



Tracy L. Themak  
(703) 549-1123  
[TThemak@DTM.law](mailto:TThemak@DTM.law)

July 19, 2022

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

Cc: Maxine Brown-Roberts

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

Dear Board Members:

On behalf of the Applicant, Addisleigh Park Washington Properties, LLC, I filed a modification of significance application on July 19, 2022, via IZIS. Enclosed are the following materials:

- Letter of Authorization from the property owner;
- Form 135;
- List of names and addresses of property owners within 200 feet;
- BZA Order 20014-A(1);
- Resume for Gregory Upwall (architect);
- Applicant's statement; and
- Drawings showing the proposed modifications to the approved design

Undersigned counsel hereby certifies that she has read the Rules of Practice and Procedure of the D.C. Board of Zoning Adjustment as set forth 11-Y DCMR and is able to competently represent the Applicant and Owner in the proceedings before the Board of Zoning Adjustment.

Respectfully submitted,

DONOHUE, THEMAK & MILLER, PLC

/s/ Tracy L. Themak

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 19, 2022, a copy of the foregoing application for a modification of significance was served via email on the following:

Jennifer Steingasser - D.C. Office of Planning  
[Jennifer.Steingasser@dc.gov](mailto:Jennifer.Steingasser@dc.gov)

Advisory Neighborhood Commission 5C  
[5C04@anc.dc.gov](mailto:5C04@anc.dc.gov)  
[5C07@anc.dc.gov](mailto:5C07@anc.dc.gov)

BY:

/s/ Tracy L. Themak

**BZA CASE NO. 20014-B  
LETTER OF AUTHORIZATION**

June 16, 2022

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

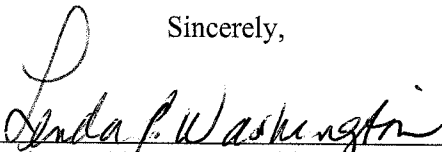
Re: BZA Application No. 20014-B- Modification of Significance  
1803 Rhode Island Avenue, N.E.

Dear Board Members:

I hereby authorize Tracy L. Themak and the law firm of Donohue, Themak & Miller, PLC to represent me before the Board of Zoning Adjustment for my application for a modification of significance.

Sincerely,

By:

  
Lenda Washington for Addisleigh Park Washington Properties, LLC  
Property Owner & Applicant



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



**FORM 135 – ZONING SELF-CERTIFICATION**

Project Address(es)	Square	Lot(s)	Zone District(s)
1803 Rhode Island Ave. NE	4209	5	MU-4

Single-Member Advisory Neighborhood Commission District(s): **ANC 5C-07**

**CERTIFICATION**

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/> X § 1000.1 - Use Variance	<input type="checkbox"/> X § 1000.1 - Area Variance	<input checked="" type="checkbox"/> X § 901.2-Special Exception
Pursuant to Subsections			

Pursuant to 11 DCMR Y § 300.6(b), the undersigned agent certifies that: 11-G DCMR §404.1; 11-G DCMR §405.2; 11-C DCMR §701.5; 11-U DCMR §512.1(e)(3)

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

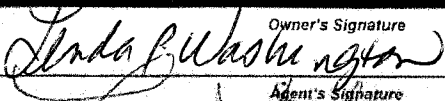

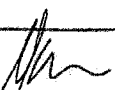
The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.  
(D.C. Official Code § 22-2405)

 Owner's Signature		Owner's Name (Please Print)	
 Agent's Signature		Agent's Name (Please Print) <b>Tracy L. Themak</b>	
Date	7/13/2002	D.C. Bar No.	974859
or	Architect Registration No.	ARC-101715 	

