

BZA Application:

1212-1218 4th Street NW

BZA Case No. 19187

Presented by:

Meridith Moldenhauer

Griffin, Murphy, Moldenhauer &
Wiggins, LLP



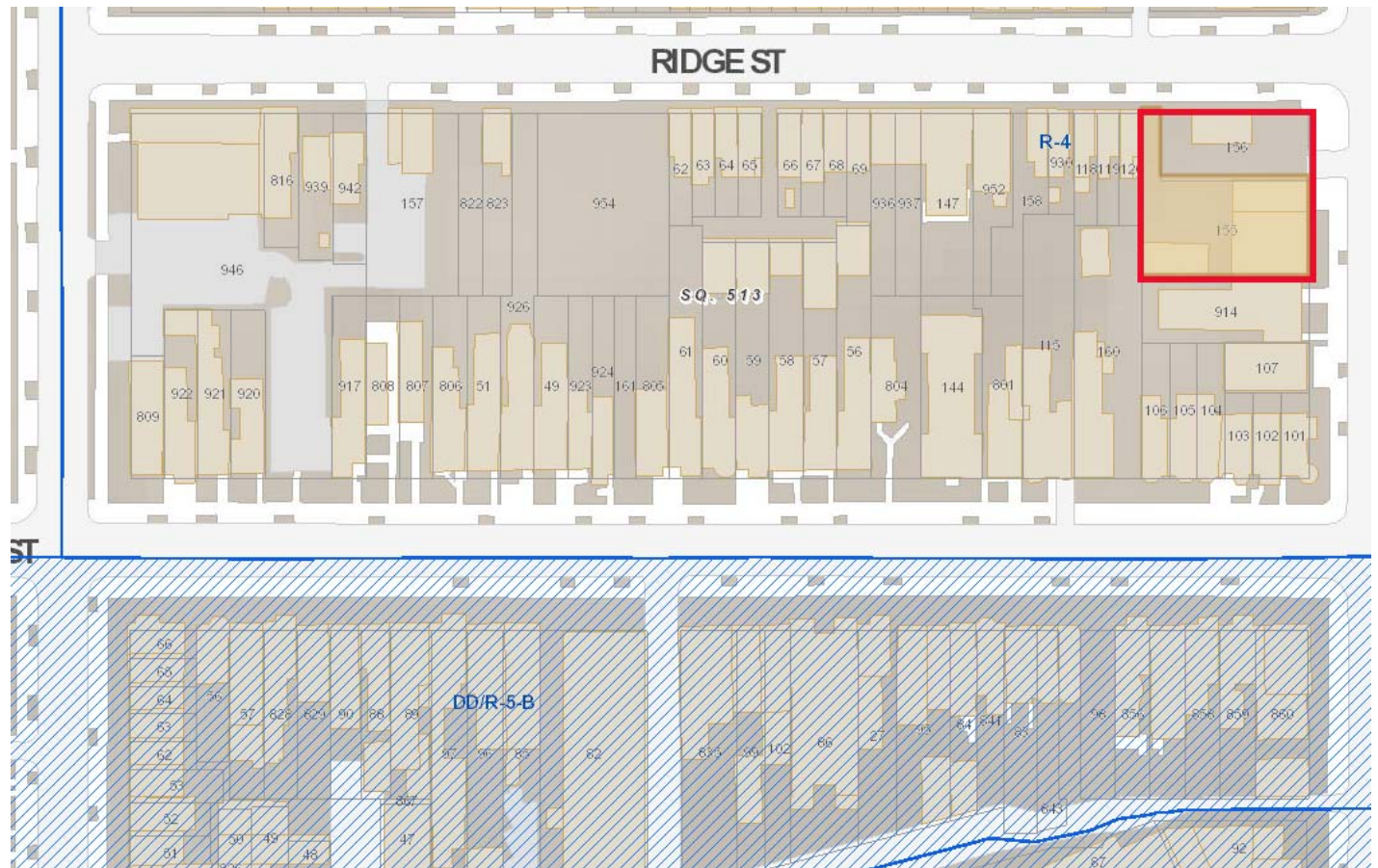
134 **SQUARE 134 ARCHITECTS**
1101 11th Street NW, Suite 3, Washington DC 20001
202.326.0134

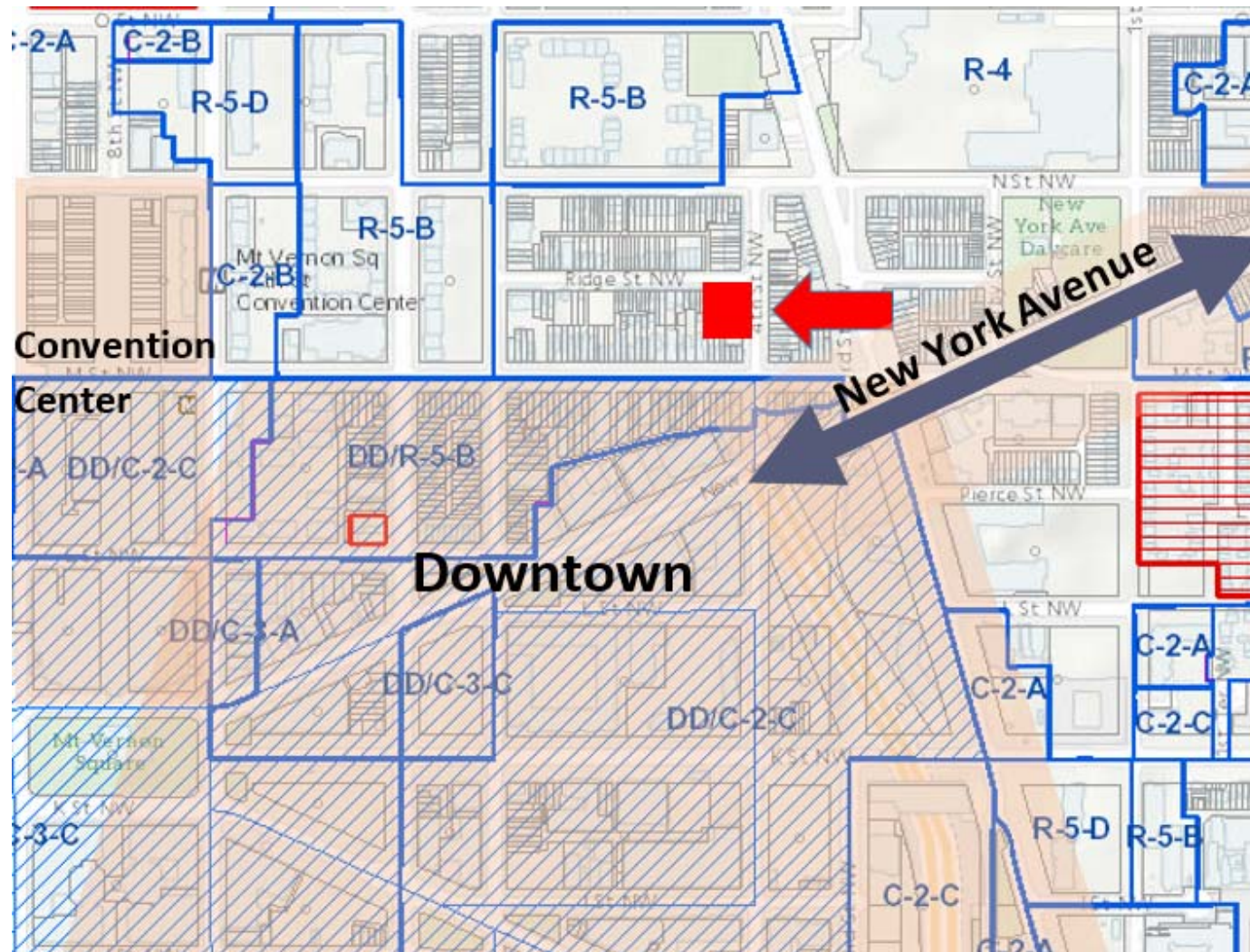
1212 - 1214 4th Street NW
Washington, DC 20001

