

ATLAS SQUARED, LLC
PROPERTY OWNER OF 1125 7TH STREET, N.E.
OPPOSITION TO BZA APPEAL 19550 OF ANC 6C
SEPTEMBER 19, 2018

JOHN PATRICK BROWN, JR.
KATE M. OLSON
GREENSTEIN DELORME & LUCHS, P.C.

WITNESSES

Tarique Jawed
Atlas Squared, LLC

Mariah Rippe, Residential Project Designer
Moment Engineering + Design

Will Teass, AIA (Expert)
Teass/Warren Architects

Olutoye Bello (Expert)
Bello, Bello & Associates, LLC

Vincent L. Ford (Expert)
Ford & Associates

RF-1 ZONING COMPLIANCE

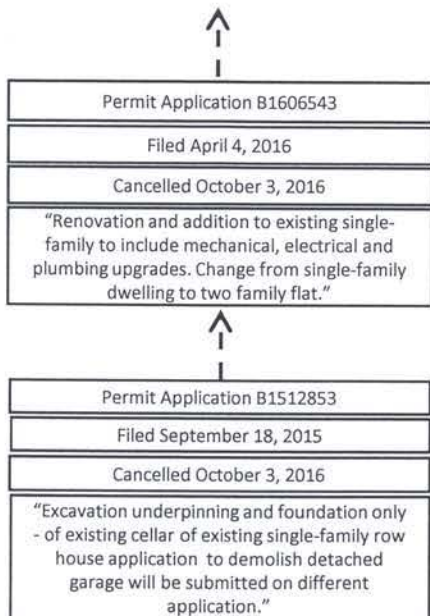
- **Flat is Permitted Use**
- **35 Foot Height**
- **60% Lot Occupancy**
- **25 Foot Rear Yard**
- **20% Pervious Surface**
- **Two Off Street Parking Spaces**
- **Three-Story Bay Window Projection into Public Space Separately Permitted By DDOT**

EXECUTIVE SUMMARY

- 1. The Permitted Rear Addition is Not Subject to Ten Foot Limit of E 205.4.**
- 2. The Permitted Project is Physically and Functionally a Single Building.**
- 3. Removal of the Façade Trim is Not Prohibited Under E-206.1(a).**
- 4. Roof Guardrail Approved in Second Revised Permit Not Subject to Penthouse Setback Requirements.**

PERMIT HISTORY

"ORIGINAL PERMIT"	APRIL 28, 2017	"REVISED PERMIT"	EXTENSION OF ORIGINAL PERMIT	"SECOND REVISED PERMIT"
B1706219	Zoning Commission Order 14-11B Final and Effective	B1805207	B1810239	B1811245
Issued March 31, 2017		Issued April 18, 2018	Issued June 12, 2018	Issued August 2, 2018
"Revision to Building Permit B1606543 and Building Permit B1512853 reflecting underpinning. Renovation of existing single-family dwelling unit to a 2-unit separate townhouse."		10 Foot limit on rear yard additions.	REVISION: Revise Building Permit B1706219 to renovate the converted single-family dwelling to a two-unit flat. No change or expansion to the building or zoning envelope.	"First Extension to Permit B1706219 to expire on 9/31/2018"
<u>Note:</u> Incorporated and consolidated building permit applications B1512853 and B1606543 into a new, complete and stand alone permit application.	"Cornice" added to definition of "Rooftop Elements".	<u>Note:</u> No change to previously approved rear addition , building foot print or removal of façade trim. clarified above grade connection. Revised roof hatch.	<u>Note:</u> Extension based on "extenuating circumstances" pursuant to 12A DCMR §105.5(4) based on Stop Work Order from April 2017 through April 2018. No Change to Permit B1706219 authorized work.	<u>Note:</u> No change to previously approved rear addition, building footprint or removal of façade trim.