**INSTRUCTIONS**

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	DEVIATION Deviation/Percent
Lot Area (sq. ft.)	3347 s.f.	-	-	3347 s.f.	N/A
Lot Width (ft. to the tenth)	(existing)	-	-	(existing)	N/A
Lot Occupancy (building area/lot area)	44%	N/A	100% (commercial) 75% (residential)	100% (commercial) 100% (residential)	none (commercial) 25% (residential)
Floor Area Ratio (FAR) (floor area/lot area)	44	N/A	3.0 (I.Z.)	3.0 (I.Z.)	N/A
Parking Spaces (number)	0 (exst. parking in public space)	3	-	0	3 spaces
Loading Berths (number and size in ft.)	0	0	-	0	N/A
Front Yard (ft. to the tenth)	0	0	-	0	N/A
Rear Yard (ft. to the tenth)	0	15'	-	0	15'
Side Yard (ft. to the tenth)	0	0	-	0	N/A
Court, Open (width by depth in ft.)	-	-	-	-	N/A
Court, Closed (width by depth in ft.)	-	-	-	-	N/A
Height (ft. to the tenth)	16'	N/A	50'	48'	N/A
Solar Shading of Abutting Properties	0%	N/A	5%	0%	N/A

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



DISTRICT OF COLUMBIA  
2000 14TH ST NW 8TH FLOOR  
WASHINGTON DC 20009-4487

PORTERFIELD, LATOYA L  
1815 HAMLIN ST NE  
WASHINGTON DC 20018-2423

DILAN INVESTMENT LLC  
721 ELLSWORTH AVE  
GREAT FALLS VA 22066-2930

PUESAN, ANTONIO  
1813 HAMLIN ST NE  
WASHINGTON DC 20018-2423

GARCIA-RAIMUNDO, ERASMO  
1816 RHODE ISLAND AVE NE  
WASHINGTON DC 20018-2464

WILLIAMS, PURVIS A  
4706 CRESCENT ST  
BETHESDA MD 20816-1700

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES  
1810 HAMLIN ST NE  
WASHINGTON DC 20018-2459

PERRY, RUTH S  
1809 HAMLIN ST NE  
WASHINGTON DC 20018-2423

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES  
1810 HAMLIN ST NE  
WASHINGTON DC 20018-2459

INTERNATIONAL HOUSE OF PRAYER FOR ALL PEOPLE  
1913 RHODE ISLAND AVE NE  
WASHINGTON DC 20018-2441

1814 RHODE ISLAND AVE PARTNERS LLC  
1443 PA AVE SE  
WASHINGTON DC 20003-3030

INDUSTRIOUS RIA LLC  
7501 WISCONSIN AVE STE 630E  
BETHESDA MD 20814-6591

SADIK, MESFIN  
1812 HAMLIN ST NE  
WASHINGTON DC 20018-2459

CORLEY ENTERPRISES  
3839 26TH ST NE  
WASHINGTON DC 20018-3126

TAYLOR, DEREK  
5611 1ST PL NW # 2  
WASHINGTON DC 20011-2353

ADDISLEIGH PARK WASHINGTON  
1335 VERMONT AVE NW  
WASHINGTON DC 20005-3606

KING, AARON  
1820 RHODE ISLAND AVE NE  
WASHINGTON DC 20018-2464

YANOCHA, DANA  
1908 HAMLIN ST NE  
WASHINGTON DC 20018-2426

KILMURRY OLD LINE, LLC  
PO BOX 59737  
POTOMAC MD 20859-9737

REID, STEPHANIE  
1910 HAMLIN ST NE  
WASHINGTON DC 20018-2426

CARSON, MARGIE  
1817 HAMLIN ST NE  
WASHINGTON DC 20018-2423

BOUCHER, ALLYSON M  
1819 HAMLIN ST NE  
WASHINGTON DC 20018-2423

ALLEN, CLYDE J  
1833 HAMLIN ST NE  
WASHINGTON DC 20018-2423

LEESMAN, KATHERINE E  
1835 HAMLIN ST NE  
WASHINGTON DC 20018-2423

SAPRA, ARUN  
4100 WAKEFIELD CHAPEL RD  
ANNANDALE VA 22003-3725

UNITED STATES OF AMERICA

INTERNATIONAL HOUSE OF PRAYER FOR ALL PEOPLE  
1915 RHODE ISLAND AVE NE  
WASHINGTON DC 20018-2441

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 20014-A(1) of Addisleigh Park Washington Properties, LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone at 1803 Rhode Island Avenue, N.E. (Square 4209, Lot 5).

