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May 6, 2003

DENNIS R. HUGHES
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2003 MAY -6 PM 3:11
D.C. OFFICE OF ZONING

Board of Zoning Adjustment
441 4th Street, N.W.
Room 210 S
Washington, D.C. 20001

Re: BZA No. 17012, 9th and N Streets, N.W.

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on May 20, 2003.

Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,

HOLLAND &KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: John Moore, Office of Planning
Alex Padro, ANC 2C
Paul Millstein

BZA
Case No. 17012
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17012
EXHIBIT NO. 25A1

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## FACSIMILE

**TO:**

**Rick Nero** **(202) 727-6072**

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**FROM:**

**Dennis Hughes** **(202) 419-2448**
NAME TELEPHONE NUMBER

TOTAL NUMBER OF PAGES (Including Cover Sheet) **2**

MESSAGE:

**Per our conversation re: 9th and N**
**Thanks so much. Cheryl**

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DATE: **May 6, 2003**

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CLIENT #: MATTER #:

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

Application of
Jemal's Benjo LLC

BZA Application No. 17012
Public Hearing: May 20, 2003
ANC 2C

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## STATEMENT OF THE APPLICANT

### I.
### NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR §3103.2, for a variance from the building height requirements under §770, for a variance from the floor area ratio ("FAR") requirements under §771, for a variance from the residential recreation space requirements under §773, and for a variance from the rear yard requirements under §774, all to allow the renovation of five historic buildings for mixed use (retail, office and residential uses) in the C-2-A District at premises 1301-1309 9th Street, NW (Square 399, Lots 62, 63, 800, 801, 803, and 804)(the "Subject Property").

### II.
### JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested variance relief pursuant to §3103.2 of the Zoning Regulations.

## III.
## EXHIBITS IN SUPPORT OF THE APPLICATION

Before proceeding with the discussion of the merits of the instant application, the following additional materials are submitted:

| | |
|---|---|
| Exhibit A: | A portion of the Baist and Sanborn Atlases showing the Subject Property outlined in red ink. |
| Exhibit B: | A portion of the Zoning Map showing Square 399 outlined in red ink, with zoning designation of C-2-A. |
| Exhibit C: | Architectural drawings and photographs of the Subject Property. |
| Exhibit D: | Outline of testimony of Representative of Applicant. |
| Exhibit E: | Outline of testimony of Emily Eig, Architectural Historian, EHT Traceries, Inc. |
| Exhibit F: | Outline of testimony of Melissa Cohen, GTM Architects. |
| Exhibit G: | Outline of testimony of Land Economics Expert. |
| Exhibit H: | Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. |
| Exhibit I: | 1301-1309 Ninth Street, NW, History, prepared by EHT Traceries, Inc. |
| Exhibit J: | Historic Preservation Review Board – Staff Report and Recommendation dated December 19, 2002. |
| Exhibit K: | Project Cost Estimate, Design and Construction, prepared by James G. Davis Construction Company |

## IV.
## BACKGROUND OF THE CASE

### A. Site and Vicinity Characteristics

1) The Subject Property:

The Subject Property is located at the northeast corner of the intersection of 9th and N Streets, NW. The site is comparatively small by commercial redevelopment standards, with a total lot area of approximately 8,206 square feet. Frontage along 9th Street totals 87 feet while N Street frontage measures approximately 94 feet. The Subject Property is bounded to the east by a ten-foot wide public alley and to the north by private property that is currently improved with a gasoline service station.

The Subject Property is located within the Shaw Historic District and improved with five row buildings fronting on 9th Street and measuring two and three stories in height. When the Applicant purchased the Subject Property in 2001, the buildings were in a dilapidated and severely compromised state. As part of its efforts to rehabilitate the site, the Applicant has conducted extensive architectural and historical research on the buildings located on the Subject Property, as detailed in the attached building history report.(Exhibit I).

With the exception of the corner building, 1301 9th Street, the other four row buildings appear to have been constructed at different times during the 1860s. 1301 9th was constructed in the early 1890s. The Subject Property historically also contained two 19th century row buildings behind 1301 9th, fronting on N Street. These buildings apparently collapsed or were demolished some time between the

1960s and 1980s. Both commercial and residential uses historically were made of the various buildings on the Subject Property.

The buildings have been determined to contribute to the character of the Shaw Historic District and the Historic Preservation Review Board ("HPRB") holds review authority over any proposed alteration, demolition, subdivision or new construction impacting the Subject Property.

The Subject Property is zoned C-2-A. Pursuant to §720 of the Zoning Regulations, the C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside the central core. The Applicant's proposed mixed use of the Subject Property for retail, office and residential uses is permitted as a matter-of-right.

2) Square 399 and Vicinity:

The Subject Property is located immediately north, across N Street, from the recently-opened convention center, which stretches the width of two city blocks and runs from N Street south several blocks to K Street.(Exhibit A).

Within Square 399, the Subject Property is bounded to the north by a gasoline service station, and to the east by a public alley. Across the alley is a vacant lot at the northwest corner of 8th and N Streets, NW. The Immaculate Conception Church and School is immediately west across 8th Street from the vacant lot. The remainder of Square 399 is comprised of offices and commercial structures along 9th Street and row houses and parking pad along 8th Street.

West, across 9th Street from the site, are a number of row buildings dedicated to commercial uses. Access to Naylor Court is located mid-block along 9th Street, just across from the gasoline service station. Naylor Court contains a variety of commercial and light industrial uses. The District of Columbia Archives are located in Naylor Court.

## B. Project Description

The Applicant proposes to stabilize and renovate the historic buildings on the site and to construct an addition to the rear of the buildings, to include retail on the ground level, office uses on the second and third levels, and apartments on the fourth and fifth levels (the "Project").(Exhibit C). The anticipated costs for design and construction of the Project total approximately $10,415,850, or $271.25 per square foot.(Exhibit K).[1] To construct the proposed mixed use program on an equivalent yet unimproved site, the Applicant estimates that its costs would total approximately $150 per square foot. Likewise, the Applicant's extensive experience with larger-scale redevelopment projects of historic properties indicate a "typical" premium of up to $40 per square foot for said historic preservation component, for a total design and construction cost range of between $150 to $190 for larger-scale preservation projects.

Prior to undertaking construction of any addition, the Applicant must stabilize the existing buildings, salvaging as much historic fabric as possible and clearing the site of collapsed portions and debris. The Applicant has extensive

[1] The Project costs per square foot are generated using a denominator of 38,400 square foot. This is

experience with these types of preservation efforts, especially on larger-scale projects, such as the recently completed Atlas/Ledroit Building project at the 800 block of F Street and the projects underway at 910-916 F Street, NW, and at the Atlantic Building at 930 F Street, NW. The Applicant, in consultation with construction and engineering experts, has determined that during the site clearance and construction phases of the Project, the facades of the existing buildings must be pinned and supported by scaffolding, at extraordinary expense to the Project, approximately $250,000 for the bracing and an additional $500,000 for the façade repair.(Exhibit K). Because the row buildings were constructed at different times and independently of one another, the Applicant is likewise faced with the added task of matching floor levels and ceiling heights between the buildings and with the new construction portion, at further cost to the Project, as well as the uncertainty inherent in such preservation projects as to foundation condition and related structural and design contingencies. For the Project, these exceptional preservation-related contingencies add more than $1,650,000 to the Applicant's development costs.(Exhibit K).

The total proposed gross floor area for the Project is approximately 30,338 square feet, of which 23,583 square feet are proposed for nonresidential use. Matter of right development for the site permits approximately 20,517 square feet of total construction, no more than 12,310 square feet of which may be nonresidential.

Street level retail is proposed for the ground floor, with office uses on the second and third levels. At the fourth and fifth levels, the building steps back

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the approximate square footage of the Project when including approximately 8,183 square feet of

dramatically to create six apartment units, five of which are two-story units. The Project includes a significant roof terrace at the southeast corner of the roof of the proposed building. The basement and ground floor also house mechanical and storage space for the entire building, approximately 1,500 square feet of which is attributable to building density (FAR). Part of that space that is attributable to FAR includes a generously-sized trash room on the ground level, which is being undertaken at the Applicant's own initiative in efforts to enhance vector control in this block.

Given the roughly square-shaped development site and the location of the historic buildings all with frontages along 9th Street, the Applicant is proposing to build an addition at the rear of these buildings, preserving as much historic building fabric as possible given the decayed nature of these buildings, and stepping new construction back significantly from the public street elevations, ranging from 32 feet to 64 feet from 9th Street, per the direction and approval of the HPRB.(Exhibit C). The building will also be stepped back from N Street above the third floor. Because of the setbacks, the height of the existing buildings will be retained along both street frontages. The small portion of the new construction that is stepped back at the fourth and fifth levels will have a height of approximately 52 feet, 10 and 3/4 inches.

The conceptual massing of the Project has been approved by the HPRB.(Exhibit J). The Applicant has also presented the Project before the Single

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cellar space, which is not attributable to the gross floor area of the Project.

Member District Representative for the site on multiple occasions and will appear before the full Advisory Neighborhood Commission 2C on May 7, 2003.

## V.
## THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF FROM THE ZONING REGULATIONS

The burden of proof for variance relief is well established. The Applicant must demonstrate: (a) that the Subject Property is affected by an exceptional or extraordinary situation or condition; (b) that, as a result of said exceptional situation or condition the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant; and (c) that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan. *Palmer v. District of Columbia Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). As set forth below, the Application meets this three-part test for area variance relief.

### A. <u>The Property is Affected by an Exceptional Or Extraordinary Situation or Condition</u>

The Subject Property is confronted with a variety of factors which qualify it for variance relief. These factors include both physical conditions impacting the Subject Property and its development history.

1. <u>Physical Conditions</u>:

The Subject Property is exceptional as a development site not only in that it is comparatively small by commercial redevelopment standards and that it is a

prominent corner lot, but also in that it is improved with five separate historically significant structures built independently and at different times, all of which have been determined to "contribute" to the character of the Shaw Historic District, in varying states of disrepair and with distinct historic preservation considerations. These considerations include maximizing preservation of historic resources and providing sympathetic new construction which must accommodate, among other things, uneven floor and ceiling heights between the historic buildings. Furthermore, any work on the Subject Property thus must be undertaken pursuant to the recommendations of the HPRB, at significantly increased costs owing to the very significant level of preservation involved, and further exacerbated by the small development opportunity of the site.

2. Development History:

As set forth above, in addition to its improvement with a variety of historic buildings, the Subject Property is a corner site, with prominent frontages on both 9th and N Streets, and with a public alley and a vacant site to the east of the Property, further exposing the development site to public view. The location of the convention center immediately south across N Street, NW, adds to the prominence of the site as well as promises to transform the immediate neighborhood in terms of uses and pedestrian traffic. The presence of the convention center also serves to dictate a reorientation of the Subject Property as a development site to both 9th and N Streets. This is in keeping with the historical use of the Subject Property, where buildings once framed the southern boundary of the site, from the corner with 9th

Street to the west to the public alley to the east of the site. The current condition of the Subject Property is not reflective of the historical use and appearance of the site.

Finally, the Subject Property is a comparatively small development site to support the type of historic preservation project that must be undertaken to rescue the historic buildings on the site, especially given the very poor condition of the buildings and the differences among the buildings.

## B. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

Absent variance relief from the requested provisions of the Zoning Regulations, the Applicant will not be able to undertake the rescue of the historic buildings desperately needed at the site and their rehabilitation into a vibrant mixed use project important to the immediate neighborhood and to the District as a whole. The extensive amount of preservation costs, compounded by a negative economy of scale for such a small development site, dictate the Applicant's construction program, as detailed below:

### 1. §770, Building Height Restriction

Section 770 of the Zoning Regulations limits the height of buildings in the C-2-A District to 50 feet. The Applicant seeks to comply with the spirit of this 50-foot requirement, as indicated in the concept design approval given by the HPRB, wherein it was noted that the proposed height was consistent with the character of

the historic district. However, owing to the differing floor plates of the various historic buildings and the setbacks required by the HPRB for new construction on the site, it is not possible for the Applicant to provide all of the mixture of commercial (retail and office) and residential uses and necessary setbacks without slight relief from the 50-foot height restriction.

The HPRB has required the Applicant to step new construction back significantly from the facades of the historic buildings and from both 9th and N Streets, greatly reducing the footprint available for development. In order to provide a financially feasible development, the Applicant is required to build upward in the rear portion of the Subject Property. At the same time, the Applicant must ensure that the new construction connects efficiently with the varying levels/floor plates of the historic buildings which front the Subject Property. After conducting field measurements of the buildings, the Applicant is unable to provide the needed mixture of commercial and retail uses without exceeding the 50-foot height restriction by approximately 2 feet 10 and 3/4 inches.

As demonstrated in the attached architectural drawings for the Project, the varying floor and window levels of the various historic buildings result in a situation where the ground floor ceiling height approximates 13.5 feet and the second and third levels ceiling heights measure approximately 11 and ten feet, respectively. The inefficiency created by this situation leaves the Applicant little more than 15 feet of remaining height for the two residential floors proposed, or 7.5 foot floor-to-floor height for each level. The Applicant is practically unable to provide a workable residential space within the restraints here created by the 50-

foot height restriction. The proposed nine foot floor-to-floor heights for the two residential floors, with resulting clear ceiling heights of less than eight feet, cause the Project to exceed the height limitation by fewer than three feet.

2. §771, Building Density (FAR) Restriction

The Application seeks variance relief from the restriction of §771 of the Zoning Regulations limiting density to a total 2.5 FAR, no more than 1.5 FAR of which may be for non-residential use. The Applicant proposes a development of approximately 3.7 FAR, of which 2.87 FAR is proposed to be devoted for non-residential use. Based upon the abovementioned physical and zoning restraints impacting the Subject Property, the Applicant is experiencing great difficulty in developing a marketable mixed use project on the Subject Property in strict compliance with the Zoning Regulations. As a result, the Applicant requests variance relief from the Board from the total building density limitations for the Subject Property as well as relief from the limitation on non-residential density that may be provided.

Were the Subject Property vacant and unimproved, the Applicant could more efficiently develop the site and comply with the density restriction in providing the mix of uses contemplated. However, the Applicant must take into consideration the number of costs unique to the Subject Property that impact the Applicant's ability to undertake the Project. These costs include actual restoration of the facades of the historic buildings, designing and connecting new construction with the historic building material, and absorbing inefficiencies of space resulting from the differing

floor plates of the existing buildings from one another and from the proposed new construction.

