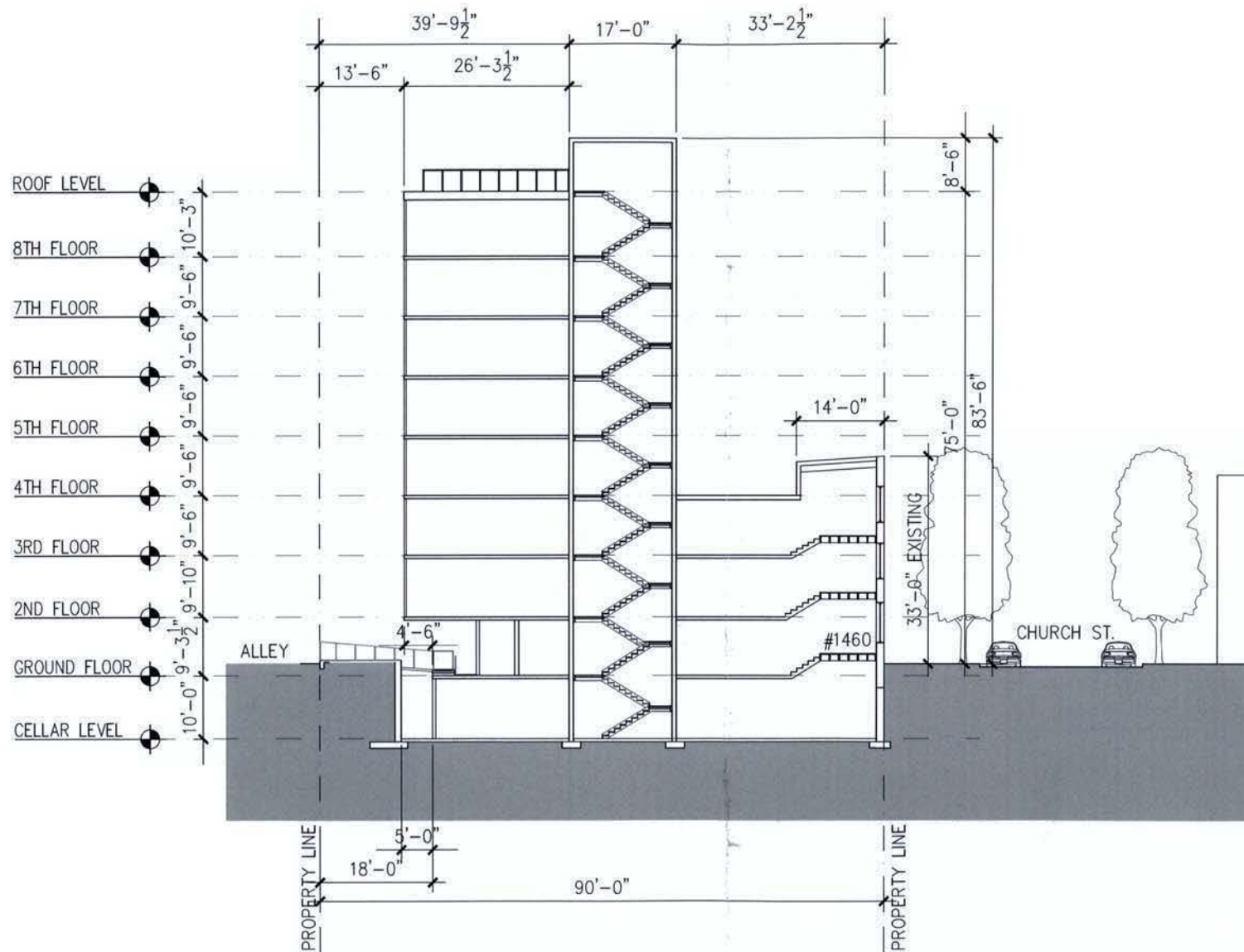


CHURCH ST. RESIDENTIAL
13001

BUILDING SECTION B

SCALE: 1/16"=1'-0"
DATE: 10.08.13

peter fillat architects
ARCHITECTS (AIA) 1000 1000 1000 1000



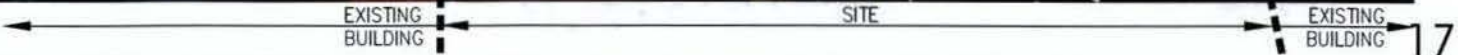
CHURCH ST. RESIDENTIAL
13001

BUILDING SECTION C

SCALE: 1/16"=1'-0"

DATE: 10.08.13

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ARCHITECTURE | INTERIOR | URBAN DESIGN