**THE PERMITTED REAR ADDITION IS
NOT SUBJECT TO TEN (10) LIMIT OF E-205.4**

- **Original Permit Issued March 31, 2017**
- **Z.C. 14-11B: 10 Foot Restriction Effective
April 28, 2017**
- **Subsequent Permits Made No Change to
Rear Addition**
- **Compliance with New 10 Foot Limit Not
Triggered**

SINGLE BUILDING DEFINED

Specifically, B309 provides:

- 309.1 For purposes of this chapter, structures that are separated from the ground up by common division walls or contain multiple sections separated horizontally, such as wings or additions, are separate buildings. Structures or sections shall be considered parts of a single building if they are joined by a connection that is:
- (a) Fully above grade;
 - (b) Enclosed;
 - (c) Heated and artificially lit; and
 - (d) **Either:**
 - (1) Common space shared by users of all portions of the building, such as a lobby or recreation room, loading dock or service bay; **or**
 - (2) Space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.
- 309.2 Notwithstanding Subtitle B, § 309.1, a single building shell may contain multiple uses or dwelling units that do not share access.

Emphasis Added.

ABOVE GRADE CONNECTION **ESTABLISHES SINGLE BUILDING**

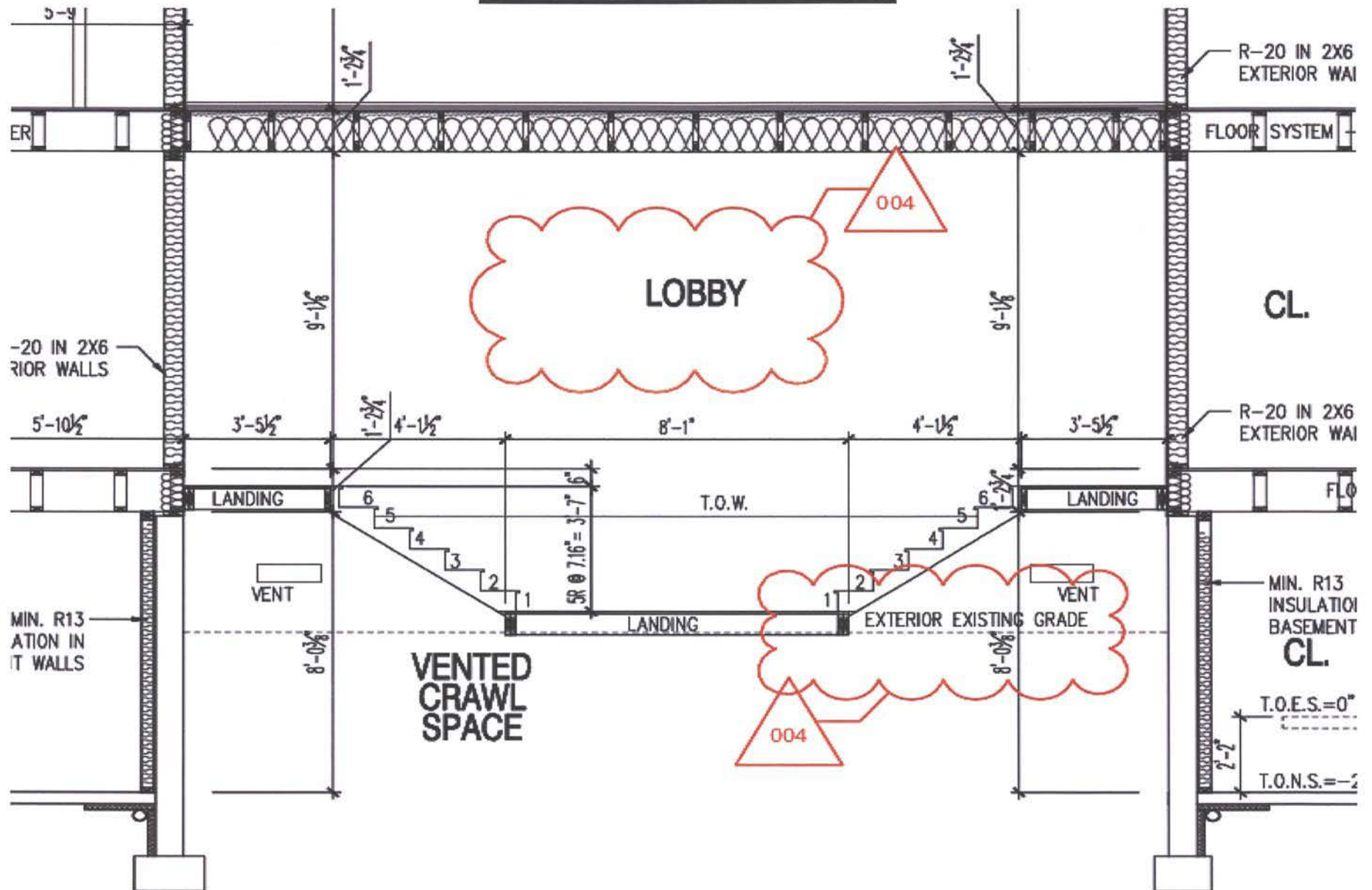
- **Fully Above Grade**
- **Enclosed**
- **Heated and Artificially Lit**
- **Common Space Shared By All Users of Building**

