

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

Application of Addisleigh Park Washington Properties, LLC
Square 4209, Lot 5
ANC5C07
BZA Case No. 20014
Hearing Date May 15, 2019

PREHEARING STATEMENT OF THE APPLICANT

This prehearing statement is submitted by Addisleigh Park Washington Properties, LLC (the “**Applicant**”), by the Applicant’s attorneys, Greenstein DeLorme & Luchs, P.C., by Lyle M. Blanchard, Esq., and John Patrick Brown, Jr., Esq.

I. NATURE OF RELIEF SOUGHT

In order to develop the proposed commercial project, a two-story commercial building with cellar level and penthouse habitable space called Woodbridge Commons (the “Project”) in the MU-4 zone at premises 1803 Rhode Island Avenue, N.E. (Square 4209, Lot 5) in the MU-4 zone district, the Applicant requests special exception relief pursuant to 11 DCMR Subtitle X § 901 for a prepared food shop with more than eighteen seats under Subtitle U § 512.1(d)(3), a penthouse rooftop bar under Subtitle C § 1500.3, off-street parking under Subtitle C § 703 and rear yard requirements under Subtitle G § 1201. In addition, the Applicant seeks area variance relief pursuant to Subtitle X § 1001 for FAR under Subtitle G § 101.5 and loading under Subtitle C § 901, or in the alternative special exception relief for loading under Subtitle C § 909.2(a).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (“BZA” or “Board”) has jurisdiction to grant the requested special exception and variance relief pursuant to 11 DCMR Subtitle X §§ 901 and 1002.

III. DESCRIPTION OF THE PROPERTY AND THE SURROUNDING AREA

The Property is an acute triangular shaped lot located at the intersection of Rhode Island Avenue, N.E. and Hamlin Street, N.E. with a lot area of only 3,447 square feet. See Exhibit A (Surveyor's Plat) of the Statement in support of the Application filed on March 15, 2019 (the "Statement"). The Property is zoned MU-4 and located in the Langdon neighborhood of Ward 5. Exhibit B (Zoning Map) of the Statement. The Property is currently improved with a one-story restaurant structure which will be demolished to make way for the new proposed Project. See Exhibit C (Photos of Property) of the Statement.

The Property is located within walking distance of both the Rhode Island Avenue and Brookland Metro Stations. There are numerous Metro Bus lines providing service along Rhode Island Avenue, including B8, B9, D8, T14 and G9. The Property is well served by readily available public transportation.

IV. BACKGROUND ON THE DEVELOPER

The Woodridge Commons development team is a seasoned group with a depth of experience gained over many years in bringing commercial and retail developments to market on time and within budget guidelines. Lenda Washington is the owner- developer, of Addisleigh Park Washington Properties, LLC. Ms. Washington is working the Woodbridge Commons Project in close collaboration with Gene Edgecombe of VMS, LLC. Together, Ms. Washington and Mr. Edgecombe have a history of working on commercial endeavors dating back to 1999 when he was brought in to work on her first office gut renovation in the Washington Convention Center area, prior to its opening. Mr. Edgecombe is a licensed architect and engineer and formed VMS LLC in 1993, then with an emphasis on residential and mixed use development. Since those early years, Mr. Edgecombe and the other VMS, LLC principals have broadened its service

to provide design solutions, as well as development and construction management of all sizes of commercial projects including the office building at 915 Rhode Island Avenue NW (a joint Washington/VMS project), 2121 Vison, a MUD in Silver Spring, Maryland, the Deanwood Community Center and Library, FEDEX Field Stadium, to name a few.

The architectural firm on the Project, Studio Upwall Architects, is a CBE firm headed by Greg Upwall who brings a background of finding innovative and beautiful design and architectural solutions for both residential and commercial projects. Studio Upwall's designs consistently aim to respect the local community, neighborhood context, and environment whether working on the West Coast or the East Coast in developing vibrant and engaging urban architectural design solutions.

Woodridge Commons is envisioned as a catalytic Project that will spur additional private development along the Rhode Island Avenue corridor between 18th and 22nd St. NE, support the District's objectives to improve the Rhode Island Avenue Northeast streetscape, increase the pedestrian 'walkability index' by becoming the neighborhood destination place, create jobs for local residents and provide streetscape cohesion to the Rhode Island Avenue commercial corridor between 18th Street and South Dakota Avenue.

