

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

**Application of GS U St LLC**

**BZA Application No. 19343  
ANC 1B, SMD 1B12**

**Variance Application for Public Space,  
Rear Yard, Court, and Parking Relief  
to Construct a Mixed Use Building at  
1355-1357 U Street, NW**

**PRE-HEARING STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

Pursuant to 11 DCMR § 3103, GS U St LLC (hereinafter the “**Applicant**”) requests variances to construct an eight-story mixed use building with multi-family residential above retail (the “**Project**”) at 1355-1357 U Street, NW, Lots 64 and 65, Square 236 (the “**Property**”). The Property is located entirely within the ARTS Overlay of the CR Zone District. The Applicant seeks variances from the District of Columbia Board of Zoning Adjustment (“**BZA**” or “**Board**”) for public space, rear yard, court, and parking relief under, respectively, Sections 633, 636, 638 and 2101 of the Zoning Regulations. The Project will not have any ground level public space or rear yard, will have an open court that does not meet the required minimum width for open courts, and will have fewer parking spaces than are required pursuant to the Zoning Regulations. The Project will conform to the Zoning Regulations in all other ways. The Board has jurisdiction to grant the variance relief requested pursuant to 11 DCMR § 3103.

**II. DESCRIPTION OF THE PROPERTY AND APPLICANT**

The Property is located midblock, on the north side of U Street NW near its intersection with 14th Street NW and is located in the Greater U Street Historic District. The Property consists of approximately 5,582 square feet of land currently occupied by two existing two-story

brick buildings (the “**Existing Buildings**”). Portions of the Existing Buildings have been determined to be contributing to the Greater U Street Historic District and will be largely retained and incorporated into the Project. The Existing Buildings, which front on the commercial corridor that comprises the core of historic U Street, were originally approximately only 28.25 feet deep. Over time, the Existing Buildings were extended at their rear to occupy the entire depth of the lot, such that today there is no rear yard on the Property. The original 28.25-foot front portions of the Existing Buildings will be retained and preserved as part of the Project.

The Property is served by an existing 15-foot wide public alley with an entrance off of U Street immediately to the west of the Property, and an existing 30-foot wide public alley to the rear of the Property.

The portion of U Street NW where the Property is located is characterized by mixed-use buildings fronting immediately onto the sidewalk with limited or no setbacks. Such area is increasingly the hub of development for new construction that is much taller than the historic building stock. The square where the Property is located also contains the eight-story mixed-use building known as “The Ellington” as well as a mix of lower historic and non-historic structures, the Walker Memorial Baptist Church, and the Harrison Playground. Immediately adjacent blocks include two eight-to-ten story buildings currently under construction (“The Elysium” and “13th and U”) as well as the eight-story Reeves Center, the eight-story building known as “The Louis,” and the eleven-story project approved to replace Portner Place.

The BZA has not previously granted any zoning relief for the Existing Buildings or the Property.

The Applicant is an experienced developer of mixed use and multi-family residential projects throughout the District of Columbia and a sophisticated owner of commercial and residential real estate throughout the greater Washington region.

### **III. DESCRIPTION OF PROJECT**

As shown on Pages 8-10 and 13-19 of Tab 7 to this application (the “**Plans**”), the Project entails restoring the historic two-story portions of the Existing Buildings, removing the non-contributing portions of those buildings, and constructing an approximately 85.3 foot tall building, the bulk of which is set back approximately 48.25 feet from U Street NW. The Project will contain a Gross Floor Area of approximately 31,220 square feet. The cellar and first and second levels of the Project will contain approximately 11,814 square feet of retail uses plus the residential lobby uses, and the upper stories will be reserved for approximately 23 multi-family residential units. The Applicant proposes to construct three parking spaces as part of the Project. These parking spaces will be located at grade at the rear of the Property, and the upper stories will cantilever over the spaces. The Project will incorporate private open space on the roof of the Existing Building and on the roof of the new mid-rise portion of the Project. Once complete, the Project will occupy approximately 100 percent of the Property, though the residential uses of the Project will occupy only approximately 80 percent of the lot at the third floor level and substantially less than 80 percent of the lot above the third floor level.

