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October 24, 2018

D.C. Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W.  
Suite 200S  
Washington, D.C. 20001

Re: **BZA Application No. 19864 – MDP 526 8th Street LLC – 526–528 8th Street SE (Square 926, Lots 809 and 810) (the “Property”) – Prehearing Submission**

Dear Members of the Board:

This letter and enclosed materials serve as the prehearing submission for the application of MDP 526 8<sup>th</sup> Street LLC (the “**Applicant**”) in the above-referenced case. As discussed in the initial submission, the Applicant proposes to develop a three-story commercial building on an existing surface parking lot (the “**Project**”) on the Property. The Property is located on Barracks Row in the Capitol Hill neighborhood and is zoned MU-25. The Project received a unanimous vote in support of concept approval from the Historic Preservation Review Board (“**HPRB**”) for HPA #18-433 on June 28, 2018.

The Project will provide two (2) parking spaces at the rear of the proposed building and will utilize an adjacent commercial loading zone along 8<sup>th</sup> Street SE in lieu of providing loading on-site. Importantly, the Project will close a curb cut along 8<sup>th</sup> Street, allowing the historic brick sidewalk along such frontage to be connected while finally filling in a gap in the fabric of the streetscape. This application requests special exception relief pursuant to Subtitle C § 703.2 of the Zoning Regulations to provide two (2) parking spaces where four (4) are required, and variance relief from the requirement under Subtitle C § 901.1 of the Zoning Regulations in order to provide no loading berth where one (1) loading berth (along with one loading platform) is required. The Project meets all of the applicable standards for the relief requested, as discussed in detail in the Applicant’s initial statement, as supplemented in the transportation statement submitted as Exhibit 31 of the Record (“**Transportation Statement**”), and as summarized below.

A. Summary of Requested Relief.

1. *Special Exception Under Subtitle C § 703.2 for Minimum Parking Requirements.*

As outlined in detail in the initial application, the application meets the standards for special exception relief to reduce the parking requirement from four (4) to two (2) spaces pursuant to Subtitle C § 703.2. Specifically, the Project meets the criteria for relief under Subtitle C § 703.2(b) because the Property is exceedingly well served by alternative modes of transportation and, thus, the two (2) proposed parking spaces will be sufficient to meet the Project’s needs. The Property enjoys convenient access to a full selection of transportation options, including: access to the Eastern Market Metrorail Station one and a half blocks from the Property; a wide range of Metrobus and D.C. Circulator routes within a block and a half along 8<sup>th</sup> Street SE, Pennsylvania Avenue SE, and I Street SE; and close proximity to the Capital Bikeshare station adjacent to the Eastern Market Metro station, in addition to the full menu of rideshare, carshare, and dockless bicycle and electrical scooter services available in the City. Further, the Applicant provided a robust Transportation Demand Management (“TDM”) Plan as part of its Transportation Statement.

In addition, the Project also meets the criteria for parking relief under Subtitle C § 703.2(c) because the land use and transportation characteristics of this particular Barracks Row area minimize the need to provide all four (4) required parking spaces, instead providing only two (2) such spaces. This is largely due to the same factors outlined above, specifically, that the neighborhood is markedly rich in mobility amenities such as Metro, an array of bus lines, and bikeshare and other options. Moreover, the Property is specially situated within the 8<sup>th</sup> Street corridor of commercial nodes that span the Capitol Hill neighborhood, with the land use planning for the area strongly supporting the need to capitalize on the proposed commercial development of the site as more appropriate than providing all four (4) required parking spaces. Also importantly, as shown on the Page A01 of the architectural plans included in the Record as Exhibit 1G, the configuration of the Property and public alley directly to the east (rear) of the Property is such that only two (2) regulation parking spaces can be accommodated on site.

The Applicant notes that, as a result of the removal of the Property’s curb cut along 8<sup>th</sup> Street, at least one and possibly more public street parking spaces will be added to 8<sup>th</sup> Street.

