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July 18, 2022

Board of Zoning Adjustment for the District of Columbia
 441 4th Street, N.W., Suite 200 South
 Washington, D.C. 20001

Re: BZA Application No. 20014-B- Modification of Significance; 1803 Rhode Island Avenue, N.E.

Dear Ms. Brown:

On behalf of the Applicant, Addisleigh Park Washington Properties, LLC, I am submitting this letter to explain the changes made that comprise the Modification of Significance Application submitted to the Board of Zoning Adjustment (the “Board”) pursuant to 11-Y DCMR § 704.

As you know, BZA Order No. 20014 originally approved both variance and special exception relief (BZA Case Nos. 20014 and 20014-A) from the requirements for FAR, seating for a prepared food shop, a penthouse rooftop bar, parking, rear yard and loading. Further design changes have become necessary to render the project economically viable. The Applicant is now proposing a three-story building (with cellar) with commercial on the first floor and all residential on the second and third floors. The rooftop bar has been eliminated and the height has been raised to 48 feet. The ground floor will contain a small grocery and two restaurant/ prepared food shop spaces. The only required relief for these proposed uses is the prepared food shop with 109 seats and that relief was previously granted. What this means in terms of the revisions to the relief previously granted, is that much of it is no longer needed. Of the areas of relief listed in the chart you included on pages 3 and 4 of your July 24, 2020 staff report, the only areas of relief needed now are as follows:

<i>MU-4 Zone</i>	<i>DCMR Section/ Required</i>	<i>Approved</i>	<i>Proposed</i>
<i>Lot Occupancy</i>	11-G DCMR §404.1/ 75% residential with IZ	100% non- residential	100% residential (on 2 nd & 3 rd Floors) 100% commercial (on 1 st floor)
<i>Rear Yard</i>	11-G DCMR §405.2/ 15 feet	0 feet	0 feet
<i>Parking</i>	11-C DCMR §701.5/ 2 spaces for residential	0 spaces	0 spaces
<i>Commercial Use – Prepared Food Shop with more than 18 seats</i>	11-U DCMR § 512.1(e)(3)	109 seats	109 seats

Special Exception Relief

We submit to the Board and staff that this project and requested relief from the rear yard, parking, use requirements and lot occupancy limits still meet all of the requirements for special exception relief pursuant to 11-X DCMR § 901.2 for the following reasons.

The proposed development with the above requested and previously granted relief is in accordance with the purpose of the Zoning Ordinance. The mixed-use zones support developments that incorporate combined commercial and residential uses (11-G DCMR §100). Specifically, the MU-4 zone is intended to allow for moderate-density mixed-use development with retail facilities in low and moderate-density residential areas that include a variety of retail and business needs (11-G DCMR §400.3). The Future Land Use Map also designates this parcel as moderate-density residential. Title 10 DCMR §A225.4 includes in this category: row house neighborhoods, low-rise garden apartment complexes and low-rise apartment buildings. The proposed three-story development with a total of eight apartments with a ground-floor restaurant and grocery space fits squarely within these parameters. The special exception relief renders the proposal economically feasible so that it can further the purposes of the MU-4 zone.

The moderate scale of the residential use, design of the building and commercial uses that will serve the surrounding community are all reasons to support the requested relief. The prepared food shop use, rear yard and parking reductions and allowance for greater residential lot occupancy will not adversely impact those living and working nearby nor lessen the benefits derived from the community from this well thought out and carefully considered proposal.

Rear Yard

In addition to meeting the general special exception, the proposed development must also satisfy the specific criteria listed in 11-G DCMR §1201.1(a)-(e) for the rear yard relief. The proposed development remains in compliance with these provisions since the SE relief was granted: no apartment window shall be located within 40 feet directly in front of another building; no office window shall be located within 30 feet directly in front of another office window, nor 18 feet in front of a blank wall (no office space proposed); the Applicant has considered the sight lines to the residences on Hamlin Street from the outset and they remain 60 feet or more with the ROW itself at 60 feet wide; the Applicant has secured parking relief/ no loading is required.

Parking

The only noted change here is that the Applicant had been granted relief from 13 parking spaces to none and now would, without the previously granted relief only be required to provide 2 parking spaces for the eight apartments (one for every three over four – 11 DCMR §701.5). The justification for the reduced parking remains the same as in the prior cases – unique and irregular shape and orientation of the property. The prepared food shop and grocery will be under 3000 square feet and not require any parking.

Prepared Food Shop Use

The Applicant is not changing this use and it will be on the ground floor.

Lot Occupancy

The only relief not addressed through the previous applications is that of special exception relief from the 75% limit on residential (with inclusionary zoning) pursuant to 11-G DCMR §404.1. Special exception relief from the lot occupancy requirements of this chapter is allowed pursuant to 11-G DCMR §409.1.

The Applicant has explored several iterations of this design and variations on the combination of commercial and residential uses that would be feasible on this uniquely shaped parcel. After much time and expense as evinced by the proposals brought to this Board, the Applicant has determined that this design presents the same benefits to the surrounding community while constituting an economically viable solution. The actual footprint of the proposed structure has not changed, only the non-residential to residential use. The mixed-use design incorporates both commercial and residential uses as intended in this zone given that it still includes a grocery store and restaurant/ prepared food shop on the ground floor as much needed amenities to the surrounding community. We believe that the requested increase in residential lot occupancy still meets the special exception relief criteria outlined in 11-X DCMR §901.2 and echoed in 11-G §1200.4 in that the project will remain in harmony with the general purpose and intent of the MU-4 zone the Zoning Regulations and Zoning Maps and will not adversely affect the neighboring properties (as set forth in detail above).

When scheduled for hearing, the Applicant's witnesses will include:

1. Tracy Themak, attorney for the Applicant, will provide testimony on the requested relief and basis for that request;
2. Lenda Washington, owner/ Applicant, will provide testimony on the parcel and proposed use; and
3. Gregory Upwall, architect, will provide testimony on the design.

The Applicant will provide the revised design to Advisory Neighborhood Commission 5C and will present the proposal at an upcoming meeting.

We appreciate staff's continued willingness to work with the Applicant on achieving a supportable yet practicable design.

Thank you,

/s/ Tracy L. Themak

Attorney for the Applicant