CHURCH ST. RESIDENTIAL
13001

MONTAGE

SCALE: NO SCALE
DATE: 10.08.13

peter fillat architects
ARCHITECTS & INTERIOR DESIGNERS



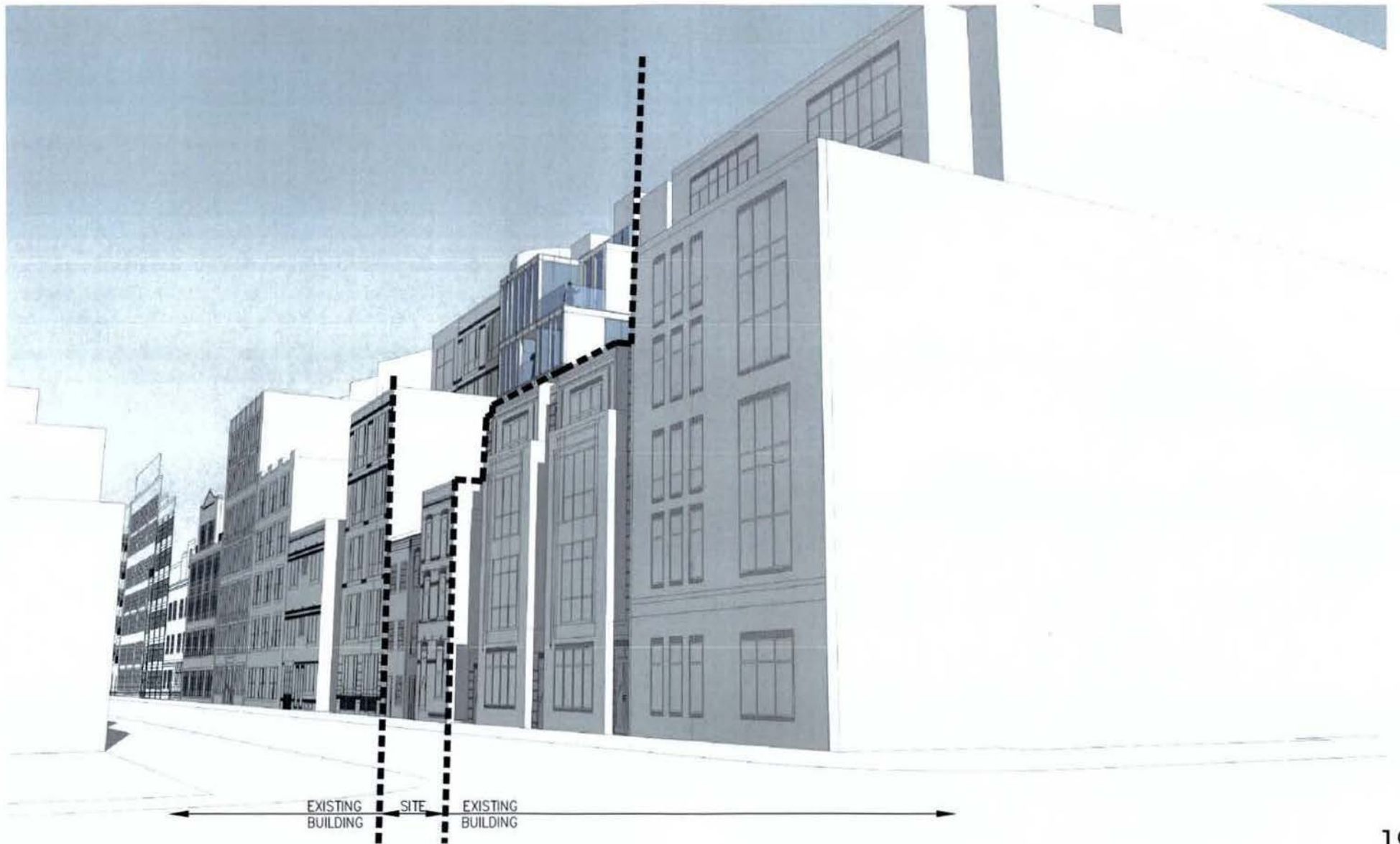
← EXISTING BUILDING | SITE | EXISTING BUILDING →

CHURCH ST. RESIDENTIAL
13001

MONTAGE

SCALE: NO SCALE
DATE: 10.08.13

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ARCHITECTURE | INTERIORS | URBAN DESIGN