V. EXISTING AND INTENDED USE

The Applicant acquired the Property in late 2016. Since then, the Applicant has undertaken an exhaustive investigation of the surrounding neighborhood and potential development options for this underdeveloped site.

The existing one-story restaurant building constructed in 1961 will be demolished to allow for the proposed redevelopment of the Property with a two-story with cellar level and penthouse

habitable space commercial building. See Exhibit D (Site Plan and Design Plans) of the Statement.

In response to OP's April 12, 2019 comments about projections into public space, the applicant met with Timothy Maher of OP on September 10, 2018 to review the design of the projections. During that meeting Mr. Maher said that the balconies would need to be detached by a minimum of 4 feet from one of the bay windows in order not to count toward the aggregate width of the projection. Subsequent to that meeting the building design was revised such that the Balcony between the two Bay Windows was separated from the easternmost Bay Windows by 4 feet as requested. The width of the Cornice/Roof Overhang on the Rhode Island Ave. side has been retained since the DC projection and encroachment regulations allow for the width of cornices and roof overhangs to be "unlimited".

Also, in response to OP's recommendation, on the areas of the exterior building cladding that currently call for EIFS, the Applicant is considering substituting a more durable material in lieu of EIFS such as fiber cement panels, metal panels, terra cotta, or similar material. However, the Applicant's budget is not boundless, so materials must be considered in light of their cost to construct as well as durability.

In order to provide the Applicant with flexibility in marketing the space and to respond to uncertain market demand, the Project has been specifically designed to allow options for various commercial uses of the space, including, coffee shop, restaurant, grocery store and roof top bar. All of the proposed uses are permitted in the MU-4 zone, but special exception relief is required for a roof top bar, restaurant or cocktail lounge and for a coffee shop with more than eighteen (18) seats.

The Applicant is seeking to provide an all commercial use building, rather than mixed-use with residential units, in response to (i) the needs of the community and (ii) in context with a grant from DMPED to address “food desert” issues in this neighborhood. As previously mentioned, the community and ANC 5C are fully supportive of the commercial uses proposed by the Applicant. The Applicant has attended Main Street meetings, ANC meetings and other community gatherings and events. See the attached chronology of the Applicant’s Community Outreach efforts (Exhibit A). The proposed tenant mix answers the stated desires of many residents as expressed at these meetings. The Applicant is looking for a neighborhood grocer, which would include some prepared foods, including take home soups and salads, like a *Streets Café, Yes or Moms*, a coffee café serving hot beverages and pastries, and a sit down “family style” restaurant, which would offer weekend breakfast/brunch. All of these are oft-stated community wish list uses. None of these are intended to be late-night, noisy or destination uses and, thus, are not intended to have negative impacts in terms of noise, traffic or trash.

Pursuant to the Great Streets Neighborhood Retail Priority Area Amendment Act of 2013 (D.C. Law 20-61) and the H Street NE Retail Priority Area Incentive Act of 2010 (D.C. Law 18-354), as amended, the Applicant received a grant in September 2018 from the office of the Deputy Mayor for Planning and Economic Development (DMPED), to attract quality neighborhood retail services greatly desired by local residents to the Rhode Island Avenue (Great Streets) corridor. See attached Summary of the project based on the Neighborhood Prosperity Fund Grant submission (Exhibit B). The grant is DMPED’s Neighborhood Prosperity Fund initiative for this Project. One of the key performance outcomes necessary for grant funding is the Board’s approval for increased FAR and approval for decreased off-street parking.

The following floor-by-floor analysis provides the proposed optional uses:

Cellar:

Option A: Retail Kitchen (404 sq. ft.) and Coffee Shop (Internet Café/Co-working space) with 112 seats (2,255 sq. ft.)

Option B: Kitchen/Stockroom (408 sq. ft.) and Grocery Store (2,003 sq. ft.)

First Floor and Mezzanine:

Option A (1st): Coffee Shop with 6 seats (783 sq. ft.), Kitchen (279 sq. ft.) and Restaurant (1,610 sq. ft.)

Option A (Mezz.): Coffee Shop with 12 seats (256 sq. ft.) and Restaurant (536 sq. ft.)

Option B (1st): Coffee Shop with 6 seats (783 sq. ft.), Grocery Store (1,608 sq. ft.) and Stock Room (279 sq. ft.)

Option B (Mezz.): Coffee Shop with 12 seats (256 sq. ft.) and Grocery Store (536 sq. ft.)

