

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

**Application of
MR 608 T Contract LLC,
MR 610 T Contract LLC,
MR 612-614 T Contract LLC, and
MR 618 T Contract LLC
Square 441, Lots 32, 33, 35, and 852**

**BZA Application No. _____
ANC 6E02**

STATEMENT OF THE APPLICANT

This Application is submitted by MR 608 T Contract LLC, MR 610 T Contract LLC, MR 612-614 T Contract LLC, and MR 618 T Contract LLC, contract purchasers of the Property (hereinafter jointly referred to as the “**Applicant**”), by their attorneys, Greenstein DeLorme & Luchs, P.C., by John Patrick Brown, Jr., Esquire and Kate M. Olson, Esquire.

I. NATURE OF RELIEF SOUGHT

The Application (“**Application**”) seeks approval by the Board of Zoning Adjustment (“**BZA**” or “**Board**”), pursuant to 11 DCMR §3103.2, for an area variance from the height requirements under §2604.2 and loading provisions under §2201 to construct a seven-story mixed-use project in the ARTS/C-2-B District at 608, 610, 614, and 618 T Street, NW (Square 441, Lots 32, 33, 35, and 852) (“**Property**”).

II. JURISDICTION OF THE BOARD

The BZA has jurisdiction to grant the requested variance pursuant to 11 DCMR §3103.

III. BACKGROUND

A. THE PROPERTY AND ITS VICINITY

The Property is located in the Cardozo/Shaw neighborhood at 608, 610, 614, and 618 T Street, NW and is zoned C-2-B and in the ARTS Overlay (not within a historic district). See

Zone Map, Exhibit A. The C-2-B District is designated to serve high-density residential and mixed uses.

The Property consists of four lots improved with four buildings (one on each lot). These buildings are a mix of two-story commercial and residential uses. Although the Property is not a Historic Landmark or located in a Historic District, the Applicant is voluntarily preserving a portion of two of the four buildings (610 T Street and 618 T Street), which will be incorporated into the Project.

Lot # (From East to West along T Street)	Address	Existing Use	Proposed Use
Lot 35	608 T Street	Zenebech Restaurant	To be demolished
Lot 852	610 T Street	Residential	Façade to be incorporated into the Project
Lot 33	614 Street	Smada Market	To be demolished
Lot 32	618 T Street	Flava Restaurant	Façade to be incorporated into the Project

The surrounding area is a mix of residential, commercial, and municipal uses. The surrounding corridor along Florida Avenue consists of medium to high density mixed-use projects. The Property is bounded by the intersection of T Street and Florida Avenue to the north, Wiltberger Street (30 foot wide) to the west, a 15 foot wide public alley to the east and a 15 foot wide public alley to the south. The Property fronts on T Street and the Ellington Plaza and contains approximately 12,023 square feet of land.¹ Wiltberger Street bisects Square 441 on a north-south axis. The Howard Theater, renovated in 2012, is to the west of the Property (across from Wiltberger Street). A large two-story warehouse (the former Holtzbeierlein Bakery) is

¹ The DC Office of Tax and Revenue lists the land area of the Property as 12,096 square feet, but the Survey determined the land area to be 12,023. See Survey, Exhibit B.

located to the south of the Property (across the 15 foot public alley) and used for commercial storage. To the east (across from the 15 foot public alley) along 6th Street, the neighborhood is characterized by flats and row dwellings within the existing two and three story row structures. See Photos, Exhibit C.

Further to the west (still within the subject square along 7th Street) is “Progression Place”, a mixed-use nine-story Planned Unit Development completed in 2013. Further south along Wiltberger Street is the former Dorsch Bakery (“Wonderbread”), which was renovated in 2013 for office use. The Property is located approximately 2 blocks from the Shaw/Howard University Metro Station (which services the Green and Yellow lines).