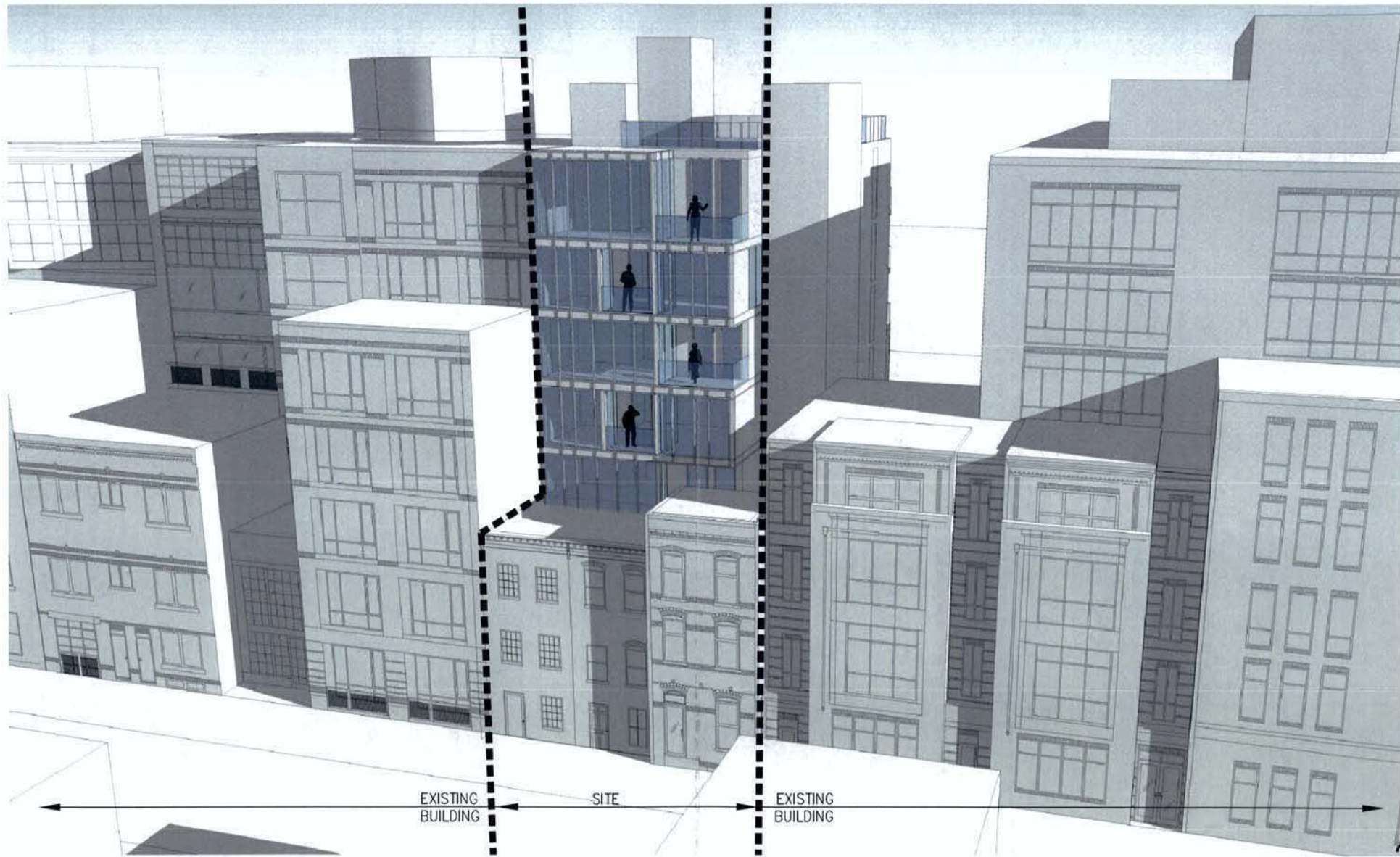


CHURCH ST. RESIDENTIAL
13001

MASSING VIEW 1

SCALE: NO SCALE
DATE: 10.08.13

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ARCHITECTS / INTERIORS / LANDSCAPE

