

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

**APPLICATION OF THE WARRENTON GROUP
3619 GEORGIA AVENUE, N.W.
SQUARE 3032, LOT 803**

PRELIMINARY STATEMENT OF THE APPLICANT

This Preliminary Statement of the Applicant is submitted on behalf of the Warrenton Group (the "Applicant"), as contract purchaser of property located at 3619 Georgia Avenue, N.W., Square 3032, Lot 803 (the "Site"), in support of its application to the Board of Zoning Adjustment (the "Board") pursuant to 11 DCMR §§ 3103.2 and 3104.1 for an area variance from the off-street parking space requirements of Section 2101.1 to allow the construction of a new six-story plus cellar mixed use building with cellar and ground floor retail and 27 residential dwelling units in the GA/C-3-A District at the Site.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

I. Background Information Regarding the Site and Proposed Development

The Site is located at 3619 Georgia Avenue, N.W. (Square 3032. Lot 803). The Site is zoned GA/C-3-A and is presently improved with a one-story commercial building. The Site is a corner lot, bounded to the north by Princeton Place, N.W., to the east and south by private property, and to the west by Georgia Avenue, N.W. The Site includes 4,699 square feet of land area and has no alley access.

As shown on the plans included with the application, the Applicant proposes to demolish the existing structure on the Site and to construct a new mixed-use building with cellar and ground floor retail and 27 residential dwelling units. The project will include a total of 22,555 square feet of gross floor area, with approximately 23,518 square feet of gross and cellar floor area devoted to residential uses and approximately 2,911 square feet of gross and cellar floor area devoted to retail uses. The proposed residential and retail uses for the Site are consistent with the Site's zoning designation and with other uses in the neighborhood.

II. Burden of Proof for Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this Application.

A. The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. D.C. Bd. of Zoning Adjustment*, 320 A.2nd 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2nd 1164, 1168 (D.C. 1990).

In this case, the size and depth of the Site, combined with its lack of access to a public alley, combine to create an exceptional situation and condition that directly impacts the requested parking relief. As shown on the materials included with the application, the Site contains only approximately 4,699 square feet of land area, and is a narrow and shallow corner lot. The Site has frontage on Georgia Avenue and Princeton Place, but is surrounded by private property on its east and south sides and has no alley access. The Site is the only lot in Square 3032 that does not abut the public alley that runs through the square. Thus, there is no practical way to provide rear access to the Site.

B. Strict Application Of the Off-Street Parking Requirements Would Result in a Practical Difficulty to the Applicant

Section 2101.1 of the Zoning Regulations requires 14 parking spaces for the proposed 27 residential units. Pursuant to Section 2116.2 of the Zoning Regulations, parking spaces are required to be located either within a parking garage or on an open area on the lot. However, based upon on the lot size, dimensions, and limited public alley access, the Applicant cannot provide any parking spaces on the Site.

The Applicant cannot provide any surface parking spaces since the Site is bounded by private property on two sides and has no access to a public alley. Thus, there is no practical way for vehicles to access the rear of the Site for surface parking. Even if the Site had sufficient alley frontage, there would not be enough space at the rear of the Site to provide the required vehicular drive aisle width of 17-20 feet and to provide sufficient space to allow for vehicles to turn into and out of the parking spaces given the narrowness of the Site, as well as the proposed building footprint and rear yard depth.

The Applicant also cannot provide any below-grade parking or a ramp to access below-grade parking given the Site's constraints. Although there are two existing curb cuts onto the Site (one on Georgia Avenue and one on Princeton Place), DDOT policy provides that existing curb cuts expire at the time of a change in use of property, requiring existing driveways to be restored with new curbs and gutters (*see* DDOT Design and Engineering Manual section 31.2.3.1). DDOT policy also prohibits the installation of new curb cuts on major corridors, such as Georgia Avenue. Therefore, the only potential location for a new curb cut and ramp to provide access to a parking garage would be from Princeton Place. However, the Site has only approximately 55 feet of frontage on Princeton Place, which is insufficient based on the zoning requirements that (i) driveways serving multiple parking spaces must have a minimum width of 14 feet for two-way circulation (11 DCMR § 2117.8(c)(2)), and (ii) curb cuts must be located 25 feet or more from a street intersection (DCMR § 2117.8(c)(1)). If the Applicant installed a curb cut on Princeton Place and a ramp at the minimum required width and in a permissible location, the ramp would run through the middle of the length of the proposed building, interrupting all of the proposed retail and residential uses for the Site.

