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November 26, 2012

OF COUNSEL

HAROLD E. JORDAN

VIA E-MAIL TRANSMISSION

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Lloyd Jordan, Esq., Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: BZA Application No. 18672 – 3500 14th Street, N.W.

Dear Mr. Jordan:

This firm represents Cavalier Apartments LP (the “Applicant”), the owner of the real property located at the above-referenced address (Lots 43, Square 2688). The Applicant has applied for two special exceptions to permit the change of an existing nonconforming use to a retail variety and grocery store in ground floor commercial space and to eliminate the parking requirements for the change of use within a historic resource within the R-5-E Zoning District at the subject property.

Pursuant to § 3113.8 of the Board of Zoning Adjustment Supplemental Rules of Practice and Procedure, the Applicant herewith submits the enclosed information as a supplement to its application for special exception.

Advisory Neighborhood Commission 1A

The Applicant appeared before the regular monthly meeting of ANC 1A on November 13, 2013, and presented its request for special exception relief. ANC 1A voted unanimously to support the application.

Section 2120.6 Standards

Section 2120.6 authorizes the Board to grant any amount of relief from the parking requirements for a historic resource; provided that a case for difficulty is proved. In this situation, there is no opportunity for additional parking at the subject property and the Applicant has requested the Board waive any parking requirement for the subject property arising from the

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additional retail space. There is a physical impossibility to adding parking spaces to the subject property. Open areas on the subject property are now devoted to an elevated concrete patio off Ogden Street and a grass playground area at the rear of the existing building, neither of which is suitable for conversion into parking areas.

The tenant at the subject property is currently operating the retail store on a temporary Certificate of Occupancy for at least six months. From this operating experience, the Applicant is satisfied that the nonconforming use can exist without any adverse impacts on the neighborhood. In particular, the Applicant responds to the § 2120.6 standards as set forth following each paragraph below:

(a) Maximum number of . . . customers . . . who can be expected to use the proposed building or structure at one time

Recent monthly sales data from the current operation on the subject property shows approximately 227 customers per day. Since the retail store is open 15 hours daily during the week, this averages out to only 25 customers per hour. In practice, however, customers tend to cluster during morning hours, at lunchtime and in the early evening.

(b) Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood

Since the customers are overwhelming local residents, there is little to no traffic congestion associated with the commercial use of the subject property.

(c) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete

There are limited parking resources in the vicinity of the subject property. The customer base is almost entirely from the immediate neighborhood and is not reliant on the availability of parking in order to patronize the retail store.

(d) Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation

The subject property is one-half mile west of the Georgia Avenue-Petworth Metrorail Station and one-half mile north of the Columbia Heights Metrorail Station. The 52, 53 and 54 Metrobus routes along 14th Street service the subject property. Since the vast majority of the customers are from the immediate neighborhood, access to public transportation may be less relevant.

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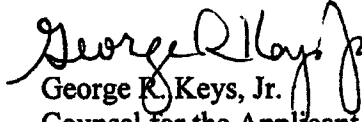
Operating Hours

The retail store is presently open 7:00 am – 10:00 pm, Monday through Thursday, and from 7:00 am – 11:00 pm Friday through Sunday.

Additional Site Photographs

Attached hereto are two photographs of the retail store frontages on Oak Street and 14th Street, showing the details of the two display windows and customer entrances.

Respectfully submitted,


George R. Keys, Jr.
Counsel for the Applicant

cc: Maxine Brown-Roberts (OP)
Fleming El-Amin (DDOT)
Nancy L. Hooff
Advisory Neighborhood Commission 1A