1. Duke Plan

The Duke Framework for a Cultural Destination for Greater Shaw-U Street (“**Duke Plan**”) is a plan approved by the DC Council in June 2005 and provides guidance in public policy decision-making to District agencies and commissions on affordable housing needs, local business development, existing and new cultural facilities and programming, quality public realm investment. Transportation and traffic, zoning and local resident participation. The Property falls within the Duke Plan’s “Howard Theatre Sub-district”. The restored Howard Theatre, Wonder Bread Building, and the creation of the Ellington Plaza were among the recommendations of the Duke Plan. The Applicant will continue to build upon and promote these restored buildings and utilize the Ellington Plaza by developing the Project to bring needed residential units (including affordable housing) and neighborhood retail and service uses to the area.

2. Convention Center Area Strategic Development Plan

The Convention Center Area Strategic Development Plan (“**Convention Center Plan**”) was approved by the DC Council in June 2006 and, like the Duke Plan, also includes the Project area. The Property is covered under “Sub-Area 4: Uptown Destination District Retail” which identifies the Property as part of the commercial zoned area permitted to offer ground floor retail.

3. Comprehensive Plan

The Comprehensive Plan includes the Property within the “Near Northwest Area Element” and the Comprehensive Plan’s Future Land Use Map designates the Property as a mix of moderate density residential and low density commercial.

4. ARTS Overlay

The ARTS Overlay requires uses that foster pedestrian activity, especially retail and residential uses. Among its many purposes is to expand the areas’ housing supply and provide for a variety of rent and price ranges (§1900.2(d)). The ARTS Overlay provides bonus density incentives for owners to attract residential and preferred retail, arts, and services uses.

IV. GOVERNMENTAL, ANC AND COMMUNITY ENGAGEMENT

Beginning in June 2015, the Applicant has actively and repeatedly engaged the affected D.C. Councilmembers, Office of Planning, Historic Preservation Office, Advisory Neighborhood Commission 6E and members of the community in productive discussions on the Project. As a result of these numerous formal and informal meetings and discussions, the parties have negotiated a Development Agreement for this Project with ANC 6E which sets forth the development plans, building preservation requirements, residential parking permit restrictions, alley access and traffic, construction management, private maintenance of the public Ellington Plaza, ongoing communication and dispute resolution and enforcement. On the basis of the draft

Development Agreement, on October 6, 2015, ANC 6E voted unanimously (6-0) to support the Project. The Applicant and ANC 6E are in the process of finalizing and executing the Development Agreement.

V. DESCRIPTION OF THE PROPOSED PROJECT

The Applicant proposes to redevelop the Property by incorporating two facades of the four existing buildings (“**Existing Buildings**”) into a new seven-story mixed-use building with ground floor preferred retail, service and arts uses (approximately 7,495 square feet) and approximately 59-69 dwelling units on the upper six floors (approximately 4,074 square feet of gross floor area will be designated as Inclusionary Zoning Units) and two levels of below-grade parking (consisting of 26-43 residential and retail parking spaces) (“**Project**”). The Project will have a height of 70 feet as measured to the highest point of the roof, with the highest portion of the roof structure rising another 2 feet to the top of the parapet and a proposed Floor Area Ratio (“**FAR**”) of approximately 5.40 to 5.922. The only zoning relief requested by the Applicant is for the roof height and the depth of a loading berth. See Project Plans, Exhibit D.

The new mixed-use building will be prominent along Wiltberger Street which will serve as the transition between the smaller scale row homes and the high density commercial properties to the west. The Project will retain two existing façades (610 T Street and 618 T Street) that face the Ellington Plaza and will construct one new two-story façade maintaining the scale and character of the architectural character of the previous buildings and focusing on a pedestrian experience of the Ellington Plaza.

Lot # (From East to West along T Street)	Address	Existing Use	Proposed Use
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Lot 852	610 T Street	Residential	Façade to be incorporated into the Project
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The main façade above the two-story buildings will have a small setback (at the third floor), before rising four levels for a total of seven stories. The Project has been setback along the east to step down toward the smaller scale residential district.

The first floor will be storefront and masonry piers along Wiltberger Street. The facade above the north and west will be a panelized system consisting of glass and metal abutted on the two ends by a tower. The façade along the south and east will consist of masonry and large two story punches with glass and metal panels. The overall facade treatment will be a combination of masonry and a glazing panelized system. This Project serves as a transition between the new developments and existing fabric of the Shaw district. The design approach was to use the existing materials seen within Shaw and have the project be a modern transition to the neighborhood.