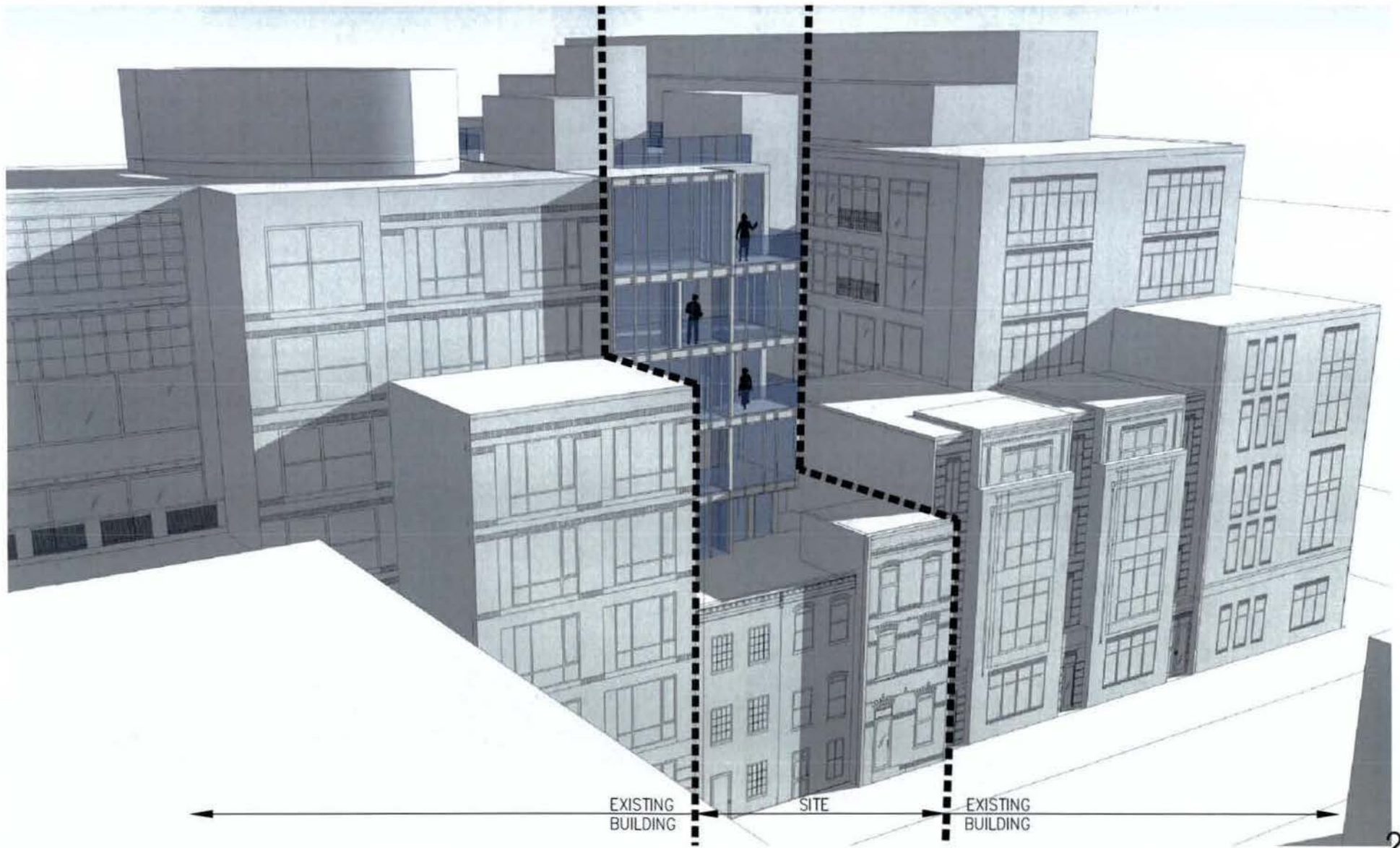


CHURCH ST. RESIDENTIAL
13001

MASSING VIEW 2

SCALE: NO SCALE
DATE: 10.08.13

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ARCHITECTURE | INTERIOR | URBAN DESIGN