<b>HEARING DATES</b> (20014):	May 15, 2019 and June 12, 2019
<b>DECISION DATE</b> (20014):	June 12, 2019
<b>ORDER ISSUANCE DATE</b> (20014):	June 19, 2019
<b>MODIFICATION OF CONSEQUENCE</b>	
<b>DECISION DATE</b> (20014-A):	September 16, 2020
<b>ORDER ISSUANCE DATE</b> (20014-A):	September 23, 2020

**CORRECTED<sup>1</sup> SUMMARY ORDER ON REQUEST**  
**FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 20014, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Addisleigh Park Washington Properties, LLC (the “Applicant”) for special exceptions under Subtitle U § 513.1(n) from the prepared food shop requirements of Subtitle U § 512.1(d)(3); under Subtitle C § 1500.3 from the penthouse regulations of Subtitle C § 1500; under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5; under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, under Subtitle G § 1201 from the rear yard requirements Subtitle G § 405.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the floor area ratio requirements of Subtitle G § 402.1. The Board issued Order No. 20014 on June 19, 2019. (Exhibit 48 of the record for Case No. 20014.) The approval was subject to two conditions:

1. The Applicant shall implement the following Transportation Demand Management (“TDM”) plan:
  - a. Identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinator(s) will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and develop, distribute, and market various transportation alternatives and options to the tenants and/or employees;

---

<sup>1</sup> Order No. 20014-A incorrectly stated that the original order was issued June 19, 2020 instead of 2019. That error has been corrected in this order and underlined in paragraph one. It is the only change in this corrected order.



**BZA APPLICATION NO. 20014-A(1)**  
**PAGE NO. 2**

- b. Post all TDM commitments on website (if provided by Applicant), publicize availability, and allow the public to see what commitments have been promised;
  - c. Provide bicycle parking beyond what is required by the Zoning Regulations: four additional short-term and three long-term bicycle parking spaces; and
  - d. For the first five years that the building is open, the Applicant shall offer the choice of either an annual Capital Bikeshare or an annual carshare membership to employees.
2. The Applicant shall implement the Applicant's proposed Loading Management Plan ("LMP"):
- a. All delivery vehicles will access the Site via Rhode Island Avenue. In accordance with DDOT's "Truck and Bus Through Routes and Restrictions" map, trucks will not be permitted to use 20th Street, N.E.;
  - b. Delivery trucks unload/load from Rhode Island Avenue, N.E. between 7:00 a.m. and 4:00 p.m. and between 6:30 p.m. and 7:00 p.m. on weekdays. Deliveries will not be permitted between 4:00 p.m. and 6:30 p.m. when rush hour restrictions are in place on weekdays;
  - c. On weekends, deliveries may occur between 7:00 a.m. and 7:00 p.m.;
  - d. Commercial deliveries will typically be made by trucks that are 20 to 30 feet;
  - e. Deliveries made from vehicles larger than 30 feet will need to be scheduled in advance;
  - f. Deliveries are anticipated between the hours of 7:00 a.m. to 4:00 p.m.;
  - g. Trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (engine idling);
  - h. A trash room with dumpsters is located on the Hamlin Street side of the building;
  - i. All trash removal will occur on Hamlin Street;
  - j. It shall be the responsibility of building management to inform all building tenants of this LMP and its conditions;
  - k. The building manager will coordinate delivery schedules with tenants such that more than two deliveries do not occur at a time;
  - l. The LMP may be updated by the property manager once the project is complete, as needed.

Proposed Modification. On June 24, 2020, the Applicant submitted a request for modification of consequence to Order No. 20014. (Exhibit 5.) The Applicant requested to modify the plans to eliminate the first and second floor mezzanines and penthouse and eliminate the bar and introduce two residential uses. The proposal would not result in any additional relief being requested. The

**BZA APPLICATION NO. 20014-A(1)**  
**PAGE NO. 3**

Applicant submitted revised plans reflecting these modifications. (Exhibit 17.) The Applicant did not propose any modifications to the Conditions of the Original Order.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 12.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 5C.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on August 12, 2020, at which a quorum was present, the ANC voted 6-0-0 to support the request. (Exhibit 23.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 21.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence. (Exhibit 20.)

**Request for Modification of Consequence**

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to the plans of BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone.

The Board determines that the Applicant’s request complies with Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment.