Still other exceptional costs to the Project include the need to design the new construction with articulated public elevations on at least two sides, absorbing the inefficiencies inherent in such a small mixed use residential and commercial project (multiple egress and mechanicals, corridor space, etc.). These added costs dictate that the Applicant increase the amount of building density being developed in order to make the Project viable under its unusual circumstances. In a project with a total design and construction budget of approximately $10.5 million, one-third of this budget (approximately $3.7 million) can be directly attributed to the restoration and renovation aspects of the Project.

The Applicant has extensive experience in undertaking the type of mixed use residential and commercial development proposed by the Project, as well as the extensive historic preservation and rehabilitation involved. Projects underway or recently completed by Douglas Development Co. include the rehabilitation of the Atlas and LeDroit Buildings at the 800 block of F Street, NW, into the exciting Spy Museum, retail and apartment uses, the redevelopment of an entire block of historic buildings along 7th Street, NW, between G and H Streets, the renovation of three historic row buildings at 910-916 F Street, NW, for apartment uses with ground floor retail, and the rescue and renovation of the Atlantic Building at 930 F Street, NW, and surrounding historic buildings as part of a mixed use office, retail, and residential project. While these are but a few of the important historic preservation projects accomplished by Douglas Development Co., they well represent the

Applicant's experience and familiarity with the development of such exceptional properties. The Subject Property provides the additional complication that while it contains the similar type of extensive preservation project, it offers a comparatively smaller development footprint with which to finance the exceptional expenses inherent in preservation work. The site has a small footprint at approximately 8,207 square feet, as compared to another small development site, at 910-916 F Street, which has a footprint of almost 14,000 square feet. Furthermore, the C-2-A zoning of the Subject Property provides much less opportunity for the Applicant to recoup its preservation costs than would a similarly situated property in the C-4 Zone, again such as the 910-916 F Street site.[2]

As discussed above, larger preservation and redevelopment projects such as the 910-916 F Street and the Atlas/LeDroit rehabilitation projects have generated construction and design costs of more than $180 per square foot, including the typical premium for such projects of up to $40 per square foot over typical new construction costs ($150 per square foot baseline). In the instant case, the Applicant has determined that the negative economies of scale for the Project on this diminutive site with more restrictive zoning create an exorbitant cost for the Project of $271.25 per square foot.(Exhibit K), based on 38,400 square feet being developed. This number includes more than 8,000 square feet of cellar space not attributable to FAR. This projected cost for the Project is approximately 50 percent more expensive to develop than a typical larger scale commercial historic

[2] In BZA Application No. 16757, the Board granted variance relief from the FAR restrictions, among other areas of relief.

rehabilitation and 80 percent more expensive than would be commercial development as here proposed on a "clean" site.

Furthermore, were the Applicant not granted the requested relief from the building density restriction, the Applicant could construct no more than 20,517 square feet of gross floor area. Adding to this number the approximately 8,000 square feet of cellar space for a total matter of right development of 28,517 square feet of development, the Applicant's costs would total in excess of $320 per square foot, based on the lesser density.

The Applicant notes that it seeks relief from §771 both as to the total building density restriction as well as from the limitation on the provision of non-residential density. Based upon the comparatively exorbitant development costs and the lower rate of return on residential development, the Applicant is unable to develop the Project with any greater amount of residential use.

For all these reasons, strict application of the building density restriction in the instant case works a practical difficulty upon the Applicant.

3. §773, Residential Recreation Space Requirement

Section 773 of the Zoning Regulations requires in commercial zoning districts that buildings (or portions thereof) devoted to residential use, other than single family dwellings, shall provide recreation space that is "safe, secure, and suitably equipped or landscaped for the active or passive recreation of the residents." Notably, the residential recreation space may be located at ground level, on or above

the residential plane, on rooftops, or within a building or structure.(§773.4). No less than 50 percent of the total residential recreation space provided shall be outdoors.(§773.8).

Subsection 773.3 establishes a schedule for the amount of residential recreation space required to be provided, based upon zoning classification. According to that schedule, 20 percent of the gross floor area devoted to residential use in the C-2-A Zone must be devoted to residential recreation space. For the Subject Property, where approximately 6,755 square feet is being devoted to residential use on the fourth and fifth levels, the Applicant would be required by §773.3 to provide 1,351 square feet of residential recreation space, 675.5 square feet of which must be located outdoors under §773.8. The Applicant proposes to provide approximately 1,144 square feet of recreation space, all of it outdoors, via a significant roof patio. Given the mixture of uses proposed for the site, with retail on the ground floor, office on the second and third floors, and residential on the fourth and fifth levels, and furthermore, given the restrictions placed on development by the need for new construction to step back significantly from the historic buildings, the Applicant has no viable additional options for locating residential recreation space within the Project.

4. §774, Rear Yard Requirement

Section 774 of the Zoning Regulations requires that buildings in the C-2-A District provide a rear yard of no less than 15 feet in depth. Utilizing the measurement standard established in §774.7, the Project provides no rear yard,

although the Applicant is credited for providing a five-foot rear yard for the portion of the Project less than 20 feet in height (§774.7(a)) based upon the location of the public alley behind the Project's rear wall. Nonetheless, without relief from the 15-foot rear yard requirement, the Applicant could not possibly undertake the Project in the manner directed by the HPRB, with new construction setback significantly from the historic buildings as well as the public frontages of the Subject Property. If the Applicant were required to comply with the strict application of the rear yard restriction, the Project could not be undertaken consistent with the direction of the HPRB as to maximize setbacks from the historic structures. Furthermore, as the Project has been designed to minimize any impact on the historic structures, the new construction and its core have been set as far back as possible on the site from the buildings. If the Applicant were required to provide the 15-foot rear yard, the core would have to be moved forward significantly, further disrupting and complicating the preservation program as well as the efficiency of the floorplan for the new construction portion.

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

The Applicant proposes to construct the mixed use building on the Subject Property with no substantial detriment to the public good and with no impairment to the intent, purpose and integrity of the Zone Plan, as set forth below:

1. §770, Building Height Restriction

The Applicant requests a minimal amount of relief from the height restriction in order to accommodate the necessary number and mixture of uses for a marketable historic rehabilitation project on the Subject Property, especially given the Subject Property's immediate proximity to the new convention center. The Project will be undertaken without harm to the public good and without threat to the integrity of the Zone Plan. The Application furthers the public interest in that it will enhance both the historic preservation goals and economic development incentives of the District.

a. Public Good:

In addition to providing a critical density and mix of preferred uses on this site, the Applicant is ensuring through its extensive historic preservation program that the building height is consistent with the character of the historic district and with the spirit of the Zoning Regulations. The portion of the Project where the additional height is requested is removed from both the 9th and N Streets elevations and will be focused to the northeast corner of the Subject Property, away from the public view. Furthermore, the Applicant has worked extensively with HPRB staff to ensure that the massing is sufficiently modulated to further reduce any visual impact on the historic district and neighboring properties, as demonstrated in the architectural drawings.(Exhibit C).

b. Zone Plan:

Nor will approval of the requested variance harm the Zone Plan as the Applicant is requesting a variance of less than three feet over that which is permitted as a matter of right. This relief is requested in order to accommodate the unique qualities of the various historic buildings on this prominently situated and diminutive site, particularly the differing and exceptional tall floor-to-floor heights of the historic buildings. Furthermore, as set forth above, the Project has been approved in concept by the HPRB.

2. §771, Building Density (FAR) Restriction

a. Public Good:

Approval of the requested variance permits the Applicant to move forward with a very important development project to the Shaw community, one that is a model for rehabilitation of historic properties and provides a much needed mixture or residential, retail and office uses in a neighborhood undergoing unprecedented change in the wake of the construction and now opening of the new convention center.

The public good is further served in that the additional density requested in the instant application is being utilized to create a superior new building for the neighborhood, both in terms of its proposed uses and facilities. For instance, the Project offers six very desirable upper level apartment units with a significant rooftop terrace amenity. In order to program this use into the mix of uses for the site, the Applicant is required to devote substantial density to redundancies in the

building, such as methods of fire egress for both commercial and residential uses, and mechanical needs for both. For example, the Project devotes a significant amount of ground floor commercial GFA (approximately 240 square feet) to a trash room. While such a trash room is not required under the Zoning Regulations, the Applicant has found in past projects that such rooms serve a vitale role in vector control and in keeping trash out of the public alley and proximity.

Finally, while adding building density in order to make the Project economically feasible, the Applicant is continuing to work closely with the HPRB and Preservation Staff to ensure that the additional mass created by the new construction is masked to the extent possible, especially in the context of buffering abutting and neighboring historic properties.

For all these reasons, variance relief from §771 can be accomplished without harm to the public good.

b. Zone Plan:

Approval of the variance request from the building density restriction will serve no detriment to the Zone Plan in that the mixture of uses contemplated by the Project is generally consistent with the mixture/combination of commercial and residential uses envisioned for the C-2-A District. Furthermore, the additional density authorized by the approval is necessary to provide the Project, with all its exceptional circumstances and costs, the critical mass to reach fruition. Relief from the building density restriction in order to accommodate important historic preservation and economic development goals has been granted to a variety of

mixed use projects in the downtown area, including BZA Application No. 16757, pertaining to 910 to 916 F Street.

For all the above reasons, variance relief from §771 of the Regulations can be granted without detriment to the public good or without substantial impairment to the Zone Plan.

3. §773, Residential Recreation Space Requirement

In similar course, variance relief from §773 of the Regulations may be granted without detriment to the public good or without substantial impairment to the Zone Plan, as set forth below:

a. Public Good:

With respect to the public good, the Project does provide a significant amount of space devoted exclusively for the use of building residents, approximately 1,144 square feet for six apartments, or 191 square feet per unit. The Project also includes a second terrace, at the fourth level, which contains approximately 240 square feet, although technically the Applicant cannot count this space towards its residential recreation space requirement because it is accessible to only two of the six apartment units. The Applicant is thus not neglecting its responsibility to provide recreation space for residents. Indeed, the Project offers the premium of recreation space for residents, landscaped, outdoor, rooftop patio use.

Furthermore, the Project offers a significant amount of ground floor retail space. While this space does not technically satisfy the definition of recreation

space, it does provide an important amount of quasi-public space on the site for passive recreation by residents of the building and the larger community. The cultural, entertainment, recreational, retail and service activities and opportunities that are present in the vicinity of the site are substantial.

b. Zone Plan:

Variance relief may be granted from the provisions of §773 in the present case without detriment to the zone plan for the District. To this end, the Board has granted similar relief in a number of recent applications, including BZA Application No. 16681 for a residential project at 7th and E Streets, NW, and BZA Application No. 16757 for the residential project located at 910-916 F Streets, NW.

Further, in support of the recent reduction in the percentage of residential recreation space required in the DD/C-2-C and the DD/C-3-C Districts (Zoning Commission Order No. 943), the District of Columbia Office of Planning, in recommending the reductions, noted the importance to downtown vibrancy and security that downtown residential uses provide and the interesting negative impact that on-site private residential recreation space exerts over the District's unceasing efforts to revitalize the downtown core. This reasoning surely applies to the Subject Property, despite its location technically outside the boundaries of the DD Zone, owing to its very urban location adjacent to the new convention center, where pedestrian street traffic is encouraged.

4. §774, Rear Yard Requirement

The Applicant is likewise requesting variance relief from the rear yard provisions of §774 in order to provide the greatest setback and minimal demolition to the row of historic buildings. The Subject Property is bounded to the east by a 10-foot public alley, which, pursuant to §774.7, accounts for a five foot rear yard for the Subject Property. Section 774 requires only a 15-foot rear yard in the C-2-A District.

a. Public Good:

The public good is well served by removal of the existing rear yard at the site, which runs parallel to the public alley east of the Subject Property. With the recent completion of construction of the new convention center, the 800 block of N Street, NW, now takes on a heightened amount of visibility. The Project serves to re-orient the site to address not only the historically important 9th Street streetscape, but also to fill in something of a gap tooth along this newly important streetscape along the north side of N Street opposite the convention center. This effort is in keeping with the historical use of the Subject Property, where until a few years ago, there were inhabited properties fronting along N Street, between the rear of 1301 9th Street and the Public Alley.

b. Zone Plan:

In the nearby Downtown Development District, historic properties faced with similar pressures to set building mass back are relieved from providing a rear yard

pursuant to §1707.6. The Applicant contends that the same rationale as exists for adopting that provision also arises in the instant case.

For all the above reasons, the Application qualifies for variance relief from §§ 770, 771, 773 and 774 of the Zoning Regulations.