The Applicant proposes access to the underground parking garage to be off of Wiltberger Street (See Plans, A-15 West Elevation, Exhibit D) and loading will occur to the rear of the Property (See Plans, A-14 South Elevation). A preliminary car, truck, and pedestrian circulation plan may be found on the Site Plan (See Plans, A-01 Site Plan), but an updated circulation plan will be provided by the Applicant prior to the hearing.

A. Development Parameters Under Existing Zoning

A discussion of specific zoning standards and requirements applicable to the Project is set forth below.

1. FAR

The C-2-B District permits a maximum of 3.5 FAR. The ARTS Overlay District allows extra density for providing at least 3.0 FAR residential and certain preferred retail and service and arts uses. In addition, the IZ regulations allow additional bonus density calculated based on all the matter-of-right density. The Applicant met with the DC Zoning Administrator on June 15, 2015 and a determination letter (see Exhibit E) was issued confirming the permitted 70 feet height and the method for calculating the maximum permitted FAR, as a matter-of-right, as follows:

Maximum Permitted Density

DENSITY PERMITTED ARTS/C-2-B	FAR	GROSS FLOOR AREA
C-2-B (§772.2) [Lot Area 12,023 sf]	3.50	42,080.5
ARTS (§1904.2) 7,495 sf Preferred §1907, 1908 Retail (1 to 1.5 bonus) (maximum 4.5 FAR)	0.935 (4.435)	11,242.5 (53,323)
ARTS (§1904.3) 3.0 FAR Residential	0.50	6,011.50
Subtotal Matter-of-Right FAR For calculating 20% IZ Bonus	4.935	59,334.50
20% IZ Bonus	0.987	11,866.9
Total Permitted FAR	5.922	71,201.4

2. Building Height

The C-2-B District allows a height of 65 feet (no limitation on stories). The IZ Regulations allow for an increase in height to 70 feet, per §2604.2, in order to achieve the bonus density. The proposed building height is 70 feet to the top of the roof and an additional 2 feet to the top of the parapet. As a result, the Applicant requests an area variance from the 2 feet over the 70 feet height limit.

3. Rooftop Structures/Penthouse

In anticipation of the approved, but not issued revised Zoning Penthouse Regulations (Z.C. Case 14-13)² (“**Penthouse Regulations**”) the Project proposes a habitable penthouse located above the seventh floor. Section 770.6 of the Penthouse Regulations permits a habitable penthouse of 12 ft in height (1 story) and a mechanical penthouse of 18 ft. 16 in. in height (up to 2 stories). The Project proposes a habitable penthouse of 12 ft. and mechanical penthouse of 6 ft. 6 inches, which will be in compliance with the Penthouse Regulations.

4. Lot Occupancy

The maximum lot occupancy allowed for an all-residential development or the residential portion of a mixed-use development in the C-2-B District is eighty percent (80%). The Project is in compliance.

5. Rear Yard

In the C-2-B zone, a fifteen (15) feet rear yard as measured to the center line of the abutting 15 foot wide public alley is required and the Project is in compliance with this requirement.

² The Zoning Commission voted to take final action on the revised Penthouse Regulations (ZC Case 14-13) on November 9, 2015. The changes to the Penthouse Regulations will become effective on the date of the publication of the Zoning Order approving case 14-13 in the DC Register.

6. Side Yard

There is no side yard required and no side yards are provided with the Project.

7. Courts and Court Niches

Courts and court niches are required to be provided at specified widths, areas or other dimensions depending on the nature of the court (open vs. closed), the type of use that is adjacent to the court (residential or mixed-use) and other conditions. The Project will provide an open court on the east side of the second floor that will comply with the court requirements set forth in the Zoning Regulations.

8. Parking

The Project is required to have a total of 26 – 29 parking spaces. The Applicant is providing 26-43 parking spaces in two below-grade parking levels to provide an amount of parking that is necessary to satisfy parking demand, keep cars from parking on neighborhood streets, and address strong neighborhood concerns about the adequacy of parking.