AND

- **Provides Free and Unrestricted Passage between Separate Portions of the Building.**

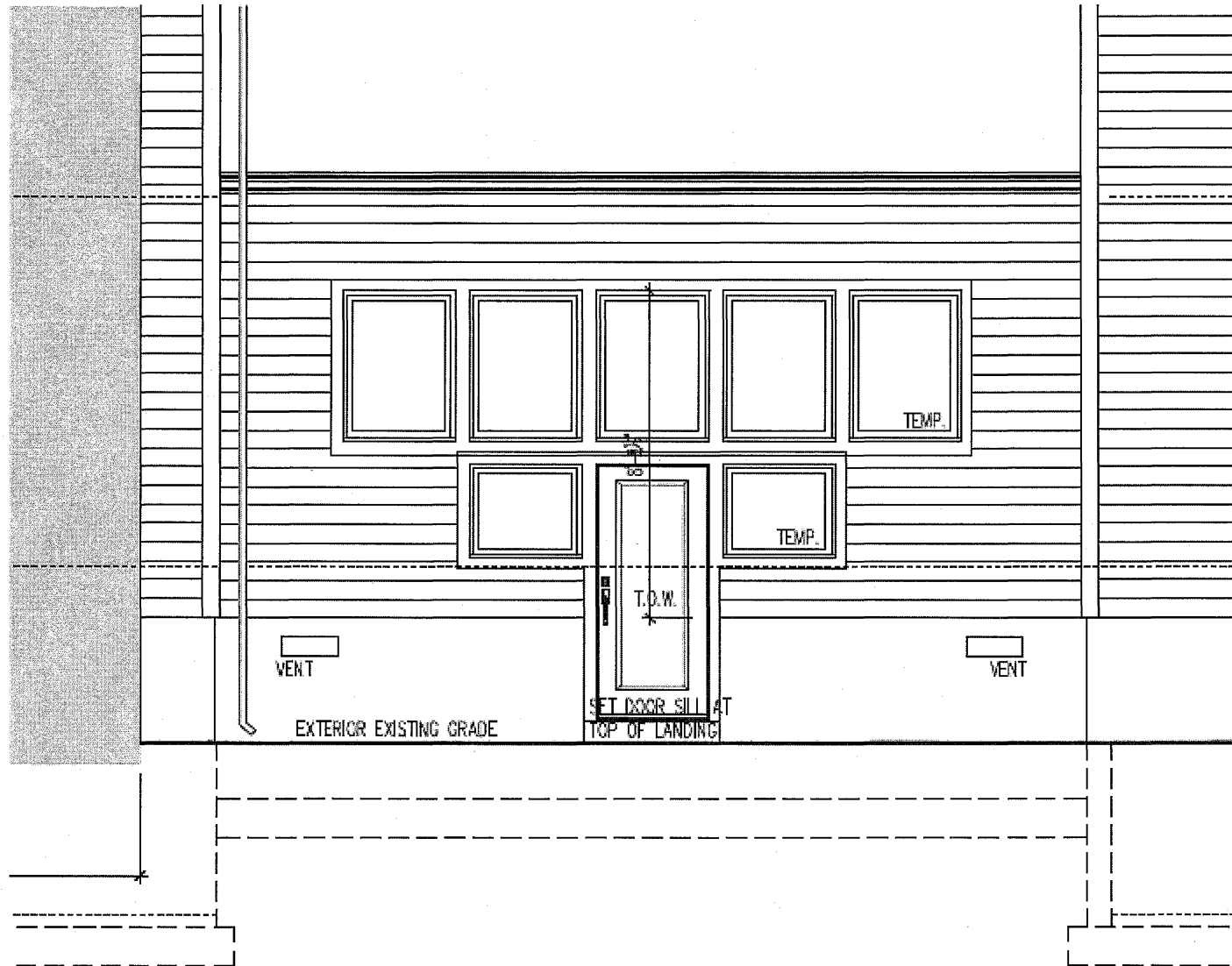
* Notwithstanding Subtitle B §309.1, a single building may contain multiple uses or dwellings units that do not share access.