Second Floor and Mezzanine:

Options A and B (2nd): Restaurant (2,530 sq. ft.)

Options A and B (Mezz.): Restaurant (835 sq. ft.)

Roof Level:

Options A and B: Roof Top Bar (558 sq. ft.)
Roof Deck (1,002 sq. ft.)

VI. ZONING ANALYSIS

Zoning Requirement	MU-4 Matter of Right	Proposed¹	Zoning Relief Required
<p>USES 11-U DCMR §512 MU-4 is within the “MU-Use Group E”</p>	<p>Eating and Drinking Establishment (Restaurant, Café, Nightclub, etc.) is allowed as matter-of-right.</p> <p>A prepared food shop, which includes a “coffee shop” is limited to 18 seats for patrons (or else a special exception is required) [see 11-U DCMR §512(d)(3)]</p>	<p>OPTION A: <u>Cellar:</u> Coffee Shop/Internet Café/Co-working space <u>1st Floor:</u> Coffee Shop/Restaurant <u>1st Floor Mezzanine:</u> Coffee Shop/Restaurant</p> <p>OPTION B: <u>Cellar:</u> Grocery <u>1st Floor:</u> Coffee Shop/Grocery <u>1st Floor Mezzanine:</u> Coffee</p>	<p>Coffee Shop in Cellar and Rooftop Bar require a SPECIAL EXCEPTION (see below)</p>

¹ Based on Studio Upwall’s Schematic Design Plans, dated 2-28-19.

Zoning Requirement	MU-4 Matter of Right	Proposed ¹	Zoning Relief Required										
	Retail (Grocery) is allowed as matter-of-right.	Shop/Grocery <u>BOTH OPTIONS A & B:</u> <u>2nd Floor:</u> Restaurant <u>2nd Floor Mezzanine:</u> Restaurant <u>Penthouse Habitable Space:</u> Bar											
HEIGHT 11-G DCMR §403.1 11-B DCMR §307.1	50 ft./no limit in stories	50 ft. to the top of the parapet	NONE										
<u>PENTHOUSE Use</u> 11-C DCMR §1500.3(c) <u>Height</u> 11-G DCMR §403.2 <u>Setback</u> 11-C DCMR §1502 <u>Area</u> 11-C DCMR §1503	<u>Use of Penthouse:</u> A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the BZA [see 11-C DCMR §1500.3] <u>Maximum Penthouse Height:</u> 12 ft. except 15ft. for penthouse mechanical space <u>Maximum Penthouse Stories:</u> 1; second story permitted for penthouse mechanical space <u>Setback:</u> Penthouses, screening around unenclosed mech. equipment, rooftop platforms for pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located [11-C DCMR §1502]. <u>Area:</u> [see 11-C DCMR §1503] Non-residential bldg. with penthouse space exceeding 1,000 sq. ft. would trigger affordable housing requirement (housing trust fund) see 11-C DCMR §1500.12. <i>Not applicable here.</i>	<u>Use:</u> Bar <u>Height:</u> Penthouse: 10ft./1 Story Mechanical: 10 ft. Roof Deck: approx. 6 in. above roof Stair Towers: 10 ft. <u>Setbacks:</u> Front: Roof Deck with be setback 1:1 from edge of front roof Side: No Setback is required since building will adjoin the adjacent building (to the east) face-on-lot-line wall. Rear: 10 ft. setback provided. <u>Area:</u> Habitable Space (Bar): less than 600 sq. ft.	<u>Use</u> (Bar/Restaurant) SPECIAL EXCEPTION <u>Height:</u> NONE <u>Setback:</u> NONE <u>Area:</u> NONE										
<u>FLOOR AREA RATIO (“FAR”)</u> 11-G DCMR §402.1 11-C DCMR §709.1 11-C DCMR §1503.1	Maximum of 1.5 FAR for Non-Residential Use 1.5 FAR = <u>5,019 GFA Max</u> 3,346 Lot Area <u>Penthouse FAR does not include:</u> <ul style="list-style-type: none"> • mechanical space • communal recreation space • habitable space with a FAR of 	<table border="1" data-bbox="930 1629 1300 1812"> <tr> <td>1st Floor</td> <td>3,347</td> </tr> <tr> <td>1st Floor Mezz.</td> <td>821</td> </tr> <tr> <td>2nd Floor</td> <td>3,347</td> </tr> <tr> <td>2nd Floor Mezz.</td> <td>835</td> </tr> <tr> <td>TOTAL</td> <td>8,350</td> </tr> </table> 2.49 = 8,350 GFA 3,346 Lot Area	1st Floor	3,347	1st Floor Mezz.	821	2nd Floor	3,347	2nd Floor Mezz.	835	TOTAL	8,350	AREA VARIANCE [see 11-G DCMR §101.5]
1st Floor	3,347												
1st Floor Mezz.	821												
2nd Floor	3,347												
2nd Floor Mezz.	835												
TOTAL	8,350												

