

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

**Application of SeVerna LLC
Square 621, Lots 861 & 862
1001 1st Street, N.W.**

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PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This is an application pursuant to 11 DCMR § 3104.1 for a special exception under §2116.5 of the Zoning Regulations to allow a portion of the parking spaces required for property located in the C-2-A/C-2-C District at premises 1001 1st Street, N.W./ 88-98 L Street, N.W. (Square 621, Lot 861) (the "Property") to be located to the immediate south of the Property on Lot 862 in Square 621.

The Property is located within Square 621 and is generally bounded by L Street, N.W., 1st Terrace, N.W., K Street, N.W., and 1st Street, N.W. The Property is currently improved with a total of 60 residential units, which yields a parking requirement of 30 off-street parking spaces. Sixteen of the required parking spaces are currently located on Lot 861, and 14 of the required parking spaces are currently located on Lot 862. The respective owners of Lot 861 and Lot 862 propose to convert these lots into new, separate record lots. The owner of Lot 862 will be constructing a new residential building on its property, and the new building will include a below-grade parking garage. The Applicant is seeking relief to reconfigure the parking required for Lot 861 such that 20 spaces will be located on Lot 861 and 10 spaces will be located in the below-grade garage on Lot 862.

The Applicant will establish through its Statement of the Applicant to be filed no fewer than fourteen days prior to the hearing on the subject application, as well as through testimony and evidence at the public hearing, that the subject application meets the burden of proof for the

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18441
EXHIBIT NO. 5

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granting of the requested special exception relief A preliminary summary of how
application meets the required burden of proof follows

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**THE APPLICANT MEETS THE BURDEN
OF PROOF FOR SPECIAL EXCEPTION RELIEF**

Section 2116.2 of the Zoning Regulations provides that required parking spaces must be located either: (1) in a permitted garage or carport, or (2) on an open area of the lot, either within a rear yard or within a side yard; or (3) elsewhere on the lot (if accessory to a commercial or industrial use). Because there is no ability to provide all of the required 30 parking spaces on Lot 861, the Applicant is seeking relief to locate 10 of the required parking spaces on Lot 862 in Square 621, which is to the immediate south of the Property

Section 2116 5 of the Zoning Regulations provides that, if approved by the Board as a special exception, parking spaces may be located on a lot other than the lot upon which the building is located, subject to the requirements of Sections 2116.6 through 2116.9. As discussed in more detail below, the Applicant meets each of the applicable standards for the location of off-site parking spaces

1. Compliance with Section 2116 6

Section 2116 6 provides that the Board should consider the following factors in determining whether it is practical to locate the required parking spaces in accordance with Section 2116 2:

- a unusual topography, grades, shape, size or dimensions of the lot,
- b. the lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- c traffic hazards caused by unusual street grades; or

- d. the location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties

In this case, the Applicant's proposal to locate 10 of the required parking spaces on current Lot 862 in Square 621 would result in more efficient use of land, better design and landscaping, safer ingress or egress, and less adverse impact on neighboring properties. As shown on the plans included with this application, the Property is currently improved with a building that occupies most of the lot. As part of overall development of the square, a new residential building that will include below-grade parking will be constructed on Lot 862. The new parking garage will include enough spaces to accommodate the users on Lot 862 as well as the 10 spaces required for Lot 861. The Applicant has maximized the number of spaces that can be located on Lot 861. However, providing the required parking on-site would not be feasible because the footprint of the existing building on Lot 861 occupies most of the lot. The only way to theoretically locate any parking on-site on Lot 861 would be to somehow dig below the existing, inhabited residences on the Property, which would be practically difficult. In addition, the provision of 10 of the required parking spaces on Lot 862 results in more efficient use of land since that site has available spaces. Moreover, locating a portion of the required parking spaces in a below-grade garage instead of at-grade reduces the amount of paving that would otherwise be required for Lot 862. This arrangement offers a practical alternative and is consistent with §2116.6

2 Compliance with Section 2116.7

Section 2116.7 provides that in those cases where parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the

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preference is for the parking be provided on adjacent lots, or lots separated by no more than an alley from the primary lot. In the present case, the Applicant proposes to locate the parking spaces on an adjacent lot to the immediate south of the Property, and thus the application satisfies §2116.7.

3. Compliance with Section 2116.8

Section 2116 8 requires that the parking spaces be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the buildings or structures which they are designed to serve. The Applicant complies with this requirement in that it provides parking within convenient walking distance of the Property. The 10 spaces to be located on Lot 862 will be secured and will be designated for the use of the residents on Lot 861.

4 Compliance with Subsection 2116.9

Section 2116.9 provides that the Board may impose conditions it might deem necessary to protect adjacent or nearby property as well as conditions to assure the continued provision and maintenance of the spaces The Applicant has recorded an easement agreement in the land records of the District of Columbia that requires, among other things, the owner of Lot 862 to operate, maintain, and repair as necessary the parking spaces on Lot 862. Therefore, additional conditions are not necessary in this case.

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