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March 1, 2015

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

**Re: Application No. 19187 — 1212–1218 4th Street NW (Square 513, Lots 155 and 156)
Addendum to Prehearing Statement of the Applicant**

Chairperson Heath and Honorable Members of the Board:

The Applicant, 1212–1216 4th Street, LLC, files this Addendum to the Prehearing Statement for the limited purpose of informing the Board of the result of the March 1, 2015 ANC 6E meeting and providing more information regarding the extensive community outreach the Applicant has engaged in over the course of several months.

A. Resolution in Support from Advisory Neighborhood Commission 6E

As stated in the Prehearing Statement, the Applicant seeks area variance relief pursuant to § 3103.2 from the requirements regarding lot area (§ 401.11) and lot occupancy (§ 403.2). The Applicant also requests special exception relief pursuant to § 3104.1 for a change from one nonconforming use to another (§ 2003) to allow the conversion of an office use to a neighborhood retail or service establishment in the R-4 Zone (the, “Project”). The Applicant, for

several months, has worked extensively with ANC 6E, and specifically SMD 6E04 Commissioner, Rachelle Nigro. As noted in the Prehearing Statement, the Applicant presented before the community at three separate meetings organized by SMD Commissioner Nigro, at ANC 6E's Development and Zoning Committee, and twice to full ANC.

At the request of the community, the Applicant has substantially revised the Project. Notably, the Applicant has agreed to construct one floor of below grade parking; thereby ensuring that the Project will not have a negative impact on the limited amount of off-street parking available as each unit will have the opportunity to purchase a parking space. Moreover, since approximately 29 parking spaces are proposed, the Applicant has agreed to offer the excess parking spaces to those residents that live within a 200-foot radius of the Property (the majority do not have alley access for off-street parking). A letter to the ANC dated February 23, 2016 affirms the revisions to the Project and details the Applicant's proffers; it is attached and incorporated herein by reference. *See*, Letter of Revisions and Proffers at **Exhibit A**.

Of note, and as identified in **Exhibit A**, the Applicant has also proffered residential parking permit restrictions for the Project. Furthermore, at the request of the community, the Applicant hereby submits in this addendum to the Prehearing Statement that it agrees to the following conditions regarding residential parking permits:

- 1) The Applicant/Condo Board shall include in its condominium documentation a provision that prohibits residents/owners from obtaining a Residential Parking Permit ("RPP") for the Property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of fine(s) against the condominium unit owner.
- 2) The Applicant/Condo Board shall obtain written authorization from each owner, either through a deed provision or another written document that allows the DMV to release to the Applicant/Condo Board any and all records of that resident/owner requesting or receiving an RPP for the Property.

3) The Applicant/Condo Board shall monitor resident/owner compliance with the RPP lease restriction by requesting from the DMV, every six months, any and all records of residents/owners requesting or receiving RPPs for the Subject Property, and shall provide annually to the Condominium Board the results of its inquiries.

4) The Applicant/Condo shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any owner of the Property from obtaining an RPP for the building approved in this BZA Order.

At the March 1, 2016 ANC 6E meeting, the Commission approved a motion, 5-1-0, to support all relief requested. ANC 6E also approved, 4-2-0, in a separate and distinct motion, a resolution to include in the letter of support the following conditions that the Applicant noted at the ANC 6E meeting it was unable to agree to: 1) to guaranty a minimum of 29 parking spaces at the Property; and 2) to offer the right of first refusal any excess parking spaces to the residents that live within 200 feet of the Property.

The Applicant has worked extensively with the ANC and Community but is not able to consent to the above additional terms. The Applicant is still working with DDOT on finalizing off-street garbage pickup, which may affect parking. The Applicant is committed to ensuring that this project has a positive impact in the community and that it will include more than the required parking spaces but the exact number is not currently finalized. In furtherance of that goal, the Applicant will continue to work with members of the community and Commissioner Nigro in an effort to continue to be open and transparent.

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

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the Zone Plan by approving the requested zoning relief. The Project replaces an unproductive, underutilized lot with 22 units, a neighborhood retail or service establishment, and approximately 29 off-street parking spaces. The Project provides the community with a retail or service establishment that will be provide a benefit to local residents.

Furthermore, the Project redevelops a site that is unsightly and challenging to develop given its size, the hybrid nature of the various uses existing at the Property, and its location in a historic district. For the reasons described in the initial submission, supplemented in the Prehearing Statement, and as will be further demonstrated at the public hearing this application satisfies all three prongs of the variance test, the standards for a special exception relief and will not cause a detriment to the public good or zone plan.