### **IV. VARIANCE RELIEF SOUGHT**

The Applicant has received concept design approval from the D.C. Historic Preservation Review Board (“**HPRB**”) for the Project. Therefore, the Applicant seeks zoning relief under the Zoning Regulations in effect as of the date hereof.

The Applicant requests relief from 11 DCMR §§ 633, 636, 638, and 2101. Pursuant to Section 633, an area equivalent to 10 percent of the total lot area must be provided as public open space at ground level for all new development in the CR Zone District and, among other things, such open space must be immediately adjacent to the main entrance to the principal building on the lot. Under these requirements the Project would be required to provide a public open space of 558 square feet. Because the contributing portions of the Existing Buildings occupy the entire frontage of the Property and will be retained as part of the Project, the Project cannot comply with this requirement and will not provide any ground level public open space.

Under Section 636, a rear yard must be provided for each residential building in the CR Zone District. Such required rear yard must be three inches per foot of vertical distance of the building above the horizontal plane upon which the residential use begins but not less than twelve feet, and the yard must be provided at and above such horizontal plane. Under these rear yard requirements, the Project would be obligated to provide a 15-foot rear yard in order to comply with the Zoning Regulations for the CR Zone District. As noted above, the Existing Buildings have no rear yard today, and the Project is proposed to have no rear yard.

Under Section 638, where an open court is provided for a residential building in the CR Zone District, such open court must be three inches per foot of height but not less than ten feet. The Project will include an open court at the rear of the Property which should be five feet wide, but will instead be only four feet along its narrowest dimension.

Under Section 2101, in the CR Zone District parking must be provided at a rate of one space per every 750 square feet of retail use beyond the first 3,000 square feet, one space per every 1,800 square feet of general office use beyond the first 2,000 square feet, and one space per every three residential units. Under these parking requirements, the Project would be

functions in lieu of a rear yard at the upper stories of the Project and will not have any adverse effect on surrounding properties or the neighborhood generally.

The effect of the requested parking relief will also be minimal because the Property is well-served by numerous mobility options for residents, employees and visitors. The Project is located less than a block from the U Street Metrorail station stop and is well-served by numerous bus lines. The Project contains in-building secure bike storage, and a 25-slot Capital Bikeshare rack is less than a block from the Property. The Property is located in the middle of a highly-walkable corridor with numerous restaurants, shops, grocery stores, and other amenities nearby, so it is entirely realistic for residents of the Project to live without a car, especially given the availability of numerous car-sharing services (e.g., Uber, Lyft, Split, Car2Go, and Zipcar).

#### **V. THE APPLICATION MEETS THE REQUIREMENTS FOR AREA VARIANCE RELIEF UNDER 3103.2 OF THE ZONING REGULATIONS**

An applicant requesting an area variance must prove that: (i) the property is affected by an exceptional or extraordinary situation or condition; (ii) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant; and (iii) the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zone plan. *See Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). As set forth below, the Applicant meets each part of this test for the requested variance from the public space, rear yard, court and parking requirements of 11 DCMR §§ 633, 636, 638, and 2101.

##### **A. The Property is Affected by an Exceptional Situation or Condition**

The exceptional or extraordinary situation or condition that satisfies the first prong of the variance test may arise from the property generally, including existing structures on the property, and BZA may look to the totality of factors influencing such condition, but the situation or

condition need not be wholly unique to the property. The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d. 291, 293-294 (D.C. 1974) that the exceptional situation or condition standard goes to the “property”, not just the “land”, and that “property generally includes the permanent structures existing on the land.” *Id.* At 293-294. The BZA may “weigh more fully the equities in an individual case.” *National Black Child Development Institute v. D.C. Board of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984).

The required uniqueness need not arise out of a single situation or condition on the subject property. Rather, it may arise from a “confluence of factors.” *Gilmartin*, 579 A.2d at 1168. For example, in *French v. Board of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), the Court of Appeals upheld the granting of a variance based on the Board’s findings that several circumstances existed which, when considered together, made the subject property unique. In *French*, the circumstances cited by the Board were the site’s “irregular shape, steeply sloping grade, the large size and physical configuration of the existing building, and its previous history of chancery use.” *Id.* The Board determined “the variance will ensure the preservation of and continued use of the existing structure.” *Id.*

