

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

Application of District Line Development, LLC for Special Exceptions

2200 – 2212 40th Place NW (Sq. 1317W, Lots 0010,0009,0008,0007) (the “Property”)

STATEMENT OF THE APPLICANT

District Line Development, LLC, the “Applicant” and contract purchaser of the property located at 2200 – 2212 40th Place NW (Sq. 1317W, Lots 0010,0009,0008,0007) (the “Property”), now seeks a special exception to consolidate lots 7, 8, 9, and 10, renovate, expand, and connect the existing structures on each lot and add 13 units to four existing 4-unit apartment houses located in the RA-1 zone, pursuant to 11 DCMR Subtitle U, Section 421. The Applicant also seeks a special exception for relief from the required three parking spaces for this project pursuant to 11 DCMR Subtitle C, Section 703.

I. BACKGROUND

The Property is zoned to the RA-1 zoning district and is currently improved with four semi-detached two-story multifamily apartment houses, each with four units. The Property is comprised of four lots located at the intersection of 40th Place NW and W Street NW. The Property has a combined total land area of 21,634 square feet. The Property is not located within a historic district.

II. NATURE OF RELIEF REQUESTED

The Applicant proposes to renovate, expand, and connect the existing structures on each lot and add 13 units to four existing 4-unit apartment houses for a total of 29 units. Therefore, the Applicant seeks a special exception to add 13 units to the existing apartment houses pursuant to 11 DCMR Subtitle U, Section 421. Given there is no improved alley at the rear of the Property, the Applicant also seeks a special exception for relief from the required three parking spaces for

this project pursuant to 11 DCMR Subtitle C, Section 703. This Project will provide 29 family-style units of at least three bedrooms each with at least three inclusionary zoning units.

A. Special Exception Relief for New Residential Developments in the RA-1 Zone Pursuant to Subtitle U, Section 421.1

All new residential developments in the RA-1 zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in Subtitle U, Section 421.1.

B. Special Exception Standards Pursuant to Subtitle X, Chapter 9

Pursuant to Subtitle X, Chapter 9, the special exception relief requested must meet the standards set forth in Section 901.2, which states that the BZA may grant a special exception when the relief requested:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**
- (c) Will meet such special conditions as may be specified in this title.**

This Application meets the above standards. First, the relief requested is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The purpose of the RA-1 zone is to “[p]ermit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts.” *See* 11 DCMR Subtitle F, Section 101.3(a). The RA-1 zone allows for low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. *Id.*, Section 101.4. The proposed project will meet all development standards in the RA-1 zone apart from parking requirements, which are addressed below.

The proposed renovations, additions, and 13 new dwelling units will not substantially intrude on the character, scale, and pattern of neighboring properties. A mix of small and large multifamily residential buildings are common in this neighborhood. The Property is surrounded by apartment houses and large apartment buildings and is located across W street NW from Whitehaven Park.

Further, the project will not adversely affect the use of neighboring properties as minimal changes to the existing footprint of the buildings on the Property are proposed. The Applicant proposes to connect the existing buildings for better efficiency and to provide a unified residential apartment building. The Applicant further proposes a third story on a portion of the existing buildings. Shadow studies included in the Applicant's architectural plans illustrate that this third story addition will have minimal impact on the light, air, privacy, enjoyment, character, scale, and pattern of neighboring properties. All neighboring properties are improved with similar apartment houses of varying sizes. In addition, the Applicant intends to install solar panels on the roof of the buildings, furthering the sustainability of the project and adaptive reuse of the existing apartment buildings. For all of these reasons, the Application satisfies the general standards and criteria for a special exception.

