

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

**APPLICATION OF
4326 GEORGIA LLC
4326 GEORGIA AVENUE, N.W.**

**BZA APPLICATION NO. 18978
HEARING DATE: APRIL 14, 2015
ANC 4C**

PREHEARING STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This Prehearing Statement of the Applicant is submitted on behalf of 4326 Georgia LLC (the "Applicant") in support of its application pursuant to 11 DCMR § 3103.2 for an area variance from the off-street parking space requirements of 11 DCMR § 2101.1 to provide four parking spaces instead of five, and an area variance from the compact parking space requirements of 11 DCMR § 2115.2, to allow the construction of a new four-story multiple dwelling building containing nine residential units in the C-2-A District at 4326 Georgia Avenue, N.W. (Square 2914, Lot 22).

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance relief requested herein pursuant to 11 DCMR § 3103.2.

**III.
EXHIBITS IN SUPPORT OF THE APPLICATION**

- Exhibit A: Portion of the Zoning Map showing the Site.
- Exhibit B: Portion of the Baist and Sanborn Atlas plats showing the Site.
- Exhibit C: Architectural Plans and Elevations.
- Exhibit D: Letters from Nearby Parking Garages Indicating Supply of Off-site Parking Spaces in the Vicinity Available for Rent.

Exhibit E: ANC 4C Report Recommending Approval of the Application

Exhibit F: Outlines of Testimonies and Resume of Expert Witness

IV. BACKGROUND

A. Description of the Site and Surrounding Area

The Site is located at 4326 Georgia Avenue, N.W., more specifically described as Lot 22 in Square 2914. Square 2914 is located in the northwest quadrant of the District and is bounded by Webster Street to the north, Georgia Avenue to the east, and Varnum Street/Iowa Avenue to the south and west. As shown on the Zoning Map attached hereto as Exhibit A, Square 2914 is split-zoned: the properties on the east portion of the square with frontage on Georgia Avenue are zoned C-2-A and the properties on the west portion of the square with frontage on Iowa Avenue are zoned R-4.

The Site has approximately 2,891 square feet of land area and is presently improved with a detached building that was most recently occupied with an office use. The Site is approximately 37.5 feet wide by 81.8 feet deep at its deepest point, and is bounded by private property to the north and south, Georgia Avenue to the east, and a 15-foot wide public alley to the west (*see* the Baist and Sanborn Atlas Plats attached hereto as Exhibit B). The Site is located in the C-2-A District and is unusually narrow and irregularly shaped.

The Site is located in the Petworth/Georgia Avenue neighborhood of Washington, D.C., in an area that is highly walkable and rich in public and private transportation alternatives. Over the past several years, Petworth has seen an uptick in new retail businesses serving the neighborhood's growing population, including grocery stores and a significant number of new restaurants and food establishments, which has resulted in the area's emergence as a vibrant urban neighborhood (*See D.C. Neighborhood Profiles 2014*, Washington, DC Economic

Partnership, p. 42). The Site has excellent public transportation options, with convenient access to the Georgia Avenue/Petworth Metrorail Station, multiple Metrobus routes, car- and bike-share facilities, on-street bicycle routes, and safe pedestrian infrastructure.

B. Description of Proposed Development

As shown on the Architectural Plans and Elevations (the "Plans"), attached hereto as Exhibit C, the Applicant proposes to demolish the existing building on the Site and construct a new four-story residential building. The project will include a total of approximately 6,936 square feet of gross floor area devoted to nine residential units. The building will have a maximum height of 49 feet, 10 inches, as permitted in the C-2-A District, and will contain one- and two- and three-bedroom units. Four compact parking spaces will be located at the rear of the Site, accessed directly from the public alley. A green roof and a roof patio will be provided, and the project will meet the Green Area Ratio ("GAR") requirements of Chapter 34 of the Zoning Regulations. Overall, the proposed use of the Site is consistent with the C-2-A zoning designation and with other uses in the surrounding neighborhood.

V.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF

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 Board of Zoning Adjustment, 658 A.2d 1023, 1035

(D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board 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. Board 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. Board of Zoning Adjustment*, 579 A.2nd 1164, 1168 (D.C. 1990).

In this case, the size of the Site and its irregular shape combine to create an exceptional situation and condition that directly impacts the ability to provide zoning-compliant parking spaces on the Site. The Site only contains approximately 2,891 square feet of land area and is irregularly shaped, with property lines ranging from 37.5 feet along Georgia Avenue, to 38.7 feet at the rear of the Site, to 72.3 feet at the southern property line, to 81.8 feet at the northern property line. The Site is the narrowest and smallest lot designated for multi-family use in the C-2-A District in Square 2914. The Site is located mid-block and is situated between improved properties to the north and south. In addition, the Site's rear width at only 38.7 feet cannot physically accommodate five standard-sized (9' x 19') surface parking spaces side by side, which would require a minimum width of at least 45 feet, exclusive of a pathway for pedestrian access that would also be necessary. This narrow dimension also precludes the Applicant from

providing a drive aisle onto the Site to access surface parking spaces, since doing so would take up the majority of the Site's land area, and eliminates the possibility of providing any below-grade parking. Therefore, the small size and narrow dimensions of the Site directly impact the ability to accommodate the required number and size of parking spaces on the Site.