## VII.
## WITNESSES

A. Representative of Applicant.

B. Emily Eig, Architectural Historian, EHT Traceries, Inc.

C. Melissa Cohen, GTM Architects.

D. Land Economics Expert.

E. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

## VIII.
## CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

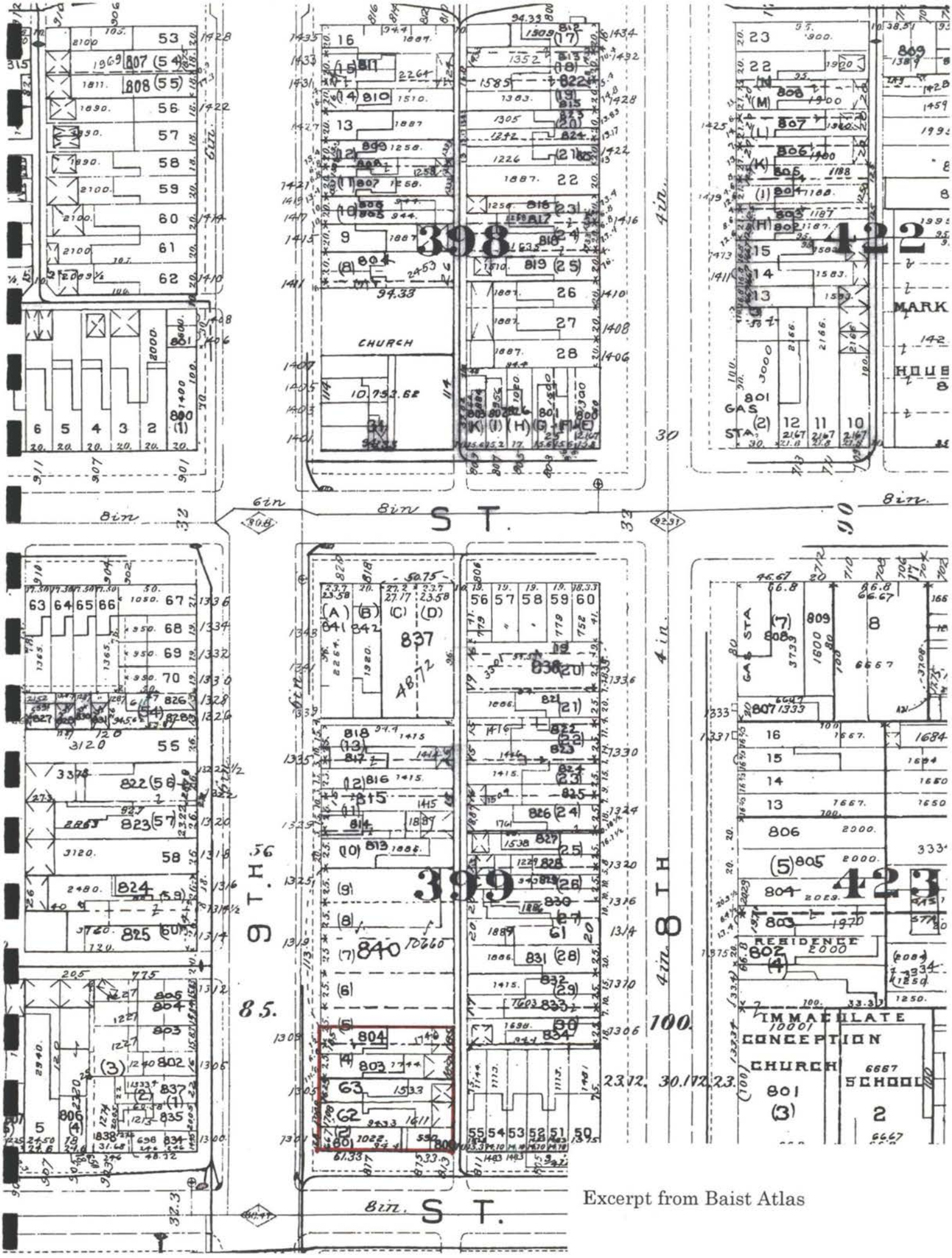
By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

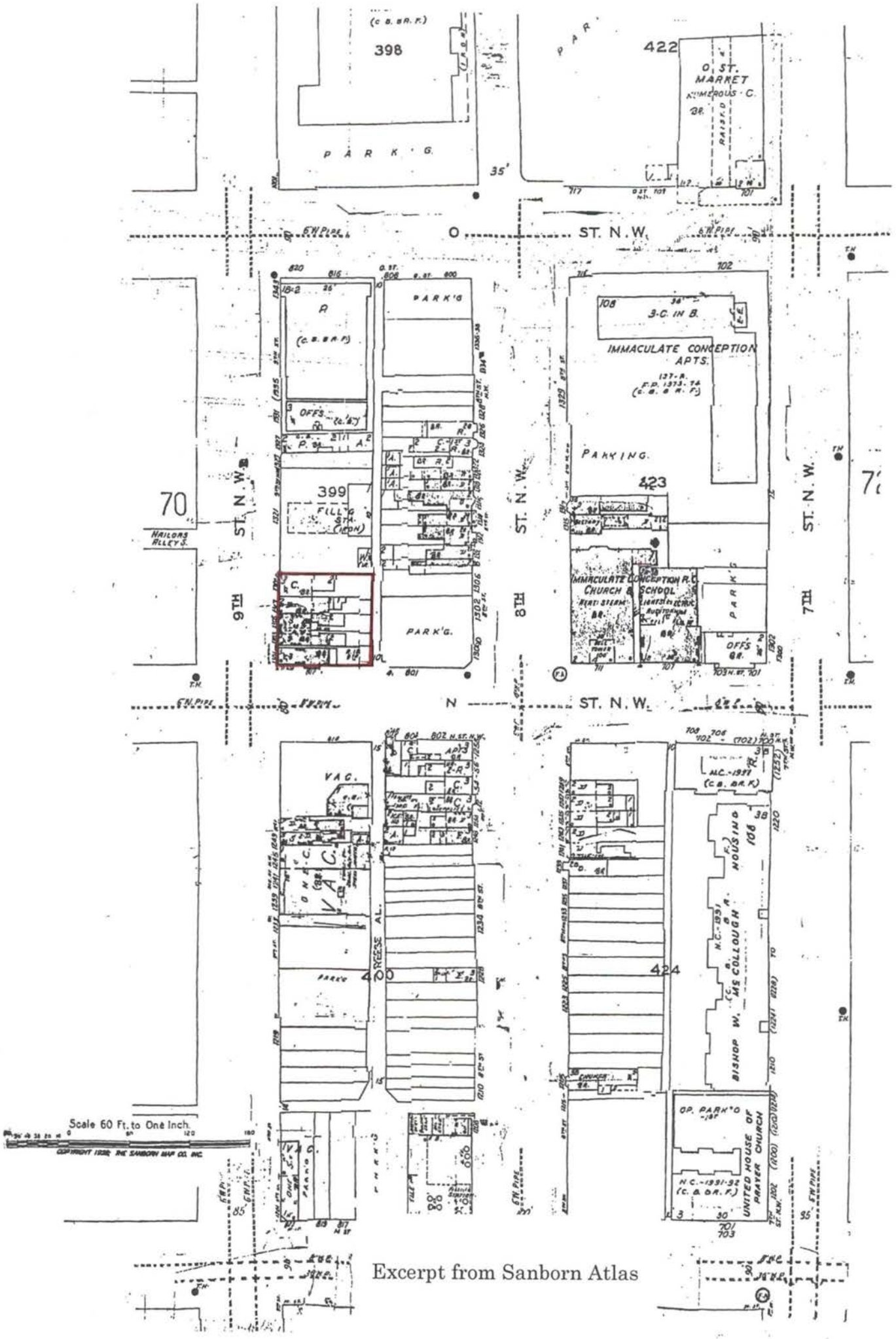
2099 Pennsylvania Avenue, NW,
Suite 100
Washington, D.C. 20006
(202) 955-3000

May, 2003



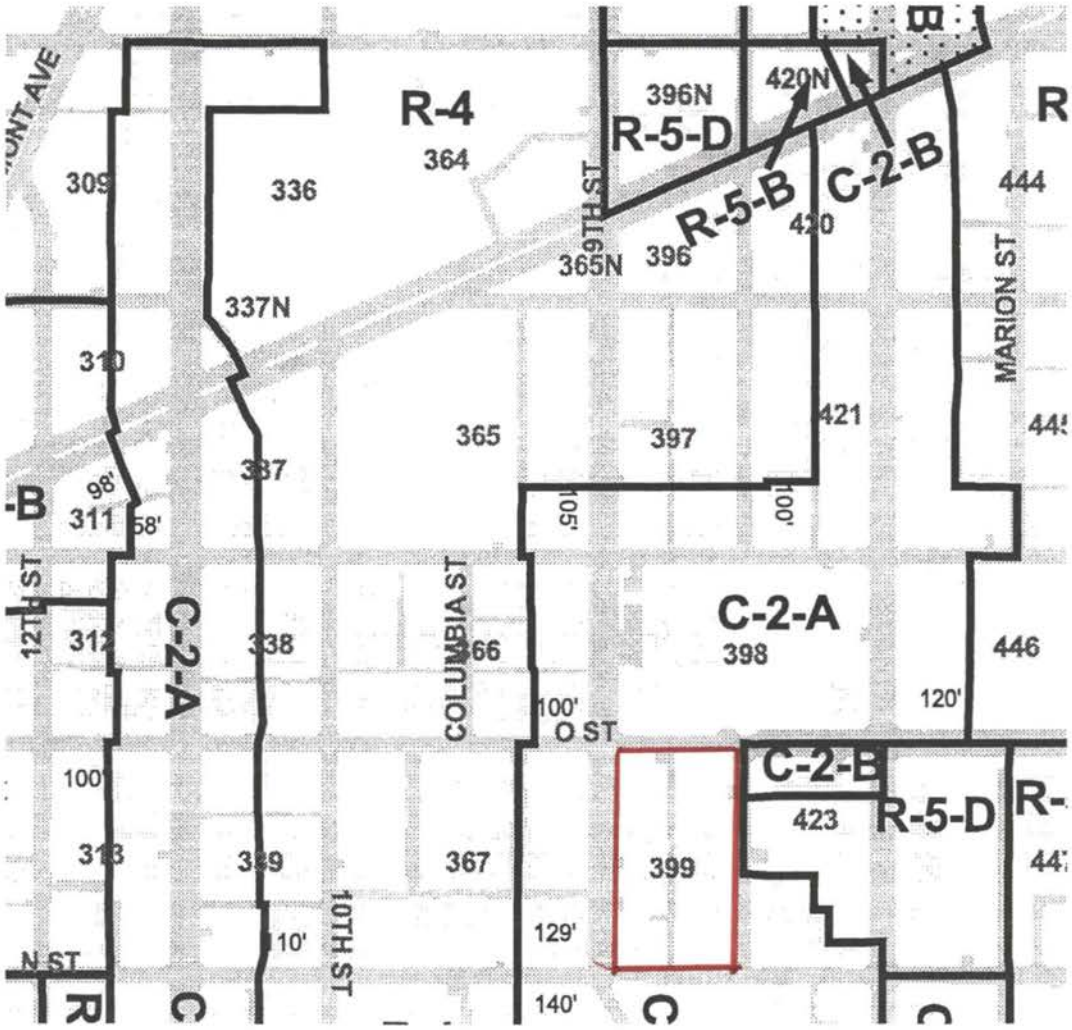



Excerpt from Baist Atlas




Excerpt from Sanborn Atlas




R-4
R-5-D
R-5-B
C-2-B
C-2-A
C-2-B
R-5-D
396N
420N
364
309
336
337N
310
311
312
313
365
397
421
366
398
423
399
367
369
337
338
444
446
MARION ST
69TH ST
COLUMBIA ST
O ST
10TH ST
12TH ST
N ST
105'
100'
120'
129'
140'
98'
58'
110'

C

# BOARD OF ZONING ADJUSTMENT–APPLICATION #17012



1300 BLOCK OF 9TH STREET – VIEW TOWARDS WEST



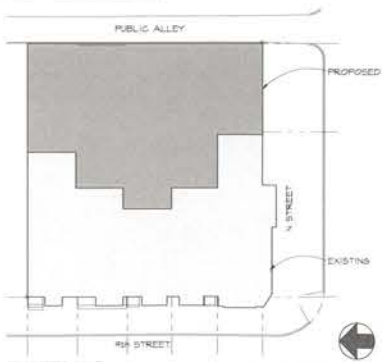

AERIAL PHOTOGRAPH

## BUILDING DATA:

BUILDING ADDRESS: 1301-1309 9th STREET, NW, WASHINGTON, DC 20001
DATE OF EXISTING CONSTRUCTION: 1860-1941
SCOPE OF WORK: RENOVATION AND ADDITION
SQUARE #: 348
LOT #: 62, 63, 800, 801, 803, 804
EXISTING CONSTRUCTION: TYPE 5B, NON SPRINKLERED
PROPOSED CONSTRUCTION: TYPE 5A, SPRINKLERED
ZONE: C-2-A
GROSS AREA:
- A&M - 7,012 SQ. FT.
- B - 16,571 SQ. FT.
- R-2 - 6,755 SQ. FT.
- RECREATION SPACE - 1,144 SQ. FT.

## DRAWING LIST:


G1 COVER SHEET
SP SITE PLAN
A1.0 BASEMENT PLAN
A1.1 FIRST FLOOR PLAN
A1.2 SECOND FLOOR PLAN
A1.3 THIRD FLOOR PLAN
A1.4 FOURTH FLOOR PLAN
A1.5 FIFTH FLOOR PLAN
A1.6 ROOF PLAN
A2.1 BUILDING SECTION
A2.2 BUILDING SECTION
A3.1 BUILDING ELEVATIONS
A3.2 SITE ELEVATIONS
A3.3 SITE PHOTOS
A4.1 PERSPECTIVE
A4.2 PERSPECTIVE

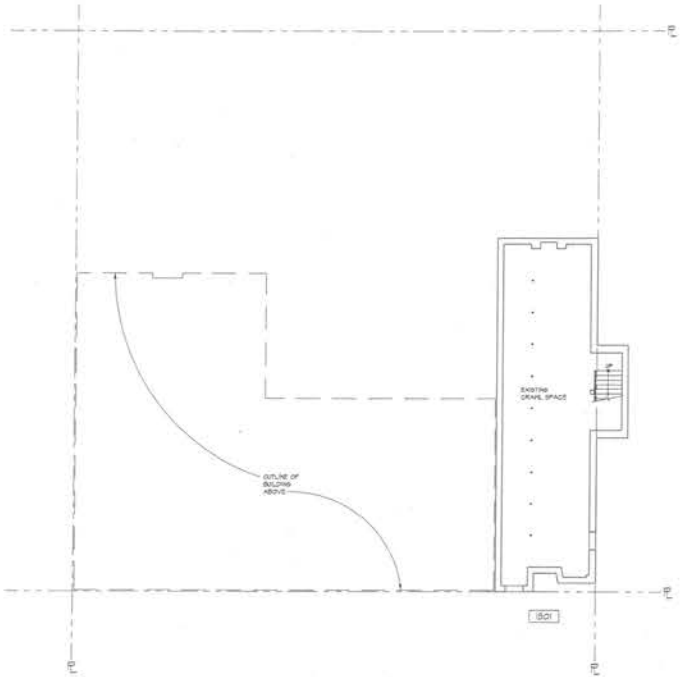

VICINITY MAP

## 9TH AND N STREET, NW

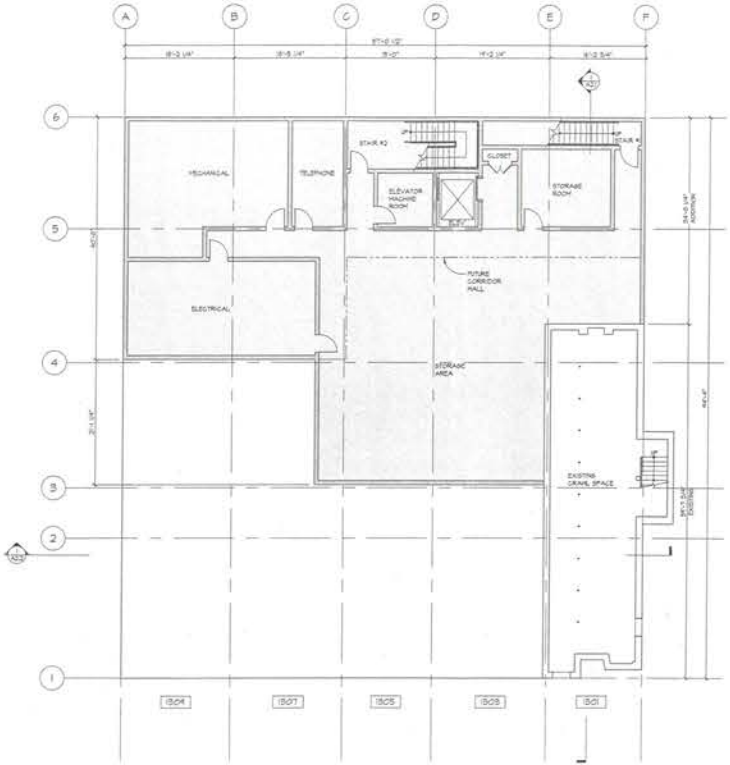
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10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929