Furthermore, it is not necessary that the exceptional or extraordinary situation or condition of the subject property be entirely unique to the property. Rather, an applicant must prove that the property is affected by a condition that is not related to general conditions in the neighborhood. In *Gilmartin*, the Court of Appeals rejected the idea that a property was not unique because the asserted exceptional condition was common to other types of properties in other zoning districts. *Gilmartin*, 579 A.2d. at 1167. The Court explained:

the rationale behind the uniqueness test is that difficulties that are common to or affect an entire neighborhood, or a substantial portion thereof, are properly addressed by seeking amendment of the regulation themselves from the Zoning Commission. If such

problems were addressed through individual variances, the effect would be a de facto amendment of the zoning regulations by the BZA because requests by other owners similarly situated would have to be granted.... [...] The test follows from its rationale. To support a variance it is fundamental that the difficulties or hardships [be] due to unique circumstances peculiar to the applicant's property and not to the general conditions in the neighborhood.

*Id.* at 1169 (internal quotations and citations omitted; alterations in original).

The Property is affected by exceptional conditions that necessitate relief from the public space, rear yard, court, and parking requirements of the Zoning Regulations. The primary factors that create an exceptional condition on the Property include: (i) the presence and location of the Existing Buildings, which have been determined to be contributing to the Historic District and their occupation of the entire frontage along U Street; (ii) the location of the Property within a designated historic district with stringent urban design objectives, and the related design review requirements imposed on the Project by the HPRB; and (iii) the Property's overall dimensions, particularly its narrow width.<sup>2</sup>

These three factors create a set of physical constraints within which the Applicant must operate if it is to develop the Project while preserving the Existing Buildings as part of the historic preservation scheme of the Greater U Street Historic District. As set forth in more detail

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<sup>2</sup> The Board has previously been faced with the issue of balancing whether the narrowness of a lot truly makes it unique within its greater context. In Case No. 17936, the Board granted a 49 space variance to New York University ("NYU") for its property at 1307-1311 L Street, NW. In that case, NYU proposed a nine-story building with an additional four levels below grade. The building would be used as a dormitory and academic center to support students from the University during their semester in Washington. The use generated a parking requirement of 51 spaces, yet the University provided only two surface spaces. The Board supported NYU's request for parking variance relief, finding that the property was unique due to its small size (6,960 square feet) and narrow width (58 feet). Specifically, the Office of Planning noted that the narrow lot width was insufficient to accommodate a double-sided, below-grade parking structure. After accounting for the required aisle widths and the minimum parking space depth, only parallel spaces could be accommodated. The NYU property was not the narrowest property in the Square. It was one of 15 lots in the Square, yet three other lots had widths more narrow: one was 55 feet wide, one was 40 feet wide and one lot was 20 feet wide. Yet, the Board found that it was not a prevailing feature of the Square and was, thus, qualified as unique. In the instant case, although the Property is not one of the narrowest lots in Square 236, the vast majority (approximately 74 percent) of the lot area of the Square is comprised of lots (i.e., Lots 67, 68, 69, and 880) that are much wider than the Property.

in the next subsection, HPRB's preservation and design requirements and the preservation objectives of the Greater U Street Historic District impose significant constraints particularly affecting the design of the upper residential floors.

This confluence of physical constraints results in exceptional and extraordinary conditions inherent in and unique to the Property in a way that dramatically affects the Project. Therefore, the Applicant satisfies the first prong of the area variance test.

**B. Strict Application of the Zoning Regulations Would Result in Practical Difficulty to the Applicant**

To satisfy the second prong of the area variance standard the Applicant must demonstrate "practical difficulty" in complying with the Zoning Regulations. The practical difficulty element of the area variance test has two parts: the applicant must demonstrate first that "compliance with the area restriction would be unnecessarily burdensome" and second that the practical difficulty is "unique to the particular property." *Gilmartin v. District of Columbia Board of Zoning Adjustment*, 579 A.2d at 1170 (D.C. 1990). The nature and extent of the burden warranting an area variance is fact-specific. *Id.* At 1171. However, the D.C. Court of Appeals has listed factors that the BZA may consider to determine whether the practical difficulty standard has been satisfied. These factors include "the severity of the variance(s) requested," "the weight of the burden of strict compliance," and "the effect the proposed variance(s) would have on the overall zone plan." *Id.* In addition to the factors listed above, the Court in *Gilmartin* stated that "increased expense and inconvenience to applicants for a variance are among the proper factors for BZA's consideration." *Id.* At 1171. In general, the BZA may also consider "... a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty' ....". *Gilmartin*, 579 A.2d at 1171, citing *Barbour v. D.C. Bd. of Zoning Adjustment*, 358 A. 2d 326, 327 (D.C. 1976). *See also, Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2d 1362, 1367 (D.C.