COMMON SPACE



Excerpt of Sheet A5.2

FULLY ABOVE GRADE, ENCLOSED, HEATED AND ARTIFICIALLY LIT

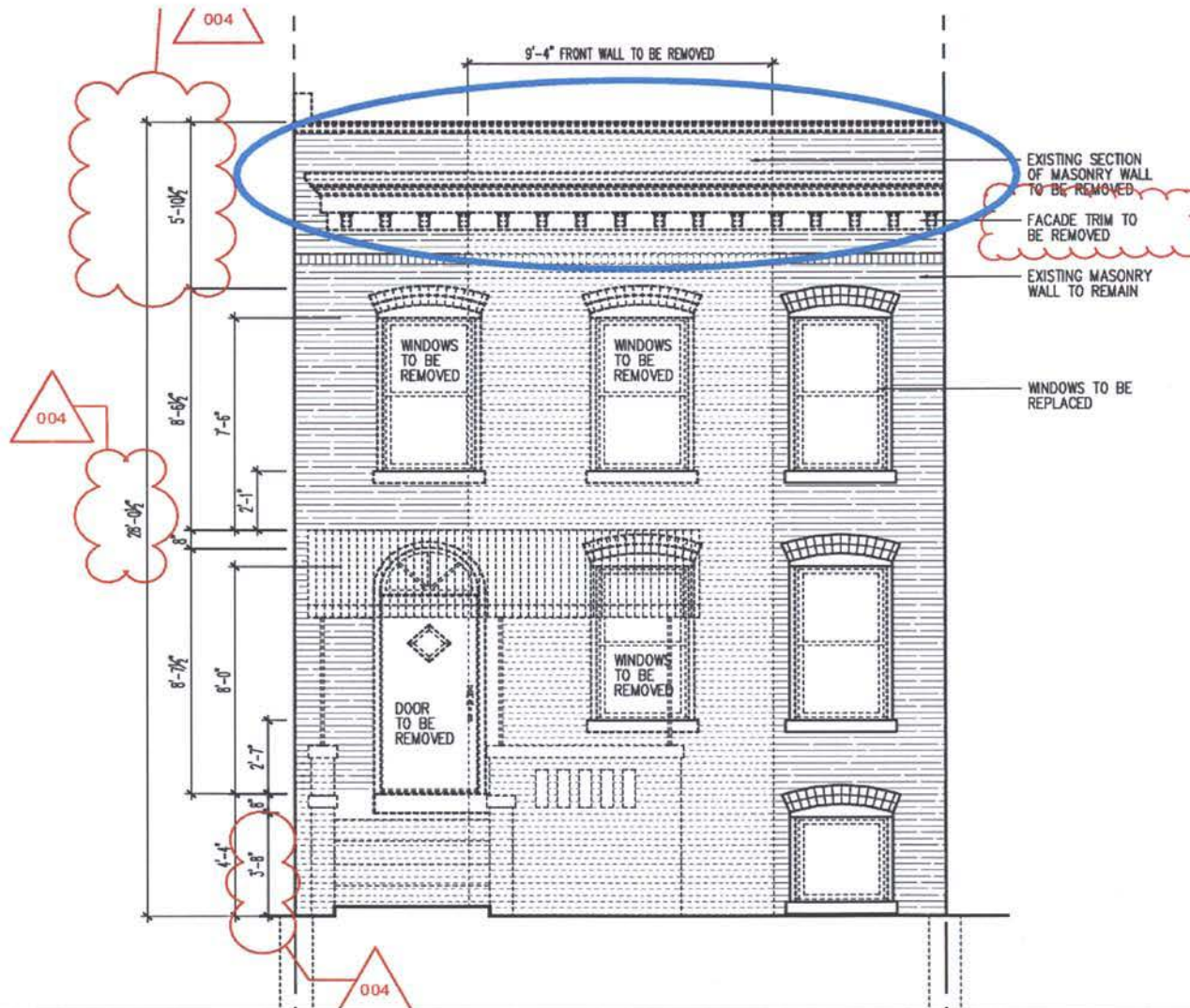


Excerpt of Sheet A4.2

REMOVAL OF THE FAÇADE TRIM IS NOT PROHIBITED

UNDER E-206.1(A)

Both the Original Permit and Revised Permits approved the removal of a façade trim or feature on the front of the existing building.



Existing Front Elevation, Excerpt of Sheet A4.1

ORIGINAL PERMIT NOT SUBJECT TO **CORNICE RESTRICTION**

- **Original Permit Issued March 31, 2017**
- **Removal of Façade Trim Approved**
- **Z.C. Order 14-11B Adding Cornice Removal Restriction Effective of April 28, 2017**
- **Subsequent Permit Revisions Did Not Change Approved Façade Trim Removal**
- **Application of Cornice Rule Not Triggered**



The façade trim is not a “rooftop architectural element” or “cornice” under the plain meaning of E-206.1(a) which provides:

206.1 In an RF zone district, the following provisions shall apply:

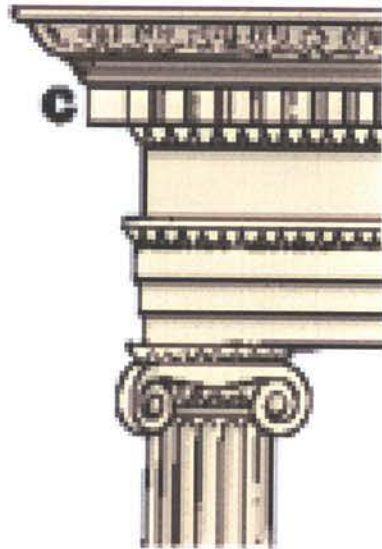
- (a) **A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers**, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure’s rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;

For instance, Webster's Unabridged Dictionary defines "cornice" as:

- (a) the typically molded and projecting horizontal member that **crowns** an architectural composition; specifically: the **uppermost** of the three members of a classic entablature. See Illustration.
- (b) the **top course** of the wall when treated as a finish or crowning member.

Emphasis Added.

