

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

**APPLICATION OF  
HABITAT FOR HUMANITY OF  
WASHINGTON DC  
ANC 7E04**

**BZA APPLICATION NO. 18876  
HEARING DATE: FEBRUARY 10, 2015  
23 46<sup>TH</sup> STREET, S.E.**

**STATEMENT OF THE APPLICANT**

**I.  
NATURE OF RELIEF SOUGHT**

Habitat for Humanity of Washington DC (the “Applicant”), through undersigned counsel, submits this statement in support of its application to the Board of Zoning Adjustment. Pursuant to 11 DCMR §§ 3104.1 and 3103.2, the Applicant requests the following areas of relief: (i) special exception under 11 DCMR § 353 to permit row dwellings in the R-5-A District; and (ii) area variances from (a) the number of off-street parking spaces required by 11 DCMR § 2101.1; (b) the floor area ratio (“FAR”) requirements of 11 DCMR § 402.4; and (c) the lot occupancy requirements of 11 DCMR § 403.2, to permit five new residential row dwellings in the R-5-A District at premises 23 46<sup>th</sup> Street, S.E. (Square 5346, Lot 4) (the "Site"). The approvals requested will permit the construction of an affordable housing project by the Applicant for five families.

**II.  
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the variance and special exception relief requested pursuant to D.C. Code § 6-641.07(g) and 11 DCMR §§ 3103 and 3104.

### **III.** **BACKGROUND**

#### **A. The Applicant**

Habitat for Humanity (“Habitat”) is an international, non-profit and non-governmental organization that was founded in 1976 to build decent and affordable housing across the world. While Habitat’s international operational headquarters are located in Americus, Georgia, Habitat’s local offices coordinate all aspects of home building, including fundraising, site selection, family selection and support, construction, and mortgage servicing. Since its founding, Habitat for Humanity has helped more than four million people construct, rehabilitate, or preserve homes, making Habitat for Humanity the largest not-for-profit builder in the world.<sup>1</sup>

Habitat for Humanity of Washington D.C. (the Applicant) is the local Habitat affiliate. The Applicant organization has operated in Washington, D.C. for over 25 years and has built and rehabilitated over 200 homes for over 300 D.C. residents, making a life-changing impact on the lives of families in all four quadrants of the District. Additional information about the Applicant’s work in Washington, D.C. and its building history and success is available at [www.dchabitat.org](http://www.dchabitat.org).

#### **B. Description of the Site**

Square 5346 is located in the southeast quadrant of the District and is bounded by East Capitol Street to the north, 46<sup>th</sup> Street to the east, B Street to the south, and Benning Road to the west. As shown on the Zoning Map, attached as Exhibit A, Square 5346 is split-zoned: the northwestern corner of the square along East Capitol Street and Benning Road is zoned C-3-A; the remainder of the square is zoned R-5-A. In addition to the Site, the square is occupied by several multi-family residential buildings in the R-5-A portion of the square and a low-density

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<sup>1</sup> [http://www.habitat.org/newsroom/2013archive/11\\_06\\_2013\\_800k\\_milestone](http://www.habitat.org/newsroom/2013archive/11_06_2013_800k_milestone).

commercial shopping center with surface parking in the C-3-A portion of the square. The neighborhood is otherwise comprised of detached and semi-detached single family homes, row dwellings, flats, and low-rise multiple-dwelling residential buildings.

The Site is located on the west side of 46<sup>th</sup> Street, S.E., just south of the intersection of 46<sup>th</sup> and A Streets, S.E. As shown on the photographs attached as Exhibit B and on the aerial photographs attached as Exhibit C, the Site is currently vacant, with approximately 8,936 square feet of land area and approximately 104.8 linear feet of frontage on 46<sup>th</sup> Street. The Site is bounded by four-story, ten-unit, multiple dwelling residential buildings to the north and south, 46<sup>th</sup> Street to the east, and private property to the west. The northeastern portion of the Site has recently been paved and used by the adjacent condominium building to the north for parking and access to a dumpster. This area will be removed in connection with development of the Site. As indicated on the Surveyor's Plat, attached as Exhibit D, a public alley touches the Site for a width of ten feet at the Site's northwest corner.

