

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

Application of Old City Development Group  
ANC 6E

**STATEMENT OF THE APPLICANT**

This is the application of Old City Development Group (“**Applicant**”) for special exception relief to allow the conversion of and addition to a historic building to create a mixed-use retail, office, and residential building. The property that is the subject of this application is located at 1827 Wiltberger Street NW (Square 441, Lots 849 & 853) (“**Property**”). The Property is located in the ARTS-2 Zone District.

**I. NATURE OF RELIEF SOUGHT**

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve a special exception from the rear yard requirements (Subtitle K § 805.1) pursuant to Subtitle K § 805.5.

**II. JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the relief requested pursuant to Sections K-813 and X-900.1 of the Zoning Regulations (11-K DCMR § 813 & 11-X DCMR § 900.1).

**III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is located in the northwest quadrant of the District and in Ward 6. The Property is rectangular in shape and contains approximately 16,128 square feet of land area.

The Property is bounded to the north and south by alleys that are 15 feet wide, to the east by a 15-foot wide public alley, and to the west by Wiltberger Street, which is 30 feet wide. The Property is located approximately one block south of Florida Avenue and one block east of the Shaw-Howard University Metrorail station.

The Property is improved with a two-story brick warehouse constructed circa 1900 that used to contain the Holzbeierlein Bakery. The warehouse occupies the entirety of the Property and is currently used for supplies and storage for mobile restaurants and mobile vending. Although the warehouse is not currently a historic landmark, an application has been filed.

The immediate area surrounding the Property consists of a wide variety of uses. Single family rowhouses and flats are across the alley to the east. To the north across the alley, a large apartment building will be constructed as an addition to some smaller historic buildings. To the south across the alley are rowhouses and flats. The Howard Theater, the old Wonderbread Factory building – now containing commercial uses – and another large mixed-use development are to the west. Surrounding properties to the north and west are in the ARTS-2 Zone District, and surrounding properties to the east and south are in the RF-1 Zone District.

#### **IV. PROJECT DESCRIPTION**

The Applicant proposes to convert and expand the warehouse in order to create a four story plus penthouse mixed-use building. The project will preserve and rehabilitate the existing building and will include the addition of two floors plus a penthouse atop the existing building (the “**Project**”). The cellar will contain retail space, and the first floor will contain retail space, nine parking spaces, and a loading area. The second and third floors will contain office space, and the fourth floor and penthouse will contain nine residential units. In total, the Project will contain approximately 55,994 square feet of gross floor area (3.47 FAR). Of that, approximately 40,751 square feet will be for office and retail, and approximately 15,243 square feet will be for residential. The Project will include the transfer of combined lot development rights so that it may contain more non-residential density than is otherwise permitted.

The D.C. Preservation League filed an application with the Historic Preservation Review Board (“**HPRB**”) to designate the warehouse as a historic landmark. The Applicant supports this

landmark application. The HPRB will review the landmark application and the Project's concept plans on January 24, 2017.

Except for the relief requested herein, the Project will conform to the Zoning Regulations. The only area of relief is from the rear yard requirement in Subtitle K § 805.1, which is 15 feet from the rear property line above 25 in height. The addition will be set back from the southern property line by approximately 16'-10". Much of the addition will be set back from the east (rear) property line by approximately 7.5 feet, but the northeast corner of the addition will align with the eastern wall of the warehouse, which is constructed to the east property line. Thus, the addition will not conform to the minimum rear yard requirement of 15 feet, and relief is necessary

## **V. THE APPLICATION SATISFIES THE CRITERIA FOR A SPECIAL EXCEPTION**

Under § K-805.5 of the Zoning Regulations, relief from the rear yard requirements may be approved as a special exception. The Board may grant the relief pursuant to the specific criteria set forth in § K-813 and under the general criteria for special exceptions in Subtitle X, Chapter 9.

### ***A. The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS zones and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area (§ K-813.1(a))***

The proposed addition atop the existing warehouse will allow for the adaptive reuse of a now-vacant building previously used for industrial purposes. The proposed conversion, addition, and mix of ground floor retail, office, and residential uses will advance the purposes of the ARTS zones to encourage pedestrian activity, expand the area's housing supply, expand business

and job opportunities, encourage adaptive reuse of older buildings, and foster 18 hour activity. In particular, the addition for which the rear yard relief is sought – which will contain the office and residential uses – will allow for the adaptive reuse of the warehouse building and will provide the truly-mixed use nature and 18-hour activity of the Project.

The Applicant designed the addition to be compatible with and sensitive to the existing building and its surrounding context. The addition will allow for consistent activity at the building in a manner more compatible with the surrounding retail, office, service, and residential uses. Accordingly, by facilitating the adaptive reuse of an industrial building and by providing a mix of uses, the addition will not be detrimental to persons living, working, or visiting the area.

Furthermore, the addition will not materially restrict light or air since much of the addition will be set back from the rear property line, and all of it will be set back from the side (southern) property line. Thus, the addition will not occupy the full footprint of the warehouse, thereby allowing for ample open space. Further, the addition will be separated from other properties by at least the width of the 15-foot rear alley. Therefore, the addition's lack of a complete rear yard will not adversely affect neighboring property.

***B. The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board of Zoning Adjustment shall refer the application to the Historic Preservation Office for review and report (§ K-813.1(b))***

Because a historic landmark application will be filed for the warehouse, the proposed addition will be reviewed by the HPRB (and the Historic Preservation Office (“HPO”)). It is expected that the HPRB will review the landmark application and proposed addition before the BZA considers this case. Accordingly, the Applicant has already consulted closely with the DC

Preservation League (the landmark applicant) and the HPO staff to create a design that is additive to the neighborhood and compatible with the warehouse.

***C. Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions (§ K-813.1(c))***

Because the proposed addition for which the rear yard relief is sought will be on the third and fourth stories, it will not affect traffic or pedestrian conditions. Nevertheless, the parking and loading for the Project will be accessed via the eastern (rear) alley in order to minimize conflicts and dangerous conditions on Wiltberger Street, where most pedestrian and automobile traffic will occur.

***D. The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the zone districts (§ K-813.2)***

The Applicant has designed the addition to be contextually appropriate and deferential to the warehouse. It will be subordinate in size and will include materials that will complement the warehouse. Since the Project will be only 50 feet tall, it will be commensurate in terms of scale and massing with other buildings in the vicinity. The addition's compatible size will not visually intrude on other buildings nearby and will not create conditions adverse to neighboring property. Therefore, the imposition of requirements is unnecessary.

***E. The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property***

The Zoning Regulations specifically provide for relief from the rear yard requirements as long as the specific criteria are satisfied. As described above, the proposed addition will allow for the adaptive reuse of a (to be) historic landmark into a mixed use building offering retail,

offices, and residences. As such, it will be in harmony with the general purpose and intent of the Zoning Regulations, generally, and the ARTS zones, specifically. Furthermore, because the proposed addition will not create a visual intrusion and will not materially affect light and air to neighboring properties, the proposed rear yard relief will not adversely affect neighboring property.

**VI. LIST OF PUBLICLY AVAILABLE DOCUMENTS**

Zoning Regulations and Zoning Map of the District of Columbia, available at [dcoz.dc.gov](http://dcoz.dc.gov).

**VII. CONCLUSION**

For all of the above reasons, the Applicant is entitled to the requested special exception relief in this case.

Respectfully submitted,  
GOULSTON & STORRS, PC

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Cary Kadlecek