



March 23, 2018

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Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**RE: BZA Case No. 19705  
Applicant's Supplemental Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant Madison Investments LLC (the "Applicant"), please find enclosed a supplemental statement in advance of the limited scope continued hearing on April 11, 2018 regarding the Applicant's proposed mixed-use building (the "Project"). As requested by the Board, this supplemental statement addresses the following information:

Revised Architectural Plans Reduce 45-Degree Plane Relief

Following the initial hearing on March 7, 2018, the Applicant met with the Office of Planning to discuss the project and, more specifically, the requested relief from the "45-degree plane" rule of Subtitle K § 803.3(b). In response to discussions with the Office of Planning, the Applicant has revised the Project's architectural plans (the "Revised Plans") to reduce the relief requested from Subtitle K §803.3(b). A copy of the Revised Plans<sup>1</sup> is attached at **Tab A**.

In response to comments regarding the degree of relief requested, the Applicant has pulled in portions of the sixth floor, seventh floor and first penthouse level to reduce the portion of the building within the "45-degree plane." See **Tab A**, pgs. 58-66. The proposed building is now tiered along the 15-foot alley on the western side of the Property, with the sixth and seventh floors set back from the fifth floor. See **Tab A**, pgs. 50-51, 58-66. Along the southern elevation, there is an additional tiering of the fifth floor in order to control for the change in elevation at the southern end of the Property. See **Tab A**, pgs. 61-63.

We reiterate the limited impact that the requested relief will have on neighboring properties in terms of light and air. In particular, the Revised Plans illustrate a further reduction in any impact to the "Hamilton" condominium to the west, as reflected in the updated solar studies located at pgs. 69-102 of the Revised Plans. The shadow cast by the revised proposed design is reduced at

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<sup>1</sup> The Applicant has attached only the portions of the architectural plans that have been amended. The Applicant's original architectural plans are filed in the record at BZA Ex. Nos. 34A1-34A2.

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9:00 a.m. and 10:00 a.m. in the month of June. *See* **Tab A**, pgs. 86-87. Likewise, the shadow is diminished at 10:00 a.m. in March and September as well as 11:00 a.m. in December. *See* **Tab A**, pgs. 95, 103.

To that end, the Applicant detailed during the March 7<sup>th</sup> hearing the limited impact the Project will have on the “Lumen” condominium to the north of the Project across W Street NW, which is an 80-foot right-of-way.<sup>2</sup> In terms of light and air, there remains no adverse impact on the Lumen.

Additionally, it must also be noted that on March 15, 2018 the Applicant presented the Project, and more specifically the proposed curb cut on W Street NW, to ANC 1B’s Transportation Subcommittee, which voted to unanimously support the proposed curb cut. The Applicant will appear before the full ANC 1B on April 5, 2018 in regard to the Applicant’s Public Space application. The Applicant’s hearing before the Public Space Committee is scheduled for April 26, 2018.

### The Project Incorporates Arts-Related Elements

During the March 7<sup>th</sup> hearing, the Board asked for the Applicant to detail the aspects of the Project that incorporate arts-related elements. The Applicant has previously outlined the Project’s arts elements in the initial application (BZA Ex. No. 8), the prehearing statement (BZA Ex. No. 34, pgs. 6-8), and at the March 7<sup>th</sup> hearing through the testimony of Barry Madani, principal of the Applicant. The following is a list of those elements:

- 4,000 square feet for arts/entertainment, including above historic garage building. The applicant envisions the space above the garage being used for a sculpture garden and art exhibits. Following the hearing, the Applicant met with a potential local operator who has experience working with local artists and hosting art-related events, such as hosting local artists to teach art lessons to the public.

- Applicant continues to explore the potential of leasing floor space to arts/creative uses, particularly for the proposed store fronts along the western alley. The Applicant has officially engaged a local retail consultant to assist in finding potential arts-based tenants. The Applicant has an integrative approach to leasing and will carefully procure tenants to ensure that there is a symbiotic relationship amongst the different tenants. The Applicant will also encourage future tenants to allow local artists to display their art in their space.

- Applicant intends to incorporate “NumberF” visual art screens in Project lobbies facing 14th Street NW. Applicant has installed these visual arts screens in its “Elysium” building at the corner of 14<sup>th</sup> Street NW and Wallach Street NW. The Applicant is considering a design concept to connect the residential lobby to a retail space, enabling the public to access parts of the lobby where the art is displayed during certain business hours.

- The Applicant will review installing art installations in public space, which would require approval from DDOT and the Public Space Committee. The Applicant has a PDRM meeting scheduled on March 27, 2018 to discuss various items pertaining to the public space and to explore the possibility of providing art installations in public space.

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<sup>2</sup> The four individuals who spoke in opposition to the Project at the March 7<sup>th</sup> hearing are all residents in the “Lumen.”

-The Applicant intends to use the western-facing wall along the alley for a community mural space. See **Tab A**, pg. 28. The Applicant has been working with a resident from the Hamilton Condominium in order to identify a potential local artist to design and produce the mural space at the rear of the Property.<sup>3</sup>

### Conclusion

The Applicant has met its burden of proof for special exception relief for the Project's height and lot occupancy, as demonstrated during the initial hearing and in the case record. We look forward to the continued limited scope hearing on April 11, 2018, and we thank you for your attention to this matter.

Sincerely,

Cozen O'Connor



By: Meridith Moldenhauer

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of March, 2018, a copy of the foregoing Cover Letter with attachments was served, via electronic mail, on the following:

District of Columbia Office of Planning  
c/o Matthew Jesick  
1100 4th Street SW, Suite E650  
Washington, DC 20024  
Matthew.Jesick@dc.gov

Advisory Neighborhood Commission IB  
c/o James A. Turner, Chairperson  
1B09@anc.dc.gov

Advisory Neighborhood Commission IB  
c/o Jon Squicciarini, SMD Commissioner  
1B04@anc.dc.gov



Meridith H. Moldenhauer

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<sup>3</sup> The location of the mural is subject to change due to the pending finalization of the garage entrance location