2. *Variance from Minimum Loading Requirements Under Subtitle C § 901.1.*

With respect to the requested loading relief, as discussed in detail in the initial submission, the application meets the standards for variance relief from the requirement to provide one (1) loading berth (along with one loading platform). Specifically, the Property is affected by an exceptional situation, namely, that the ability to provide the required loading berth is exceptionally constrained by the configuration of the Property in relation to the narrow fifteen (15) foot wide alley abutting the Property. As further addressed in the Transportation Statement, a truck attempting to enter the alley from 8<sup>th</sup> Street SE cannot do so when another vehicle is exiting the alley. Moreover, as discussed in the Transportation Statement, field observations and anecdotal information from abutting residents indicate that, currently, commercial vehicles frequently stop

in the alley and block traffic for long periods of time, preventing neighbors from being able to enter or exist their garages.

Based on these conditions, strict application of the requirement to provide loading on site would be unnecessarily burdensome and, in addition, would likely exacerbate the issues currently affecting residents and property owners abutting the adjacent alley. Further, as discussed in the Applicant's initial statement, the Property has a small size and narrow and irregular shape. Requiring on-site loading in this case would absorb an excessively large portion of the developable area of the lot, which would unduly constrain the ability to provide a viable commercial use along this key corridor. The Property is also unable to furnish the required clearance for loading berths (fourteen (14) feet) and would not be able to obtain historic or public space approvals for a curb cut along 8<sup>th</sup> Street.

Finally, granting the requested variance relief will not have any adverse impact on neighboring properties or the Zone Plan, specifically, due to the fact that there is an existing commercial loading zone immediately adjacent to the Property on 8<sup>th</sup> Street SE. As discussed in the Transportation Statement, the Applicant proposes to extend the existing loading zone an additional 25 feet to better serve the Property. Based on a study of the existing loading zone and conservative projections of the level of loading activity generated by the Project, as outlined in the Transportation Statement, siting loading activities for the Project in the commercial loading zone, as proposed, is not expected to have any negative impact on the surrounding roadway network. Accordingly, the Project will not result in any substantial detriment to the public good or the integrity of the Zone Plan.

For all of the reasons discussed above, and as detailed in the initial submission and Transportation Statement, the application meets the standards for the requested special exception and variance relief.

B. Community Outreach

The Applicant has conducted extensive community outreach regarding the Project throughout both the historic preservation review process and the filing of this application. As noted in the initial submission, during the HPRB review process, the Project received the support of Advisory Neighborhood Commission (“ANC”) 6B. Following the filing of this application, the Applicant presented the Project again to the ANC at its October 9, 2018 public meeting, at which the ANC voted to support the application. The Applicant also presented the Project to the Capitol Hill Restoration Society (“CHRS”) at its October 13, 2018 meeting, at which the CHRS voted to support the application, as noted in the letter in support submitted by the CHRS as Exhibit 32 of the Record. In addition, the Applicant has conducted direct outreach with many surrounding property owners with positive responses regarding the Project and application, as evidenced in part by the letters of support submitted as of this filing as Exhibits 34–36 of the Record.

C. Attachment

Lastly, pursuant to Subtitle Y § 300.15, enclosed as Exhibit A is a summary of the proposed witness testimony for the Applicant's presentation at the Board's hearing on the application. In addition, we note that the expert resumes of John Linam, the Project architect, and Jami Milanovich, the Applicant's transportation consultant, were submitted with the initial application at Exhibit 12 of the Record.

Please feel free to contact the undersigned at (202) 721-1135 if you have any questions regarding the enclosed. We look forward to presenting the project to the Board at the November 14, 2018 public hearing.

Sincerely,

JEFF C. UTZ (wlf)  
Jeff C. Utz



Lawrence Ferris

Enclosures

## Certificate of Service

The undersigned hereby certifies that copies of the foregoing document was delivered by first-class mail or hand delivery to the following addresses on October 24, 2018.

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