

July 7, 2021

PREHEARING STATEMENT OF 1400 9th ST NW LLC

BZA CASE: TBD

HEARING DATE: TBD

I. EXECUTIVE SUMMARY

This prehearing statement is submitted on behalf of 1400 9th ST NW LLC, the owner of the property located at 1400 9th ST NW, (Square 2843; Lot 800). The Property is located in a MU-4 Zone District. The owner seeks a special exception to establish a mixed-use building consisting of one commercial space in a six-unit apartment house at that address.

Project scope involves additions and alterations onto existing two-story building and third and fourth story additions. No rear yard currently exists, and none is planned. Existing building occupies 99% of lot. No parking currently exists.

Existing building was previously used as a restaurant. It has been vacant for many years and is in precarious condition.

The DC Historic Preservation Review Board approved the concept design for the proposed additions and alterations on May 27th, 2021.

II. NATURE OF THE RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the "BZA" or the "Board") approve special exception relief from the rear yard requirements of 11-G DCMR § 405.2, Special exception relief from the lot occupancy limit of 11-G DCMR § 404.1, and special exception relief from the parking requirements of 11-C DCMR § 701.5.

III. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to 11-X DCMR § 900.2 of the Zoning Regulations.

IV. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREAS

The Property is owned by 1400 9th St NW LLC and was originally built around 1850 (estimated). As such, the property is a contributing structure in the Shaw Historic District.

Subject lot comprises of 1,400 square feet, with an existing lot occupancy of 99%, has frontage to East on 9th St NW, and to the South on O Street NW. No rear yard currently exists, and no public alley abuts the property.

The building is currently two stories tall and has a slightly smaller footprint on the second story, on the North end of the building, built as an addition to the older structure.

V. PROPOSED PROJECT

Applicant plans to renovate the Property and convert it to a mixed-use building consisting of one commercial space in a six-unit apartment house. A small 2nd story infill addition, third and fourth story additions are proposed onto North end of the building. Existing first and second floors at North end of building to be demolished and rebuilt. Existing grade level bay windows to be demolished and rebuilt. Areaway projections facing both streets are proposed. Proposed development includes no roof decks or balconies.

Building lot occupancy of 99% at first floor to be maintained, second floor lot occupancy to match that of first floor, third floor addition lot occupancy to be 50.5%, and fourth floor addition lot occupancy to be 39.2%.

No rear yard currently exists, none is proposed.

No parking currently exists, none is proposed.

VI. APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF UNDER TITLE 11-X DCMR § 901.1, TITLE 11-G § 1201.1, AND TITLE 11-C § 703.2.

The Applicant is seeking a special exception under 11-X DCMR § 901.1, from 11-G DCMR § 405.2, 11-G DCMR § 404.1, and 11-C DCMR § 701.5.

Per 11-X DCMR § 901.2, applicant can show that the Property (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and (b) will not adversely affect the use of neighboring properties. Further, the Property will not have a substantial adverse effect on the use and enjoyment of any abutting or adjacent dwelling or property, in particular: (a) the light and air available to neighboring properties will not be unduly affected; (b) the privacy of use and enjoyment of neighboring properties will not be unduly compromised; and (c) the addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale, and pattern of houses along the street, as confirmed during the Historic Preservation Approval process.

The Application qualifies for special exception from lot occupancy requirements as it meets the requirements of 11-G DCMR § 1200.4 as follows:

- a) The proposed development will be in harmony with the general purpose and intent of the MU zone, as it includes a retail space at ground level facing both streets, and dwelling units on the remainder of the building. Furthermore, the proposed third and fourth story

additions are well below maximum allowable lot occupancy. Portions of the building that exceed maximum lot occupancy allowable are either existing or mostly existing, with only a small increase in lot occupancy being proposed at second floor level (11.7% greater than existing lot occupancy at second floor).

- b) The proposed development will not tend to affect adversely the use of neighboring property.
- c) The conditions of other applicable sections in the chapter are met.

The Application qualifies for special exception from rear yard requirements as it meets the requirements of 11-G DCMR § 1201.1 as follows:

- a) No apartment window is located in front of any other building.
- b) No office window is located in front of any other building.
- c) N/A: Building is parallel to adjacent buildings.
- d) Provisions have been included for service functions within the building.
- e) Application is being reviewed by the Office of Planning and all relevant District of Columbia departments and agencies.

The Application qualifies for special exception from parking requirements as it meets the requirements of 11-C DCMR § 703.2 as the following sections apply:

- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;
- (h) The property does not have access to an open public alley.
- (j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

VII. APPLICANT'S COMMUNITY OUTREACH

Applicant has been in contact with ANC 2F and obtained the ANC's support during the Historic Preservation review process. Their support of this case is currently being sought. Several meetings were held with neighbors during that process, including adjoining and facing neighbors, and the need for BZA relief was discussed at that time.

VIII. CONCLUSION

For all of the above reasons, the Applicant requests that the Board grant its request for the aforementioned special exceptions.

Respectfully submitted,



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