CS




1 A1.0 EXISTING BASEMENT PLAN
SCALE: 1/8" = 1'-0"




2 A1.0 PROPOSED BASEMENT PLAN
SCALE: 1/8" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

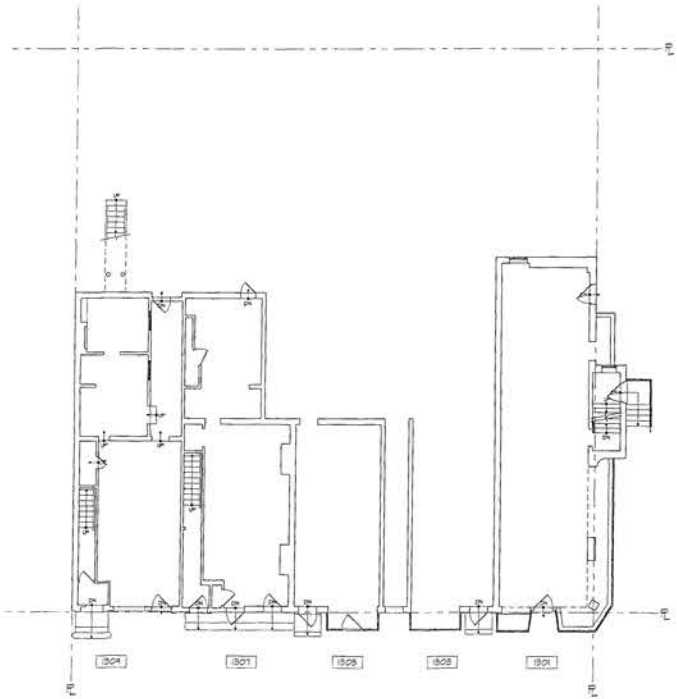
FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

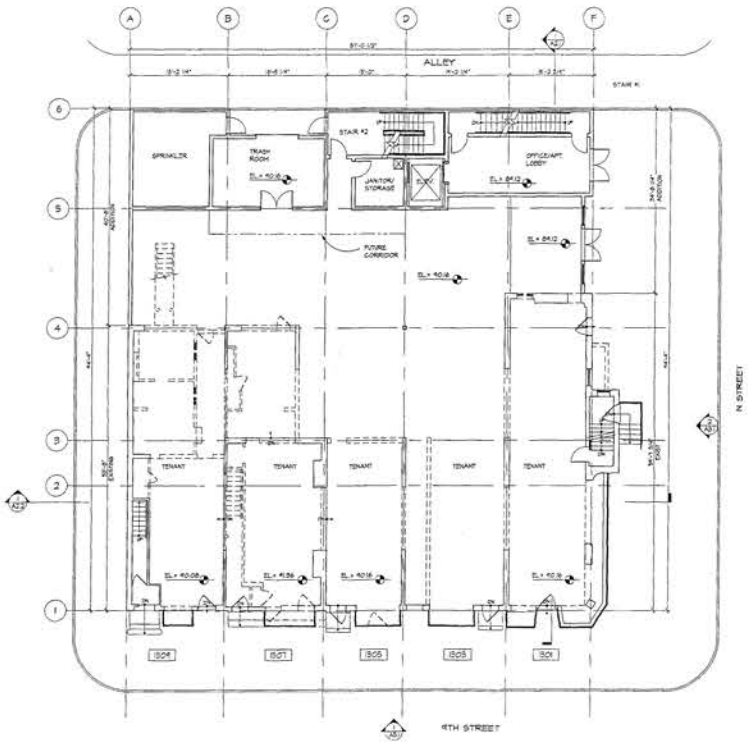
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PROJECT NO: 01.0511

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1 A1 EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"




2 A1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

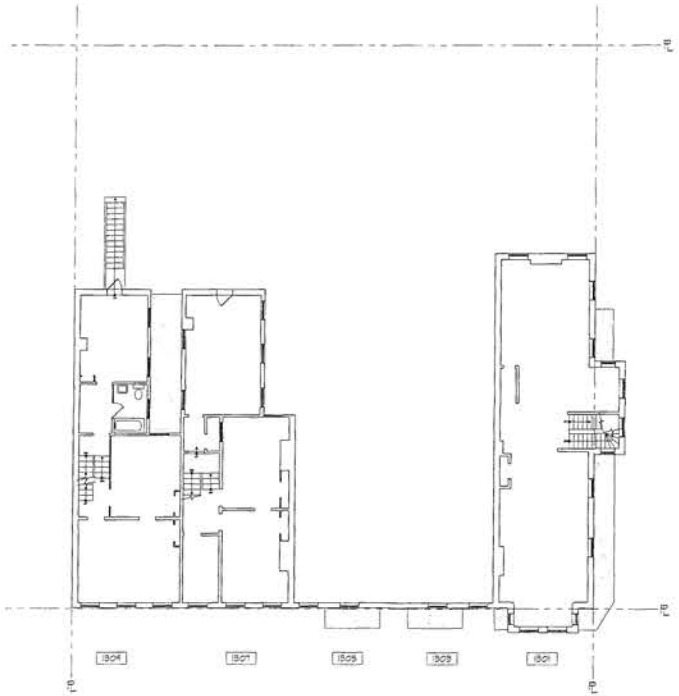
FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

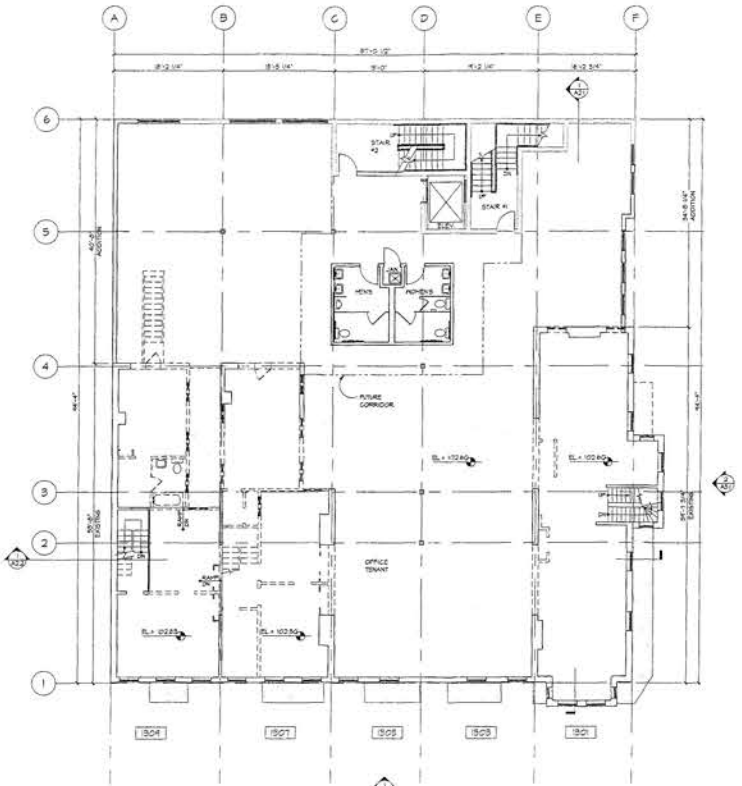
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PROJECT NO: 01.0511

GTM ARCHITECTS
10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929




1 / A1.2 EXISTING SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"




2 / A1.2 PROPOSED SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

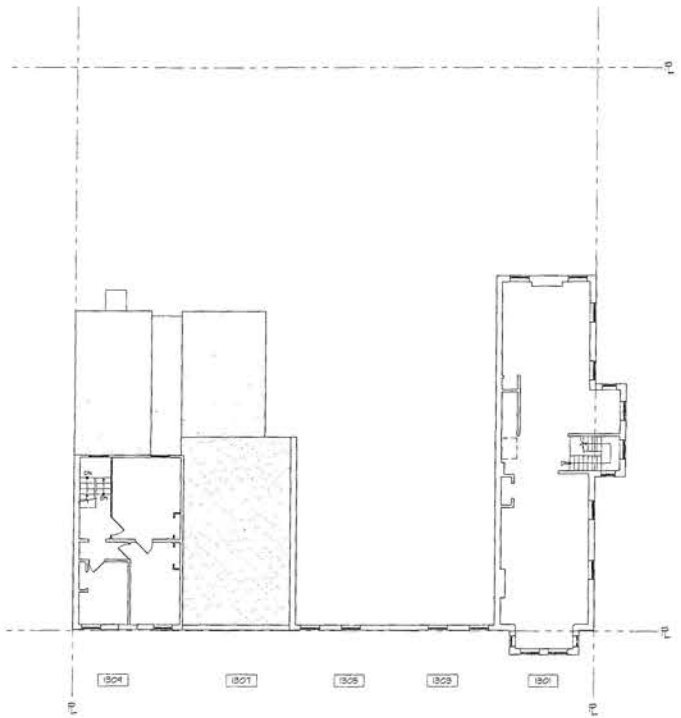
ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

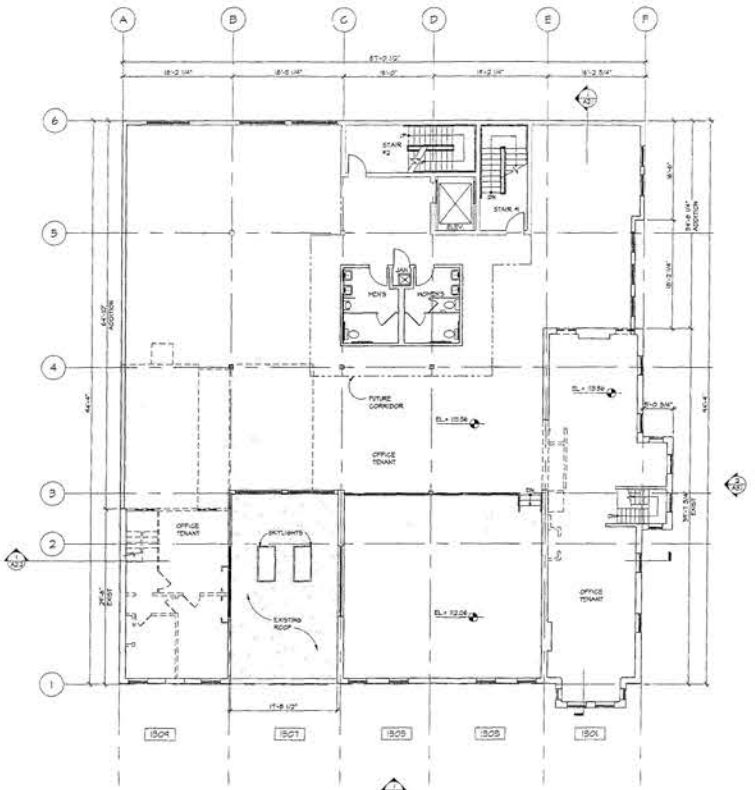
# 9TH AND N STREET, NW

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GTM ARCHITECTS
10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929




1 A1.3 EXISTING THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"




2 A1.3 PROPOSED THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

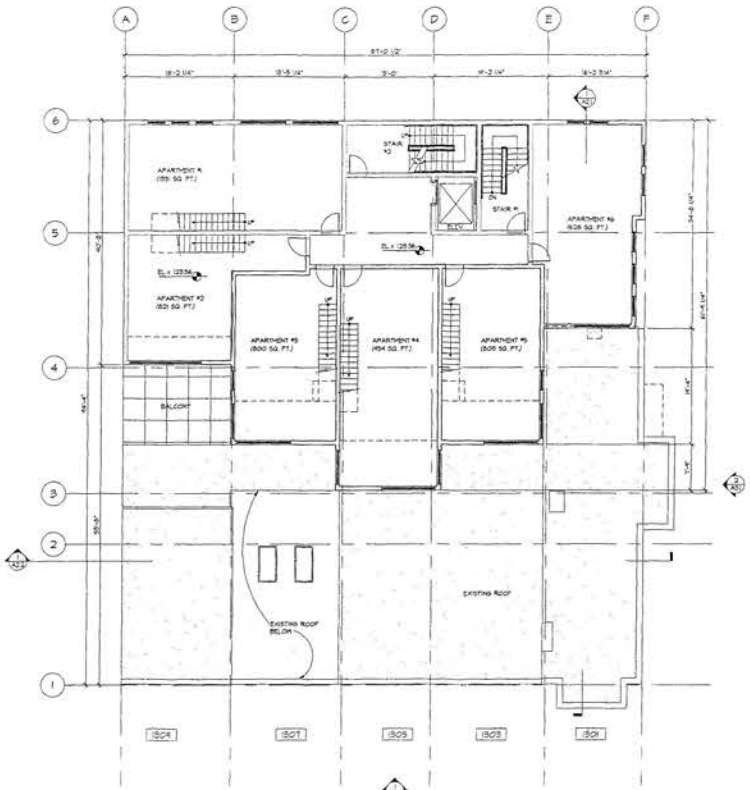
# 9TH AND N STREET, NW

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GTM ARCHITECTS
10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929