Zoning Requirement	MU-4 Matter of Right	Proposed ¹	Zoning Relief Required
	less than 0.4 <i>[see 11-C DCMR §1503.1]</i> 0.4 FAR = <u>1,338.4 GFA Exempt</u> 3,346 Lot Area		
LOT OCCUPANCY 11-G DCMR §404.1	100% maximum for commercial 60% maximum for residential	100% commercial	NONE
REAR YARD 11-G DCMR §405.2	15 ft. minimum <i>[see 11-B DCMR §318 for Rules of Measurement for Rear Yards]</i>	0	SPECIAL EXCEPTION <i>[per 11-G DCMR §1201 for exception criteria for Rear Yard Relief]</i>
SIDE YARD 11-G DCMR §406.1	No side yard is required. If provided, it shall be at least 2 in. wide for each 1 ft. of height of building but not less than 5 ft. <i>[see 11-B DCMR §320 for Rules of Measurement for Side Yards]</i>	0	NONE
GREEN AREA RATIO (“GAR”) 11-G DCMR §407.1 11-C DCMR Chapter 6	0.3	0.3 Green Roof	NONE
VEHICLE PARKING SPACES 11-C DCMR §701.5 “Eating and Drinking Establishments” 11-C DCMR §709.1 Rules of Calculation (Include penthouse habitable space) 11-C DCMR §701.8(b)(1))	The requirements for parking are based on the use of the property. OPTION #A (Restaurant, Coffee Shop(s) and Bar in 1 st and 2 nd Floors, Mezz. and Roof habitable space) GFA is 12,976 sq. ft. Parking Use Category: Eating and Drinking Establishments; 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.; 13.25 spaces required Option A Total of 13 required spaces. OPTION #B (Grocery in Cellar, 1st Floor and Mezz.) GFA for Grocery Store is 6,089 sq. ft. Parking Use Category: Retail; 1.33 per	No on-site parking spaces	SPECIAL EXCEPTION Reduction in the number of 13 required parking spaces per criteria in see 11-C DCMR § 703.2.

Zoning Requirement	MU-4 Matter of Right	Proposed ¹	Zoning Relief Required
	<p>1,000 sq. ft. in excess of 3,000 sq. ft.; 4.10 spaces required</p> <p>OPTION #B (Restaurant, Coffee Shop(s) and Bar in 1st and 2nd Floors, Mezz. and Roof) GFA is 6,887 sq. ft. Parking Use Category: Eating and Drinking Establishments; 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft.; 5.17 spaces required</p> <p>Option B Total of 9 required spaces.</p> <p>Parking can be provided off-site if it is within 600 ft. of the subject property. Restrictions and requirements apply. [see 11-C DCMR §701.8(b)(1)]</p>		
<p>BICYCLE PARKING SPACES 11-C DCMR §802.1 “Eating and Drinking Establishment”</p>	<p>All non-residential uses with 4,000 sq. ft. or more of GFA shall provide bike spaces. Long Term Spaces: 1 space for each 10,000 sq. ft. Short Term Spaces: 1 space for each 3,500 sq. ft.</p> <p>2 short term spaces required Short term spaces must be located within 120 ft. of the primary entrance to the building they serve. [see 10-C DCMR §804.2]</p>	<p>7 bicycle spaces are shown in <u>public space</u>. “A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application.” [see 11-C DCMR §804.1]</p>	<p>PUBLIC SPACE RELIEF REQUIRED for short term spaces.</p>
<p>LOADING 11-C DCMR §901.1 “Food and Alcohol Services” 11-C DCMR §901.4 Platform 11-C DCMR §901.4 Calculation of GFA for loading requirements</p>	<p>For 5,000 to 20,000 sq. ft. of GFA: Minimum Loading Berths: 1 At least: 12 ft. wide, 30 ft. deep, and 10 ft. vertical clearance Minimum Loading Platform: 1 At least: 100 sq. ft. Driveway access to loading at least 12 ft. in width (max of 24 ft.)</p>	<p>Curbside Loading from Either Hamlin Street or Rhode Island Avenue</p>	<p>AREA VARIANCE</p>