On September 9, 2014, the Applicant submitted an application requesting special exception relief under 11 DCMR § 353 and an area variance from the off-street parking requirements of 11 DCMR § 2101.1 to allow construction of a ten-unit multiple dwelling residential building on the Site to be sold as condominiums to households earning between 30 and 60 percent of the area medium income ("AMI"). After many informal discussions with members of Advisory Neighborhood Commission ("ANC") 7D, who expressed support for single family row dwellings instead of a multiple dwelling building, the Applicant requested a postponement of the public hearing (Exhibit 29) and submitted a revised application package (Exhibits 30-42) that now provides for the construction of five for-sale row dwellings on the Site reserved for households earning between 30 and 60 percent of the AMI. However, in order to

construct five row dwellings on the Site, minor relief is necessary from the FAR and lot occupancy requirements for some of the individual lots.

Overall, the Site will have a maximum density of 0.73 FAR and a maximum lot occupancy of 36.2 percent, which are well within the zoning parameters for the Site, which permit a maximum density of 0.90 FAR and a maximum lot occupancy of 40 percent. 11 DCMR §§ 402.4 and 403.2. As shown on the architectural plans and elevations (the “Plans”), attached as Exhibit E, each row dwelling will be located on its own record lot (“Lots 1-5”) and will have an average height of 25 feet, 3.75 inches, where the maximum permitted height is 40 feet. 11 DCMR § 400.1. Due to the irregular shape of the Site, which widens at the north end, each Lot will have a different density and lot occupancy calculation, as shown in Figure 1:

***Figure 1: Proposed FAR and Lot Occupancy for Individual Lots***

| <b>Lot</b>          | <b>FAR</b>                 | <b>Lot Occupancy</b>        |
|---------------------|----------------------------|-----------------------------|
| <b>Lot 1</b>        | 0.58                       | 28.9%                       |
| <b>Lot 2</b>        | 0.94<br>(relief requested) | 47%<br>(relief requested)   |
| <b>Lot 3</b>        | 0.92<br>(relief requested) | 46%<br>(relief requested)   |
| <b>Lot 4</b>        | 0.89                       | 44.4%<br>(relief requested) |
| <b>Lot 5</b>        | 0.53                       | 26.6%                       |
| <b>Overall Site</b> | 0.73                       | 36.2%                       |
| <b>Permitted</b>    | 0.90                       | 40%                         |

As described in more detail below, the requested FAR and lot occupancy variances for some of the individual Lots are minimal, and the overall Site is well within the maximum FAR and lot occupancy requirements set forth in the Zoning Regulations.

As shown on the Plans, each row dwelling will have three bedrooms, one and a half bathrooms, laundry facilities, and an unfinished cellar. The main entrances to the row dwellings will be located on 46<sup>th</sup> Street, facing east. The proposed residential use for the Site is consistent

with the Site's zoning designation and with other uses in the neighborhood, and was designed in response to specific comments raised by neighborhood residents and ANC Commissioners.

**C. Existing Zoning**

As noted above and as shown on the copy of the Zoning Map, attached as Exhibit A, the Site is zoned R-5-A. The R-5-A District permits detached and semi-detached single-family dwellings as a matter of right. However, pursuant to 11 DCMR § 353.1, all other new residential developments, including row dwellings as proposed herein, shall be reviewed by the Board of Zoning Adjustment (“BZA”) as special exceptions under 11 DCMR § 3104. The R-5-A District permits a maximum building height of 40 feet, a maximum density of 0.90 FAR, and a maximum lot occupancy of 40 percent. 11 DCMR §§ 400.1, 402.4, and 403.2. While the overall Site meets the maximum height, density, and lot occupancy requirements, some of the individual Lots do not meet the density and/or lot occupancy requirements, thus necessitating the variances herein described.

**D. Description of Surrounding Area**

The Site is located in the Benning Road/Minnesota Avenue area of the City. New public and private investments are creating new opportunities all across the community in this area, with the Benning Road Metrorail station and the Minnesota Avenue Metrorail station forming a transportation hub for a variety of financial institutions, grocery stores, government offices, and residential and retail development. See Washington, DC, Economic Partnership, "DC Neighborhood Profiles," (2014 ed.), 32 (available at [www.wdcep.com](http://www.wdcep.com)). Benning Road and Minnesota Avenue are both designated by the District as a Great Streets and District-supported revitalization areas.<sup>2</sup> With the H Street/Benning Road Streetcar line anticipated to start

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<sup>2</sup> The District's Great Streets program is a commercial revitalization initiative to transform emerging corridors throughout the District into thriving and inviting neighborhood centers. The initiative is led by the Office of the

passenger service in the near future, DDOT is currently conducting extension studies to determine how to link the H Street/Benning Road streetcar line to the Minnesota Avenue or Benning Road Metrorail stations in the future. *Id.*