1992). An applicant is required to show only that it would be unnecessarily burdensome to satisfy the strict requirements of the Zoning Regulations, and an applicant is not required to show that it is *impossible* to satisfy the strict application of the Zoning Regulations. The Applicant meets this practical difficulty standard with respect to each area of relief requested for the Project.

#### *Rear Yard*

The Project satisfies the practical difficulty standard with respect to the requested rear yard relief because of factors arising from its location in the Greater U Street Historic District and because of design changes made at the behest of HPRB and Historic Preservation Office (“HPO”) staff. Complying with the rear yard requirements creates a practical difficulty for economic reasons as well.

This Project is the only addition within the Greater U Street Historic District that includes two contributing buildings that occupy the entire street frontage of the site, precluding any opportunity for the new construction to have frontage on U Street. Other additions have been constructed on larger sites that either were vacant, or contained non-contributing buildings along their street frontage, which provided the opportunity for the new construction to abut the street. In this instance, however, because the Existing Buildings are both contributing to the historic district, the Project’s addition must be designed so as not to overwhelm the historic character of the Existing Buildings. As a result, the Project’s addition must be set back in its entirety from U Street.

This design strategy was guided by HPRB and HPO. The Applicant initially proposed an addition that set back from U Street 34 feet; however, both HPO and the HPRB noted that a more substantial set back was required. HPO stated in its June 4, 2015, report, “[t]he proposal to

add any substantial addition above and behind two diminutive rowhouses should be approached with restraint, with a goal of preserving the historic buildings and the character of the historic district.” HPO noted that the proposed addition was distinguishable from other additions in the Greater U Street Historic District, “...many other large projects in the district, have in common large underlying sites which allowed tall additions to spread out over a much greater area...[n]ot insignificantly, many of these projects were also built on vacant land or took advantage of vacant lots or non-contributing buildings which were demolished and combined with occupied lots. Such projects understandably had less impact to historic resources...Another common element for large projects is the presence of street frontage, which serves to firmly ground the new construction.” HPO noted that in order for the Project’s addition “[t]o read as a separate building, a greater distinction from the fronting historic buildings is required by employing a much greater setback.” The Applicant subsequently increased its set back to an average of 51.5 feet from U Street.

The massing and design objectives for the Project’s addition stems directly from the fact that it does not have frontage on U Street, thereby distinguishing it from any other addition in the Historic District. Unlike other additions in the neighborhood where the new construction is anchored by its street frontage, here the objective is to set the Project’s addition back sufficiently far so that it appears as a building separate and distinct from the contributing Existing Buildings along U Street. Accordingly, the Project’s addition requires a much more significant setback than other projects that incorporate contributing buildings. By way of comparison, the UIP project located at 2202 14<sup>th</sup> Street, NW incorporated a setback of only 20 feet from 14<sup>th</sup> Street before a vertical addition was permitted above a contributing building; the Louis project at 14<sup>th</sup> and U Streets included a setback of 32 feet from U Street before a vertical addition above the

contributing buildings that line U Street; and the Elysium at 14<sup>th</sup> and Wallach Streets included a setback of 29 feet from Wallach Street before a vertical addition above the contributing buildings. In the instant application, the Applicant is proposing an average set back of 51.5 feet from U Street, which far exceeds the necessary setback for any other development. More specifically, the final massing proposal for 1355-1357 U Street includes an initial setback of 26 feet at the third floor, which would not be visible from the street, a setback of 48 feet, 3 inches on floors 4-6 increasing to a setback of 54 feet, 3 inches on floor 7, and a maximum set back of 84 feet at the 8th floor.