**BZA APPLICATION NO. 20014-A(1)**  
**PAGE NO. 4**

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

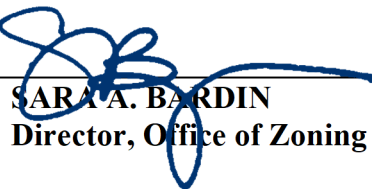
It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 20014 is hereby **GRANTED**. The conditions of BZA Order No. 20014, including the approved Transportation Demand Management and Loading Management Plans, remain unchanged and in effect.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

ATTESTED BY:

  
\_\_\_\_\_  
**SARA A. BARDIN**  
Director, Office of Zoning

**FINAL DATE OF ORDER:** September 25, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

## **Gregory B. Upwall, Architect**

1113 V Street NW  
Washington, DC 20009  
202-322-1156  
gu@studioupwall.com

---

### EDUCATION & LICENSE

#### **Bachelor of University Studies, University of Utah**

Salt Lake City, UT, 1993, *magna cum laude*

#### **Master of Architecture, University of Utah**

Salt Lake City, UT, 1995

#### **MFA Certificate, 2010 Institute for Documentary Filmmaking**

School of Media & Public Affairs The George Washington University, Washington DC, July, 2010

#### **Licensed Architect**

District of Columbia: 2010-present (license #: ARC-101715)

Commonwealth of Virginia: 2012-present (license #: 0401016224)

State of Maryland: 2011-present (license #: 16873)

### PROFESSIONAL ORGANIZATIONS & CERTIFICATIONS

#### **Certified Green Building Professional & Green Point Rater**

Build it Green, December 2008

#### **LEED AP Accredited Professional**

US Green Building Council, May 2009

#### **Certified Passive House Consultant**

Passive House Institute, US, September 2009

### PROFESSIONAL EXPERIENCE

#### **Studio Upwall Architects, *principal***

San Francisco – Washington DC, 2004-present

- architect for single family, multi family residential, and small commercial projects in the Bay Area
- experience in construction documents, permitting, approvals, & construction administration services

#### **Macdonald Architects, *project architect***

San Francisco, CA, 2003-2004

- project architect for single family and multi family residential projects in the Bay Area
- experience with non-profit development corporate clients and public financing

#### **Thompson Studio Architects, *project architect***

San Francisco, CA, 2003

- project architect for custom single family and multi family residential projects in San Francisco

## **Gregory B. Upwall, Architect**

1113 V Street NW  
Washington, DC 20009  
202-322-1156  
gu@studioupwall.com

---

### PROFESSIONAL EXPERIENCE (CONTINUED)

#### **Holt Hinshaw, *associate architect***

San Francisco, CA, 2000-2003

- project architect for custom single family projects in the Bay Area
- worked as project manager for ongoing retail projects for GAP, inc. throughout the USA

#### **Burtch W. Beall, Jr. FAIA, *job captain***

Salt Lake City, UT, 1995- present

- commercial, educational, renovation and civic projects for school district and government clients
- experience providing full standard construction administration services

### ACADEMIC EXPERIENCE

#### **The Catholic University of America, School of Architecture & Planning, *Adjunct Faculty***

Washington, DC

B.S. in Architecture Program, Spring 2012

- Topic: Sonic Dimension in Architecture

Cultural Studies & Sacred Space Program, Fall 2011

- Topic: Phenomenology: Design for Funerary Chapel

Sustainable Design Program, Spring 2011

- Topic: Solar Decathlon

Cultural Studies & Sacred Space Program, Fall 2010

- Topic: Voluntary Architectural Simplicity: Design for Monastery

#### **Academy of Art University Student Design-Build 2, *Instructor***

San Anselmo, CA, 2009

- Topic: "Modular Design for Residential Accessory Buildings"

#### **Academy of Art University Student Design-Build 1, *Instructor***

Berkeley, CA, 2007

- Topic: "Modular Strategies for Low-Impact Structures"

#### **Academy of Art University Graduate School of Architecture, *Instructor***

San Francisco, CA, 2004-2009. courses taught:

- Building Codes and Contract Documents
- Materials and Construction
- Sustainable Design and Building Technology
- Intermediate Design Studio: Design for Modular Housing
- Intermediate Design Studio: Sustainable Design for Educational Buildings
- Graduate Thesis (various project topics)

