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VIA IZIS

April 26, 2016

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

**Re: Application No. 19254 — 1612–1616 7th Street NW (Square 420, Lot 38)
Applicant's Prehearing Statement**


Chairperson Heath and Honorable Members of the Board:

On behalf of 1612 Seventh Street NW LP, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on May 3, 2016.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP


By: Meredith H. Moldenhauer

CC (via email): Alex Padro, SMD 6E01
Steve Mordfin, Office of Planning
Robyn Jackson, District Department of Transportation

Board of Zoning Adjustment
District of Columbia
CASE NO. 19254
EXHIBIT NO. 23

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

**APPLICATION OF
1612 SEVENTH STREET NW LP**

**APPLICATION NO. 19254
HEARING: MAY 3, 2016**

PREHEARING STATEMENT OF THE APPLICANT

This Prehearing Statement is submitted on behalf of 1612 Seventh Street NW LP (the “Applicant”), the owner of the property known as 1612–1616 7th Street NW (Square 420, Lot 38) (the “Property”), in support of its application for variance relief pursuant to 11 DCMR § 3103.2, from the requirements regarding lot occupancy (§ 772.1) and rear yard (§ 774.1), and a special exception pursuant to §§ 3104.1 and 2120.6 for parking requirements (§ 2101.1), to allow the rehabilitation of and addition to a contributing structure in the Shaw Historic District to provide a mixed-use building with retail on the first two floors and eight residential units (the “Project”).

I. ATTACHMENTS

- | | |
|---------------|---|
| Tab A: | Corrected Zoning Tabulation Sheet |
| Tab B: | Updated Architectural Plans |
| Tab C: | Letter of Support from Central Shaw Neighborhood Association |
| Tab D: | Letter of Support from Neighboring Property Owner |

II. THE PROPERTY, SURROUNDING AREA, AND PROJECT

As discussed in the Applicant’s initial submission, the Property has a total land area of approximately 5,719 square feet and is improved with three adjoining buildings used for offices. The buildings are considered contributing in the Shaw Historic District. The existing structures have approximately 10,654 square feet of floor area across two stories and a cellar. The Applicant has worked with staff at the District’s Historic Preservation Office (“HPO”) to determine the degree of preservation necessary, concluding that 6,360 square feet of the existing structures is

considered historic. The Property is zoned C-2-A and is located along a commercial strip of 7th Street NW that is primarily devoted to retail uses. Approximately two doors north of the Property is a 7-Eleven convenience store sitting along the corner of a busy corridor of Rhode Island Avenue.

The Applicant proposes to renovate and convert the existing buildings at the Property into a mixed-use building with residential and retail space, while retaining the historic structures and adding a new story and a penthouse. Per comments received from HPO staff, the Applicant will preserve and enhance the portions of the existing structures considered historic, which includes the façade and the original retail bay walls. Further, the third story will be set back 25 feet from the façade, also in response to feedback from HPO.¹ The proposed penthouse will meet applicable setback requirements. The Project will have 10,221 square feet of retail space on the cellar and first two floors, as well as eight residential units spread across the second and third floors and penthouse.

III. APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF

The Applicant seeks variance relief from the requirements regarding lot occupancy (§ 772.1) and rear yard (§ 774.1). As explained in the initial submission, the Property is affected by a confluence of factors resulting in an exceptional situation. First, the Property is currently nonconforming with respect to rear yard and parking requirements. Second, because the existing buildings are historic, the Applicant will be preserving 6,360 square feet of the existing structures' gross floor area and will be setting the upper stories back 25 feet from the historic façade. This façade, as well as the original bay walls being preserved, were designed for retail uses and are situated along a commercial strip of 7th Street NW. As discussed in the initial submission and as

¹ The plans submitted with the initial application provided a setback of 22 feet, 4 inches. That setback has been increased to 25 feet in response to HPO comments.

further outlined below, these factors together make it practically difficult for the Applicant to meet lot occupancy and rear yard requirements.

A. Lot Occupancy (§ 772.1)

While there is no lot occupancy restriction for retail uses in the C-2-A District, a residential use may not exceed 60% lot occupancy. 11 DCMR § 772.1. The second and third floors of the Project, which both include residential units, will have a lot occupancy of 89% and 64%, respectively, thus requiring relief.