Board of Zoning Adjustment
District of Columbia
CASE NO.19187
EXHIBIT NO.35

Zoning Map

R-4 Zoning District



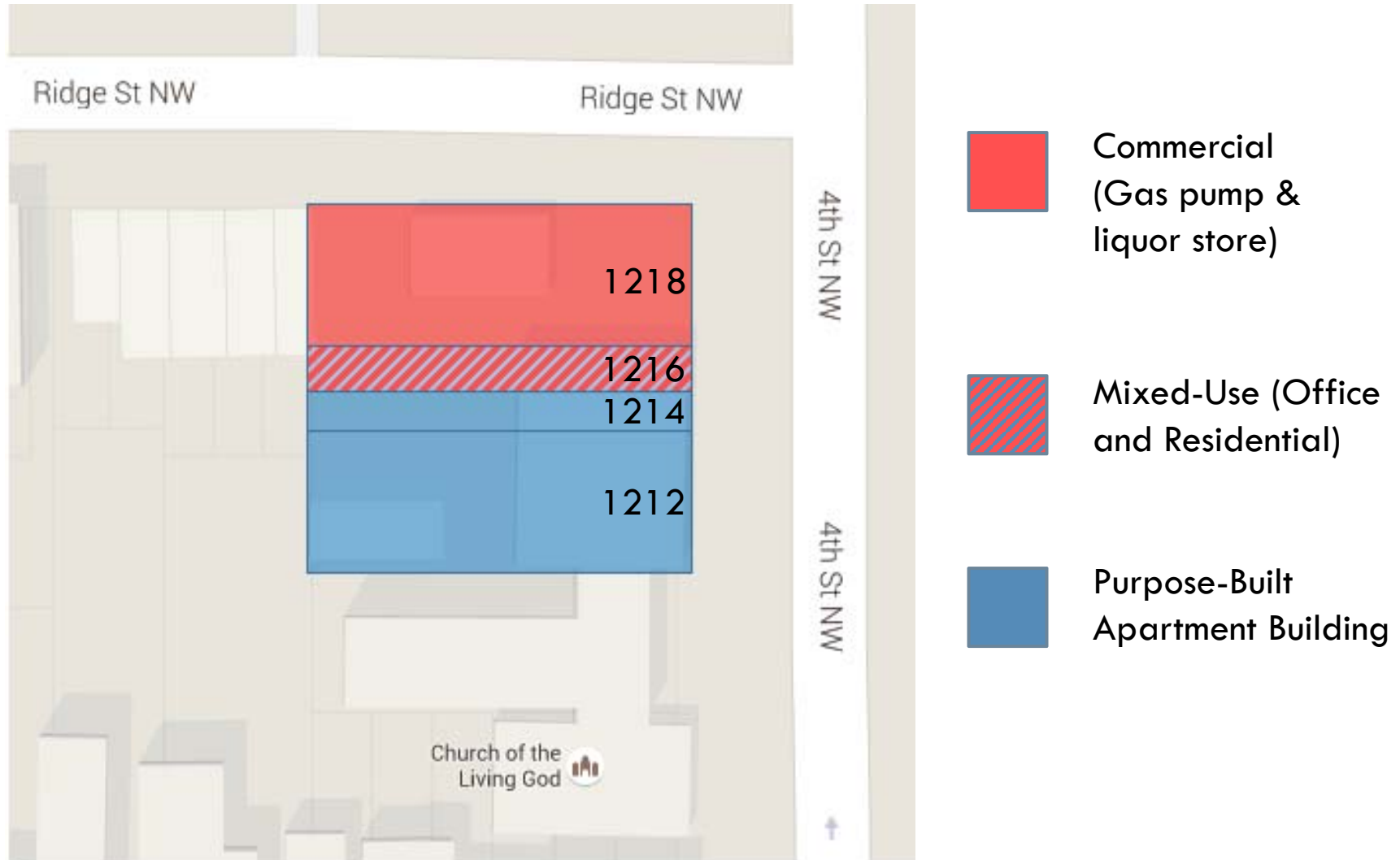


The Property-9,936 Square Feet

- Two Contiguous Lots
- Three Different Uses
 - ▣ Two Story Apartment House with Six Units
 - ▣ Two Story Mixed-Use Building with an Office on the First Floor and Two Residential Units Above Office
 - ▣ Commercial Lot



One Lot with 3 Prior Uses



Non Residential Property History

1218 4th Street NW



- 1961: Gas Pump and Storage Facility for Trucks and Cars
- 1964: Lucky Liquors Inc., a retail beverage store with food and tobacco products.
- 1974: Taxicab Office
- 1978: General Cleaning Office

Previous Certificates of Occupancy

Form LI-P-601

CERTIFICATE OF OCCUPANCY

No. **B 27357**

Washington, D.C., **MARCH 10TH, 19 61**

Permission is hereby granted to **AMATO, INC.**

to use the **FIRST** floor(s) of the building located on Lot **835** Square **513**

known as premises **1216 4TH STREET, N.W.** for the following

purpose(s): **OFFICE**

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

DEPT. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.

ZONE **R-4** FEE **\$ 10.00**

Chief, Permit Branch
Margaret Savage
Permit Clerk

OFFICE COPY

Form LI-P-601

CERTIFICATE OF OCCUPANCY

No. **B 47466**

Washington, D.C., **AUGUST 7TH, 19 61**

Permission is hereby granted to **LUCKY LIQUORS, INC.**

to use the **FIRST** floor(s) of the building located on Lot **897** Square **513**

known as premises **1218 4TH STREET, N.W.** for the following

purpose(s): **RETAIL BEVERAGE STORE, FOOD AND TOBACCO PRODUCTS**

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

DEPT. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.

ZONE **R-4** FEE **\$ 10.00**

Chief, Permit Branch
Earl J. Johnson
Permit Clerk

SEE IMPORTANT NOTICE ON REVERSE SIDE HEREOF

OFFICE COPY

Form LI-P-601

CERTIFICATE OF OCCUPANCY

No. **B107666**

Washington, D.C., **9- 19 78**

Permission is hereby granted to **A B C Cab Corporation**

to use the **Basement & 1st** floor(s) of the building located on Lot **835** Square **513**

known as premises **1216 4th St. NW** for the following

purpose(s): **Taxicab office**

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

DEPT. OF ECONOMIC DEVELOPMENT, GOVT. OF DIST. OF COL.

ZONE **R-4** FEE **\$ 30.00**

Chief, Permit Branch
Charles Burns
Permit Clerk

OFFICE COPY

Form LI-P-601
(Rev. 9-78)

CERTIFICATE OF OCCUPANCY

No. **B117701**

Washington, D.C., **Nov. 13, 19 79**

Permission is hereby granted to **McKinley Battle**

to use the **1st floor** floor(s) of the building located on Lot **835** Square **513**

known as premises **1216 4th St. NW** for the following

purpose(s): **General Cleaning Office**

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

DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS GOVT. OF DIST. OF COL.