### AWARDS

#### **2011 Grand Award winner**

- PCBC Golden Nugget Awards, PAAV: Design-Build Project, San Anselmo, CA, 2009

#### **2010 AIA Exceptional Residential Bay Area Regional Design Award**

- Citation Award for PAAV: Design-Build Project, San Anselmo, CA, 2009



Tracy L. Themak  
 (703) 549-1123  
[TThemak@DTM.law](mailto:TThemak@DTM.law)

July 18, 2022

Board of Zoning Adjustment for the District of Columbia  
 441 4<sup>th</sup> 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 <sup>nd</sup> & 3 <sup>rd</sup> Floors) 100% commercial (on 1 <sup>st</sup> 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



# 1803 Rhode Island Ave. NE - Updated

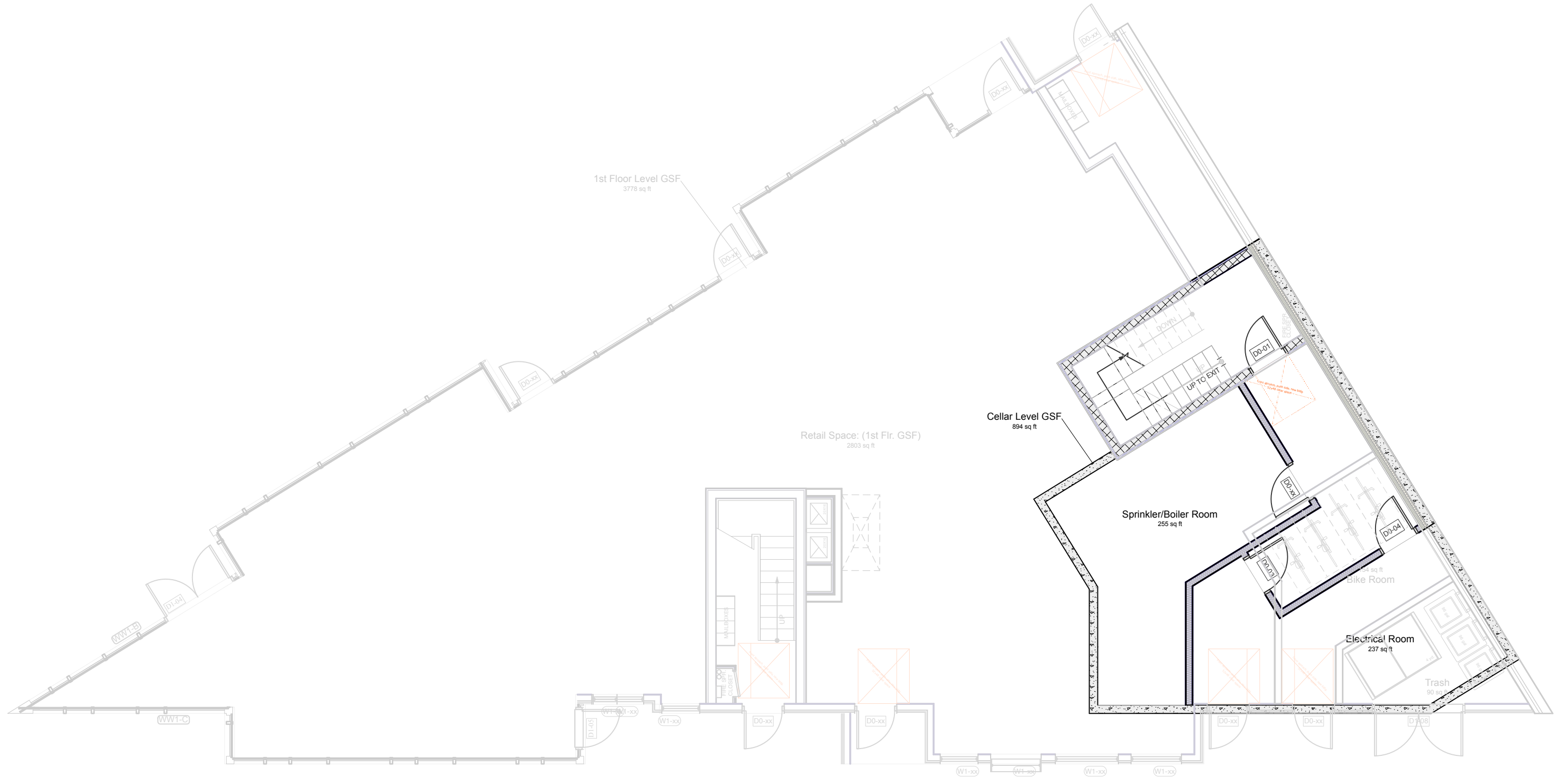
1st floor retail (Restaurant + Grocery) with all Residential at 2nd/3rd story (100% Res. Lot. Occupancy & Inclusionary Zoning "IZ")