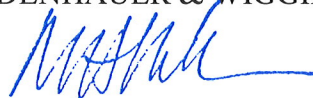
Included with this Addendum to the Prehearing Statement are the following documents:

Exhibit A: Letter of Revisions and Proffers

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meridith H. Moldenhauer

Cc: Advisory Neighborhood Commission 6E
c/o Marge Maceda, Chair (via email)
Single Member District 6E04 Commissioner Rachelle Nigro (via email)
Office of Planning (via email)

Exhibit A

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February 23, 2016

ANC 6E
PO Box 26182
Washington, DC 20001
Via Email c/o Rachelle Nigro, SMD 6E04

Re: 1212-1218 4th Street NW Revisions and Proffers (BZA Case No. 19187)

Dear Commissioner Nigro & Neighbors,

We represent Dr. Bockai (our, "Client"), the authorized representative of the owner of 1212-1218 4th Street, NW (the, "Property"). Our Client seeks to redevelop the Property and the existing residential apartment house at the Property. In furtherance of that goal, our Client and his representatives presented to the community at a Single Member District community meeting in April 2015, prior to filing an application before the Board of Zoning Adjustment, in order to receive community feedback on the proposed design. Following the filing of the application, our Client met with the community in November 2015 and January 2016, and continued to revise the proposed development. The initial project proposed 27 residential units and 9 parking spaces. As a result of the community feedback received, the following changes were made to the project:

1) Reduced Massing and Removed Penthouse. Initially the proposed structure had a massing that was similar in scale to the adjacent apartment house located at 1210 4th Street NW, and other large buildings along 4th Street NW. Fourth Street NW has a larger presence in massing than the structures along Ridge Street NW. However, in light of community comments, our Client removed the proposed penthouse and reduced the massing to make it comparable to the structures along Ridge Street NW.

2) Revised Façade. The initial plans proposed a uniform façade typical of apartments or condominiums. To provide a livelier streetscape and to compliment the rowhomes on Ridge Street NW, our Client revised the Ridge Street façade by adding three bay

projections to resemble rowhome projections and added entrances to each “rowhome” to increase the human presence along the street.

3) Neighborhood Servicing Retail. Following the initial community meeting, our Client revised the plans to include a small neighborhood servicing retail space, a specific request of the community. The addition of a small neighborhood servicing retail space reduced the number of units from 27 to 26.

The following changes were made after the filing of the application before the Board of Zoning Adjustment in response to comments and request from the community during the November 2015 and January 2016 Single Member District meeting.

4) Residential Parking Permit Restriction. The community was very concerned about the impact of additional homeowners on the limited amount of street parking available near the Property. Thus, the community requested and our Client agreed to include a prohibition from residents obtaining residential parking permits by including restrictions in the condominium documents recorded against the Property.

5) Increased Parking. The initial architectural plans provided for nine parking spaces- the requirement for 26 residential units pursuant to the Zoning Regulations. However, as many of the homes in the immediate vicinity do not have alley access there is an acute demand for parking in the area. Thus, after receiving multiple requests from the community and spending five weeks investigating the feasibility of increasing the parking on-site, our Client agreed to increase the number of parking spaces offered at the Property from 9 spaces to approximately 29 spaces by constructing one floor of below grade parking- an expensive endeavor that was not initially anticipated.

6) Reduced Unit Count. The community requested that our Client consider reducing the unit count. In response to that request, our Client revised the unit mix of the project. The original unit mix consisted of nine studios, twelve 1-bedrooms, four 2-bedrooms and one 3-bedroom, resulting in a total of 26 units. The revised unit count has been reduced to 22 units. Notably, the Inclusionary Zoning Units will include one large 1-bedroom and one 2-bedroom unit.

7) Excess Parking for the Immediate Community.

As noted above, the Community indicated that off-street parking is a major concern and in response, our Client has increased number of parking off-street parking spaces available at the Property to approximately 29 spaces. Please note, that with respect to the excess parking being provided at the Property (“Excess Space(s)”), our Client cannot guarantee the exact number of Excess Spaces that will ultimately be created. Our Client does not know the exact construction cost for the below grade parking at this time. Our Client is unlikely to know the construction cost until the site is excavated. However, it is

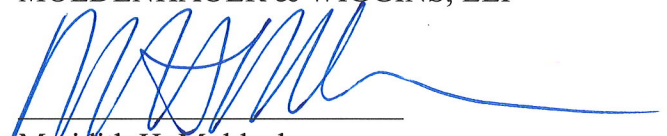
our Client's intent to offer any Excess Space not purchased by a condominium unit owner, to those that live within a 200-foot radius of the Property, as illustrated by the attached 200-foot radius map and list at Exhibit A. Without an accurate estimate of construction cost, our Client cannot provide an accurate estimate for an end-user purchase price or rent price for the Excess Spaces. However, as requested by the Zoning Committee of ANC 6E, which voted to support the proposed development as revised, our Client has devised a formula for determining the purchase price of each excess space: Market Price - 15%. If the Excess Spaces are rented, our Client proposes to rent the Excess Spaces to those that live within a 200-foot radius of the Property at Market Price - 15%.