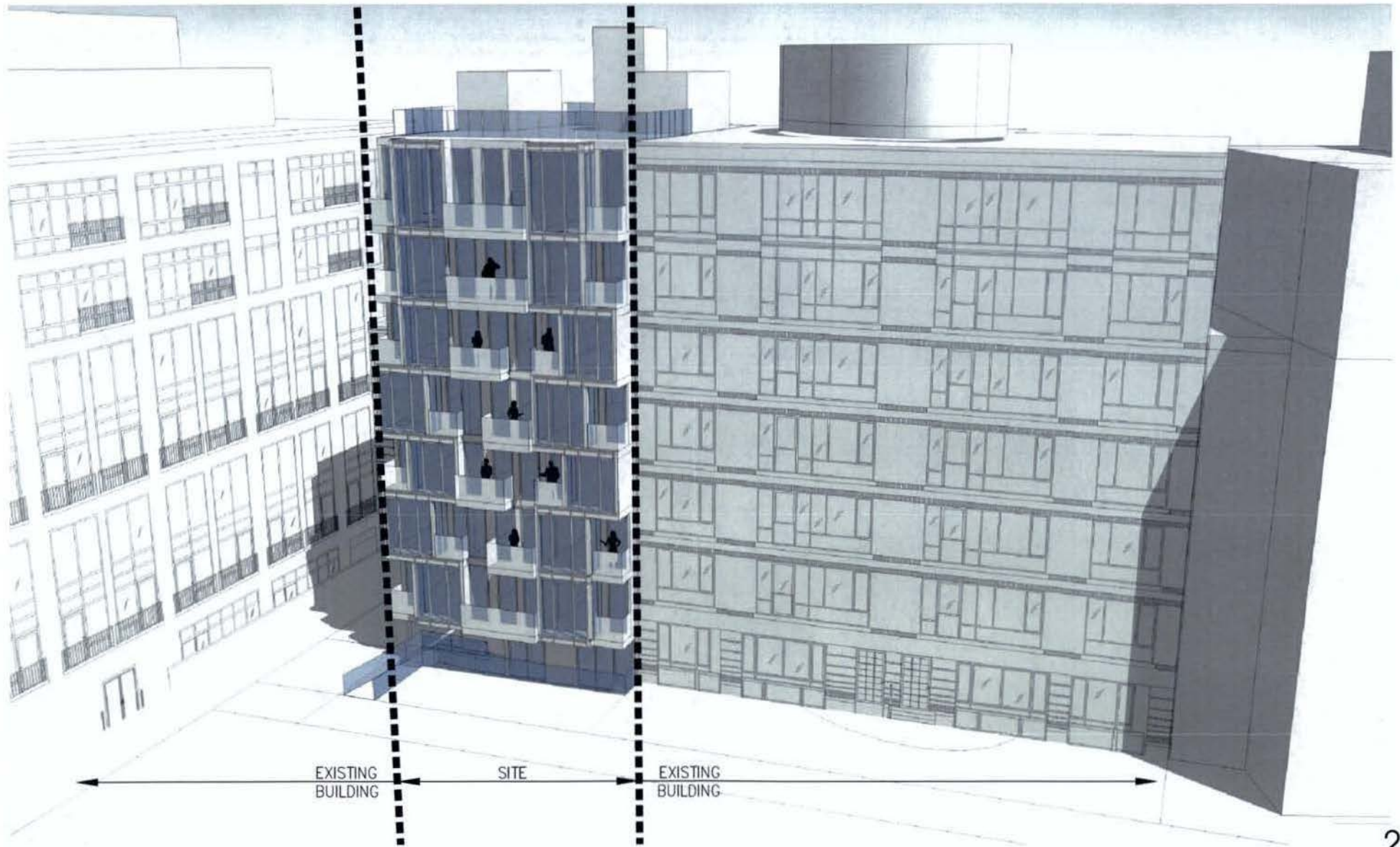


CHURCH ST. RESIDENTIAL
13001

MASSING VIEW 3

SCALE: NO SCALE
DATE: 10.08.13

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ARCHITECTS • INTERIORS • LANDSCAPE



CHURCH ST. RESIDENTIAL
13001

MASSING VIEW 4

SCALE: NO SCALE
DATE: 10.08.13

peter fillat architects
ARCHITECTURE INTERIORS LANDSCAPE

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	1456-58-60 Church Street, NW	X	Agenda
Landmark/District:	14th Street Historic District		Consent Calendar
		X	Concept Review
Meeting Date:	June 27, 2013	X	Alteration/Addition
H.P.A. Number:	13-349		New Construction
Staff Reviewer:	Steve Callcott		Demolition
			Subdivision

Architect Peter Fillat, representing owners Brook Rose and Gregg Busch, seeks conceptual review for renovation of three three-story rowhouses and construction of a seven-story apartment building addition at the rear of the houses in the 14th Street Historic District. The site abuts a seven-story residential building to the east that incorporated a modest 1920s apartment building, and a seven-story residential building (which steps down to four stories immediately adjacent to the subject properties) that faces 15th Street to the west.

Property History and Description

1456 and 1458 Church are a matching pair of three-story, flat-front brick rowhouses with bracketed wood cornices. The houses are extremely modest in size, measuring only 12'6" wide x 28' deep. The front façade windows and window openings on 1456 have been altered from their original appearance, which were likely identical to the arched brick openings remaining on the third floor at 1458. The houses are identified as two-stories on early maps, and may have originally been accessed through openings on what is now the second floor above a partially raised basement. The date of construction is not known, but they likely date to the late 1870s.

1460 Church is a three-story, flat-front brick rowhouse with a corbelled brick cornice. It is only slightly larger than the other two, originally measuring 13' wide x 34' deep, with a small ell-wing added later. According to building permit records, it was constructed in 1889 for a cost of \$1,300 by Taylor Brothers builders.

Church Street is one of many narrow (50' wide) secondary streets in the 14th Street Historic District, created and platted not as part of the L'Enfant plan but as a result of late 19th century real estate developers carving the neighborhood's larger blocks up in order to maximize the number of building lots. Church Street was first developed in the 1870s with modest two- and three-story wood and brick houses that were inhabited by African-Americans or housed service-oriented businesses such as wood and coal yards. With the rise in popularity of the automobile in the 1920s and construction of auto showrooms along 14th Street, many buildings along Church Street were replaced or converted to facilities that supported the automobile industry, such as service stations, repair shops and parking garages. The block has been almost entirely redeveloped since the designation of

the district in the 1990s, with retention and incorporation its few smaller-scaled historic buildings within new residential development projects.

Proposal

The project calls for retaining the main masonry blocks of the three historic rowhouses to their original depth – approximately 28-32 feet. The floor and roof assemblies would be retained at 1456, largely replaced at 1458 due to deterioration, and partially replaced at 1460 to slightly lower the floors. Portions of the rowhouses' floor and roof assemblies would be retained, but the majority would be replaced. A seven story addition, approximately 70' tall, would be constructed to the rear, and would project over two of the three buildings by as much as 15 feet. The center house would serve as the entrance to the larger project, while the entrances to the other two houses would access individual units.

The contemporary design calls for the massing and surface plane of the front and rear elevations to be broken down into a series of geometric elements that would project and recede, creating cantilevered rooms and recessed balconies. The walls would be clad largely in vertical panes of metal-framed glass; the body of the building is not indicated on the plans, but is presumed to be masonry. The building would be topped by a roof terrace, with separately expressed stair and elevator overruns.

Evaluation

The project follows many of the principles established by earlier redevelopment projects on the block. It would retain or replace in-kind deteriorated structure in the original portions of 1456 and 1458; it is not clear whether the removal and realignment of floors in 1460 is based on deterioration or not. The height and mass of the addition is consistent with other such additions that have been found compatible on the block, set back comfortably behind the retained small scaled historic buildings. The mass of the new construction is broken down into a series of smaller, vertically-oriented components that provides variety, articulation and shadow to the form of the addition and will prevent it from reading as a single unarticulated mass that overwhelms the historic buildings.

The proposal is somewhat different from the other additions on the block in that it has a higher percentage of glass and doesn't rely on the language or imagery of the street's industrial buildings to achieve compatibility. This works uniquely well because of the small size of the project, which has a slender frontage and human scale, and might be overwhelming or out of character on a significantly larger or wider addition.