Unit Count		
<i>(requires some units to meet affordable unit requirements (per IZ-subtitle C, chapter</i>		
	<i>name</i>	<i>unit type</i>
1st Floor Level	Retail Space	Retail (1000 sf)
2nd Floor Level	Unit A (residential)	2 Bedroom + Private Deck
	Unit B (residential)	2 Bedroom
	Unit C (residential)	1 Bedroom
	Unit D (residential)	1 Bedroom + Den
3rd Floor Level	Unit E (residential)	2 Bedroom + Private Deck
	Unit F (residential)	2 Bedroom
	Unit G (residential)	1 Bedroom
	Unit H (residential)	1 Bedroom + Den

**3-story building**  
**Total = 8 Apartments over 1st Story Retail**

Project Information			
Zoning Information		Area Information	
EXST. LOT AREA	3347	<b>BUILDING AREA TABULATION (FAR):</b>	
		1st Floor GSF (excluding projections)	3347
<b>F.A.R.:</b>		2nd Floor GSF (excluding projections)	3347
ALLOWABLE TOTAL F.A.R. (w/ RESIDENTIAL - IZ)	3.00	3rd Floor GSF (excluding projections)	3347
<b>PROPOSED TOTAL F.A.R.</b>	3.00		
		<b>TOTAL GSF (for F.A.R.)</b>	<b>10041</b>
<b>LOT COVERAGE:</b>		<b>BUILDING AREA TABULATION (PARKING):</b>	
MAX. LOT COVERAGE (COMMERCIAL)	100%	Cellar Level (no habitable space)	-
<b>PROPOSED LOT COVERAGE (COM.)</b>	<b>100%</b>	1st Floor GSF (including projections)	3778
MAX. LOT COVERAGE (RESIDENTIAL w/ IZ)	75%	2nd Floor (residential - 1 space per 2 units)	2
<b>PROPOSED LOT COVERAGE (RES.)</b>	<b>100%</b>	3rd Floor (residential - 1 space per 2 units)	2
		<b>TOTAL GSF (for parking)</b>	<b>3778</b>
		<b>GROSS BUILDING AREA (CONSTRUCTION):</b>	
		Cellar Level GSF	894
		1st Floor GSF	3778
		2nd Floor GSF	3698
		3rd Floor GSF	3698
		<b>TOTAL GSF (CONSTRUCTION AREA):</b>	<b>12068</b>
<b>SET BACKS:</b>		<b>OTHER CONSTRUCTION AREA:</b>	
REAR YARD SETBACK REQ'D	15'	Balcony areas:	234 sf
PROPOSED REAR YARD SETBACK (RELIEF GRANTED BY BZA)	0'		
		<b>GROSS TENANT/RESIDENTIAL AREA:</b>	
<b>LOADING:</b>		1st Floor GSF (Retail)	2803
MIN. # OF LOADING BERTHS REQ'D	1	2nd Floor GSF (Residential)	3404
PROPOSED LOADING (RELIEF GRANTED BY BZA)	0	3rd Floor GSF (Residential)	3404
<b>PARKING:</b>		<b>TOTAL GROSS TENANT/RESIDENTIAL AREA:</b>	<b>9611</b>
MIN. # OF PARKING SPACES REQ'D	6		
PROPOSED OFF-STREET PARKING (RELIEF GRANTED BY BZA)	0	<b>GSF CONST. VS. GSF TENANT/RESIDENTIAL RATIO:</b>	<b>80%</b>
<b>HEIGHT:</b>			
ALLOWABLE BUILDING HEIGHT	50'		
PROPOSED BUILDING HEIGHT	46'		