1 A1.4 EXISTING ROOF PLAN
SCALE: 1/8" = 1'-0"




2 A1.4 PROPOSED FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

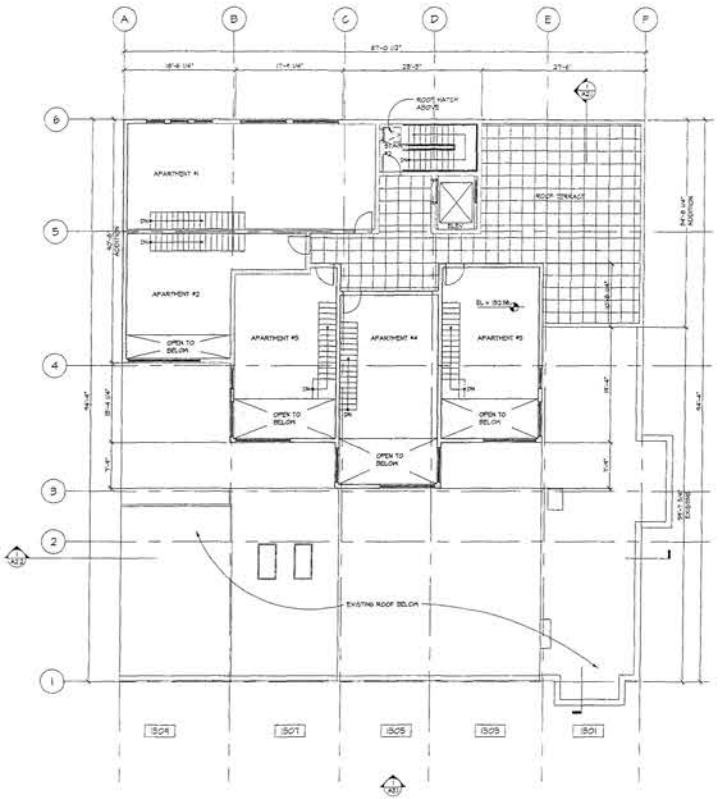
ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

BOARD OF ZONING ADJUSTMENT SUBMITTAL 05-20-03 PROJECT NO: 01.0511

GTM ARCHITECTS
10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929




1 A1.5 PROPOSED FIFTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

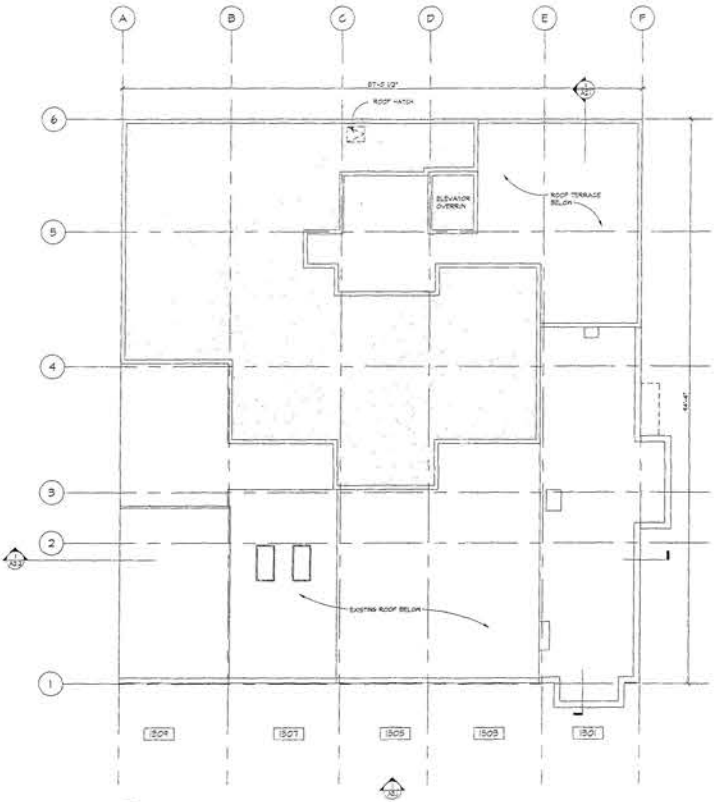
FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

BOARD OF ZONING ADJUSTMENT SUBMITTAL 05-20-03

PROJECT NO: 01.0511

GTM ARCHITECTS
10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929




PROPOSED ROOF PLAN
SCALE: 1/16" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

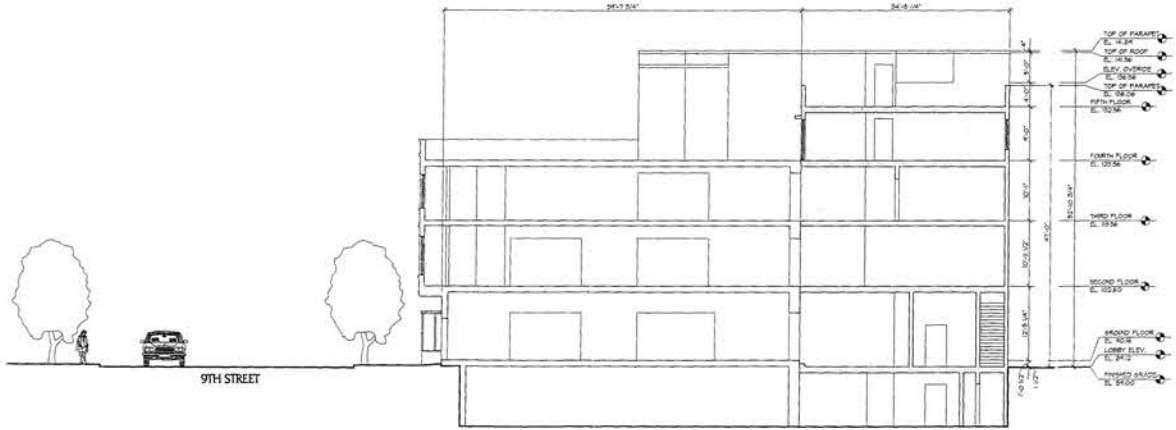
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GTM ARCHITECTS

A1.6




1/A2.1 SECTION THROUGH 1301 9TH ST.
SCALE: 1/16" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

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GTM ARCHITECTS
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1 / A2.2 SECTION THROUGH 9TH ST.
SCALE: 1/8" = 1'-0"

LEGEND:

ROOF

ADDITION

EXISTING WALLS TO REMAIN

NEW PARTITIONS/WALLS

ELEMENT TO BE REMOVED

FUTURE CORRIDOR WALL

# 9TH AND N STREET, NW

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GTM ARCHITECTS




1 A3.1 9TH STREET ELEVATION
SCALE: 1/16" = 1'-0"




2 A3.1 N STREET ELEVATION
SCALE: 1/16" = 1'-0"

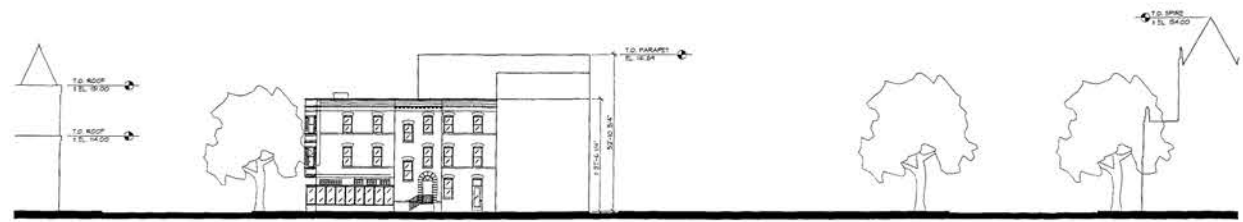
# 9TH AND N STREET, NW

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GTM ARCHITECTS
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1 / A3.2 9TH STREET ELEVATION
SCALE: 1/32" = 1'-0"




2 / A3.2 N STREET ELEVATION
SCALE: 1/32" = 1'-0"

# 9TH AND N STREET, NW

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GTM ARCHITECTS
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GAS STATION 1309 9TH ST. 1307 9TH ST. 1305 9TH ST. 1303 9TH ST. 1301 9TH ST. N STREET

1/A3.3 9TH STREET
SCALE: NTS



9TH STREET 1301 9TH ST. ALLEY EMPTY LOT 8TH STREET CHURCH

2/A3.3 N STREET
SCALE: NTS

# 9TH AND N STREET, NW

BOARD OF ZONING ADJUSTMENT SUBMITTAL 05-20-03 PROJECT NO: 01.0511

GTM ARCHITECTS
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# 9TH AND N STREET, NW

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GTM Architects

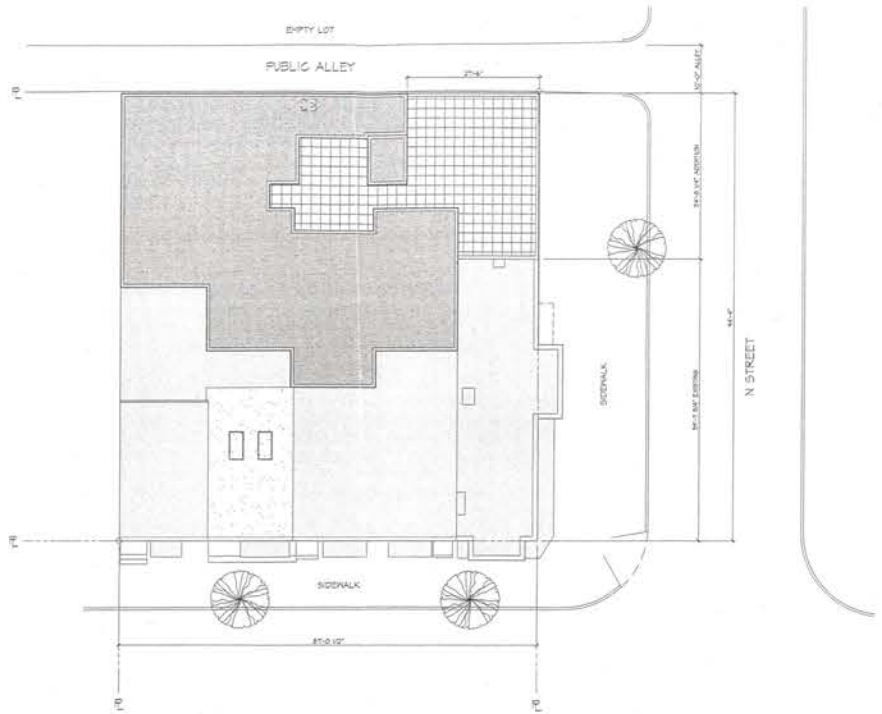
A4.1



**9TH AND N STREET, NW**

BOARD OF ZONING ADJUSTMENT SUBMITTAL 05-20-03 PROJECT NO: 01.0511

GTM ARCHITECTS
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LEGEND:

- RESIDENTIAL RECREATION SPACE
- RESIDENTIAL UNITS
- EXISTING ROOFS

SITE PLAN

SCALE: 1" = 20'-0"

NORTH

9TH AND N STREET, NW

BOARD OF ZONING ADJUSTMENT SUBMITTAL 05-20-03

PROJECT NO: 01.0511

GTM ARCHITECTS

10415 ARMORY AVENUE, KENSINGTON, MD 20895 - TEL: (301) 942-9062 - FAX: (301) 942-3929

SP



# OUTLINE OF TESTIMONY
# REPRESENTATIVE OF JEMAL'S BENJO, LLC

I. INTRODUCTION

II. Owner's Development History

- A. District of Columbia and Metropolitan Area
- B. Historic Preservation Experience

III. DESCRIPTION OF SITE AND VICINITY

IV. DESCRIPTION OF PROJECT

- A. Mixed Use – Retail, Office, Residential
- B. Preservation of Five Historic Buildings

V. VARIANCE RELIEF IS NEEDED

VI. CONCLUSION



# OUTLINE OF TESTIMONY
## EMILY EIG
## REPRESENTATIVE OF EHT TRACERIES, INC.

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. OVERVIEW OF FINDINGS – BUILDING HISTORY

III. REVIEW OF PROCEEDINGS BEFORE HISTORIC PRESERVATION REVIEW BOARD

IV. CONCLUSION

F

# OUTLINE OF TESTIMONY
## MELISSA COHEN
## REPRESENTATIVE OF GTM ARCHITECTS

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

- **A. Overview of Site, Vicinity and Land Use/Zoning**
- **B. Site Planning – size, lot location, vicinity**
- **C. Historic Preservation**

III. PROJECT DESIGN

- **A. Design Considerations**
  - **1. Shape and Location of Property**
  - **2. Preservation of Historic Buildings**
- **B. Review of Mass and Height of Building**
- **C. Floor Plans**

IV. CONCLUSION

G

# OUTLINE OF TESTIMONY
# LAND ECONOMICS EXPERT

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. OVERVIEW OF SITE AND PROJECT COSTS

III. DESCRIPTION OF UNIQUE ASPECTS OF PROJECT WHICH RELATE TO ZONING RELIEF REQUESTED

IV. CONCLUSION IN SUPPORT OF GRANT OF ZONING RELIEF REQUESTED.

H

# OUTLINE OF TESTIMONY
## STEVEN E. SHER
## DIRECTOR OF LAND USE SERVICES
## HOLLAND & KNIGHT LLP

I. SITE LOCATION AND DESCRIPTION

II. DESCRIPTION OF SURROUNDING AREA

III. EXISTING ZONING: C-2-A

- A. Uses
- B. Height
- C. Density
- D. Rear Yard
- E. Side Yard
- F. Parking
- G. Residential Recreation Space

IV. PROPOSED DEVELOPMENT

V. RELIEF REQUIRED - VARIANCE

- A. Variance from §770– Building Height
- B. Variance from §771 - Floor Area Ratio
- B. Variance from §773 – Residential Recreation Space
- C. Variance from §774 – Rear Yard

VI. COMPLIANCE WITH STANDARDS FOR VARIANCE RELIEF

VII. CONCLUSION

# 工

# 1301-1309 9TH STREET, N.W.

# HISTORY




*Prepared for*
**DOUGLAS DEVELOPMENT CORP.**

*By*

EHT TRACERIES INC

**DECEMBER 2001**
**REVISED MAY 2003**

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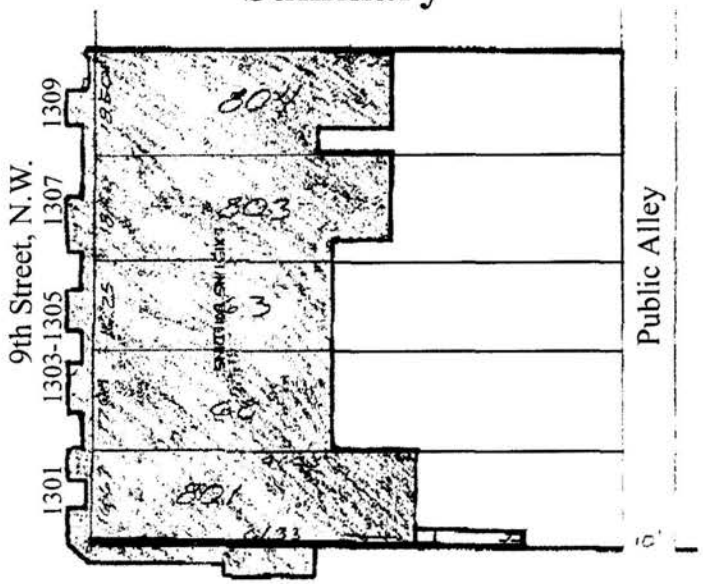
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# Summary




The five brick buildings at 1301-1309 9th Street, N.W., are located on the southwest corner of Square 399, at the intersection of 9th and N Streets, N.W. in the Shaw Historic District. The corner building at 1301 9th Street has a secondary entrance on N Street with the address of 817 N Street. Historically, the site also was improved by two late-19th-century rowhouses that stood east of the corner building at 813 and 815 N Street. They were demolished between 1960 and 1984.

