

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

Application of
SOME, Inc.

BZA Application No:
ANC: 5E04

STATEMENT OF THE APPLICANT

I.

Nature of Application

This application is made by SOME, Inc. (“SOME” or the “Applicant”) for special exception relief from the loading requirements of the Zoning Regulations relating to the development of the property with an all-affordable residential building (the “Project”). The Property is located at 1509-1519 North Capitol Street NE (Square 668, Lots 41, 67, 809 and 810) (the “Property”). The application requests special exception relief pursuant to 11-C DCMR § 909.2 for relief from the loading requirements as set forth in the Zoning Regulations. The Project will conform to the Zoning Regulations in all other respects.

II.

Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.1 of the Zoning Regulations (11-X DCMR §901.1).

III.

Information Regarding the Property and Project

A. **Description of the Property and Surrounding Area**

The Property is located at 1509-1519 North Capitol Street NE in between the Shaw and Eckington neighborhoods. It is comprised of approximately 7,722 square feet of land area and is situated on the east side of North Capitol Street. A series of mixed-use buildings are located to the south of the Property with ground-floor commercial use and upper floor residential uses. A gas station is located to the north and at the rear of the Property. A mixture of residential and small

commercial uses are located across North Capitol Street from the Property. North Capitol Street provides access to multiple bus routes connecting the Property to areas across the City. Additionally, the NoMa-Gallaudet Metrorail Station is located approximately ½ mile away from the Property.

The Property is currently improved with multiple two-story buildings. The Project will remove the existing improvements to construct the Project. The Property is located in the D-5 Zone District and is designated as appropriate for high-density development. The Property has frontage on North Capitol Street but there is no curb cut accessing any portion of the Property. Additionally, there is no alley access to the Property.

B. Description of the Project

The Applicant is planning to develop the Property with a fourteen (14) story building (the “**Building**”) that will contain approximately 139 dwelling units. All of the units in the building will be affordable at a maximum of 60% of the Washington D.C. Median Family Income (“**MFI**”). In fact, SOME will target lower MFI levels, down to 30% MFI, where possible. The units will be furnished, as they are intended to serve the very low-income populations in the District. The Project will not include any parking spaces, as none are required by the Zoning Regulations.

The Project will include approximately 81,242 square feet of residential development for a total Floor Area Ratio (“**FAR**”) of 10.52. The Building will occupy 100% of the lot at the ground level and will set back at the rear above the first floor to occupy 73% of the lot. The Project includes an approximately 27 foot rear yard above the first floor as required by the Zoning Regulations. The Project also includes 46 long-term bicycle parking spaces and eight (8) short term bicycle parking spaces.

IV.
Description of Relief Requested

Pursuant to 11-C DCMR § 909.2, the Board may grant a special exception for relief from the loading requirements of § 901.1 of Subtitle C of the Zoning Regulations, subject to certain considerations. Based on the number of residential units at the Property, the Project would generate a loading requirement of one (1) 30 foot loading berth, one (1) 100 square foot loading platform, and one (1) 20 foot service space. The Project is unable to accommodate any of these loading facilities due to lack of vehicular access from a public street, and therefore requests relief from the loading requirements of the Zoning Regulations.

V.
Satisfaction of Standards for Relief

A. Relief from Loading Space Requirements

For special exception relief from the loading requirements pursuant to Subtitle C, § 909.2, an applicant must demonstrate compliance with certain conditions for relief. These conditions for relief are described below along with how this application satisfies each.

1. *Providing the number of loading spaces required is impractical or contrary to other District regulations.*

Providing complaint loading for the Project would be impractical and contrary to other District regulations. The Property's only street frontage is along North Capitol Street and the Property does not have alley access. Therefore, the only way to provide vehicular access to the Property would be via a new curb cut on North Capitol Street. Not only would such a curb cut interrupt the pedestrian streetscape along North Capitol and create vehicular/pedestrian conflicts, such a curb cut could create negative traffic impacts along such busy corridor. Additionally, providing such a curb cut to access one loading berth and one loading space would be impractical. Further, as discussed in the next section, such a curb cut would be contrary to the District public

space regulations. Therefore, the special exception from the loading requirements would allow for the practical development of the Property that is consistent with the overall District objectives – both generally and in this area.

2. *The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR.*

Given the Property’s limited street frontage and lack of alley access, the only way to provide vehicular access to the Property for an off-street loading berth and loading space would be a new curb cut along North Capitol Street. The Applicant met with the District Department of Transportation (“**DDOT**”) regarding the Project, and at that meeting DDOT Planning and Sustainability Division (“**PSD**”) staff made clear that they would not support a curb cut along North Capitol for loading. Attached as Exhibit I to the application package is correspondence from DDOT PSD noting that they do not support a curb cut for the Property. Under 11-C DCMR § 909.2, the Board may grant loading relief as a special exception if “[t]he only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR.” Of course, Title 24 would require a permit for approval of a curb cut off of North Capitol, which would require approval by the Public Space Committee, which would not be granted due to DDOT’s opposition based on the interpretations of the public space regulations. Thus, a curb cut would violate the provisions of Title 24 and, therefore, the Applicant requests special exception relief from the loading requirements.

3. *This request for relief will include a loading management plan approved by the District Department of Transportation, the implementation of which shall be a condition of BZA approval.*

The Applicant will file a transportation report by its transportation consultant, Gorove/Slade Associates, Inc., at least 30 days prior to the public hearing, as required by Subtitle Y, § 300.14. The report will include a Loading Management Plan (“LMP”) resulting from consultation with DDOT staff along with the study of the Property and its surroundings and the intended use of the Property. Such LMP will address how loading and unloading activities will occur for the typical operations at the Property.

Of note, the Project will be able to utilize a commercial loading zone that is already immediately adjacent to the Property located on North Capitol Street. Such loading zone is currently utilized by the small commercial uses flanking the Property. Therefore, the use by such loading zone by the Project will be in accordance with the character of the neighborhood and the typical operations of the surrounding properties.

- B. General special exception standards – The requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect or impact surrounding areas.

Under Subtitle X, § 901.2, in order to obtain special exception relief, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. As discussed below, the relief requested is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties and the Project meets the specific conditions of Subtitle C, § 909.2.

The requested relief will not have an adverse impact on surrounding area and furthers the general purpose and intent of the Zoning Regulations. As discussed, the site is “landlocked” (i.e. no alley accesses the Property) and fronts on a busy stretch of North Capitol Street, a major arterial.

Requiring the Project to provide all required loading on site would result in an unduly impactful burden on this neighborhood and on this important arterial.


As described above, the Project will provide affordable housing at 60% MFI or lower and units will be furnished. Therefore, loading for move-ins and move-outs will be less intensive than in a typical apartment building. Turnover is expected to be lower and move-ins will primarily consist of smaller loads of personal belongings, not larger items such as furniture. The Project's day-to-day operations will primarily require "loading" for trash removal and general building deliveries. These functions can be accommodated by the commercial loading zone along North Capitol Street referenced above. Further, the commercial loading zone will be time-restricted to prevent impacts on rush-hour traffic. The Applicant would work with DDOT to ensure proper configuration, striping, and signage for the commercial loading zone through the public space permitting process.

Therefore, the relief requested allows the Applicant to balance the Project, which furthers the major priority of significantly affordable housing in the downtown area of DC, while preventing negative impacts from loading relief on surrounding areas.

VI. **Conclusion**

For all of the above reasons, the Applicant is entitled to the requested special exception relief requested in this case.

Respectfully submitted,



Jeff C. Utz



Meghan Hottel-Cox