The immediate area surrounding the Site is comprised of detached and semi-detached single family homes, row dwellings, flats, and low-rise multiple dwelling buildings to the north, east and south. Four-story, ten-unit, condominium buildings are located directly to the north and south of the Site. A shopping center with various retail, dining, and service amenities is located on the west side of 46<sup>th</sup> Street, with primary vehicular access from East Capitol Street and Benning Road. Nearby parks and recreation centers include the Fletcher-Johnson Park and Recreation Center to the south, Fort Chaplin Park and the Benning Stoddert Recreation Center to the west, Fort Dupont Park to the southwest, and the Kelly Miller Recreation Center to the northeast.

**E. Project Description**

As shown on the Plans attached as Exhibit E, the Applicant proposes to construct five new row dwellings on the Site, each with two above-grade levels and an unfinished cellar. The dwelling units will each be 18 feet wide by 36 feet deep and contain approximately 3,240 square feet of gross floor area. Due to the irregular shape of the Site, each Lot will have a different land area, as listed in Figure 2 below, therefore resulting in slightly different densities and lot occupancies for each Lot:

**Figure 2: Proposed Land Area for Individual Lots**

| Lot | Lot Area |
|-----|----------|
| 1   | 2,243 sf |
| 2   | 1,378 sf |
| 3   | 1,415 sf |
| 4   | 1,460 sf |
| 5   | 2,440 sf |

Each unit will contain a ground floor living room, dining room, and kitchen, plus three bedrooms on the second floor to accommodate families. The front façade of the dwellings will be made of brick and hardie-board fiber cement siding with traditional front doors, window openings, and a peaked roof, to match the architectural character of the surrounding residential neighborhood. Trash will be picked up at the curb on 46<sup>th</sup> Street, since the rear of the Site is inaccessible by vehicle.

As described below, although section 2101.1 of the Zoning Regulations requires that each dwelling unit provide one off-street parking space, the Applicant cannot practically provide parking on the Site due to the size, shape, topography, and restriction of the Site. Each dwelling unit otherwise complies with the set-back requirements set forth in 11 DCMR §§ 404 and 405. Consistent with the Applicant’s mission to provide homeownership to low income households, all five of the row dwellings will be devoted to households earning between 30 and 60 percent of the AMI.<sup>3</sup> Overall, the design of the proposed buildings responds to community concerns, respects the existing residential character of the neighborhood, and will incorporate new, high-quality architecture at affordable prices.

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<sup>3</sup> The Washington Metropolitan Statistical Area 2014 Median Family Income is \$107,000 for a family of four, as published by the United States Department of Housing and Urban Development on December 18, 2013, and as indicated in the Inclusionary Zoning and Affordable Housing Program Maximum Rent and Purchase Schedule, published in the *D.C. Register* on October 24, 2014.

**IV.**  
**THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF**

The Applicant seeks special exception relief from 11 DCMR § 353, which requires that all new residential developments in the R-5-A District, except detached and semi-detached single-family dwellings, shall be reviewed by the BZA as special exceptions under 11 DCMR § 3104 and in accordance with the standards set forth in 11 DCMR § 353. As described below, the application meets these standards.

**A. Standard for Approving Special Exception Relief**

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

**B. Description of Relief Requested**

Under 11 DCMR § 353.2, the BZA is required to refer the application to the DC Board of Education for comment and recommendations as to the adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project. The Site is currently assigned to Nalle Elementary School, Kelly Miller Middle School, and Dunbar, Eastern, and H.D. Woodson High Schools (see [dcAtlas.dcgis.dc.gov/schools](http://dcAtlas.dcgis.dc.gov/schools)). It is the Applicant's understanding that the DC public school system has adequate capacity to accommodate any future children living in the proposed new buildings at the Site.

Second, under 11 DCMR § 353.3, the BZA is required to refer the application to the DC Department of Transportation ("DDOT") and the Department of Housing and Community Development ("DHCD") for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects. In this case, the public streets in the vicinity of the Site are paved in compliance with the District's standards and have capacity to serve the needs of the Site. The Applicant notes that nearby parks and recreation centers include Fletcher-Johnson Park and Recreation Center to the south, Fort Chaplin Park and the Benning Stoddert Recreation Center to the west, Fort Dupont Park to the southwest, and the Kelly Miller Recreation Center to the northeast. The new development will be well-sited to provide easy access to these community facilities.