Square 399 was subdivided in 1853 and, by 1857, there were buildings at what are now the sites of 1301, 1303, and 1305 9th Street, N.W. Subsequent buildings replaced all these three buildings. The present buildings were originally residential with the exception of the corner building, which also included a store.

- The corner building at 1301 9th Street, N.W., (Lot 801), constructed in 1891, appears to be either the second or, more probably, the third building constructed on the corner site. It was built to accommodate retail and residential activities.
- The existing buildings at 1303 and 1305 9th Street N.W., (Lots 62 and 63) appear to date from 1863 and were constructed at the same time by an investor. Show windows were installed in 1932, indicating retail use from at least that date.
- 1307 9th Street N.W., (Lot 803) was built in 1866. It remained exclusively a residential building for at least one hundred years.
- 1309 9th Street N.W., (Lot 804) was built in 1860 and an additional story was added in 1877. The ground floor was converted into a commercial space in 1910.

In 2001, the properties were acquired by Douglas Development Corporation. At the time of purchase, the buildings were vacant, severely dilapidated, and in imminent danger of collapse. The owner is currently working on redeveloping the site for commercial and residential use.

# Methodology

The research methodology was designed to establish a framework for data collection that would produce a documented history of the buildings at 1301, 1303, 1305, 1307 and 1309 9th Street, N.W. The gathering of data included the following sources:

1. **On-Site Study**
   Observation, investigation, and photography of the buildings as they exist today.

2. **Research into D.C. Building Permits**
   Location of the repair or alteration permits including drawings as available at the National Archives and District of Columbia Office of Public Records.

3. **Directory Research**
   Analysis of city directory listings by individual name and street address, as available, from 1867 to 1965.

4. **Tax Records**
   Tax records for the period 1853-1878 were consulted to determine construction dates through changes in value and to determine ownership of properties.

5. **Map Research**
   Analysis of city maps published by Boschke, Sanborn, Hopkins, and Baist.

6. **Special Collections**
   Photographic collections of the Historical Society of Washington, D.C., the Kiplinger Washington Collection, the Prints and Photographs Division of the Library of Congress, and the Washingtoniana Division of the Martin Luther King Library were searched.

# Early History of 1301-1309 9th Street, N.W.

## Subdivision of Square 399

Samuel Norment subdivided Square 399 into Lots 1 through 32 on July 11, 1853.[1] The 1854 tax records for individuals paying property taxes in the District of Columbia show that Ulysses Ward, a prominent Methodist minister and temperance advocate, owned the entire square. The square, valued at $7,570, was one of Ward's numerous real estate investments in Washington, D.C.[2] A notation on the 1854 tax records in red ink (indicating a recent change) shows that Lots 2 and 3 (the location of 1301 and 1303-5 N Street, N.W.) had been sold to Aloysius N. Clements.[3]

The General Assessment records for Square 399 from the period between 1854 and 1858 show that Ward was the initial owner of the entire square. However, names of new owners have been penciled in on the assessment records, indicating Ward sold a number of lots in this square during this period, including the lots on which 1301-1309 9th Street now stand. William Dougherty was the purchaser of Lots 4 and 5 (the location of 1307 and 1309 9th Street).[4] Tax records indicate that, by 1856, John Dickson and William King, partners in the wood and coal firm of Dickson & King, owned Lots 2 and 3. These were two of about a dozen investment properties they owned jointly. About 1860, Dickson became sole owner of the two lots.[5]




## Early Development

An 1857 map shows that significant development of Square 399 took place in the four years following the subdivision of the square.[6] At that time, the square was

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[1] E.F.M. Faehtz and F.W. Pratt, *Real Estate Directory of the City of W* A. Boschke, *Washington City*, 1857. 1874. [No publisher].

[2] Ulysses Ward was a Methodist Protestant minister. In the late 1840s, he was president of the Temperance Hall Association and publisher of a temperance newspaper, the *Columbian Fountain*. He became the Washington Gaslight Company's second president in 1849 and served until 1851. Wilhelmus Bogart Bryan, *A History of the National Capital*, vol. 2, 1815-1878. New York: The Macmillan Company, 1916: 397.

[3] *Tax book, Assessment of Real and Personal Property, 1854.* Records of the Government of the District of Columbia, RG 351, Entry 47, vol. 82: 238. National Archives Building, Washington, D.C.

[4] *General Assessment, 1854, City of Washington.* Records of the Government of the District of Columbia, RG 351, Entry 46, vol. 8. National Archives Building, Washington, D.C. The General Assessment tax books were compiled every five years and changes in the intervening years were penciled in.

[5] *Tax book, Assessment of Real and Personal Property,* for years 1855, 1856, 1857, 1858, 1859, 1860. Records of the Government of the District of Columbia, RG 351, Entry 47. National Archives Building, Washington, D.C.

[6] A Boschke, *Map of Washington City, District of Columbia, seat of the federal government....* [Washington]: A. Boschke, 1857.

on the northern limit of the developed area of the District of Columbia. Three buildings had been constructed on Lots 2 and 3, owned by John Dickson. The future locations of 1307 and 1309 9th Street were still vacant.

The original lots of the Norment subdivision were uniform in size. Those lots on 9th Street had a 25-foot frontage. However, as the square was developed, property lines did not conform to the lot lines. Although the lots were not subdivided until many years later, most lots in the square included two or even three parcels. The buildings constructed at 1301-1309 9th Street, N.W. straddled the original lot lines shown in the 1873 Faehtz and Pratt plat *(see appendix)*. Others were constructed on a parcel within a lot.

**Early History of Dickson Properties at 1301 and 1303-1305 9th Street, N.W.**

The buildings now at 1301, 1303 and 1305 9th Street, N.W., are not the original buildings constructed in the mid-1850s on those sites. The 1857 Boschke map shows three buildings on Lots 2 and 3 of Square 399 which were owned by Dickson and King at that time. Tax records from the late 1850s and early 1860s confirm the existence of improvements but do not clearly distinguish between parcels so it is not possible to determine from them with certainty what buildings stood on the sites of the present buildings at 1301 and 1303-1305 9th Street, N.W.

For the first three years (1856-1858) that Dickson and King owned Lots 2 and 3, they were assessed on an improvement valued at $3,600 but in the 1858 tax book a notation in red ink indicated an increase in assessed value to $4,800. This would suggest that the buildings had been enlarged or otherwise improved. For the years 1859 through 1862, the improvement value was shown as $4,800.[7] Although only a single improvement is listed, its relatively high value and the evidence of the Boschke map suggest that it was a row of three buildings.

New construction appears, from tax records, to have taken place in 1863. The tax assessment book for 1863 replaces the assessment of a single improvement of $4,800 with an assessment for an improvement valued at $2,400 on Lot 2 (the corner lot) and an improvement valued at $4,400 on Lot 3.[8]

The architectural features of 1303-1305 9th Street, N.W. are consistent with a construction date of 1863. It is probable that the buildings now on the site date from 1863. From later tax records, it is evident that the building at 1301 9th Street, N.W., was constructed on the southern 16.3 feet of Lot 2's 9th Street frontage and the buildings at 1303-1305 9th Street were constructed on the northern 8.4 feet of Lot 2 and on Lot 3.

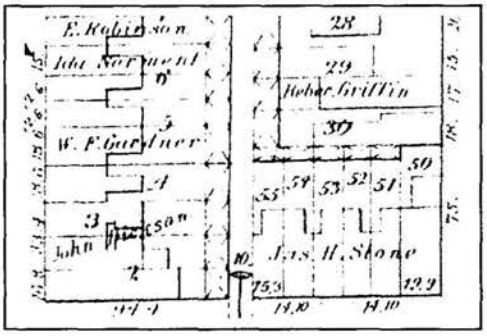
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[7] *Tax book, Assessment of Real and Personal Property,* for years 1856-1862. Records of the Government of the District of Columbia, RG 351, Entry 47. National Archives Building, Washington, D.C.

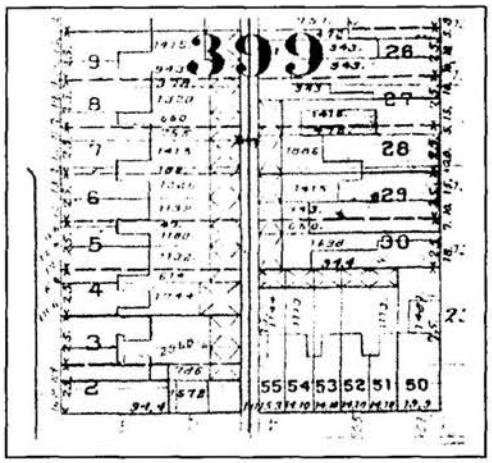
[8] The assessment book lists both the $4,800 improvement and new figures, written in red ink, indicating a change from the previous year. *Tax book, Assessment of Real and Personal Property,* 1863. Records of Government of District of Columbia, RG 351, Entry 47. National Archives Building, Washington, D.C.

John Dickson sold the corner building at 1301 9th Street to Luther W. and E.E. Schneider (also spelt Snyder) about 1866.[9] The 1867 city directory lists Luther W. Snyder as a grocer at the corner of 9th and N Streets.[10] William C. O'Meara, who had a sporting goods shop on Pennsylvania Avenue, subsequently purchased the property. In 1889, O'Meara built two three-story brick houses with projecting bay windows at the eastern end of Lot 2 (813 and 815 N Street). In 1891, O'Meara replaced the store and residence at 1301 9th Street with a new building.

Hopkins atlases show the buildings at 1301-1309 9th Street, N.W., on Lots 2, 3, 4 and part of 5, before and after O'Meara redeveloped the southern parcel of Lot 2.[11]




*Above*: Detail of Hopkins 1887 map of Square 399 showing building footprints. W.F. Gardener property is 1309 9th St.




*Right*: Detail of Hopkins 1892 map. Broken lines indicate original lot lines.

## Early History of 1307 and 1309 9th Street, N.W.

The buildings at 1307 and 1309 9th Street are the original buildings constructed on those sites. About 1855, William Dougherty purchased Lot 4 and the south 12 feet of Lot 5, on which these buildings were later built, from Ulysses Ward.[12] Dougherty did not develop the lots. He sold the site of 1309 9th Street, N.W., to James Baird about 1859 and tax records show that Baird had improved the property by 1861. Dougherty sold the site of 1307 9th Street, N.W. to George W. Hodgkins, trustee for Mary C. Hodgkins, about 1865 and, by 1866, the lot had been improved.

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[9] *Tax book, Assessment of Real and Personal Property,* 1866. Records of the Government of the District of Columbia, RG 351, Entry 47. National Archives Building, Washington, D.C.

[10] *Boyd's Directory of the District of Columbia,* Washington, D.C.: R.L. Polk & Co., 1867.

[11] Griffith M. Hopkins, *A Complete Set of Surveys and Plats of the Properties in the City of Washington, District of Columbia,* 1887, and *Real Estate Platbook of Washington, District of Columbia,* 1892.

[12] William Dougherty was listed in the 1854 *Assessment of Real and Personal Property* as being assessed for $500 in personal property but no real estate. Dougherty's name is penciled in as the owner of Lot 4, and part of Lot 5 in the 1854 *General Assessment, City of Washington,* indicating that his acquisition of these properties took place after the 1854 assessment book was compiled. Tax records show that he invested in several squares in the mid 1850s and that most of the properties he held were unimproved.

**Historic Documentation**

The buildings at 1301-1309 9th Street, N.W., except for 1301 9th Street, were built before the District of Columbia required building permits. Therefore, construction dates for buildings built before 1877 have to be deduced from tax records.

No historic photographs of any of the buildings at 1301-1309 9th Street, N.W. have been located despite extensive searches.[13] The only known historic images of the buildings are drawings filed with a few of the building and alteration permits for the buildings.

- **1301 9th Street, N.W.** A projection plan filed with the permit (Permit 1796, 3-24-1891) shows the original footprint of the building, including show windows.

- **1303-1305 9th Street, N.W.** A partial image of show windows and a marquise installed in 1932 are shown in a sketch filed with Permit 151679, 3-25-1932.

- **1303-1305 9th Street, N.W.** A plan filed with a 1956 permit shows the first floor plan of 1303 and 1305 9th Street, N.W. including the 1932 projecting show windows.

- **1309 9th Street, N.W.** The 1910 permit application (Permit 1538, 9-27-1910) to construct show windows and a shop entrance at 1309 9th Street, N.W. includes an elevation of the building as it would look when altered.



*From left to right*: 1309, 1307, 1305, 1303 and 1301 9th Street, N.W.

[13] The photograph collections of the Historical Society of Washington, D.C., the Washingtoniana Division of the Martin Luther King Memorial Library, the Prints and Photograph Division of the Library of Congress and the Kiplinger Washington Collection were searched. Robert Truax and Peter Penczer were consulted.