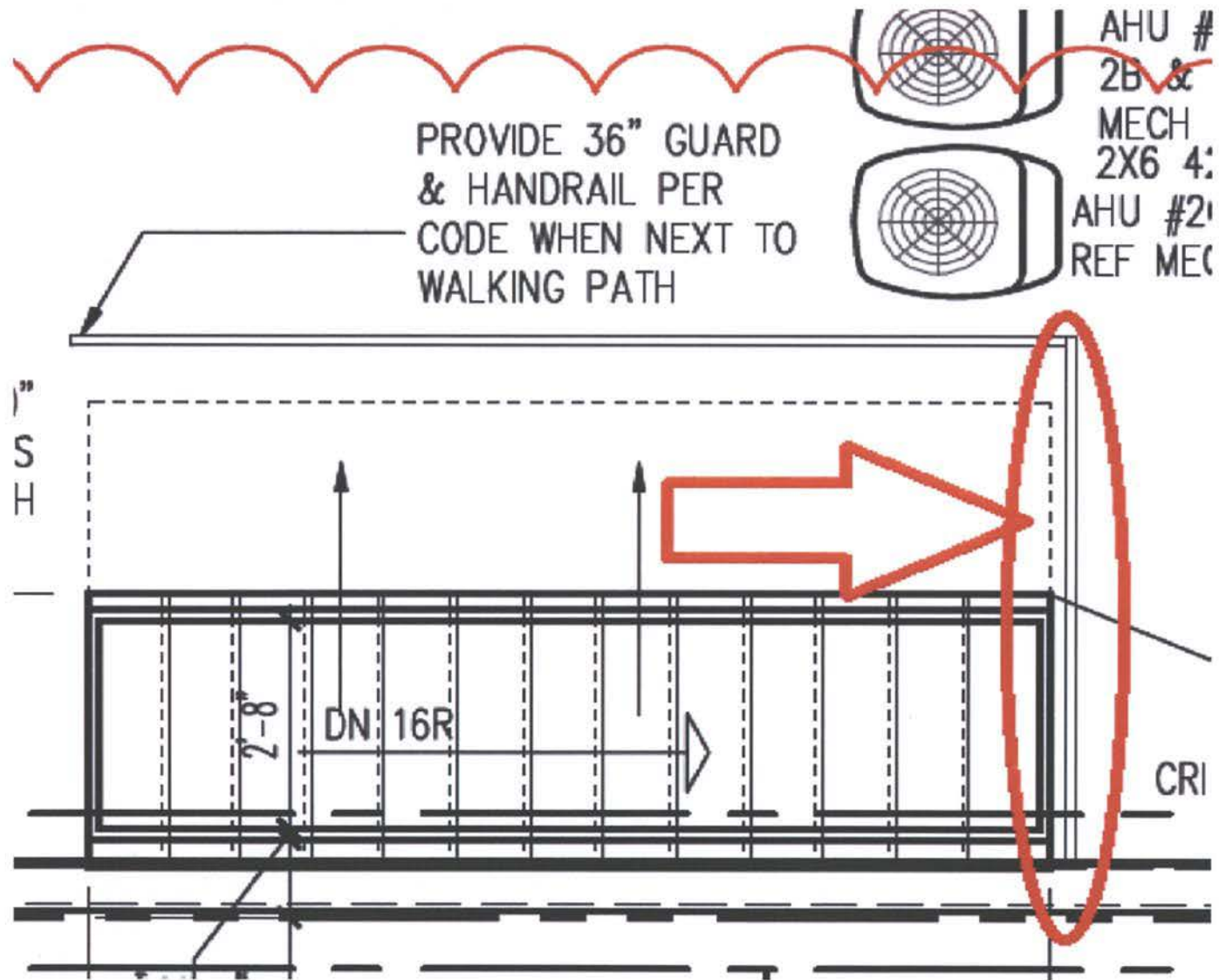
Illustration of CORNICE



FACADE TRIM NOT SUBJECT TO E-206.1

- **Located 16 Inches Below Top of Parapet Wall**
- **Separate and Distinct From Top of Parapet Wall**
- **Not Located on or Related to Rooftop**

GUARDRAIL NOT SUBJECT TO SETBACK



Detail from Sheet A3.1 (Tab A)

GUARDRAIL NOT SUBJECT TO SETBACK

- **36 Inches Tall**
- **Perpendicular to Party Wall**
- **Setback From Rear and Front Roof**
- **Building Code Mandated For Life Safety Purposes**
- **Established Zoning Policy to Not Require Any Setback**