Recommendation

The HPO recommends that the Review Board:

- *Request the applicant to clarify the condition of the structure of 1460 Church Street and the reasons for removal and realignment of the floors;*
- *Find the concept to be compatible with the character of its site and location in the historic district;*
- *Delegate final approval to staff.*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD



HPRB ACTIONS
June 27 and July 11, 2013

The Historic Preservation Review Board met and considered the following items on June 27, 2013.

Present: Gretchen Pfahler, Chair; Rauzia Ally, Andrew Aurbach, Maria Casarella, Graham Davidson, Nancy Metzger, Robert Sonderman, Joseph Taylor, and Charles Wilson.

JUNE 27TH AGENDA

HISTORIC PRESERVATION REGULATIONS

Proposed update and revisions to DCMR 10-C, Chapter 3 HPRB and CFA Review of Work Affecting Historic Landmarks and Historic Districts, Section 319: Expedited Review under Delegation to the HPO.

The Board approved the updated regulations and directed the staff to submit them for publication in the DC Register.

LANDMARK DESIGNATION HEARINGS

Informational presentation: Context study on Farms and Estates.

No action requested or taken.

George M. Lightfoot House, 1329 Missouri Avenue NW, Case #13-13.

The Board designated the George M. Lightfoot House a Historic Landmark to be entered into the D.C. Inventory of Historic Sites. HPO further recommends that the Board forward the nomination to the National Park Service for listing in the National Register of Historic Places. Vote: 9-0.

Sterrett Residence, 3530 Springland Lane NW, Case #13-14.

The Board denied designation of the Sterrett Residence, 3530 Springland Lane NW, as a historic landmark, finding that it did not meet the designation criteria, and recommended not forwarding the nomination to the National Register of Historic Places with a recommendation for listing. Vote: 8-0. (Casarella recused)

Town Center East, 1001 and 1101 3rd Street SW, Case #13-16.

The Board designated Town Center East a historic landmark to be entered into the D.C. Inventory of Historic Sites and recommended that the nomination be forwarded for listing in the National Register of Historic Places as of local significance, with a period of significance of 1960-1961, the time of the construction of the complex. The Board also recommended additional language about the significance of the site plan to be added to the decision document. Vote: 9-0.

ANACOSTIA HISTORIC DISTRICT

1526 U Street SE, HPA #13-384, two-story rear addition.

This case was deferred to a later hearing at the request of the applicant.

BLAGDEN ALLEY AND SHAW HISTORIC DISTRICTS

1322 9th Street NW, HPA #13-322, concept/new 5-story residential building.

The staff recommends that the Board provide comments and advise the applicant to return to the Board after further development. The Board provided comment and adopted the staff recommendation. Vote: 9-0.

HISTORIC LANDMARKS

Randall Junior High School, 65 I Street, SW, concept/rehabilitation and 12-story addition.

The Board forwarded the project to the Mayor's Agent for consideration in conjunction with requested demolition permits, with the following findings: (A) The demolition of portions of the landmark building is not consistent with the purposes of the preservation law; (B) The adaptive rehabilitation of the three main blocks of the school for a contemporary art museum, restaurant, and commercial/education facility is a substantial preservation benefit; and (C) the concept plans are generally compatible with the retained portions of the Randall School and with the L'Enfant Plan, but the wings overhanging the landmark and the treatment of the entrance to the school required restudy and revision. The Board recommended that the applicant continue consultation on design refinements for further review by the Board as appropriate.

HISTORIC LANDMARKS

Bond Bread Factory and Central Bus Garage, 2146-2112 Georgia Avenue NW, HPA#13-338, raze and revised concept for additions.

The case was deferred at the request of the property owner.

McMillan Park Reservoir, 2501 First Street, NW, HPA 13-#318, concept/park and community center building, rowhouses, grocery and apartment building, office buildings.

The Board heard the applicants presentation and public testimony, and continued the meeting to July 11th.

JULY 11TH AGENDA

The Historic Preservation Review Board met and considered the following items on July 11, 2013. \

Present: Gretchen Pfaehler, Chair; Rauzia Ally, Andrew Aurbach, Maria Casarella, Graham Davidson, Nancy Metzger, Robert Sonderman, and Charles Wilson. **Absent:** Joseph Taylor.

CAPITOL HILL HISTORIC DISTRICT

720 L Street, SE, HPA #13-267, ongoing concept review of new construction.

The Board approved the concept plans and delegated final approval to staff. The applicant will continue to confer with the community on the project, and staff will work with the applicant on final details such as signage, electrical panel placement, and fenestration detailing. Vote: 5-0 (Metzger recused; Wilson and Ally absent).

639 South Carolina Avenue, SE, HPA #13-321, concept/rear addition.

The HPRB found the current proposal incompatible and directed the applicants to refine the design so that the north elevation of the addition is not visible from South Carolina Avenue. Final approval was delegated to staff. Vote: 7-0. (Ally absent).

202 9th Street, SE, HPA #13-383, concept/rear addition.