# Recent History of 1301-1309 9th Street, N.W.



View of rear elevations from alley.

In 2001, the properties at 1301-1309 9th Street, N.W. were acquired by Douglas Development Corporation. At the time of purchase, the buildings were vacant, severely dilapidated, and in imminent danger of collapse. The neighborhood and public agencies, such as the Department of Health and Human Services, were lobbying for the demolition of the buildings in the interest of public safety. The owner worked with the D.C. Department of Consumer and Regulatory Affairs to preserve the historic buildings. They began clean up of the site by clearing the rear of each lot and removing non-original rear additions. This preliminary work allowed for the health hazards to be removed and the site secured.

After a severe storm in the summer of 2001, the internal structure of 1303-1305 9th Street collapsed. As a result, the facades of these two buildings were in danger of failing. At great effort, Douglas Development took action with the help of the D.C. Historic Preservation office to stabilize the historic fabric of these elevations.

Douglas Development is currently working to redevelop the site for commercial and residential use.



1303 after collapse of interior.

# 1301 9th Street, N.W.

## Square 399, Lot 801

## Historic Lot: Part of Lot 2

# Building History Summary



The three-story building at 1301 9th Street, N.W. (Square 399, Lot 801) was built in 1891 as both a store and single-family dwelling. Constructed of brick laid in seven-course American bond, the rectangular-shaped building is Italianate in style, replete with segmentally arched openings, projecting bays, and ornate brick and wood cornice. The N Street elevation, which measures six bays in width, is augmented at the center by a two-bay-wide projecting bay. Providing direct access to the residential space on the upper stories, the square bay projects five feet from the main block of the building and rises 15'6" in height. The first story of the projecting bay is pierced by a single entry set within semi-circular arched opening framed with a stone surround. The asymmetrical placement of the window openings on the upper two stories of the bay suggests it holds the stair. These openings are segmentally arched with stone sills and three-course rowlock lintels of brick. The entablature of the bay is ornately detailed with a molded brick stringcourse, corbeled bricks, and ogee-molded cornice of wood. The bay is flanked on either side by segmentally arched window openings, two openings per each of the upper stories. The openings have stone sills and three-course rowlock lintels of brick. The second and third stories are visually separated by a two-course stringcourse. The roofline of the N Street elevation consists of a parapet wall, finished with molded brick stringcourses and ogee-molded wood cornice. The first story, to the right of the

projecting bay, is marked by a single entry and window opening, each capped by a three-course rowlock lintel. The use of the first story as a commercial space is clearly denoted to the left of the bay, where a projecting storefront with projecting plate glass windows has been erected. The one-story storefront wraps around the N Street and 9th Street elevations, with the primary entry along 9th Street. The recessed square entry holds a commercial door of metal and glass. The second story of the 9th Street elevation, which measures one bay in width, is ornately detailed with a projecting wood frame oriel window that rises two stories in height. The three-stepped molding and two recessed panels mark the base of the oriel window. The two symmetrically placed window openings illuminating each story of the building are framed with fluted Tuscan pilasters with egg-and-dart molding at the capitals. Similarly, the sides of the oriel are pierced by narrow window openings also framed with Tuscan pilasters. The oriel window is further ornamented with ogee molding, triglyphs, and a projecting Italianate-style entablature. All of the window openings are covered with plywood, obscuring the sash.

William C. O'Meara commissioned the building to be constructed. He had owned the site since at least as early as 1880, when he was listed as the owner on a repair permit for the previous building on the site. The building he had constructed at 1301 9th Street, N.W. (Square 399, Lot 801) was presumably to be used as an investment property as city directories list O'Meara as having a sporting goods store on Pennsylvania Avenue and as living at 227 B Street, N.W. In 1889, O'Meara had had two houses built at the east end of Lot 2 (on what is now Lot 800).

A building permit, Permit 1796, was issued March 24, 1891 for construction of the building. Henry F. Getz was listed on the permit as both the architect and builder. City directories list Getz as a builder.[14] The estimated cost of the building was $5,500. A drawing showing the projections, including the projecting bay and the show windows, was included with the permit (*see next page*).

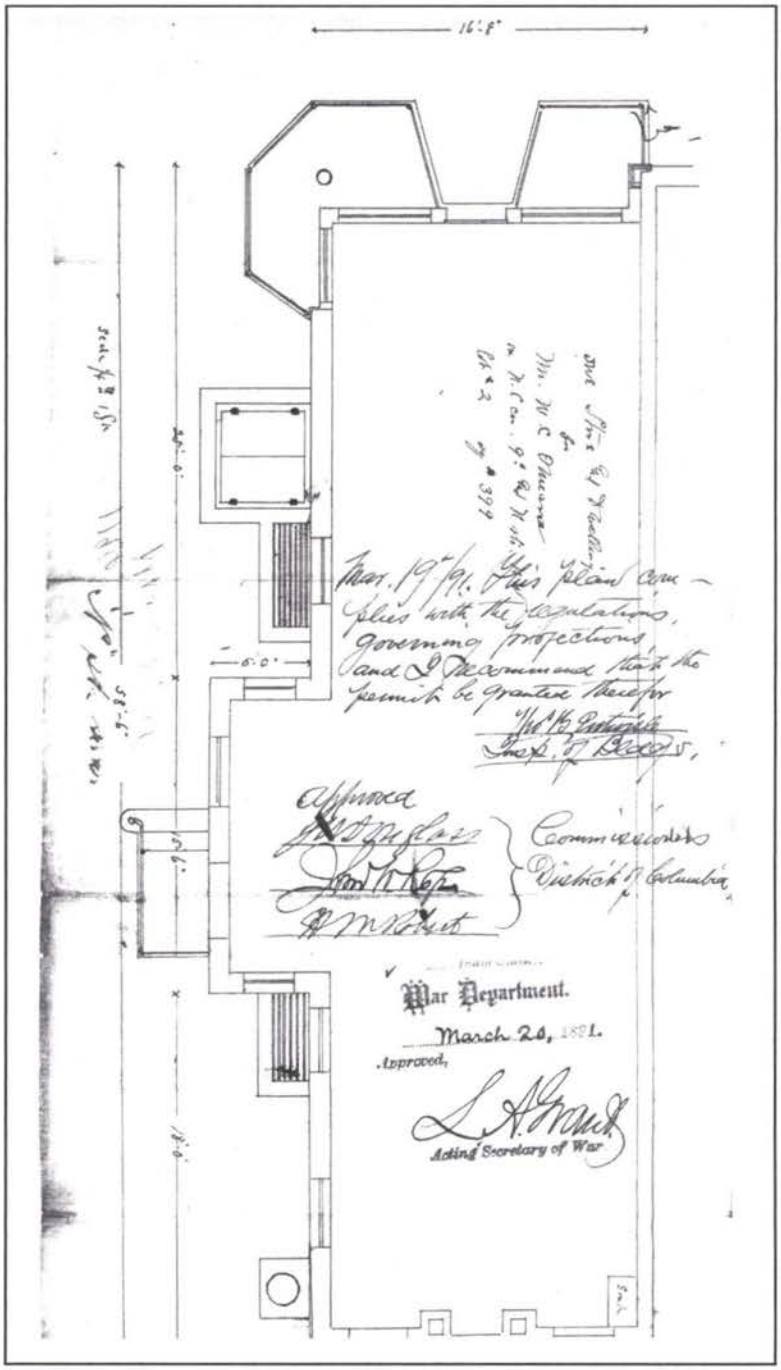
**Alterations to 1301 9th Street, N.W.**

No additional permits were issued for the building at 1301 9th Street until 1930, when it was renovated for use as a branch of Elite Laundry. A permit (Permit 138790, December 26, 1930) was issued to build new show windows, move partitions and install two baths. The 1932 city directory lists three separate residents occupying the building, in addition to Elite Laundry, indicating that by that time the residential portion of the building had been divided into apartments.

No further alteration permits were located for the building. City directories show that it was occupied by Elite Laundry in the 1930s and 1940s and, by 1954, when a permit was issued for a neon sign for a laundry (Permit A 555396, May 27, 1954), it was a branch of the Blue Ribbon Laundry. In the 1960s, it was a laundromat and later became a fish market.

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[14] *Boyd's Directory*, 1892.




1301 9th Street, N.W. Drawing accompanying Permit 1796, March 24, 1891.

# 1303 and 1305 9th Street, N.W.

## Square 399, Lots 62 and 63
## Historic Lot: Part of Lot 2, Lot 3

# Building History Summary



The pair of three-story brick buildings at 1303 and 1305 9th Street, N.W. (Square 399, Lots 62 and 63) were constructed as a single building, divided on the first story by a sallyport, a single entry that projected access to the rear of the property. The entry of 1303 9th Street is located at the south end of the building and is surmounted by its original Italianate-style lintel. Dating from the 19th century, the wood lintel is composed of shallow scrolled brackets, modillions, corner blocks, and dentil molding. The entry is framed by square-edged surrounds and has a recessed door and single-light transom. A modern projecting storefront window set on a brick foundation was erected to the north of the entry. The entry for 1305 9th Street is at the northernmost part of that façade, marked by a Colonial Revival style replacement surround. A modern storefront window on a brick base with a shed roof was constructed to the south of the entry. Each of the buildings is two bays wide, symmetrically pierced by flat-arched window openings. The openings have narrow stone sills and lug stone lintels that project slightly from the plane of the brick wall. The majority of the window openings are covered with plywood or have missing sash. The two openings on the second story of 1303 9th Street hold 1/1 double-hung, wood sash windows that appear to be original. The cornice, which stretches across the entire structure, is constructed of wood in the Italianate style. It is

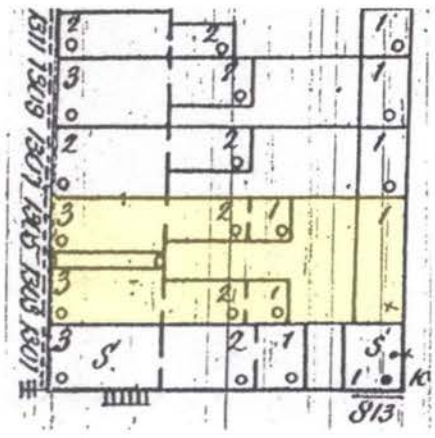
composed of elongated brackets with fluted scrolls and floral bases, nebula molding, scrolled modillions, and a boxed cornice with ogee molding.

The buildings at 1303 and 1305 9th Street, N.W. appear to have been built in 1863 for John Dickson on the site of earlier buildings. John Dickson was a wood and coal merchant in the partnership of Dickson & King. He also invested in real estate both as an individual and in partnership with William King. The dwellings were presumably built for use as rental property.

The buildings were constructed prior to the requirement for building permits. Records of the real and personal property taxes assessed to John Dickson indicate that, in 1863, an earlier improvement on Lot 2 (and probably Lot 3) assessed at $4,800 was replaced by two improvements: one on Lot 2 valued at $2,400 and one on Lot 3 valued at $4,400. The improvement value of $4,400 would be consistent with a twin house.

John Dickson died about 1868 and his heirs retained ownership of the buildings at 1303 and 1305 9th Street, N.W.[15] Dickson's son Henry was listed as owner of 1303 on a building permit in 1881. No further building permits were issued until the 1920s, by which time the buildings had changed ownership.

**Alterations to 1303 and 1305 9th Street, N.W.**



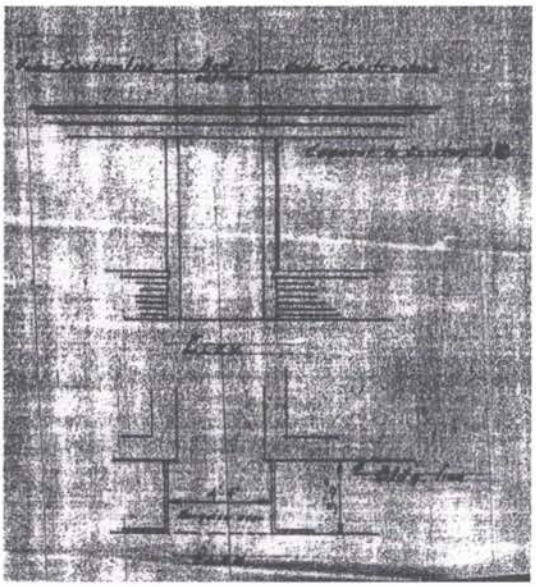
Sanborn map, 1888.
1303 and 1305 9th Street is highlighted. There was a shed or stable at the rear.

In 1881, Henry Dickson (son of John Dickson) applied for a repair permit (Permit 213, August 22, 1881) "to build a brick back building and make repairs" to 1303 9th Street, N.W., at an estimated cost of $200. The Sanborn map for 1888 does not indicate that there was any difference in the footprint of 1303 and 1305 9th Street. This map indicates that the front section of the building was three stories and the ell was two stories with a one-story section at the rear.

In the years 1921 through 1923, three sign permits were issued for 1303 9th Street, N.W., which indicates that there was some commercial use of the building. By 1924, Louis Klaben owned both buildings and he obtained a sign permit for his tailor shop at 1303 9th Street, N.W. His residence was listed on later permits as being 1524 U Street, N.W.