Moreover, the Georgia Avenue Overlay requires that each building on a lot that fronts Georgia Avenue, N.W. must devote not less than 50 percent of the surface area of the street wall at the ground level to entrances to commercial uses, to the building's main lobby, and to display windows (*see* 11 DCMR 1328.5). The Georgia Avenue Overlay also requires that buildings shall not be designed so as not to preclude an entrance every 40 feet on average for the frontage of the building, excluding vehicular entrances but including entrances to ground floor uses and the main lobby (11 DCMR § 1328.8). In this case, if the Applicant could theoretically locate a curb cut and garage entrance ramp along Georgia Avenue or Princeton Place, the building would not be able to devote 50 percent or more of its street wall to entrances or display windows, and it would not be possible to locate an entrance every 40 feet on average for the frontage of the building.

Even if the Site could provide an appropriately located driveway and ramp, it would still be practically difficult for the Applicant to construct any below grade parking spaces and to comply with all of the applicable parking size, turning, and access requirements in Sections 2115, 2116, and 2117 of the Zoning Regulations. For example, due to the dimensions of the Site, it is impractical to construct a ramp in the available area that could meet the maximum permitted ramp slope of 12 percent and the minimum ramp width of 14 feet, and still provide an adequate number of parking spaces per level. In addition, once a vehicle reaches the foot of the ramp, the resulting amount of accessibility and maneuvering space would not meet the requirements of the Zoning Regulations, while still providing enough parking spaces per level. Thus, providing zoning-compliant on-site parking in this case would result in a practical difficulty to the Applicant.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan, as embodied in the Zoning Regulations and Map. The construction of a new six-story plus cellar, mixed-use building will significantly contribute to the vibrancy of the Petworth neighborhood while supporting the city's housing goals for the area.

The Site is well-serviced by numerous public transportation options, including Metrorail, Metrobus, and car- and bike-share facilities, and is located in a walkable, mixed-use neighborhood. The Site is located approximately 0.1 miles of the Georgia Avenue-Petworth Metrorail station, which services the green and yellow Metrorail lines and connects to locations throughout the region. The Site is also within convenient walking distance of numerous Metrobus routes, including the 60, 62, 63, 64, 70, 79, and H8 routes, all of which have stops within 0.1 miles from the Site. Eight car sharing facilities are within 0.1 - 0.4 miles of the Site, including seven Zipcar locations and one Hertz On Demand location, and Car2Go vehicles, which provide a one-way car sharing system, are easily accessed throughout the area. In addition, two Capital Bikeshare stations are located within convenient walking distance of the Site. Furthermore, according to Walkscore.com, which measures the walkability, transit, and bicycle access of properties, the Site is rated as "Very Walkable;" is rated as an "Excellent" transit location given its convenient access to transportation options, amenities and other services; and is also rated as "Very Bikeable," given its flat topography and convenient access to dedicated bicycle lanes.

Thus, the Applicant anticipates that the existing transit access to the Site will result in a significant amount of transit, pedestrian, and bicycle access to the Site, resulting in a decrease in the number of off-street parking spaces that would be necessary if the Site were not in such close proximity to public transportation options. In addition, if unanticipated parking is needed once the building is constructed, there are significant off-street parking options in the immediate vicinity. A number of large residential and retail developments were recently completed in the area, many of which have parking supply in excess of the city's current parking requirements. For example, the Griffin (0.2 miles away), Park Place (0.2 miles away) and 3 Tree Flats (0.3 miles away) are new mixed-use residential developments that rent parking spaces to the public on a monthly basis. It is therefore anticipated that there will be available, underutilized parking in a number of buildings nearby, which can be utilized by residents of the Site if necessary.