Third, under 11 DCMR § 353.4, the BZA is required to refer the application to the DC Office of Planning for comment and recommendation of the site plan, arrangement of buildings and structures, and provision of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood. The Applicant will ensure that the Site maintains DDOT-compliant sidewalks and appropriate landscaping in the public space in front of the Site. The Applicant positioned the buildings on the Site such that they provide adequate light and air for future residents of the project and those in the surrounding buildings. As noted above, the Site is located in close proximity to numerous parks and recreation centers. The Applicant has coordinated with the Office of Planning to ensure the project is appropriately designed.

Finally, in conformance with 11 DCMR § 353.3, the Applicant has submitted the requisite site plans and typical floor plans and elevations, grading plans, and landscaping plans for all new rights-of-way and easements.

## V.

### **THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF**

Variance relief in this case is required from the off-street parking space requirements (§ 2101.1), the FAR requirements (§ 402.4), and the lot occupancy requirements (§ 403.2). 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 unusual because of its 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 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 may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). In this case, the Site is a large, mid-block

lot with a limited building area due to a 15-foot building restriction line, the steep grade change, and impractical alley access. These conditions create an exceptional situation or condition that directly impact the requested variance relief.

The Site has an irregular rectangular shape that widens at the north end, has approximately 104.8 feet of frontage on 46<sup>th</sup> Street, S.E., and is surrounded by private property to the north, south, and west. As shown on the Plat (Exhibit D), the Site is approximately 87.7 feet wide at the northern end and approximately 73.45 feet wide at the southern end, which is a difference of almost 20 percent. As shown on the surveys of existing conditions, attached as Exhibit E, the Site has a significant grade change that makes it impossible to provide vehicular access to the Site or provide any off-street parking. The public alley at the northwest corner of the Site is at an elevation of approximately 91 feet. The northwest corner of the Site slopes up from the public alley at 91 feet to an elevation of approximately 94 feet until it hits an existing retaining wall, which ranges in height from four feet to ten feet in this location. The rest of the Site beyond and above the retaining wall has an elevation of between 103 feet and 108 feet. It is therefore impossible for a vehicle to maneuver from the public alley at 91 feet to the main portion of the Site at 103 feet. Moreover, the public alley touches the site for a width of only ten feet, which would result in non-compliant vehicular access for each of the Lots under 11 DCMR §§ 2117.8(c)(2) and 2117.4 and as further described below.

In addition, as part of the proposed development, the Site's existing drainage condition will have to be protected and preserved so as not to adversely impact the adjacent properties. Consequently, new retaining walls ranging in height from approximately four inches to 18 inches are required near the condominium building to the north of the Site, and retaining walls ranging in height from approximately eight inches to ten feet are required along the existing alley and

along the entire rear of the Site (*see* survey of proposed conditions, attached as Exhibit G). These new retaining walls will result in a jump from the existing elevation of 91 feet at the public alley to an elevation of 103-108 feet for the rest of the Site beyond the retaining wall. Moreover, as shown on the Plat (Exhibit D), there is a building restriction line located 15 feet to the west of the Site's eastern property line that prevents the Applicant from pushing all of the row dwellings closer to the front (east) side of the Site.

Collectively, these conditions make it impractical and impossible to locate vehicle parking on the Site and negatively impact the ability for each of the record lots to comply with the FAR and lot occupancy requirements of the Zoning Regulations, therefore resulting in an exceptional situation or condition.

**B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner**

**1. Off-street Parking**

Section 2101.1 of the Zoning Regulations requires one parking space for each one-family dwelling in all districts, or in this case, five parking spaces. Based on the Site's mid-block location, its steep topography at the rear, the existing and proposed retaining walls, and the non-compliant and impractical alley access, it is practically difficult to locate any parking spaces on the Site. Vehicles cannot make the jump between the 91 foot elevation at the public alley and the 103 foot elevation of the Site beyond the retaining wall, which is necessary to protect drainage on the Site and on neighboring properties. Furthermore, the alley's ten foot width that touches the Site would not comply with the access requirements of 11 DCMR § 2117.8(c)(2), which require that driveways serving multiple parking spaces have a minimum width of 14 feet for two-way circulation, or the accessibility requirements of 11 DCMR § 2117.4, which require that parking spaces shall be accessible at all times directly from improved alleys with a minimum

width of ten feet or improved public streets. In this case, there is no space for a 14 foot driveway and, given that the alley would have to serve five separate record lots, four of the five lots would have parking without direct access from an improved alley or street.