Zoning Requirement	MU-4 Matter of Right	Proposed ¹	Zoning Relief Required
for non-residential uses 11-C DCMR §904 Access Requirements 11-C DCMR §905 Size and Layout Requirements	Minimum Number of Service/Delivery Spaces: None See DDOT Design & Engineering Manual for Commercial Curb Cut Requirements § 31.5.1 - 31.5.2 and Minimum Setbacks for Driveways § 31.5.5		
COURT 11-G DCMR §202.1 Definitions: 11-B DCMR §100.2	No court is required. If provided, it shall have the following minimum dimensions: <u>CLOSED COURT</u> Minimum Width: 2.5 in./ft. of height of court; 12 ft. minimum Minimum Area: Twice the square of the required width of court dimension; 250 sq. ft. minimum. <u>OPEN COURT</u> Minimum Width: 2.5 in./ft. of height of court; 6 ft. minimum	N/A	NONE

This Zoning Analysis has been confirmed by the Zoning Administrator in a Zoning Determination Letter dated February 26, 2019. See Exhibit E of the Statement.

VII. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER SUBTITLE X § 901

The Applicant is requesting the following special exception relief, including:

- Prepared Food Shop with more than 18 Seats – U § 512.1(d)(3).

In the MU-4 zone, a prepared food shop is a permitted use, provided that the number of seats is limited to eighteen (18). The proposed prepared food shop will have approximately 112 seats which requires a special exception under U § 513.1(h). The additional number of seats is proportional based on the size of the cellar space. The intended use is meant to be similar to a co-working space where neighborhood residences can have a pleasant, attractive and efficient

alternative to working from home. The coffee shop is akin to an internet café or co-working space where patrons have internet access, coffee, tea, juice and healthy snacks. Because the use is neighborhood serving, the coffee shop use will not result in objectionable conditions from its operation with respect to sounds, odor, lights or other conditions.

As opposed to the current trash storage which is outside and visible to passersby, the proposed plans include an indoor trash room that will keep the trash out-of-sight and mitigate associated odor, vermin, etc. See 1st floor and mezzanine plans in Exhibit C of the Statement for the interior, enclosed trash room. The proposed grocery store and 1st and 2nd-story restaurant spaces all face Rhode Island Avenue and, thus, will not impact residents on Hamlin Street and the width of Rhode Island Avenue provides a buffer to any residences on the opposite side of the Avenue. Any outdoor lighting will be directed downward so that light does not “spill” over to the residences on Hamlin Street. Window openings have been minimized in the south wall facing Hamlin Street NE in the proposed building design and, at the Penthouse level, the south wall facing Hamlin Street NE has been designed as a solid privacy wall with no openings to block the transfer of sound in that direction. These measures will both help to prevent disruption to the residents along Hamlin Street.

- Penthouse Rooftop Bar – C § 1500.3

In the MU-4 zone, a nightclub, bar, cocktail lounge or restaurant are generally permitted uses, except when located in a permitted penthouse. The proposed roof top bar and exterior roof deck with a maximum occupancy of 144 persons requires special exception relief under C § 1500.3(c). The public patron portion of the rooftop bar is oriented toward the wide 90 ft. right of way of Rhode Island Avenue and a solid privacy wall is oriented toward Hamlin Street so as to have its operations result in a minimal impact on neighboring properties along Hamlin

Street. See attached elevation drawing of the privacy wall along Hamlin Street. Exhibit C (Hamlin Street Elevation).

- Off-Street Parking – C § 703

Under the applicable parking requirements under C § 701.1, the proposed Project is required to provide thirteen (13) parking spaces. Given the unique corner location and small, narrow and irregular shaped configuration of the Property, the Applicant is “physically unable to provide” any off-street parking and is requesting special exception relief under C § 703.3.