ZONE **R-4** FEE **\$ 20.00**

Chief, Permit Branch
Charles Burns
Permit Clerk

OFFICE COPY

Photographs of Existing Property



1



2



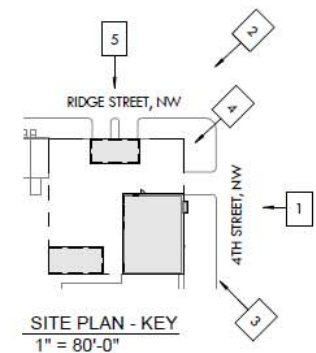
3



4



5



Existing Interior



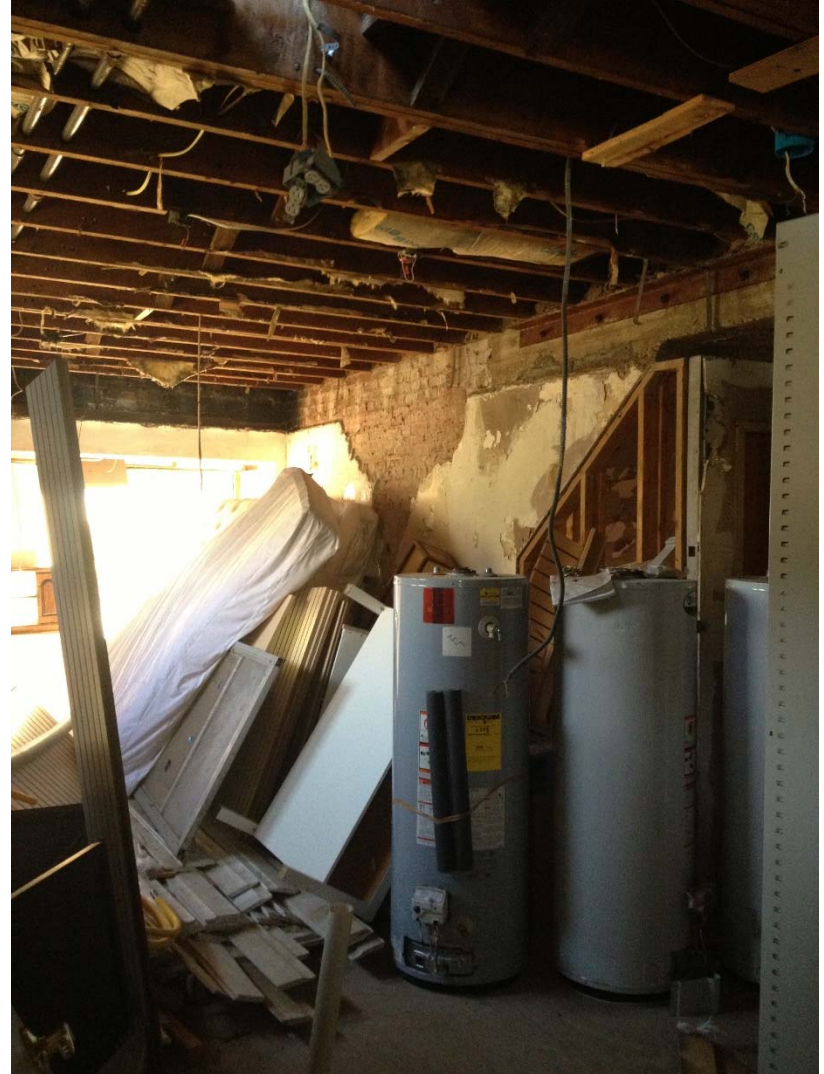
Existing Interior (continued...)



Existing Interior (continued...)



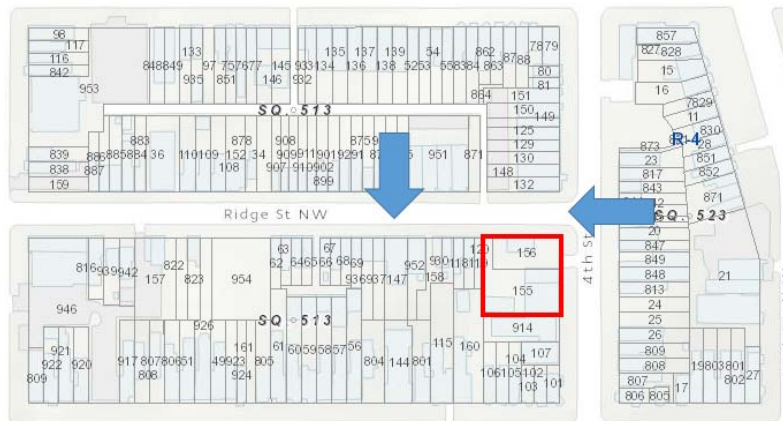
Existing Interior (continued...)



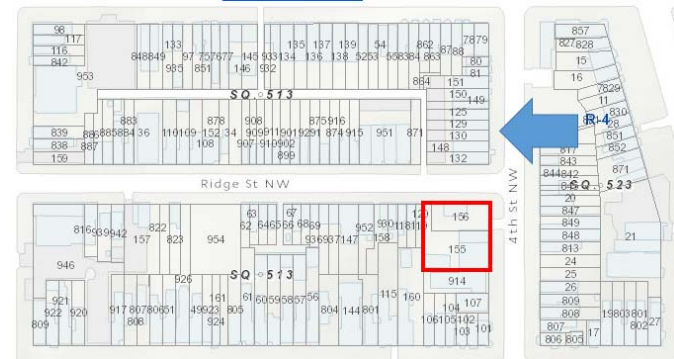
Existing Interior (continued...)



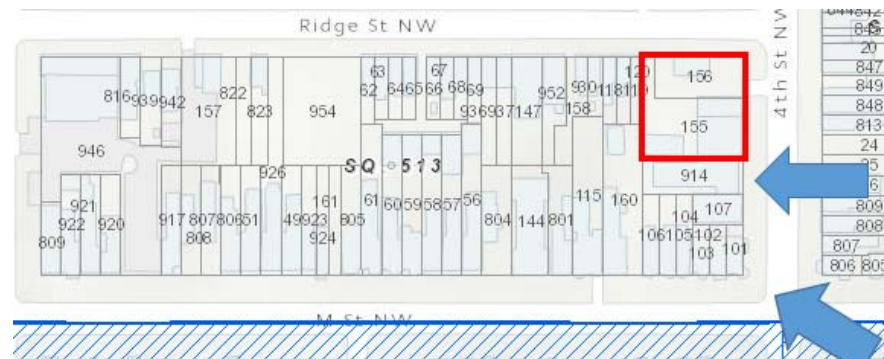
Context of Ridge Street



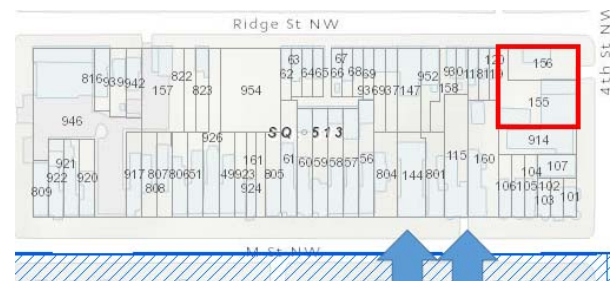
Similar Massing to 1220-1226 4th St.