The HPRB found the project consistent with the purposes of the preservation act and delegated final approval to staff. The Board advised the applicant to work with HPO staff to reduce the mass of the parapet, continue to refine the design to reduce visibility of the loft, railings, and the new construction through the side court. Vote: 8-0.

14TH STREET HISTORIC DISTRICT

1456-60 Church Street, NW, HPA #13-349, concept/8 story rear addition to three-story rowhouses.

The HPRB approved the general concept as consistent with its context, and advised the applicants to continue working with staff to (1) limit the extent of demolition to 1460 Church Street; (2) develop the scope of rehabilitation to the historic facades, 3) and provide greater texture and reduce the scale of the glass wall system. Final approval was delegated to staff. Vote: 8-0.

HISTORIC LANDMARK

McMillan Park Reservoir, 2501 First Street, NW, HPA 13-#318, concept/park and community center building, rowhouses, grocery and apartment building, office buildings (continuation of June 27th meeting)

The HPRB found the conceptual designs to lack overall cohesion and unity, and did not sufficient relate to or evoke the characteristics of the landmark. The Board voted (6-2) to approve the principles outlined in the master plan design guidelines, but that further work was needed for the projects to be consistent with those principles. The Board voted (8-0) that the concepts should be revised and return for further review when ready; below is a summary of the comments offered:

- 1) A consistent perimeter condition (including the topographical plinth and the Olmsted walk) should be retained. New construction should be pulled back accordingly.*
- 2) The tripartite character of the site should be retained and reinforced. The entrances to the north and south maintenance corridors should be dominant while new openings, curb cuts and roads through the site should be minimized as much as possible. Particular attention was needed in the center section of the site, and suggestions were made for reorienting the buildings and eliminating or reorienting roads and views.*
- 3) Buildings on the site should be developed to provide a unified and cohesive whole.*
- 4) The community center was found to be generally compatible with the character of the site. As the design continues to be developed, meaningful incorporation of the retained underground cell into the center should be considered*
- 5) The park was found to be generally compatible with the character of the site. The planting plan should be developed to frame and enhance rather than obscure views of the above-grade historic structures, and should retain the site's broad sense of open space.*

6) The townhouses were found to be in need of significant simplification and rethinking of the materials and colors, and should be organized to coalesce into larger block-fronts that relate to the larger civic scale of the site.

7) The mixed-use grocery store and apartment building was found to be conceptually strong and the strong expression of the base and the use of setbacks for the tower were appreciated. However, the sharp contrast of materials and geometries were generally thought too discordant and distracting from the character of the site.

8) The medical office buildings were found to be unconnected to the site, outward facing with too much sheer vertical height concentrated immediately on the north maintenance corridor. It was suggested that the mass be pushed to the north and the healing garden open space either be more oriented to or opened up to the interior of the site. If the north maintenance corridor wall is to be removed, the base of this building (and others along the corridor) should more closely reference it; the building should also more fully engage the retained cell 14.

MOUNT VERNON SQUARE HISTORIC DISTRICT

207 New York Avenue, NW, HPA #13-261, concept/add second and third floor to one-story commercial building.

The HPO recommends that the Board: (A) determine the building at 207 New York Avenue, NW to not contribute to the character of the Mount Vernon Square Historic District, as it lacks any distinguishing architectural characteristics and is not representative of important development patterns or building types identified in the National Register nomination; (B) approve the concept for a flush two-story addition to the building to be consistent with the character of the historic district; and (C) find the proposed design for the two-story addition incompatible with the character of the historic district, and that the front façade materials, fenestration, detailing and ornament should be simplified as noted above. Vote: 6-0. (Sonderman and Wilson absent)

MOUNT PLEASANT HISTORIC DISTRICT

3224 16th Street NW, HPA #13-320, extend driveway paving to create parking spaces in front of building.

The Board recommend denial of the application to retain the paved parking spaces as incompatible with the character of the historic district. Vote: 6-0. (Sonderman and Wilson absent)

U STREET HISTORIC DISTRICT

2237 13th Street, NW, HPA #13-264, concept/third floor addition.

The Board found this concept compatible with the character of the historic district and consistent with the purposes of the preservation act provided the roof addition is not visible from 13th Street to the north side of Florida Avenue. The Board delegated final approval to staff. Vote: 6-0 (Sonderman and Wilson absent).

1451 S Street NW, HPA #13-398, concept/ rear three story addition.

The Board found the proposed concept compatible with the character of the historic district and consistent with the purposes of the preservation act, and delegated final approval to staff. Vote: 6-0 (Sonderman and Wilson absent).

KALORAMA TRIANGLE HISTORIC DISTRICT

2012-2014 Kalorama Road NW, HPA#13-348, rear addition and renovation.

The case was deferred to the July hearing at the request of the applicant.

CONSENT CALENDAR

The Board approved the following items on the consent calendar on June 27.

HISTORIC LANDMARKS

1733 16th Street, NW, Scottish Rite Temple, HPA #13-391, concept/renovations, ADA access.

