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Executive Summary

Case No. 18940

Site Description

Address: 1371-1375 H Street NE
Square/Lot: Sq. 1027, Lot 848

Zoning: C-3-A/HSA

Existing: Retail

Historic District: None

Public Transportation:

- Metro: Noma & Union Station
- Metrobus Routes: X1, X2, X9, B2
- Capital Bikeshare:
 - 13th & H St NE (27 docks)
- Car Sharing:
 - Zipcar: 3 spaces
 - Car2Go
- Walkscore.com
 - Walker's Paradise
 - Good Transit
 - Very Bikeable

Cases:

- *Clerics of St. Viator, Inc.*
- *Gilmartin*

Project Description

Applicant	H Street Legacy, LLC
Proposal	Multifamily residential building with ground floor retail
Relief Sought	Parking (§2101.1)
Variance Standard	Exceptional Circumstance: Confluence of Factors • Lack of alley access • Lack of curb cut • Exceptionally deep with limited street frontage Strict Application Results in Practical Difficulty: • Providing at grade or underground parking is not possible due to lack of curb cut, lack of alley, and presence of DC Streetcar • Parking at grade not feasible without significant reduction of building footprint • Curb cut conflicts with HS-Arts Overlay No Detriment to Public Good: • Enhances pedestrian experience • Promotes non-automotive transportation • Comprehensive TDM Measures provided

Comments of District Agencies and Community:

- Unanimous Approval from ANC 6A EDZ Committee
- Unanimous Approval from ANC 6A
- 13 Letters of Support from Neighbors

Board of Zoning Adjustment

District of Columbia

LAW OFFICES
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February 24, 2015

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

Re: Application No. 18940 – 1371-1375 H Street NE (Square 1027, Lot 848)
Prehearing Statement of the Applicant

Chairperson Jordan and Honorable Members of the Board:

On behalf of H Street Legacy, LLC, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on March 10, 2014.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meridith H. Moldenhauer

Enclosures:

Cc: Advisory Neighborhood Commission 6A
c/o Phil Toomajian, Chair
Stephanie Zimny, SMD 6A06 Representative (via email)
Karen Thomas, Office of Planning (via email)

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

**APPLICATION OF
H STREET LEGACY, LLC**

**BZA APPLICATION NO. 18940
HEARING DATE: MARCH 10, 2015**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of H Street Legacy, LLC (the “Applicant”), the owner of property located at 1371-1375 H Street NE, Lot 848 in Square 1027, (the “Property”) in support of its application for variance relief, pursuant to 11 DCMR §3103.2, from the parking requirement (§2101.1) to allow the Applicant to construct a multifamily residential building with ground floor retail in the C-3-A/HS-A Zone District at the Property.

The Initial Application included special exception relief regarding the roof structure setback. The Applicant has revised the architectural plans to remove the need for roof structure relief. The Applicant has also worked closely with neighbors and the ANC to enhance the design of the front façade. *See* Revised Architectural Plans and Renderings at **Exhibit A**.

II. EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A:	Revised Architectural Plans and Renderings
Exhibit B:	Transportation Assessment and TDM Measures
Exhibit C:	Letter of Support from Valor Development
Exhibit D:	Letters of Support

III. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

The Board is authorized to grant an area variance where it finds that the Applicant fulfills the three-prong area variance standard. As described in the Initial Submission, supplemented in this Prehearing Statement, and as will be further explained at the public hearing, all three prongs of the area variance test are satisfied.

A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase “exceptional situation or condition” in the variance test applies not only to the land, but also to the property’s history and the 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 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). As described in the initial submission, the Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the Property lacks access to an alley; (2) the Property lacks a curb cut; and (3) the Property is exceptionally deep with limited street frontage.

B. Strict Application of the Zoning Regulations would Result in Practical Difficulty

Strict application of the parking requirement would result in a practical difficulty to the Applicant Pursuant to §2101.1, the structure has a parking requirement of 14 parking spaces. The Applicant seeks variance relief from the parking requirement. Providing at grade or underground parking is not possible due to the lack of an alley at the Property and no curb cut. Particularly with the DC Streetcar on H Street, a curb cut to provide vehicular access to at grade or underground parking is not viable. In addition, providing the required parking at grade is not feasible without a significant reduction in the footprint of the building. Even if a curb cut were possible, the resulting reduction in street frontage available for retail uses envisioned by the HS-Arts Overlay would be significant.

The Applicant, through its traffic consultant, has worked closely with DDOT in providing a comprehensive Transportation Demand Management (TDM) Plan. Transportation Demand Management measures include prohibition from residents obtaining residential parking permits (RPP) by including such restrictions in a lease or condominium documents recorded against the Property; providing each condominium unit Purchaser with a \$100 car sharing membership and \$150 Capital Bikeshare Membership; providing an interior, secure bicycle room at street-level for residential and visitor bicycle

parking as well as a bicycle repair station; providing each condominium unit Purchaser with a new bicycle helmet; and installation of a TransitScreen showing real-time status of transit options. *See* Transportation Assessment and TDM Measures at **Exhibit B**.

C. No Substantial Detriment to Public Good or Inconsistency with Zone Plan

The requested variance is in furtherance of the public good and zoning regulations. The project's mix of uses, massing, and treatment of public space are consistent with the Design Requirements of the HS-Arts Overlay and its architectural design will enhance the urban design of the immediate vicinity. The existing vacant structure will be replaced with a stunning, mixed-use structure that is in keeping with the surrounding patterns of development on this stretch of H Street NE. The lack of a curb cut and inclusion of ground floor retail uses with substantial amounts of show windows will enhance the pedestrian environment on H Street as required by the HS-Arts overlay. Based on its location in a transit-rich urban neighborhood – soon to become richer with the opening of the DC Streetcar - the requested relief with respect to parking will not be a substantial detriment to the Zone Plan or neighboring properties. The residential condominium to the south, The Maryland, will offer available parking to residents at the Property. *See* Letter of Support from Valor Development at **Exhibit C**. Two nearby PUDs, including 442 parking spaces at the Apollo at the 600 block of H Street and 405 parking spaces at 901 H Street, will provide additional options for parking in the area. For these reasons, approval of the variance relief requested will not cause a detriment to the public good or zone plan.

IV. COMMUNITY OUTREACH

Following the submission the Initial Application, the Applicant has done considerable community outreach. In January, the Applicant received unanimous support from the ANC 6A Economic Development and Zoning Committee (“EDZ”). The Applicant responded to feedback from the committee by making alterations to the façade, which were approved. *See* Renderings at **Exhibit A**. On February 12, the Applicant presented to the full ANC 6A, which did not object to the requested relief or related mitigations measures. The Applicant contacted the adjacent neighbors and is not aware of any opposition

to the relief requested in the Application. The Applicant has obtained 13 letters in support of the Application. See Letters of Support at **Exhibit D**.

V. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Ronald Eichner, on behalf of the Applicant
2. David Haresign, on behalf of Bonstra Haresign Architects
3. Samantha Williams, on behalf of Symmetra Design

VI. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for area variance relief. We look forward to presenting our case to the Board on March 10, 2015.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



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