Because the Project's addition must have such a substantial setback from U Street to satisfy historic preservation design objectives, it would not only be unnecessarily burdensome to require an additional set back on the northern side of the building, but it would also undermine the Applicant's efforts to make the addition read as a distinct, mid-block building. As noted throughout HPO's reports for the Project, the massing objective is to create the fiction that the addition is a separate, mid-block building. In its June 23, 2016, report, HPO noted "[t]he revised proposal results in an addition that more successfully reads as an independent, mid-block building rather than as an addition to the rowhouses...[t]he addition creates a proportional balance between horizontal and vertical that was missing from previous proposals." Accordingly, the mass of the Project's addition is shifted north and away from U Street because of the significant setback from U Street at floors 3-8. If the Project were to comply with the rear yard requirements, it would push the center of mass back toward U Street and undermine historic preservation urban design objective to create the perception of a mid-block building.

The Property is further unique from other sites in the vicinity because there are views of the Property from 14<sup>th</sup> Street, U Street and the adjacent alley. These views are significant

because they create the context from which the Project's addition will be viewed as a separate, mid-block building. As noted above, setting the mass back from the northern property line would skew the perception of the addition from 14<sup>th</sup> Street and the alley, making the Project appear more as an addition to the Existing Buildings rather than a mid-block building, an outcome contrary to the objectives required by HPRB. Therefore, there is a practical difficulty in complying with the rear yard requirements of the Zoning Regulations.

Compliance with the Zoning Regulations' rear yard requirements creates a practical difficulty for economic reasons as well. Because the Project's addition is set back so far from U Street to comply with applicable urban design and historic preservation requirements, complying with the rear yard requirements as well would create floor plates that are economically infeasible. Compliance with the rear yard requirements would result in the loss of approximately 3,400 square feet of the Project as shown on Sheet B4 of the Plans. This loss of approximately 3,400 square feet is entirely sellable square footage and would increase the proportion of the Project dedicated to core space to such a high percentage that the overall Project would not be economically infeasible to complete. Such economic considerations are appropriate for the BZA to consider when making a finding of practical difficulty.

#### *Parking*

The historic elements, dimensions of the Property, and neighborhood urban design objectives again create exceptional conditions that result in a practical difficulty in complying with the parking requirements.

Nowhere on the Property is it feasible to accommodate the quantity of surface parking required under the Zoning Regulations given site constraints and policy objectives of providing ground floor retail space along the U Street frontage. Additional parking at the front of the

Project is not possible because the Existing Buildings occupy the entire frontage along U Street. Likewise, additional parking cannot be added at the western boundary of the Property because the existing 15 foot wide alley along that lot line is too narrow to efficiently load such parking spaces. Finally, additional parking cannot be added to the rear of the Property because devoting more of the ground level to parking—beyond what is currently proposed—renders the ground floor too shallow for economically-viable retail space. The property is located in the ARTS Overlay, which seeks to activate street frontage and ensure ground floor uses are present to provide an “18 hour” use of the corridor. Increasing parking at the ground floor level would be at the expense of retail, which undermines the objectives of the ARTS Overlay.

The only alternative would be to provide a multi-level below-grade garage; however, the Property is not wide enough to accommodate a below-grade garage. As depicted on Sheets A2-A3 of the Plans, a garage must accommodate the garage ramp, a drive aisle and the parking space depth. The ramp, drive aisle and parking space depth require a minimum width of 59 feet; however, the Property is less than 40 feet wide. As a result the garage could only accommodate the ramp and part of a drive aisle but could not accommodate any parking spaces. Because of the depth and clearance required for a garage, even if it could fit on-site, it would eliminate over 4,600 square feet of the retail, or approximately 40 percent of the proposed retail space. Through the requested parking relief, the Applicant is able to retain functional retail spaces in accordance with the policy objectives of the U Street corridor. Therefore, there is a practical difficulty in complying with the parking requirements of the Zoning Regulations.

#### *Court*

As with the requested rear yard relief, historic preservation and neighborhood urban design objectives again create exceptional conditions that result in a practical difficulty in

complying with the court requirements. As noted above, HPO worked with the Applicant to create a massing that reads as independent and distinct from the Existing Buildings. One of the ways such independence is achieved is through the use of extensive articulation on the upper stories, and such articulation is exhibited through several courts, including the one nonconforming court. To require fully conforming courts would require a more substantial setback from the northern property line, which would undermine historic preservation objectives of moving the mass away from U Street, as noted above. Therefore, there is a practical difficulty in complying with the court requirements of the Zoning Regulations.