MOUNT VERNON SQUARE HISTORIC DISTRICT

117 New York Avenue NW, HPA #13-385, concept/3-story rear addition to 3-story rowhouse.

WASHINGTON HEIGHTS HISTORIC DISTRICT

1837 Kalorama Road NW, HPA #13-327, concept/rear addition.

Transcripts of Historic Preservation Review Board Meetings may be purchased from the court reporting agency that covered this hearing – Olender Reporting, Inc. (202) 898-1108, www.olenderreporting.com or info@OlenderReporting.com. Copies of individual staff reports that are prepared in advance of the hearing are posted on our website at <http://planning.dc.gov>



ADVISORY NEIGHBORHOOD COMMISSION 2F
Government of the District of Columbia
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Jennifer Dusek, <i>Executive Director</i>	

June 19, 2013

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Premises 1460 Church Street, NW, Square 209
BZA Variance and Special Exception Relief

Dear Members of the Board:

Please be advised that ANC 2F, at its regularly scheduled June 5, 2013, public meeting, at which a quorum was present, voted (7-0-1) to support the variance and special exception relief requested in order to construct a 37-unit apartment building at premises 1460 Church Street, NW.

Areas of relief include a variance from the rear yard provisions to allow a rear yard that is 4.5' less than otherwise required by the Regulations pursuant to Section 774, a variance from the lot occupancy provisions of Section 2604.2 to permit lot occupancy of 85% rather than the maximum permitted of 80%, a parking variance to permit from the provisions of Section 2101 of the Regulations and special exception relief for roof structure number and roof structures of varying heights and a variance to permit a roof structure 10' above the 83'6" maximum pursuant to Sections 411 and 1902.

The applicant, in its presentation to the CDC and the ANC, established that the subject site is unique and affected by exceptional situations or conditions. The site is extremely narrow, being only 37' wide, and is a small site comprised of a lot area of only 3,420 square feet. Furthermore, the property is impacted by three contributing buildings fronting Church Street located in the Greater 14th Street Historic District, which are in a state of disrepair and needing renovation and rehabilitation.

Compliance with the Regulations imposes a practical difficulty upon the applicant in that the setbacks needed in order to properly provide breathing room and open space for the historic townhouse structures forces the mass of the building to the south (rear) of the site and impacts the ability to provide a conforming rear yard and also impacts lot occupancy.

The parking variances are necessary as, due to the narrow shape of the lot, it is physically impossible to provide below-grade parking and provide the turning radius to ingress or egress the parking garage. In this regard, the applicant has stated to the CDC and ANC that it will write in as part of the leases for the subject property that requesting or obtaining a residential parking permit (RPP Permit) is a breach of the

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lease and cause for termination. The applicant has also stated that it will periodically request DMV to provide information as to whether any residents at premises 1460 Church Street, NW have requested or obtained a RPP permit.

With respect to the roof structure, special exception and variance relief is necessary to provide multiple roof structures of unequal height and is designed to minimize the amount of roof structure on the building. With respect to the 10' variance for roof structure height, that encompasses the area of the elevator override so that there is roof top access for the occupants of the building and also provides elevator access for handicapped persons.

On the basis of the foregoing, the Commission finds that there is no substantial detriment to the public good or adverse impact to the Zone Plan and that the development will substantially improve the use of the land. The ANC therefore urges the BZA, pursuant to District of Columbia Code §1-309.10, to accord great weight to its advice and grant the above referenced variance relief, pursuant to §3103.2 of the Zoning Regulations (11 DCMR §3103.2).

Sincerely yours,

A handwritten signature in black ink that reads "Matt Raymond". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt Raymond
Chairman, ANC 2F

cc: *(via email only)*
 ANC 2F Commissioners
 Jennifer Dusek, Executive Director, ANC 2F
 Norman Glasgow, Holland & Knight
 Brook Rose, Developer

**Brook Rose
RoseBusch LLC**

OUTLINE OF TESTIMONY

- I. Introduction and Development Experience
- II. Subject Property and Existing Conditions
- III. Description of the Proposed Project
- IV. Brief Description of Necessary Relief
- V. Community Outreach
- VI. Conclusion

Peter Fillat
Peter Fillat Architects

OUTLINE OF TESTIMONY

- I. Introduction and Experience
- II. Description and Location of Subject Property
- III. Description of the Proposed Project
 - A. Site Constraints
 - B. Design Considerations
 - C. Floor Plans and Exterior Elevations
 - D. Necessary Relief from the Zoning Regulations and Compliance with Standards
- IV. Conclusion

**Steven E. Sher
Holland & Knight LLC**

OUTLINE OF TESTIMONY

- I. Introduction and Experience
- II. Description of Property and Surrounding Uses
- III. Description of Zoning and Permitted Uses
- IV. Analysis of Requested Special Exceptions
 - A. Standards
 - B. Satisfaction of Standard for Roof Structures (§§ 770.6 and 1902.1(a))
 - C. Satisfaction of Standard for Rear Yards (§ 774)
- V. Analysis of Requested Area Variances
 - A. Standards
 - B. Satisfaction of Standard for Lot Occupancy (§ 2604.2)
 - C. Satisfaction of Standard for Off-street Parking (§ 2101.1)
- VI. Conclusion