Similar Massing Along 4th Street



Other Multifamily Buildings in the R-4 Along M Street One Block South





Proposed Site Aerial



CORNER - STREET CLOSE-UP



EXTERIOR VIEW - CORNER



NORTHWEST PERSPECTIVE TOWARD RIDGE

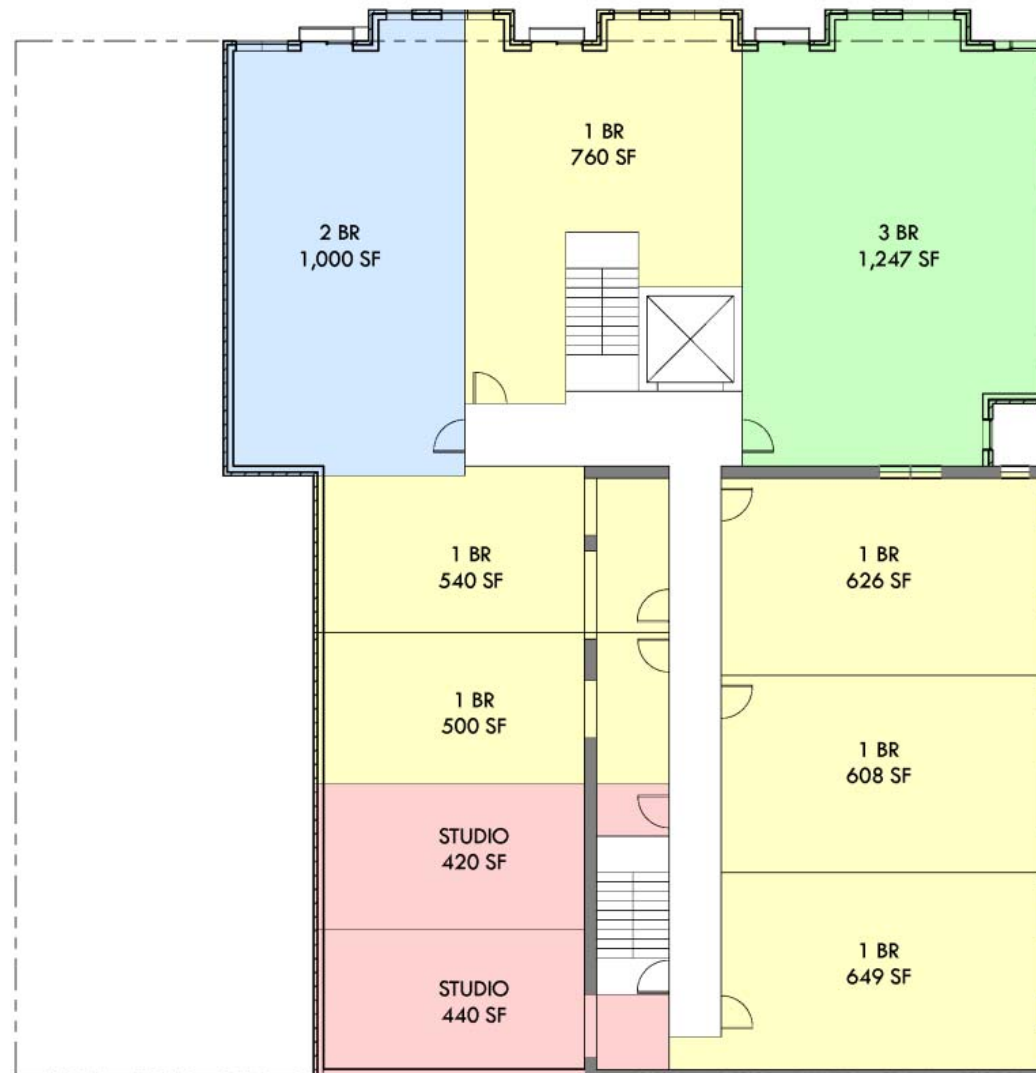


EASTWARD PERSPECTIVE ALONG RIDGE

Previous Design Scheme



1st Floor Plans



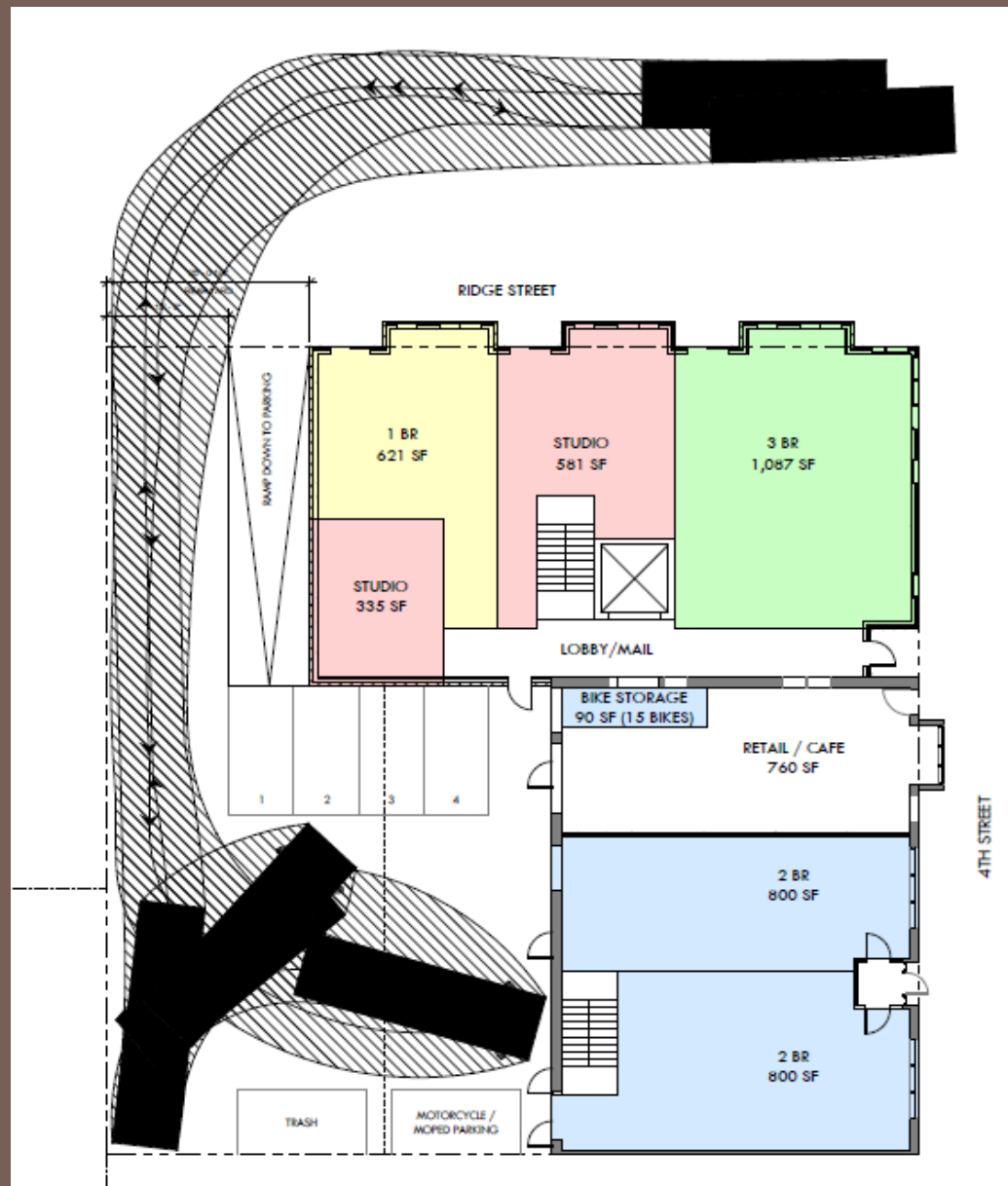
02 SECOND LEVEL - PROPOSED
1/8" = 1'-0"