The above concessions and revisions clearly illustrate the commitment our Client has to addressing the community concerns. We submit that the proposed project will be a benefit to the community and our Client is dedicated to being a responsible developer that is cognizant of his neighbors and the surrounding community.

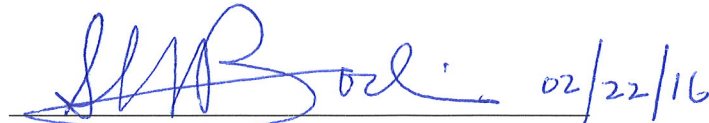
Thank you for your support of the BZA Application. Please do not hesitate to contact me if you have any questions about the proposed project or the BZA application.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP


Meredith H. Moldenhauer

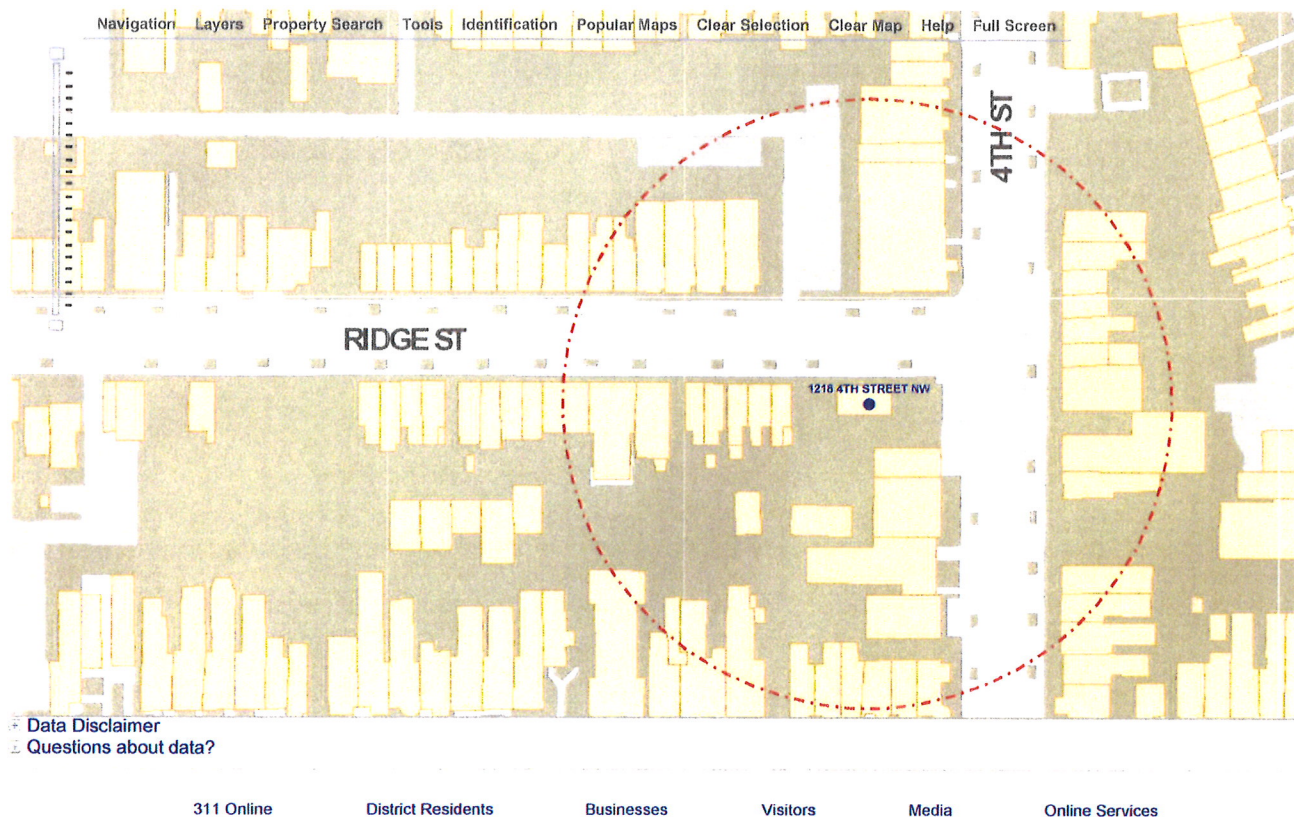
Acknowledgement of Above Proffer



Authorized Agent

1212-1214 4th Street, LLC

Exhibit A



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