A breakdown of the parking requirements is as follows:

(i) The parking requirement for an apartment house is one parking space for each three dwellings. The Project, which will contain 59 – 69 residential units, is required to provide twenty (20) to twenty-three (23) residential parking spaces.

(ii) The parking requirement for retail use is one space for each additional 750 square feet in excess of 3,000 square feet. Since the Project provides approximately 7,495 square feet of retail, six (6) retail parking spaces are required.

9. Bicycle Spaces

Per the Department of Transportation's regulations on bicycle parking requirements for residential buildings, all new residential buildings with eight or more units shall have at least one

secure bicycle parking space for each three residential units. 18 DCMR §1214.4. By providing 59 – 69 residential units, the Project is required to have 20 – 23 bicycle parking spaces for the residential units.

For commercial use, the number of bicycle spaces required shall be at least equal to five percent (5%) of the number of automobile parking spaces required for commercial use (5% of 6 = 1). Since the Applicant is required to have only six (6) parking spaces for commercial use, one (1) bicycle parking space is required. Therefore, the Project is required to have 21 – 24 bicycle spaces for this proposed mixed-use.

The Applicant proposes a total of twenty-one (21) to twenty-eight (28) bicycle spaces, all of which will be provided in Garage Level One. See Plans, Exhibit D.

10. Affordable Housing

The Project will designate approximately 4,074 square feet of gross floor area of the 59 - 69 residential units as Inclusionary Zoning Units, for eligible moderate-income households between fifty-one (51%) and eighty percent (80%) of the Area Median Income (“**AMI**”).

11. Loading (Section 2202.1)

The Applicant requests relief from the requirement that it provide one (1) fifty-five (55) foot loading berth.

The proposed loading facilities, which are accessible via the rear 15 foot public alley will provide one (1) loading berth at thirty (30) feet deep, one (1) platform at 200 square feet deep, one (1) platform at 100 square feet deep and one (1) service/delivery space at 20 feet deep. A breakdown of the loading requirements is as follows:

- (i) The Zoning Regulations require an apartment house with more than fifty (50) residential units to have a minimum of one (1) loading berth at fifty–five (55) feet deep, a

loading platform at two hundred (200) square feet and one (1) service/delivery space at twenty (20) feet deep.

(ii) The requirements for retail with 5,000 feet to 20,000 feet of gross floor area is a minimum of one (1) platform at one hundred (100) square feet.³

The Applicant believes that, with proper management, the number and size of loading facilities provided will be more than adequate to service the Project without creating any adverse impacts.⁴

B. ZONING TABULATION

Site Area: 12,023 sf (per Survey)

Zone: C-2-B/Arts Overlay

Requirement	C-2-B Zone Matter of Right Guidelines/ARTS Overlay	Proposed Project Design	Relief Needed
FAR C-2-B (§771.2) Bonus Density: ARTS Overlay (§1904.2 and §1904.3) IZ (§2604.1)	3.5 FAR (a maximum of 1.5 for non-residential use) BONUS DENSITY: 0.935 (Preferred Uses in ARTS Overlay) .5 (Providing at least 3.0 Residential) 0.987 Inclusionary Zoning Total = 5.922 FAR	5.40 to 5.922 FAR (64,924 to 71,201 sf.)	NONE REQUIRED
Building Height (§1909.1(b)(iii)) Bonus Density: IZ (§2604.2)	65 ft./no limit to number of stories The vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet. BONUS DENSITY: 70 ft. per Inclusionary Zoning	72 ft. to the highest point of the parapet.	RELIEF REQUESTED from 70 ft. maximum height

³ A retail loading berth is not required per §2201.2.

⁴ Per the proposed Zoning Regulation Rewrite, Section 905 Size and layout requirements will only require a loading berth to a minimum depth of 30 feet instead of the current requirement of 50 feet.