2nd Floor Plans

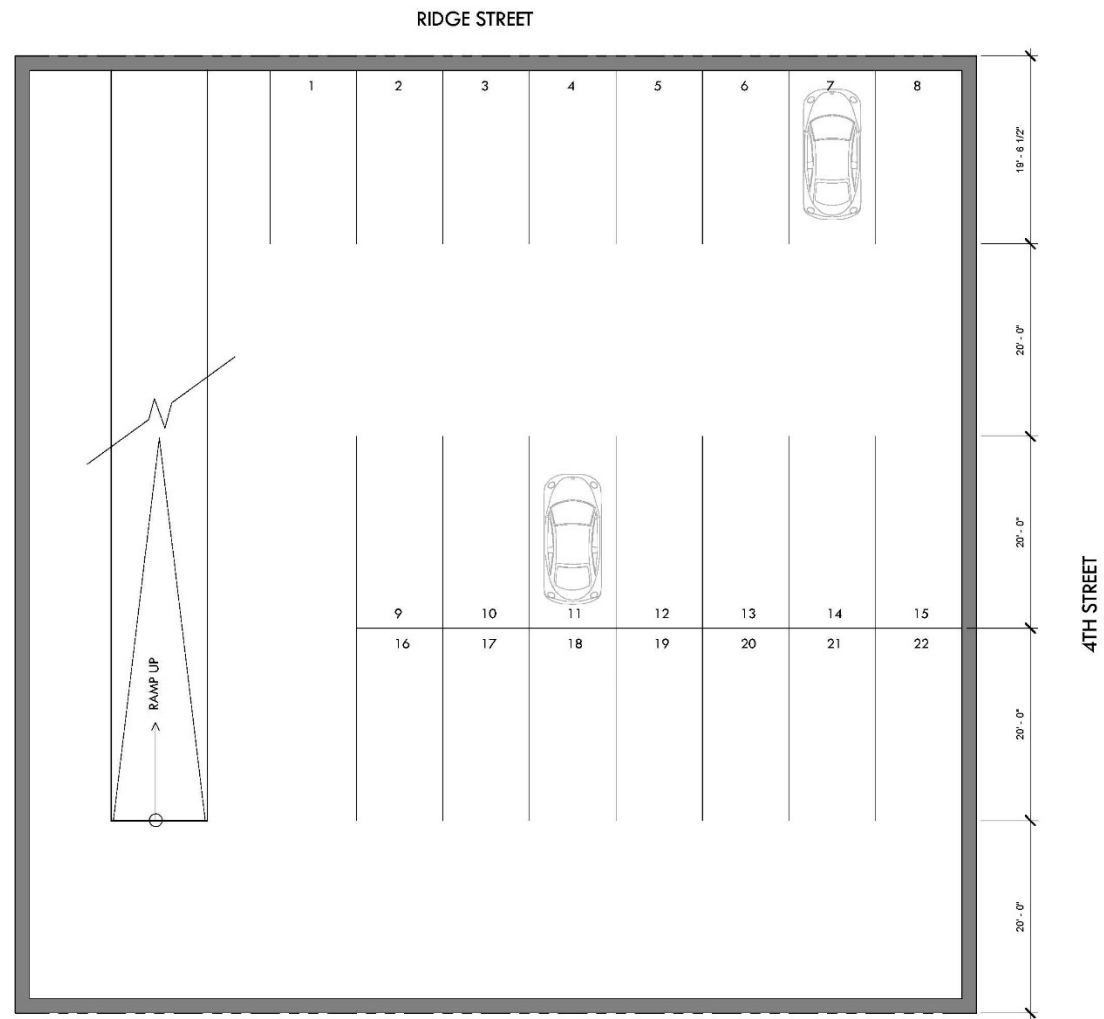


03 THIRD LEVEL - PROPOSED
1/8" = 1'-0"

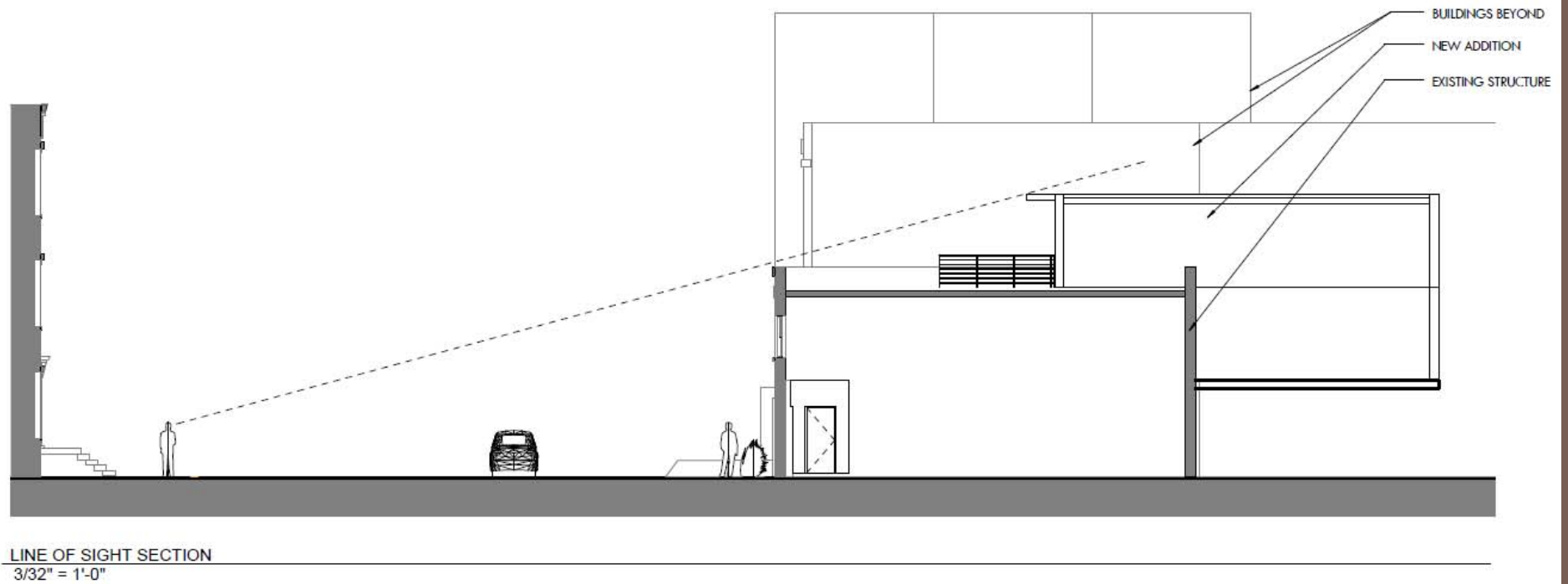
3rd Floor Plans



Loading Plan



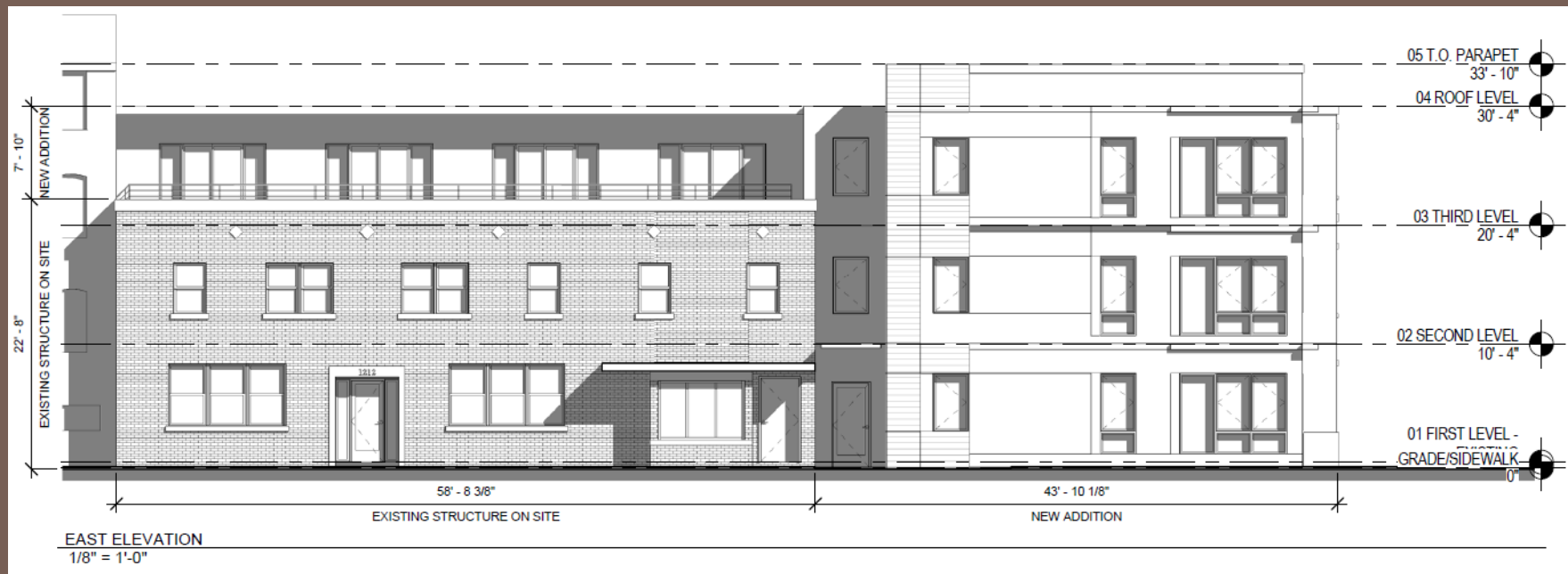
Parking Level Plans



Line of Sight Section

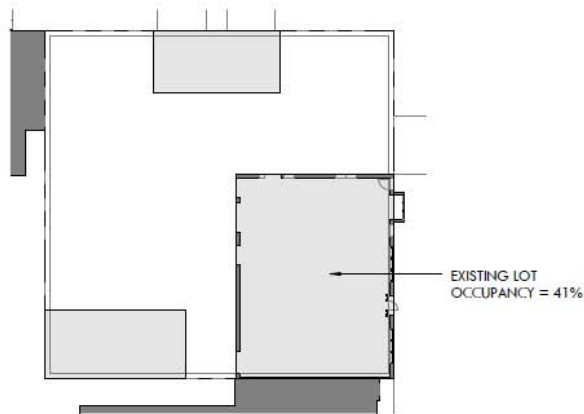


North Elevation

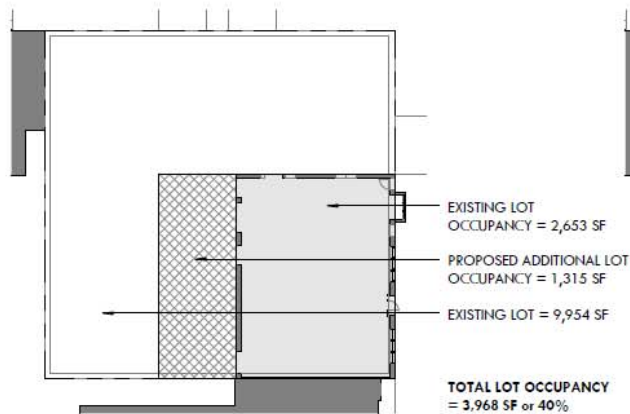


East Elevation

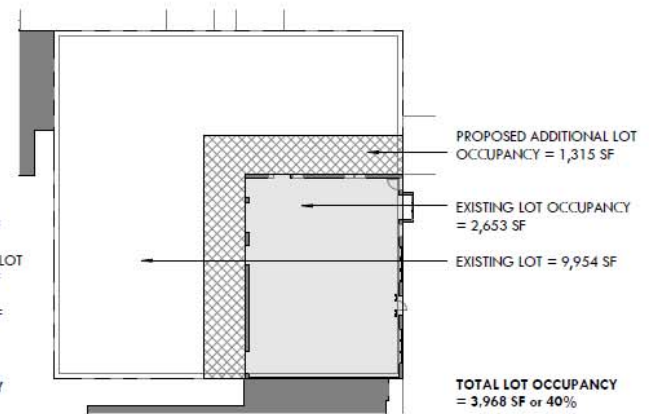
Project With Alternative Lot Occupancy



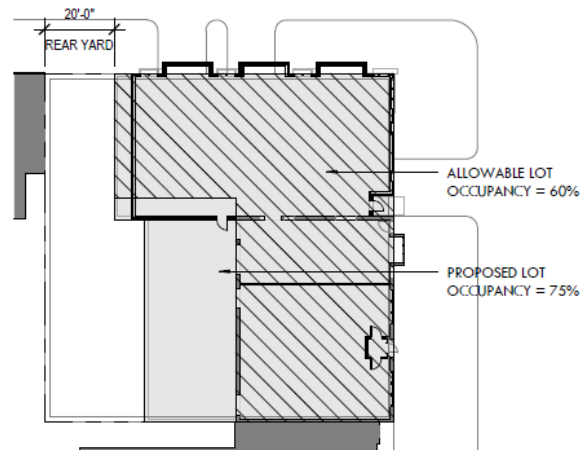
ZONING - LOT OCCUPANCY EXISTING
1/32" = 1'-0"



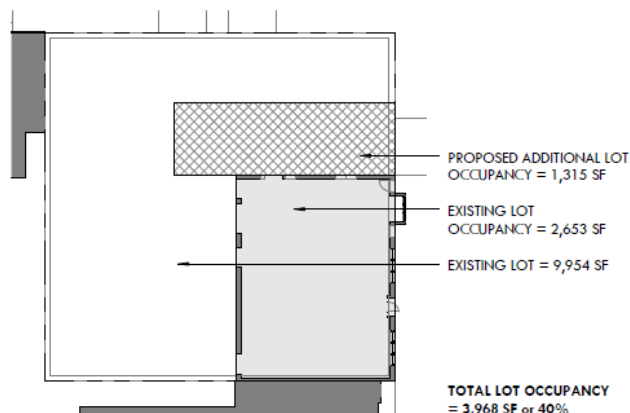
ZONING - LOT OCCUPANCY EXISTING 40% - A
1/32" = 1'-0"



ZONING - LOT OCCUPANCY EXISTING 40% - C
1/32" = 1'-0"



ZONING - LOT OCCUPANCY PROPOSED - 60% AND 70%
1/32" = 1'-0"



ZONING - LOT OCCUPANCY EXISTING 40% - B
1/32" = 1'-0"

Zoning Relief



- Special Exception
 - Change to a Nonconforming Use (§ 2003)
- Variance:
 - Lot Area (§ 401.11)
 - Lot Occupancy (§ 403.2)
 - Nonconforming Structure (§ 2001.3)

4 Areas of Zoning Relief Needed for an Alternative Project

- If the corner lot (Lot 155) were only developed as two rowhouses, would still need relief:
 - ▣ Variance for either Lot Area (§ 401.3) for newly created lots or for rear yard (§ 404.1) for the historic structure (Lot 156)
 - ▣ Variances for Lot Occupancy (§ 403.2) and Nonconforming Structures (§ 2001.3) for any addition to the existing historic structures
 - ▣ Special exception for change to a Nonconforming Use (§ 2003).