First, it is important to stress how minor the degree of relief being requested for lot occupancy is. The second floor, which contains both retail and residential uses, is only subject to lot occupancy limitations because of the residential units. However, the gross floor area for the residential use is 3,161 square feet, for a lot occupancy of only 55%, which is below the 60% permitted. It is only because this use is combined with retail space that lot occupancy exceeds the maximum. Preserving commercial uses along a portion of the second story that fronts on 7th Street is one of the Project's major assets because it serves to revitalize the streetscape in a way that best suits this commercial corridor. If the Applicant reduced the envelope of the upper floors by removing the retail space along the front façade, the Project would not have the same restorative effect on the site because it would not be as well-suited to its surroundings and would not be as effective in activating the streetscape.

Additionally, complying with lot occupancy would create an inefficient layout. Because the existing structures are historic, the Applicant is preserving a portion of the existing structure — including the party walls — extending back approximately 35 feet. Thus, if the Applicant were required to reduce lot occupancy, the only way this could be accomplished would be by either pulling in the side exterior walls that are not historic or pushing the rear exterior wall forward.

Neither of these options are workable. As is clear from the architectural plans, *see* BZA Exhibit 4D, pulling the non-historic rear portion of the side walls further in on the upper floors would result in narrow, impractical units with difficult layouts. Likewise, moving the rear wall forward on the upper floors would require that structural support be provided underneath, necessitating a load-bearing wall or columns interrupting the floor plan for the retail space on the first floor and cellar levels, thereby creating additional inefficiencies. Either approach would create cramped, inefficient units. Moreover, reconfiguration of the units is limited because it ultimately follows the plan for the building core, which must be centrally located in order to serve the building adequately.

It is unnecessarily burdensome to require the Applicant to impose a design that would unreasonably constrain the residential units and would require two separate sets of structural support for the rear wall. The practical difficulty of comply with lot occupancy requirements is caused by the need to preserve the historic portion of the existing structures and to restore the commercial uses on the first two floors in order to harmonize with and contribute to the surrounding commercial environment. Thus, a variance is appropriate.

B. Rear Yard (§ 774.1)

The C-2-A District has a minimum rear yard requirement of 15 feet. As stated above, the Property currently provides no rear yard, with the two northernmost structures extending all the way to the rear lot line. The Project will also provide no rear yard.² As explained in the initial submission, the need to set the third floor back 25 feet from the historic façade makes it practically

² The zoning tabulation initially submitted incorrectly stated that relief was needed for 12 feet of the rear yard requirement; however, the Applicant requests relief for all 15 feet required by § 774. *See* Corrected Zoning Tabulation Sheet at **Tab A**.

difficult to provide a rear yard. Given the significant limitations on floor area that this setback poses, carving out the required 15 feet of rear yard is unnecessarily burdensome.

Additionally, if the rear wall of the building were required to be pulled forward 15 feet, the necessary support for this wall or structural column would make it infeasible to provide the two parking spaces currently planned, increasing the relief needed for parking. Further, for efficiency, stacking plumbing is proposed and, if not for the relief, it would not be feasible. Pushing the rear wall forward would compromise the Applicant's ability to achieve efficiency through stacking. Given these constraints, complying with the rear yard requirement is practically difficult.

As discussed in the initial submission, approving the requested relief will not have any detriment on the public good, nor will it impair the zone plan. The Project will rehabilitate the historic structures in a way that will enhance the surrounding neighborhood by revitalizing the commercial uses along the portion of the Property that fronts on 7th Street NW.

IV. APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF

As discussed in detail in the Applicant's initial statement, the application also satisfies the requirements for a special exception under § 2120.6 for the parking requirements for historic resources.

In response to requests from the District Department of Transportation ("DDOT") for transportation demand management measures, the Applicant has proposed a number of measures and continues to coordinate to determine what measures are appropriate for the Project. The Applicant will supplement the record with the proposal when it is finalized.

V. COMMUNITY OUTREACH

The Applicant has conducted extensive community outreach regarding the Project. The Applicant presented the Project to the Central Shaw Neighborhood Association ("CSNA") on

March 21, 2016, and provided follow-up information for that meeting, including a shadow study, *see* Architectural Plans at **Tab B**, p. A-35A and A-35B. The Applicant has continued discussions with the neighbors and the CSNA, and the CSNA supports the Project. *See* CSNA Letter of Support at **Tab C**; Neighboring Property Owner Letter of Support at **Tab D**. The Applicant will be presenting the Project to Advisory Neighborhood Commission's ("ANC") 6E on May 3, 2016.

VI. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Jeff Goins or Matt Stevison of PGN Architects; and
2. Richard Grotzky, on behalf of the Applicant.

VII. CONCLUSION

For the reasons stated above, and for the reasons discussed in the initial submission, the Applicant hereby submits that this application meets the requirements for the relief requested.

We look forward to presenting our case to the Board on May 10, 2016.

Respectfully submitted,

GRIFFIN, MURPHY,
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