Further, DDOT has told the Applicant not to use any of the existing curb cuts and that approval of any future curb cuts is highly unlikely. However, the Property is located within walking distance of both the Rhode Island Avenue and Brookland Metro Stations. The Property has a high walk score of 87, or “very walkable” and means that most errands by those living in the neighborhood can be accomplished on foot. There are numerous Metro Bus lines providing service along Rhode Island Avenue, including B8, B9, D8, T14 and G9. The Property is well served by readily available public transportation. The Property has a “good” transit score of 58, which means there are many nearby public transportation options. Also, car sharing is available from Zipcar, RelayRides and Hertz On Demand. Finally, the Property has a bike score of 62, which means “bikeable” with mostly flat, good bike lanes.² It is anticipated that the Project will increase the pedestrian ‘walkability index’ as well as the transit and bike indexes by becoming the neighborhood destination place. Additionally, filling in the existing curb cuts on the Hamlin Street and Rhode Island Avenue sides of the Project will result in five (5) additional street parking spaces.

² Source is www.walkscore.com.

- Rear Yard – G § 1201.

In the MU-4 zone, the Project would require a minimum rear yard of fifteen (15) feet under G § 405.2. Based on the corner location and small, narrow and irregularly shaped configuration of the Property, the Applicant is requesting this special exception relief in accordance with the criteria set forth in G § 1201.1(a)-(e). The Project does not include apartment or office uses, nor are such uses located within the threshold distances in G § 1201.1(a)-(b). Therefore, G § 1201.1(a)-(b) are not applicable.

Using the 40 ft. distance in 1201.1(a) as a benchmark for comparison, the sight lines to the habitable rooms across Hamlin Street are at least 60 ft., if not more. The width of the Hamlin Street public right of way is 60 feet, and the Pleasant Grove Baptist Church building which occupies the north side of 1800 Hamlin Street, NE across from the Project is further setback from its property line. Therefore, the Project meets the criteria in G § 1201.1(c).

As discussed above, due to the unique corner location and small, narrow and irregular shaped configuration of the Property, the Applicant is unable to provide parking and loading areas on site. Thus, the Applicant is seeking variance relief of the parking and loading requirements. While the Applicant continues to look for suitable off-site within 600 ft. of the Property to provide off-site parking, the Applicant is now working with DDOT to complete a parking occupancy study and is retaining a traffic consultant to ensure that DDOT's concerns will be addressed. In as much as the deadline for filing a study has passed, the Applicant will be filing the study report as soon as it is completed and prior to the hearing. Thus, the Applicant will be requesting a waiver of the filing deadlines in Y § § 300.14 and 300.15 for the report, the transportation consultant's resume and outline of that person's testimony.

Loading will be provided off-site through a loading zone on Rhode Island Avenue, NE adjacent to the Property. Thus, the Project is seeking to address the criteria of G § 1201.1(d) through alternative means.

The Applicant has discussed these issues with DDOT and OP in anticipation of the agency reviews required by G § 1201.1(e). Thus, the Applicant's Project will satisfy the special exception criteria in G § 1201.1(a)-(e) for rear yard relief.

A. The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The MU-4 zone is intended to permit moderate density mixed use development to provide facilities for shopping and business needs, housing and mixed uses. Subtitle G § 400.3. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is for permitted uses including matter of right uses of coffee shop, grocery store and restaurant as well as uses allowed by special exception, the proposed rooftop bar use.

B. The Project will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Project will replace an obsolete, unattractive and underdeveloped one-story structure with a new community serving commercial building. The Project has been thoughtfully designed to ensure the structure and uses will not adversely affect the neighboring property owners of the greater community. The attendant impacts on the surrounding neighborhood is anticipated to be minimal as all of the proposed uses are intended to be neighborhood serving.

VIII. THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF UNDER SUBTITLE X § 1002

The Applicant is requesting the following area variance relief, including:

- Floor Area Ratio – G § 101.5

In the MU-4 zone, a maximum FAR of 2.5 (or 3.0 if there were IZ units) is permitted, provided commercial, non-residential FAR is not more than 1.5. The proposed Project has an all commercial FAR of 2.49 requiring area variance relief under G § 101.5.

- Loading – C § 901.1

For the proposed Project and uses, the Applicant is required to provide one (1) loading berth (12' x 30'), one (1) loading platform (100 sf.) and driveway access to loading at least twelve (12) feet. For the same reasons that off-street parking cannot be provided, the Applicant is requesting an area variance for the applicable loading requirements, or in the alternative special exception relief for loading under Subtitle C § 909.2(a).