Furthermore, after taking into account the 15-foot building restriction line on the east side of the Site, the required 20 foot rear yard setback on the west side of the Site, the side yard width requirements, and the footprints of the proposed structures, the land area that remains on the Site is insufficient to accommodate surface parking in any location. However, as described in more detail below, there is ample on-street parking available on the streets surrounding the Site that can accommodate parking for residents and visitors.

Parking spaces cannot be located in the front yards of the Lots, between the building restriction line and the lot line abutting 46<sup>th</sup> Street, due to 11 DCMR § 2116.4(a), which prohibits parking spaces from being located between a building restriction line and a lot line abutting a street. Parking spaces also cannot be located in either of the side yards provided for the northern-most and southern-most Lots, due to the Site's steep slope that prevents direct access and maneuverability and makes it impossible to provide an area to accommodate parking spaces. Finally, parking spaces cannot be located in the rear yard due to the steep topography at the rear of the Site, the need to maintain the retaining walls, and the existence of the building restriction line which prevents the Applicant from constructing the row dwellings closer to 46<sup>th</sup> Street. Therefore, it is practically difficult to locate parking on the Site for any of the record Lots, or to provide zoning-compliant access.

## 2. Floor Area Ratio

Overall, the Site will have a maximum density of 0.73 FAR, which is well below the maximum permitted density of 0.9 FAR set forth in section 402.4 of the Zoning Regulations.

However, due to the Site's size and irregular shape, individual Lots 2 and 3 will have slightly non-compliant densities of 0.94 FAR and 0.92 FAR, respectively, thus requiring a variance from section 402.4 of the Zoning Regulations. The Applicant notes, however, that the proposed deviation from the permitted maximum density is only 0.04 FAR (4.25 percent) and 0.02 FAR (2.2 percent), for Lots 2 and 3.

Strict application of the FAR requirements on Lots 2 and 3 would result in a practical difficulty. As shown on the Surveyor's Plat, attached as Exhibit D, the Site is significantly wider at the northern end of the Site (87.70 feet) than at the southern end of the Site (73.45 feet), which is a difference of almost 20 percent. This divergence prevents the Applicant from subdividing the Site into five individual lots with the same land areas. Constructing five identical row dwellings on lots with varying land areas results in different densities on each Lot. If the Site were a rectangle, the Applicant could subdivide the Site into five equal record lots, with identical row dwellings and identical lot densities. In this case, however, in order to meet the FAR requirements for all five Lots, the Applicant would have to construct five unique row dwellings, with varying dimensions, layouts, set-backs, and numbers of bedrooms. Constructing five unique buildings and five distinct site plans on the small Site would be practically difficult and cost prohibitive for any developer, and particularly for the Applicant developer, which operates as a non-profit organization. Since the Applicant is a charitable organization that establishes sales prices based on AMI, not market conditions, the Applicant has no ability to offset costs by increasing sales prices.

After meeting with the community and discussing the project with the Office of Planning, the Applicant's design team studied numerous possible sizes and configurations of a "one size fits all" row dwelling to try to meet the density requirements on each Lot. However, the

Applicant found that it was practically difficult to design five identical row dwellings on the Site, such that each Lot is within the maximum FAR requirements. Moreover, the Applicant cannot reduce the size of the row dwellings any more than it has already done, since the Applicant needs to build three-bedroom units to accommodate the low-income families that it serves.

### 3. Lot Occupancy

The proposed row dwellings occupy 36.2 percent of the Site, which is below the maximum lot occupancy of 40 percent permitted by section 403.2 of the Zoning Regulations. The Applicant requests relief from the lot occupancy requirements for individual Lots 2, 3, and 4, since each of these lots provides a slightly higher lot occupancy than the 40 percent maximum. Strict compliance with the lot occupancy requirements for these Lots would result in a practical difficulty to the Applicant.

Similar to the variance requested from the FAR requirements, a practical difficulty arises from the Site's small size and irregular shape, which results in individual Lots of unequal sizes. If the Applicant was required to strictly comply with the lot occupancy requirements for each Lot, it would have to design a different site plan and row dwelling for each record Lot, resulting in a cost-prohibitive project that is practically difficult for the Applicant to construct. Despite its best efforts, the Applicant was unable to design five identical row dwellings on the Site that each complies with the maximum lot occupancy requirement.