#### *Open Space*

Finally, the Project cannot comply with the requirement to provide public open space at ground level because the Existing Buildings occupy the entirety of the frontage along U Street. Therefore, there is a practical difficulty in complying with the open space requirements of the Zoning Regulations.

In light of the factors identified in *Gilmartin*, strict application of the Zoning Regulations' public space, rear yard, court, and parking requirements would create a practical difficulty that is unique to the Property because of the dimensions of the lot, the historic preservation objectives for the Property as articulated by HPRB and HPO, and urban design objectives for the neighborhood.

#### **C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose, and Integrity of the Zone Plan**

This request for relief from the public space, rear yard, court, and parking requirements will neither result in substantial detriment to the public good, nor will it substantially impair the intent or integrity of the Zoning Regulations and Zoning Map. As depicted on the Future Land Use Map of the District of Columbia Comprehensive Plan, the Property is within the "Mixed

Land Use” “Medium Density Residential/Medium Density Commercial” category. The requested relief will support a project that is not inconsistent with the Comprehensive Plan.

Moreover, the general purposes of the ARTS Overlay District include “encourag[ing] a scale of development, a mixture of uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement . . . ; requir[ing] uses that encourage pedestrian activity, retail, entertainment, and residential uses; expand[ing] the area’s housing supply; strengthen[ing] the design character and identity of the area by means of physical design standards; [and] encourag[ing] adaptive reuse of older buildings in the area and an attractive combination of new and old buildings . . . .” The requested relief advances each of these objectives of the ARTS Overlay District and is therefore consonant with the intent, purpose, and integrity of the Zone Plan.

The requested relief from the ground level public space requirements is not inconsistent with the Comprehensive Plan and the purposes of the ARTS Overlay District because the relief accommodates the preservation of the contributing portions of the Existing Buildings, and historic preservation is a key policy objective of both the Comprehensive Plan and ARTS Overlay District. The Project’s preservation of the Existing Buildings is not detrimental to the policy objectives for the neighborhood notwithstanding the competing policy objective of complying with the ground level public space requirements of the Zoning Regulations.

As noted above, because of the existing 30-foot alley and the proposed setback for the top two floors of the Project, the requested relief will create no adverse effects on light and air with respect to the rear yard requirements. It is important to note that the effect of the requested variance relief will be minor pragmatically. The existing 30-foot rear alley provides ample separation from the building to the rear of the Property, mitigating the impact of no rear yard. In

addition, the existing approximately 1.25 acre Harrison Playground to the rear of the Property allows for significantly more light and air penetration than the rear yard requirement would. As shown in the Plans, the Project's lack of rear yard and overall massing will have no negative shadow impacts on surrounding properties or the nearby park.

Likewise, the presence of the upper story rear court is in part mitigation for the lack of rear yard on that façade. The Project's thoughtful design and ample windows and private outdoor space for residents compensate for the court's nonconforming dimensions.

Finally, the demand for parking spaces is mitigated by the Project's highly-walkable and transit-friendly location. The relief from the parking requirements will reduce vehicular traffic to and from the Property below what would be required for a project built in compliance with the minimum parking requirements. Such reduction in traffic will benefit pedestrian and vehicular safety in the U Street corridor generally. As mitigation for the parking relief requested, the Project will include a secure bike-storage room with bike repair facilities and will reserve one of the parking spaces for a vehicle made available through a car-sharing service.

The Project's mix of uses, retail street presence, encouragement for pedestrian activity, expansion of the neighborhood housing supply, strengthening of the area's design character, and adaptive reuse of historic buildings benefit the public good and are all made possible or enhanced by the grant of the requested relief. The Project will not undermine the Zone Plan because the result will be consistent with the development in the neighborhood and the objectives of the ARTS Overlay.





**VI.CONCLUSION**

For the reasons stated above, this application meets the variance requirements for the proposed Project. Accordingly, the Applicant respectfully requests that the BZA approve this application for variance relief.

Respectfully submitted,

GOULSTON & STORRS, PC

By  \_\_\_\_\_  
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