- A. **As a result of the attributes of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the owner of the property.**

Unlike a typical rectangular shaped lot, the unusually small, narrow and irregular shape of the Property makes it very difficult to fit a commercial building of only 1.5 FAR. The amount of density relief is justified based on the very large core space needed to make the building operational. See Exhibit F, the Gross to Net Floor Area Comparison Drawings in the Statement. The triangular shape of the lot does not allow for a typical distribution between circulation/utility space and leasable/habitable space. The Applicant with their architect have explored several potential configurations for the proposed building and in all of these potential uses the floor area that must be devoted to circulation and utility space is disproportionate when compared with a rectangular building footprint. The area needed for utility and circulation space is largely driven by building code requirements. As illustrated in Exhibit F of the Statement, the net leasable area for this irregular site is significantly reduced as a result of the triangular shape.

Please be reminded that there is no residential use requirement; mixed-use is allowed in the MU zones but residential use is not mandated. If residential units were provided, the number of units on the second floor would be very limited, perhaps only two or three due to the triangular shape of the Property. Moreover, residential units would also require a separate entrance, more building core devoted to access and circulation which is not feasible. Also the small size of the lot make it very awkward to configure both commercial and residential uses in a building on land this size and shape. At best, maybe eight (8) units could be provided if the proposal was for all residential use and that number of units would not trigger affordable housing requirements under the Inclusionary Zoning regulations. Thus, residential units were not considered because they were not requested by the community and even if they were, residential units would make what is already a very difficult commercial building impracticable.

The proposed scheme at 2.49 FAR of commercial uses is felt to be reasonable accommodation in light of the reduced leasable area that results from the triangular shape of the lot. As also shown on page 4 of Exhibit F in the Statement, providing loading facilities (berths, loading platform and driveway access) is infeasible given the corner location and small, narrow and irregularly shaped configuration of the Property. If a rear yard was provided for loading, it would cover over 47% of the Property. Access would be difficult, as DDOT requires that any new curb cut be located a minimum of 60 feet from any intersection, which complicates the Applicant's ability to seek a curb cut for loading on the Hamlin Street frontage. Moreover, DDOT has told the Applicant that it will not support new curb cuts on Hamlin Street for parking or loading access across the existing sidewalk and public parking right of way. Thus, the requirements for a loading berth, loading platform and the driveway access to these loading

facilities cannot be provided either on-site or in the adjacent public space due to the practical difficulties inherent in the Property.

B. Relief Can Be Granted Without Adversely Affecting the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Map.

The commercial Project has been thoughtfully designed to comply with the Zoning Regulations with relatively minor impacts on light, air and traffic. The Applicant is working with DDOT to establish a loading zone in front of the building on Rhode Island Avenue as the appropriate off-site location for loading that will not impact the neighboring properties on Hamlin Street. Accordingly, there will be no detrimental effects on neighboring residential or commercial properties.

IX. STATEMENT OF SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT

The Applicant submits that, based upon (i) its Application, this Prehearing Statement and the materials submitted in conjunction with both, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted hereto, it will satisfy and comply with the applicable legal standards and burdens for the special exception and variance relief requested.

X. AGENCY AND COMMUNITY OUTREACH

During the planning process for this Project, the Applicant has met with and had on-going discussions with both the Office of Planning and Zoning Administrator to obtain important guidance and assistance. The Applicant had several meetings with DDOT in 2018 and discussions this month. The Applicant has also had several discussions with the single member district ANC commissioner (5C07) as well as presenting in concept to ANC 5C at its meetings on

September 19, 2018 and most recently on April 17, 2019 where the Commission voted unanimously to support the Project.

XI. WITNESSES

Applicant's Representative: Ms. Lenda Washington,
Addisleigh Park Washington Properties, LLC

Architect's Representative: Greg Upwall,
Studio Upwall Architects

XII. EXHIBITS

- Exhibit A: Community Outreach Chronology
- Exhibit B: Neighborhood Prosperity Fund Grant Summary
- Exhibit C: Hamlin Street Elevation Drawing
- Exhibit D: CV of Gregory Upwall
- Exhibit E: Outline of Testimony

XIII. CONCLUSION

For the reasons set forth above, the Applicant is entitled to, and respectfully requests approval of, the grant of special exception and variance relief to allow for the development of the Property.

Respectfully submitted,
GREENSTEIN DELORME & LUCHS, P.C.

By: 
Lyle M. Blanchard

By: 
John Patrick Brown, Jr.

1620 L Street, N.W., Suite 900
Washington, D.C. 20036
Telephone: (202) 452-1400
Attorneys for Applicant