### 3. **The Requested Relief Will Not Result in a Substantial Detriment to the Public Good Nor a Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan**

The requested relief can be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose or integrity of the zone plan. The construction of five new row dwellings at the Site will significantly contribute to the vibrancy of

the neighborhood, infill a vacant site, and support the city's housing and affordable housing goals for the area. Furthermore, the overall Site is at a lower density and lot occupancy than the maximum permitted in the underlying zone.

Based on the location of the Site near multiple public transportation options and the anticipated demographics of future residents, it is likely that many future residents will not need or want to own a car. The Site is located approximately 0.1 miles away from the Benning Road Metrorail Station, which services the Orange and Blue Metrorail lines and the RSLV line, and is within 0.1 miles of six Metrobus lines (96, 97, U5, U6, U8, and W4). The Site is located within 0.9 miles of nine permanent car share locations operated by ZipCar and Hertz On Demand, including five locations that are within 0.2 miles of the Site. The Site also has ample access to Car2Go vehicles, which operate as a one-way car share service throughout the District. Moreover, the Site is situated in a mixed-use, walkable neighborhood, adjacent to a shopping center that has various retail and service amenities.

In addition, and as indicated in detail in the Transportation Assessment attached as Exhibit H, there is significant and underutilized on-street parking in the neighborhood surrounding the Site, which will provide adequate parking for building residents and visitors should the need arise. Given the small number of residential units proposed, the development will not burden the existing available street parking and will not create any perceptible traffic impacts in the area.

With respect to FAR and lot occupancy, the requested relief is minimal and applies to only some of the individual Lots on the Site. The overall Site complies with FAR and lot occupancy requirements, as well as with all of the necessary set-backs required by the Zoning Regulations. Moreover, the public good will be served by a high-quality, infill residential

development project in this area of the city, which the District is seeking to revitalize through public and private investment.

## **VI. COMMUNITY SUPPORT**

The Applicant has been diligent in meeting with the community to obtain support for the project. The Applicant first met with the Single Member District (“SMD”) Commissioner for Advisory Neighborhood Commission 7E04 in September, 2014. This SMD Commissioner declined to put the application on the full ANC meeting agenda until after the Applicant presented the project informally to the SMD Commissioner and other community members. In October, 2014, the Applicant presented the project to the community as requested, and as a result, revised its plans from the multiple dwelling building to the current row dwelling design. In November, 2014, voters within ANC 7E elected four new ANC 7E Commissioners, including a new commissioner for SMD 7E04. Due to the elections, the full ANC did not meet in November or December of 2014, and also did not meet in January of 2015. Throughout this time, the Applicant continued to communicate with the prior and new SMD 7E04 Commissioners, both of whom have expressed informal support for the project. At the time of this filing, the Applicant is scheduled to present to the ANC at its public meeting on February 10, 2015, which is the same day as the BZA hearing on this matter. The Applicant will update the BZA at the hearing about the status of the ANC’s support.

**VII.**  
**EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION**

|                   |                                                                                                 |
|-------------------|-------------------------------------------------------------------------------------------------|
| <u>Exhibit A:</u> | A portion of the Zoning Map showing the Site                                                    |
| <u>Exhibit B:</u> | Photographs showing the existing conditions of the Site                                         |
| <u>Exhibit C:</u> | Arial photographs showing the Site                                                              |
| <u>Exhibit D:</u> | Surveyor's plat                                                                                 |
| <u>Exhibit E:</u> | Architectural plans and elevations for the project                                              |
| <u>Exhibit F:</u> | Surveys of existing conditions                                                                  |
| <u>Exhibit G:</u> | Survey of proposed conditions and proposed landscape plan                                       |
| <u>Exhibit H:</u> | Transportation Assessment, prepared by Symmetra Design, Transportation Planning and Engineering |
| <u>Exhibit I:</u> | Outlines of testimony                                                                           |
| <u>Exhibit J:</u> | Resumes of expert witnesses                                                                     |

**VIII.**  
**WITNESSES**

- A. Susanne Slater and Rick Bowers of Habitat for Humanity for Washington DC
- B. Smita Anand of KTGy Architecture + Planning, the Applicant's expert in architecture
- C. Nicole White of Symmetra Design, the Applicant's expert in traffic and transportation planning
- D. Soneil Charles of Vika Capitol, the Applicant's expert in civil engineering
- F. Steven E. Sher of Holland & Knight LLP, the Applicant's expert in land use and zoning

**IX.**  
**CONCLUSION**

For the reasons stated above, the requested relief meets the applicable standards for variance and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP



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