<p>Roof Structures (“Penthouse”) (§771.1) (§411) (§NEW PENTHOUSE REGS §770.6)</p>	<p>18.5 ft allowed for roof structures</p> <p><u>PROPOSED PENTHOUSE REGULATIONS:</u> Permits a habitable penthouse of 12 ft in height (1 story) Permits a mechanical penthouse of 18 ft. 16 in. in height (could be in a second story)</p>	<p>Habitable = 12’ - 0” Mechanical = 18’ - 6” See A-28 Enlarged Rooftop Plan and Section – does not show the height of the mechanical?</p>	<p>NONE REQUIRED</p>
<p>Lot Occupancy (§772.1)</p>	<p>80% Residential (80% of 12,023 = 9,618.4 sq. ft.max)</p> <p>100% Commercial</p>	<p>80% Residential</p> <p>100% Commercial</p>	<p>NONE REQUIRED</p>
<p>Rear Yard (§774)</p>	<p>15 feet</p>	<p>15 feet</p>	<p>NONE REQUIRED</p>
<p>Side Yard (§775.5)</p>	<p>Not required, but if provided, shall be at least 3 inches per foot of height, but not less than 6 feet wide.</p>	<p>None Provided</p>	<p>NONE REQUIRED</p>
<p>Court (§776.5)</p>	<p>Not required, but if provided: If Building is devoted to both residential and nonresidential uses:</p> <p>1) If Res and Non Res are located on <u>different</u> floors of the Building measure width and area for each use (See §776)</p> <p>2) If Res and Non Res are located on the <u>same</u> floor of the Building:</p> <p><u>Width:</u> the width shall be a minimum of 4 inches per foot of height, but not less than 15 feet.</p> <p><u>Area:</u> the minimum area shall be at least twice the square of the width of the court based on the height of the court but not less than 350 sq.ft.</p>	<p>Show width and area of the Court (on the Second Floor Plan)</p> <p>Width = Approx. 18’ - 0” Area = Approx. 1,000 – 1,700 sf</p>	<p>NONE REQUIRED</p>
<p>Inclusionary Zoning (§2603)</p>	<p>Greater of 8% of the gross floor area being devoted to residential use or 50% of the bonus density being utilized for inclusionary units.</p>	<p>Approximately 4,000 sf devoted to Inclusionary Zoning Units</p>	<p>NONE REQUIRED</p>
<p>Parking (§2101.1)</p>	<p><u>Apartment House or Multiple Dwelling:</u> 1 for each 3 dwellings</p> <p>59 - 69 units = 20-23 residential spaces required</p> <p><u>Retail:</u> in Excess of 3,000 sq ft, 1 for each additional 750 sq ft of gfa.</p>	<p>20-43 – Residential</p>	<p>NONE REQUIRED</p>

	7,495 sf of retail = 6 retail spaces required TOTAL: 26 - 29 parking spaces required (Compact Spaces shall be in groups of at least 5 contiguous spaces)	6 Retail	
Bicycle (DDOT 18 DCMR §1214.4) (§2119.2)	<u>Residential:</u> All new residential bldgs. with 8 or more units shall provide 1 bike space for every 3 residential units. 59 - 69 units = 20 -23 bike spaces required <u>Retail:</u> Number of bicycle spaces shall be at least equal to 5% of the number of auto parking spaces required for commercial use 5% of 6 = 1 space TOTAL: 21-24 bike spaces required (minimum of 2 ft. in width and six feet in length)	21-27 Residential 1 Commercial	NONE REQUIRED
Loading (§2201.1)	<u>Apartment House or Multiple Dwelling with more than 50 Units:</u> Min loading berth: 1 @ 55 ft. deep Min platform: 1 @ 200 square feet Min service/delivery space: 1 @ 20 ft. deep <u>Retail with 5,000 to 20,000 sq. ft of gfa:</u> Min loading berth: N/A per §2201.2 Min platform: 1 @ 100 square ft. Min service/delivery space: None	<u>Residential:</u> Loading berth: 1 @ 30 ft. deep Platform: 1 @ 200 square feet Service/delivery space: 1 @ 20 ft. deep	RELIEF REQUESTED from the loading berth: 1 @ 55 ft. deep
Green Area Ratio (§3400)	0.3	0.3	NONE REQUIRED

VI. JUSTIFICATION FOR THE HEIGHT AND LOADING AREA VARIANCES

The proposed building height is 70 feet to the top of the roof and an additional 2 feet to the top of the parapet as currently measured. As a result, the Applicant requests an area variance from the two feet over the 70 feet height limit. For an apartment house with fifty or more units, zoning requires a residential loading berth extending to a depth of 55 feet. Due to ground floor

area and circulation constraints, the Applicant is only able to provide a loading berth that is 30 feet deep and therefore requests an area variance from the full loading berth requirement.