Development Information



**Cellar Floor Level**







**2nd Floor Level**



**3rd Floor Level**

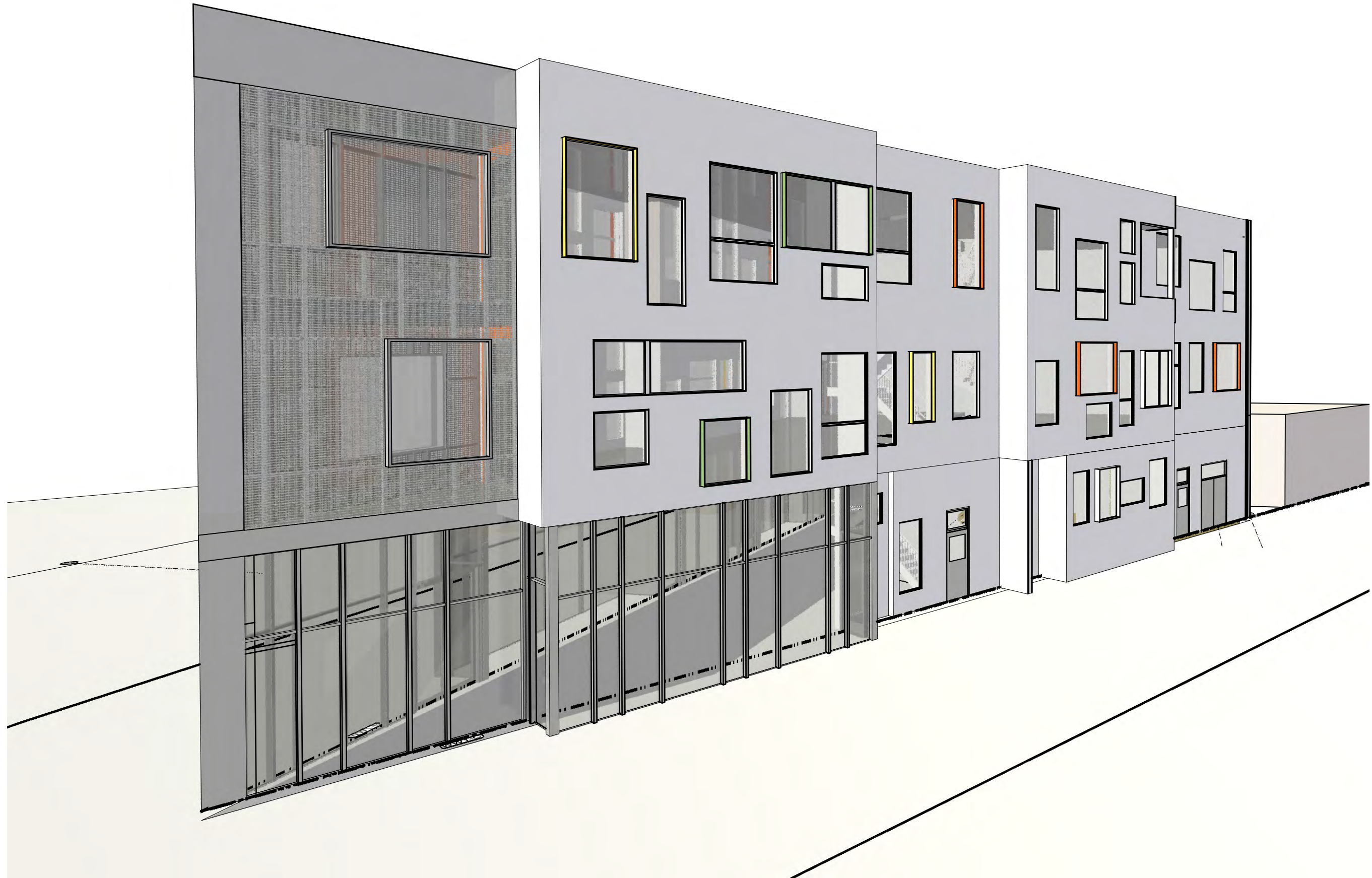






view from Rhode Island Ave





view from Hamlin Street





"bird's eye" view





Proposed Elevation - Rhode Island Ave. scale: 1/8" = 1'-0"



Proposed Elevation - Hamlin Street scale: 1/8" = 1'-0"