Subtitle U, Section 421 of the Zoning Regulations sets forth additional standards for the Board to consider in determining whether to approve new residential developments in the RA-1 zone. Sections 421 requires that the application be referred to relevant D.C. agencies to analyze the project's impact on schools, public streets, recreation, and other services. Given this project only involves 13 new residential units, impacts on schools and public infrastructure will be minimal and outweighed by the addition of new family-size units to a neighborhood already constrained by low housing supply. Section 421 also requires that the Board refer the application

to the Office of Planning to review the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects. As noted herein, the Applicant is proposing minimal changes to the existing site plan and these changes will not have a significant impact on the surrounding neighborhood. A landscape plan is included with the Applicant's architectural plans filed herein.

C. Special Exception from Minimum Parking Requirements Pursuant to Subtitle C, Section 703

The Applicant seeks a special exception, pursuant to Subtitle C, Section 703, to obtain relief from the three parking spaces required for this project under Subtitle C, Sections 701, 704 and 705. Pursuant to Section 703.1(a), the Applicant seeks this special exception because the required number of spaces would be impractical due to the shape or configuration of the site. The Board may grant a full or partial reduction in the number of required parking spaces if the Applicant satisfies at least one of the standards set forth in Subtitle C, Section 703.2. Here, as discussed below, the Applicant satisfies the following standards:

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;**
- (h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:**
 - 1. A curb cut permit for the property has been denied by the Public Space Committee;**
 - 2. Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;**
- (i) The presence of healthy and mature canopy trees on or directly adjacent to the property.**

Further, Subtitle C, Section 703.3, 703.3, any reduction in the required number of parking spaces granted under Subtitle C, Section 703.2 shall be:

- (a) Proportionate to the reduction in parking demand demonstrated by the applicant;**
- (b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and**
- (c) Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.**

The Property is currently improved with four separate apartment houses and provides no parking for the existing units. The Property does not have access to an improved public alley as the paved driveway to the rear of the Property currently is located not on the public alley area but on the lots to the rear of the alley area. As such, based on discussions with the District Department of Transportation (“DDOT”), the Applicant cannot get access to the existing paved driveway because the Property is not contiguous with it and DDOT will not allow the Applicant to build a driveway crossing over the public alley area. The only option that the Applicant could consider, according to DDOT, would be to construct the entirety of the public alley in the correct location. However, that would not be feasible for this project given the public alley impacts many other properties and the cost of such an undertaking far outweighs the value of this project, which seeks only to add thirteen new units.

Another impediment in providing rear alley access is that a large tree with a 36-inch diameter is located in the public alley area behind Lot 8. In discussions with DDOT, it is believed that this may be a heritage tree and, therefore, may not be removed.

A special exception request pursuant to Subtitle C, Section 703 must also meet the general special exception standards set forth in Subtitle X, Section 901.2, which state that the Board may grant a special exception when the relief requested:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**
- (c) Will meet such special conditions as may be specified in this title.**

Here, as provided above, the Applicant seeks relief only from the requirement to provide three parking spaces. The project, as a whole, is compliant with the development standards in the RA-1 zone and will provide family-size units, including at least three IZ units, in an area with high housing demand. Further, the request for relief from three required parking spaces should not tend to affect adversely the use of neighboring property. All neighboring properties are also apartment houses of varying sizes. Further, W Street NW, adjacent to the Property, provides significant street parking including both parallel and head-in parking on the blocks neighboring the Property.

III. COMMUNITY ENGAGEMENT

The Applicant will engage with ANC 3B, neighbors, and the community as this project moves forward.

IV. WITNESSES

The following witnesses will appear on behalf of the Applicant at the BZA hearing on this Application:

1. Matthew Medvene, District Line Development, LLC

Mr. Medvene is supervising the proposed construction for this project and will testify as to construction, design, and community engagement and outreach.

2. Ryan Petyak, Architect, Studio 3877

Mr. Petyak is the architect for this project and will testify as to design and architecture matters related to the project.

V. CONCLUSION

For all of the reasons discussed above, the Applicant respectfully requests that the BZA approve this application for a special exception.

A handwritten signature in black ink, appearing to read "Zach Williams", written over a horizontal line.

Zachary G. Williams, Esq.
Venable LLP
Authorized Agent for the Applicant