Special Exception (§ 2003)



- Convert a nonconforming office use to a nonconforming retail or service establishment (neighborhood facility).
 - ▣ Harmony with the General Purpose and Intent of the Zoning Regulations and Maps
 - ▣ No adverse effect on the use of neighboring property
 - ▣ Section 2003
 - Proposed uses permitted as a matter of right in C-1
 - No adverse affect on surrounding area
 - No deleterious effects

Nonconforming Office Use Never Abandoned

- To establish abandonment, “the law requires more than mere lapse of time or ‘discontinued use.’” *Appeal No. 17902 of Joseph Park* (2009).
- ▣ Demonstrating abandonment requires proving “(1) the intent to abandon, and (2) some act or failure to act which carries the implication of abandonment.” *Id.* (quoting *George Wash. Univ. v. District of Columbia Bd. of Zoning Adjustment*, 429 A.2d 1342, 1345 (D.C. 1981)). Under § 2005.1, discontinuance of the use for three years or more is considered prima facie evidence of abandonment. *Id.* This presumption is not conclusive but rather is “rebuttable, i.e., can be contradicted, if the owner of the nonconforming use can make the appropriate showing that he did not intend” to abandon the use. *Id.* (Emphasis added).

Variance: 3-Prong Test



- Exceptional Condition
- Practical Difficulty
- No Substantial Detriment to the Public Good or Inconsistency with the Zoning Plan

Exceptional Condition



- Hybrid Mixed Use History
- Large lot size
- Nonresidential structure in the R-4
- Location in a Historic District
- Existing Historic Structure

Practical Difficulty without Zoning Relief

- Substantial rehabilitation of property required
- Loss of developable space due to Historic District setback requirement
- 11-unit or 15-unit financially infeasible

**BASED ON PRO FORMA PROVIDED, PROPOSED DEVELOPMENT NETS A 5% RETURN;
SMALLER PROJECT WOULD RESULT IN A SUBSTANTIAL LOSS**

BZA Order No. 18511 of Alleyoop LLC

“The Board finds that the Applicant has demonstrated that the property is subject to several exceptional conditions **including the environmental contamination of the Property by oils, solvents, and chemicals due to the extended use as an automotive repair shop.** Environmental remediation actions may required excavation and removal of contaminated soil as well as hauling and dumping fees.”

Pro-Forma

Description	Scenario 1 11 units (40% Lot Occupancy)	Scenario 2 15 units (75% Lot Occupancy)	Scenario 3 22 units
Gross Sales	\$5,872,989.00	\$10,203,040.00	\$12,105,813.00
Purchase Price	\$1,443,000.00	\$1,443,000.00	\$1,443,000.00
Closing Costs	\$57,720.00	\$57,720.00	\$57,720.00
Hard construction costs	2,941,900.00	\$6,491,961.00	\$6,491,961.00
Soft cost estimate	\$980,000.00	\$1,150,000.00	\$1,279,000.00
Parking	\$ -	\$ -	\$ 686,000.00
Project Cost	\$5,422,620.00	\$9,142,681.00	\$9,957,681.00
Selling transaction costs	\$411,109.23	\$714,212.80	\$847,406.88
Warranty Bond	\$294,190.00	\$649,196.10	\$649,196.10
Ongoing Warranty Costs	\$20,000.00	\$30,000.00	\$50,000.00
Taxes	\$12,265.50	\$12,265.50	\$12,265.50
Insurance	\$50,000.00	\$50,000.00	\$50,000.00
Common Utilities	\$28,000.00	\$28,560.00	\$29,131.20
Trash	\$9,000.00	\$9,000.00	\$9,000.00
Total Project Cost	\$5,836,075.50	\$9,921,702.60	\$11,604,680.68
Profit(Deficit)	\$36,913.50	\$281,337.40	\$501,132.32
Profit margin +/-%	0.68%	3.08%	5.03%
Assumptions for Above Scenarios			
Sales Per SFT	\$600	\$560	\$625
IZ 1 BR 50%	\$115,000	\$115,000	\$115,000
IZ 2BR 80%		\$250,000	\$250,000
Sale of Parking	\$320,000	\$320,000	\$1,118,000

No Detriment to the Public Good or Impairment of the Zone Plan

- Atypical R-4 Structure
- Will rehabilitate a neglected property so as to strengthen 4th Street and Ridge Street.
- Achieves urban planning principles by activating the streetscape, while still maintain character or the surrounding area.
- Condo conversion reduces the intensity of use.
- Provides sufficient off-site parking for residents of project.

Degree of Deviation

Case No.	Address	No. of Units	Lot Area (sq. ft.)	Lot Area per Unit (sq. ft.)	Decision Date
19187	1212–1218 4th St. NW	22	9,954	453	<i>Pending</i>
19057	1851 9th St. NW	27	6,641	239	10/6/2015
18794	1740 New Jersey Ave. NW	6	1,685	280	10/28/2014
18800	625 Park Rd. NW	38	1,649	206	7/22/2014
18724	819 D St. NE	30	11,458	382	3/11/2014
18562	1538 New Jersey Ave. NW	6	2,255	376	7/9/2013
18515	200 5th St., SE	6	1,101	184	3/12/2013
18055	304 Q St. NW	4	896	224	4/20/2010

Community Outreach

- Applicant has attended multiple meetings with representatives from the local community as well as DDOT, OP and HPO.
- Significant changes to plan after multiple meetings with community:
 - ▣ Reduced massing for the proposed structure
 - ▣ Revised Façade
 - ▣ Removal of a penthouse
 - ▣ Included space for a small neighborhood-servicing retail establishment
 - ▣ Dramatically revised the project from a 26-unit building with nine parking spaces to a 22-unit building with approximately 26 parking spaces.
- ANC Voted to Support Project on March 1, 2015

Transportation Features



- ❑ RPP restrictions for future residents
- ❑ 27 parking spaces, excess spaces offered to property owners within 200 ft.
- ❑ 15 bicycle parking spaces
- ❑ Loading in rear parking area