Significantly, under the new ZRR pending final approval, both variances would not be required.

The BZA is authorized to grant an area variance where it finds that three conditions exist: "(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).

The subject Application meets this legal test, as discussed below.

A. Unique Physical Aspect or Other Extraordinary or Exceptional Situation or Condition of a Specific Piece of Property.

The Property is affected by several unique conditions. The Property is small for development purposes with limited ground floor space to accommodate a 55 foot interior loading berth in addition to the other required loading facilities. All the required loading facilities would

consume almost ten percent (10%) of the ground floor area. The site is uniquely located surrounded by a large public plaza with no curb cut or vehicular access, narrow and one-way public streets and narrow public alleys limiting access for parking and loading and vehicular traffic. The site fronts on Ellington Plaza at the intersection of T Street and Florida Avenue. This portion of T Street is one way (west to east) exiting on to Florida Avenue. Wiltberger Street is only 30 feet wide and one-way running north to south. The public alleys on the south and east side of the Property are two-way, but only 15 feet wide. Taken together, parking and loading access points are limited and the number and size of delivery vehicles that can be reasonably accommodated are restricted.

Although not a Historic Landmark or located in a Historic District, the Property includes two existing buildings worthy of partial preservation and incorporation into the new structure which requires special design treatment to successfully between the new development and existing fabric of the Shaw District. The two foot parapet wall does not increase the actual height of the building, but provides a critical design feature to incorporate the two preserved buildings and provide an appropriate transition to the permitted penthouse space above.

B. Undue Hardship to the Owner.

Given the small size of the project, limited ground floor footprint and lack of exterior open space, an interior 55 foot loading berth is unnecessary and can only be provided at the expense of substantially diminishing the space available for preferred retail and service uses and the lobby and entrance core needed for the residential use. Reducing the height of the building as currently measured to the parapet wall would eliminate an entire floor of the building. Elimination of the parapet would impair the careful design of the building as required by the preservation of the two existing buildings. The Applicant cannot achieve the necessary density

and functionality of the preferred retail and service space and desired residential space and important design objectives, however, unless zoning relief is granted from the height and loading requirements.

Given the limited vehicular circulation pattern and narrow street and alley widths and resulting difficult turning movements, providing a loading berth to accommodate a 55 foot truck would unnecessarily block and restrict use of the public street and alley system by other delivery vehicles, businesses, and existing and new residents. Further, a 55 loading berth is unnecessary for a building of this size and number of residential units and commercial users and space.

C. No Substantial Harm to the Public Good and No Substantial Impairment of the Zone Plan.

The requested relief is extremely minor and can be granted without harm to the public good and without threat to the integrity of the zone plan and will provide a significant contribution to the community and the stated goals of the ARTS Overlay. The transportation needs of the building's tenants and residents will be well served. The size of the loading berth is anticipated to sufficiently support the limited demand of the building. Inclusion of the two foot parapet will not increase the building height and will have no impact on the neighboring properties. Finally, both variances would not be required under the proposed ZRR currently pending final approval by the Zoning Commission.


VII. EXHIBITS

- Exhibit A: Zoning Map
- Exhibit B: Survey
- Exhibit C: Site Photographs
- Exhibit D: Project Plans
- Exhibit E: August 17, 2015 Zoning Determination Letter

VIII. CONCLUSION

For the reasons set forth above, the Applicant respectfully requests approval by the Board of Zoning Adjustment (“**BZA**” or “**Board**”), pursuant to 11 DCMR § 3103.2, for an area variance from the height requirements under §2604.2 and loading provisions under §2201 to construct the proposed Project.

Respectfully submitted,
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