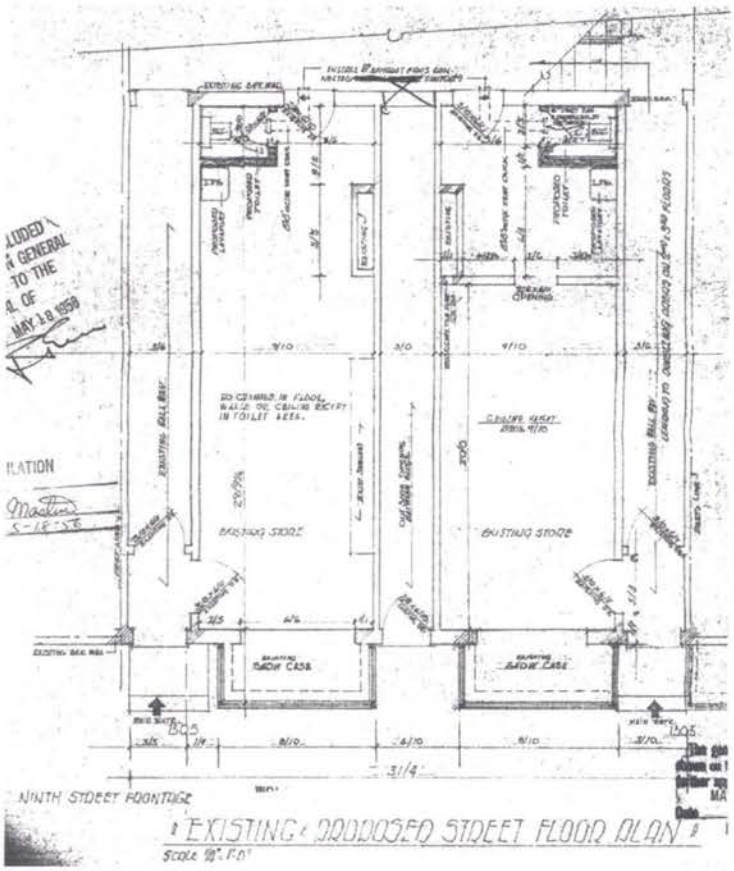
[15] John Dickson is listed in the 1867 city directory but not in the 1869 directory. In the 1869 directory, Henry and James Dickson are listed as William King's partners in the wood and coal firm of Dickson and King. The John Dickson Retirement Home, presently located on Western Avenue in the District of Columbia, was founded by Henry Dickson as a memorial to his father in 1912.

Klaben obtained permits in 1932 to install projecting storefronts and a marquise at 1303-1305 9th Street, N.W. (Permit 150693, 2-20-1932 and Permit 151679, 3-25-1932). (*See drawing at right.*) At the same time, he also obtained a permit to remove the chimneys on the first floor and support same on steel beams (Permit 151678, 3-25-1932). In 1951, Klaben applied for a permit to repair the wood setting of the show window glass at 1303 9th Street (Permit A 26859, 12-27-1951).



In 1956, a new owner, D.H. Spainer, obtained permits to install partitions for a toilet room in each building (Permits B 12951 and B 12592, 6-18-1956). A plan was filed with the permit (*see below*).

The store front roof now visible at 1305 9th Street, N.W. was installed in 1985 (Permit B 307161, 4-15-1985).




*Above*: Sketch of 1932 storefront and marquise filed with Permit 151679, 3-25-1932.

*Left*: 1956 plan filed with Permit B 12951, 6-18-1956.

# 1307 9th Street, N.W.

## Square 399, Lot 803
## Historic Lot: Part of Lot 4

# Building History Summary



The building at 1307 9th Street, N.W. (Square 399, Lot 803) is a two-story brick building, constructed in 1866 as a single-family dwelling. The Italianate-style building measures three bays wide with a side entry located in the northernmost bay. Square-edged casings topped with scrolled brackets, dropped modillions, and a boxed cornice with ogee molding surround the entry. The single-leaf window openings adjacent to the entry are currently covered with plywood. The second story of the symmetrically fenestrated façade is marked by three equally spaced window openings. The openings each have narrow stone sills, replacement 1/1 double-hung sash, and lug stone lintels. The ornate Italianate-style wood cornice has a back panel, bedmolding, paired scrolled brackets, dropped scrolled modillions, and a boxed cornice with ogee molding.

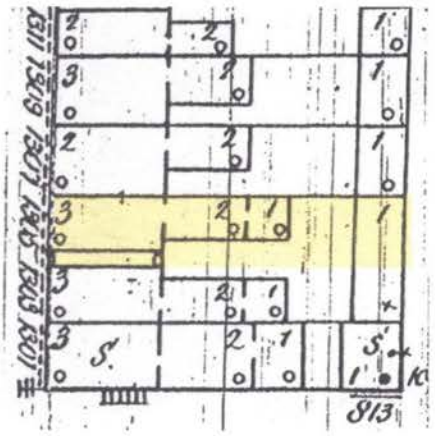
About 1865, George W. Hodgkins, trustee for Mary C. Hodgkins, bought part of unimproved Lot 4 of Square 399 from William Dougherty.[16] In 1866, Hodgkins was

[16] *General Assessment, 1864, Corporation of Washington* shows William Dougherty as owner of the southernmost 18.6 feet of Lot 4. George W. Hodgkins' name was penciled in, indicating a subsequent change. Records of the Government of the District of Columbia, RG 351, Entry 46, vol. 10. National Archives Building, Washington, D.C.

assessed for an improvement on the lot valued at $1,600.[17] Hodgkins, variously listed in city directories as a tinner or a sheet ironworker, is listed as living at the 9th Street address in 1867 and into the 1870s.

## Alterations to 1307 9th Street, N.W.

In 1885, a new owner, Charles Behrens, was issued a permit for alterations of both 1307 and 1309 9th Street, N.W. (Permit 117, 7-17-1885). He proposed to rebuild the front sections of both buildings as two-story buildings with cellars and increase the height of the rear ells. The projection drawing accompanying the permit shows two identical buildings with projecting bays. This project was evidently never undertaken. The footprint of the building as it was in 1888 is shown in the Sanborn map of that year (*see below*).[18]



Sanborn Map 1888: The first story section of the rear ell of 1305 9th Street does not appear from the Hopkins Maps of the same period (see page 4).

Other than a permit for construction of a stable in 1891, no permits were located for 1307 9th Street, N.W. except for a minor repair in 1950. A permit (Permit A 15552, 12-12-1950) was issued to "repair brick wall from the second floor to the roof at the north end of building in front of house." The estimated cost was $50. The permit indicates that the building was used for rental apartments at that time. *Polk's Washington City Directory* indicates that the building was exclusively residential in use as late as 1965.

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[17] *Tax book, Assessment of Real and Personal Property, 1866.* Records of the Government of the District of Columbia, RG 351, Entry 47, vol. 114: 81. National Archives Building, Washington, D.C.

[18] Sanborn Map Company. *Insurance Maps, Washington, D.C.* New York: Sanborn Map Company, 1888.

# 1309 9th Street, N.W.

## Square 399, Lot 804

## Historic Lot: Part of Lots 4 and 5

# Building History Summary




The three-story brick building at 1309 9th Street, N.W., (Square 399, Lot 804) was originally constructed about 1860 as a two-story single-family dwelling. A third story and flat roof clad in tin were added in 1877. The high-style Italianate building measures three bays width with a side entry. The entry, accessed by concrete steps, holds a single-leaf door surmounted by a single-light, segmentally arched transom. The opening is framed by square-edged surrounds and capped by flat brackets with pierced trefoils, foliage, and fluting. Three blocked modillions hang from the molded entablature. A wide ogee-molded cornice tops the two-bay wide storefront, which is now covered by a roll-up metal security door. The upper stories of the façade are symmetrically pierced by three single window openings. The elongated openings, which originally held 2/2 double-hung wood sash, are marked by projecting stone sills with scrolled corbels and corbeled hoods with pierced keystones. The central opening on the second story retains

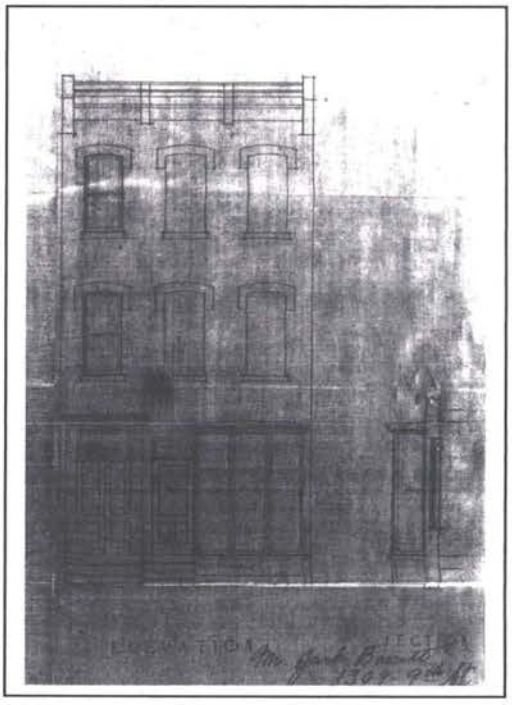
the 2/2 double-hung sash, while the other openings hold replacement 1/1 double-hung, metal sash windows. The high-detailed cornice has a paneled face with scrolled brackets with pierced trefoils, molded modillions, dentil molding, and a wide overhanging cornice with ogee molding. The side elevation of the building, which has no opening, is fully exposed and now partially clad in stucco. A two-story ell projects from the rear of the building.

About 1859, James Baird bought an unimproved parcel in Square 399 from William Dougherty. It consisted of the north 6.6 feet of 9th Street frontage of Lot 4 and the south 12 feet of frontage of Lot 5. Tax records indicate that, in 1860, Baird was assessed for a new improvement valued at $1,800 on Lots 4 and 5 of Square 399.[19] The 1867 *Boyd's Directory* lists James Baird, a stonecutter, as living at the 9th Street address with James W. Baird and Robert G. Baird, both of whom were carpenters.

**Alterations to 1309 9th Street, N.W.**

By 1873, William F. Gardner owned the house at 1309 9th Street, N.W. He was an instrument maker who had worked at the U.S. Observatory. In 1877, Gardener obtained a permit (Permit 936, 9-24-1877) to remodel the front and add an additional story with a flat roof to be clad in tin. The permit described the existing building as being a two-story brick dwelling, 18' by 30' with a slate roof. The estimated cost of the alterations was $1,100. The Italianate-style entry surround and window ornamentation date from this renovation, when the building was enlarged and the ornate Italianate-style cornice applied. Gardner was last listed as living at 1309 9th Street, N.W. in 1884.

In 1885, Charles Behrens obtained a permit (Permit 117, 7-17-1885) for remodeling both 1307 and 1309 9th Street, but the alterations were not made.



In 1910, Jack Bassett converted the ground floor of 1309 9th Street, N.W. to a grocery shop. Bassett was listed in the 1908 and 1909 ***Boyd's*** city directory as a fruit dealer located at 948 New York Avenue. Bassett applied for a permit (Permit 1538, 9-27-1910) to build a projecting show window, 2'6" x 8'6" and put a 3' x 8'6" door in place of a window. There was to be a new set of steps leading to the proposed store, projecting 2'6" by 3'6". The estimated cost of the alteration was $300 and the contractor was Walter B. Avery. No architect was listed. The existing use of the

[19] *Tax book, Assessment of Real and Personal Property, 1860.* Records of the Government of the District of Columbia, RG 351, Entry 47, vol. 94: 75. National Archives Building, Washington, D.C.

building was described as a single family dwelling. A drawing *(above)* was included with the application.

Bassett remodeled the show window in 1918. He obtained a building permit (Permit 298, 7-22-1918) to construct a display window 7'6" wide, projecting 3' from the building line. Iron beams were to be installed over the front. The store floor was to be lowered to the grade line. Bassett described the building on the permit as being used as both a store and a single family dwelling.

In 1941, J. Bassett (which could have been either Jack Bassett or his son Jesse) undertook additional alterations. A permit (Permit 245033, 6-25-1941) was issued to take out two chimneys, move a partition, and build wood steps to grade. By 1946, the shop located in the building was a liquor store. The building was still owned by the Bassett family.

The show window was modified again in 1968, when a permit (Permit B 169737, 6-11-1968) was issued to remove the bay window and install glass and a wall at the face of the building at an estimated cost of $95.

# 1301 9th Street, N.W.

## Chronology Table

Square 399, Lot 801
Historic Lot Number: Part of Lot 2

The building at 1301 9th Street, N.W. (Square 399, Lot 801), constructed in 1891, is the second or third on the site. This lot, at the corner of 9th and N Streets, was the first in the square to be improved. Although the square was developed primarily for residential use, the successive corner buildings on Lot 2 have been used for commercial as well as residential use since at least 1867.

The original Lot 2 ran 25 feet north along 9th Street from the corner of 9th and N Streets, N.W., and about 94 feet along N Street from that intersection. Lot 2 was divided into two parcels. The southern parcel, extending north along 9th Street, about 16' 8" feet from the corner of 9th and N (1572 square feet), is the site of 1301 9th Street. The northern parcel of Lot 2, with 8' 4" of frontage on N Street, and Lot 3, are the site of 1303 and 1305 9th Street.

The table below gives the chronology of the 1891 building at 1301 9th Street, N.W. William C. O'Meara, who built 1301 9th Street, also built two buildings at 813 and 815 N Street on Lot 2 in 1889.

# 1301 9th Street, N.W.

| YEAR | BUILDING HISTORY | OWNERS AND OCCUPANTS |
|---|---|---|
| **1891** | **Permit issued to construct a three-story brick building with cellar** 16'8" by 58'6" and 36' high. The front was to be of pressed brick and the flat roof was to be covered in tin (Permit 1796, 3-24-1891). The building was to have one bay, 15'6" wide rising the full height of the building and projecting 5". There were also to be two show windows on 9th Street, 5'3" wide and projecting 3'3". On the N Street elevation there was to be one show window 5'6" wide and projecting 3'1". The building was designed and built by Henry F. Getz at an estimated cost of $5,500. It was to be used as both store and dwelling. | William C. O'Meara was listed on the building permit as the owner. He had owned the site since at least 1880 when he was listed as owner on a repair permit for the building previously on the site (Permit 461, 10-6-1880).<br>O'Meara was listed in city directories (1867, 1879, 1884) as having a sporting goods store on Pennsylvania Avenue and living at 227 B Street, N.W. He was still listed as living at 227 B Street, N.W. in 1892. |
| **1930** | **Permit issued to build new show windows,** move partitions and install two baths (Permit 138790, 12-26-1930). | Owner listed on permit as P. A. Willis |
| **1931** | Sign permit issued to Elite Laundry (Permit 144834, 7-17-1931) | Elite Laundry |
| **1932** | | Elite Laundry and three residents listed in directory. |
| **1942** | | Branch of Elite Laundry Co. Inc. located at 1301 9th |
| **1944** | Sign permit (Permit 268788, 5-2-44) | Elite Laundry |
| **1950** | Sign permit (Permit 10798, 8-1-1950) (missing from D.C. archives) | |
| **1954** | Sign permit issued for neon sign for laundry (Permit A 555396, 5-27-1954). | Permit listed Margaret J. Yee as owner of laundry business. Branch of Blue Ribbon Laundry listed in directory. |
| **1965** | | Laundromat self service (one of a chain) listed in directory. |