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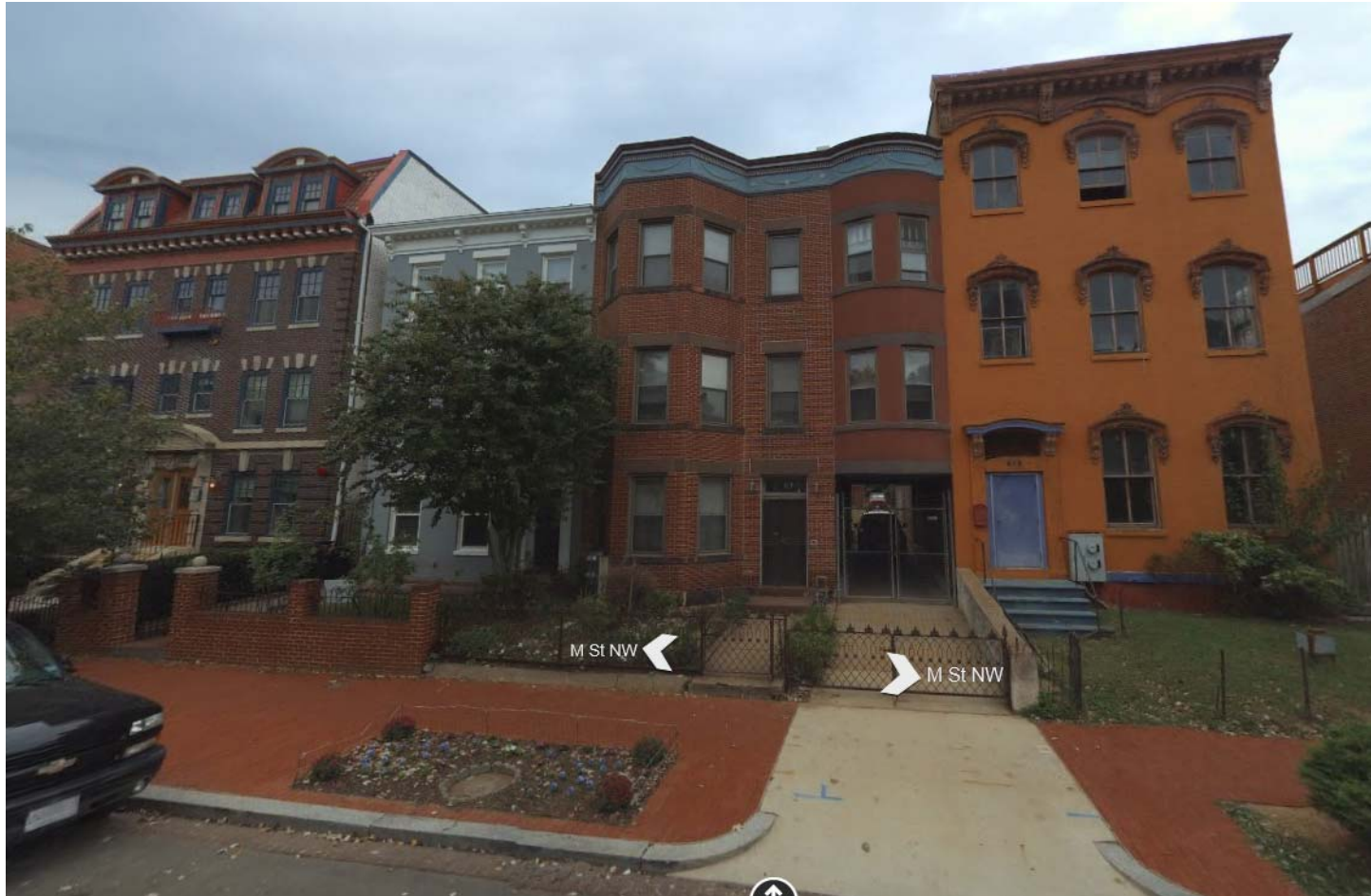


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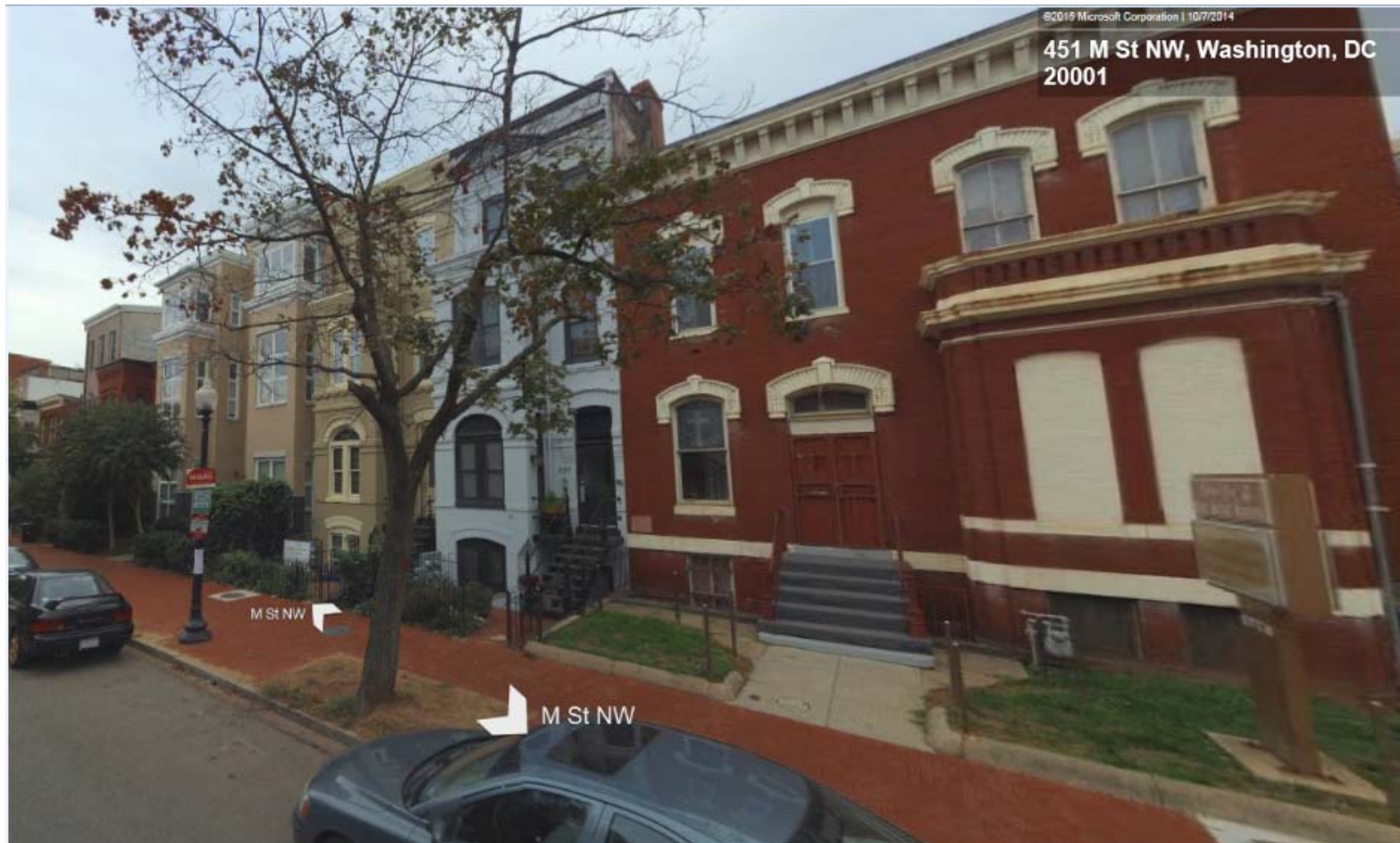
Existing Commercial Garage (1218) on Ridge Street



Additional Photos of Surrounding Area



Additional Photos of Surrounding Area



Additional Photos of Surrounding Area



R-5-B

Additional Photos of Surrounding Area



Intersection from Ridge Street

Additional Photos of Surrounding Area



Ridge Street

Additional Photos of Surrounding Area



Ridge Street