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October 9, 2024

VIA IZIS

Mr. Frederick Hill, Chairperson
D.C. Board of Zoning Adjustment
One Judiciary Square
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: Applicant's Supplemental Pre-Hearing Submission
BZA Application No. 21132
1641 R Street, N.W.
Square 0178, Lot 0097 ("Property")

Dear Chairperson Hill:

On behalf of Marwick Associates, LLC (the "Applicant"), we respectfully submit this Supplemental Pre-Hearing submission, including the information specifically requested by the Board, a report of the ongoing relationship with the 1709 17th Street ("1709 Property") property owner, update on the Inclusionary Zoning to be provided at Property, and proposed Balcony Demolition Plan.

A. Board Requested Information:

At the conclusion of the July 31, 2024 public hearing, the Board requested that the Applicant provide the enumerated below additional information. The requested information is provided in the enclosed current draft of the Applicant's Power Point presentation as specifically identified and discussed below.

1. Plans that show what was approved in Order No. 20042 versus the as-built (including the interior floor plan layout).

The BZA 20042 approved floors plans are shown on Slides 4 to 8. Slide 9 shows the BZA approved north elevation. The As-Built floor plans are shown on Slides 10 to 15 which highlights the additional work, including balconies that was completed. Perhaps more helpfully, Slides 16 to 20 provide a side-by-side comparison of the As-Built vs. BZA approved floor plans.

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2. Updated Plat.

The updated plat is attached as Slide 21 and specifically identifies the existing first floor, second floor to be enclosed, and balcony addition on third and fourth floors.

3. Rendering from the view of the alley - the existing as-built versus the proposed.

The BZA approved rendering of the North elevation is shown on Slide 9. Slides 23 to 31 show the 2018 pre-construction condition and current As-Built condition of the north façade of the building from the alley from different perspectives.

4. Perspective rendering showing what is seen from the subject property.

Slides 32 to 41 show the view from the interior of the Property from the balcony units on the third and fourth floors looking out toward the alley and the 1709 Property. There will be no view from the second floor when the balcony is enclosed with a solid brick wall that will face the proposed addition at the 1709 Property.

B. Report on Ongoing Relationship with 1709 17th Street Property Owner:

The neighborly relationship between the two property owners predates and has continued through the several BZA cases. Both have allowed access to the others property when needed and the Applicant has performed work on and for the benefit of the 1709 Property without charge.

Starting with the filing of this Application, counsel for both properties have continued to communicate. The Applicant has provided several escalating alternatives to the 1709 Property owner, but to date none have been accepted. As a result of privacy and security concerns raised on behalf of the 1709 Property, the Applicant proposed at the original hearing to install and maintain a permanent 6 or 6.5 foot metal privacy screen on the third and fourth floor balconies. The second floor balcony will be eliminated by enclosing it with a brick wall that would face and be obstructed by the proposed addition at the 1709 Property.

In response at the hearing, opposing counsel asked the Applicant to consider reducing the depth of the balconies. As an alternative proposal to achieve the same or greater level of enhanced privacy and security, the Applicant proposed to maintain the balconies and decorative railings and improved aesthetics of the north façade looking toward the alley, but also make the balconies inaccessible from the interior of the building by removing the door openings and installing fixed windows that would permanently prevent access from the interior units to the balcony areas. See Exhibit A.

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Opposing counsel was not satisfied by this proposal raising maintenance and other concerns suggesting “if the balconies are inaccessible, why not just remove them?” Further discussions continued, but the Applicant has not been able to satisfy the 1709 Property owner.

Continuing to look for a mutually agreeable solution, the Applicant has now offered the attached Demolition Plan suggested by the 1709 Property that would govern the removal of the third floor and fourth floor balconies and replacement of the existing door openings with windows. See Exhibit B (including a revised Surveyor’s Plat showing the proposed changes).

More specifically, the Demolition Plan will:

1. Enclose the second floor balcony;
2. Retain the third floor balcony slab as the roof of the enclosed second floor;
3. Remove the third floor post and railings;
4. Remove the fourth floor balcony, railings and post; and
5. Retain the existing roof balcony and parapet wall.

C. Update on Inclusionary Zoning for Property:

As originally permitted, the residential portion of the Property was to have 9 apartments and a penthouse dwelling unit which triggered an Inclusionary Zoning requirement that would have been satisfied by Unit 203 (2 bedroom). However, the approved addition at 1709 Property will obstruct the windows on the second floor rendering that space not habitable area that will be converted to tenant storage space. As a result, reconfiguration of the interior layout of the residential units was required reducing the number dwellings units to nine. Although this is below the ten-unit threshold for required Inclusionary Zoning, the Applicant is required to maintain IZ based on the use of bonus density and penthouse habitable space. Working with DHCD, the Applicant has revised its IZ compliance by establishing Unit 303 (2 bedroom) as the affordable unit. See Slides 12 to 13.

In preparation for the October 23, 2024 continued public hearing, the Applicant reserves the right to update its hearing PowerPoint Presentation in response to filings from the parties.



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Sincerely,

GREENSTEIN DELORME & LUCHS, P.C.

A handwritten signature in blue ink, appearing to read "JTB", is written above a horizontal line.

John Patrick Brown, Jr.

A handwritten signature in blue ink, appearing to read "Lyle M. Blanchard", is written above a horizontal line.

Lyle M. Blanchard

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2024, a copy of this Applicant's Supplemental Pre-Hearing Submission was filed in IZIS and electronically served on the following:

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