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

1. Number of Parking Spaces

Section 2101.1 of the Zoning Regulations requires five standard-sized parking spaces for the proposed nine residential units. The parking spaces are required to be located either within a parking garage or on an open area on the lot. 11 DCMR § 2116.2. In addition, compact parking spaces are permitted only in accessory parking areas containing 25 or more required parking spaces, and only 40 percent of those parking spaces may be designated for compact cars. 11 DCMR § 2115.2. In this case, the Applicant can only fit four parking spaces on the Site, and all of them must be compact in size, thus necessitating relief from 11 DCMR §§ 2101.1 and 2115.2.

A. Practical Difficulty in Providing Surface Parking Spaces

Due to the Site's rear width of only 38.7 feet, it is impractical and impossible to locate five standard-sized parking spaces on the Site, arranged side-by-side in a row off the alley, across the width of the lot, since five nine-foot wide parking spaces would require a minimum width of 45 feet, which is wider than the width of the Site. Providing four standard-sized parking spaces at a total width of 36 feet could physically fit at the rear of the Site, but would eliminate space for pedestrian access to the rear egress door and would still require a variance from section 2101.1.

Alternatively, as shown on Sheet SD-3.1 in the Plans attached hereto as Exhibit C, providing five zoning-compliant parking spaces arranged perpendicular to the side lot lines is

also practically difficult. The drive aisle to access the parking spaces would have to provide a clear width of 20 feet for accessibility and maneuvering space between the parking spaces and the perimeter of the area devoted to parking (*see* 11 DCMR § 2117.5). Combined with the five nine-foot wide by 19-foot deep parking spaces, most of the Site would be utilized by parking, leaving a limited and impractical area for residential development. Thus, due to the Site's narrow width, small area, and irregular configuration, there is no practical way to fit five compliant surface parking spaces on the Site.

B. Practical Difficulty in Providing Below-Grade Parking Spaces

The Applicant also cannot provide any below-grade parking or a ramp to access below-grade parking due to the Site's constraints described above. Given DDOT's policy of not permitting new curb cuts on major streets, such as Georgia Avenue, the only potential location for a curb cut to access a driveway and ramp for below-grade parking garage would be from the public alley. However, pursuant to § 2117.8, the driveway would have to be a minimum of 14-feet wide, which would eliminate 36 percent of the Site's alley frontage. Moreover, as described in more detail below, given the Site's size and dimensions, it would be practically difficult for the Applicant to construct any below grade parking spaces and still comply with all of the applicable parking space size, turning, and access requirements of sections 2115, 2116 and 2117 of the Zoning Regulations.

As shown on Sheets SD-3.2 and 3.3 of the Plans, due to the Site's small size, it is practically difficult to construct a ramp that could meet the maximum permitted ramp slope of 12 percent (*see* 11 DCMR § 2117.8(a)). A ramp leading down to a below-grade parking level would require a minimum slope of 19 percent, which is seven percent greater than the maximum slope permitted and would result in significant safety and construction challenges. Even if a 19

percent slope was permitted, the turning radius required at the bottom of the ramp, which requires a minimum ramp landing width of 14 feet and a minimum drive aisle width of 20 feet, would result in an area not large enough to provide the minimum parking space depth of 19 feet. Moreover, such a scenario would impede access to the stairways required for fire safety egress and would require additional structural columns to support the building above. Columns would only further constrain the ability to provide automobile parking and vehicle circulation below grade.

2. Size of Parking Spaces

Given the exceptional conditions described above, the Applicant cannot meet the 25 parking space threshold requirement or the requirement that 40 percent or less of the parking spaces be compact in size. As described above, there is only room for four surface parking spaces at the rear of the Site, and all of them must be compact in size in order to provide the greatest number of off-street parking spaces as possible and still provide pedestrian access to the rear egress door.

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 four-story residential building with nine units will significantly contribute to the vibrancy of the neighborhood while supporting the District's housing goals for the area. Demand for housing is growing rapidly in this area of the city, and the proposed development will replace a vacant, underutilized building with much needed new residential units.

Providing four parking spaces instead of five will create no adverse impacts to on-street

parking demand or to existing traffic conditions. The Site is well served by public transportation. It is located within convenient walking distance of numerous Metrobus routes and stops, including the 60, 62, 63, 64, 70, and 79 Metrobus lines, and is located a half-mile from the Georgia Avenue/Petworth Metrorail station. In addition, according to walkscore.com, which measures walkability, transit, and bicycle access, the Site is rated “Very Walkable” due to its location in a mixed-use neighborhood with convenient access to grocery stores, restaurants, schools, parks, and other neighborhood services and amenities. The Site is rated an "Excellent" transit location given its close proximity to a variety of public transportation options and “Very Bikable” due to the surrounding flat topography, prevalence of bicycle lanes and routes connecting the neighborhood to the rest of the city, and the existence of three Capital Bikeshare stations located within convenient walking distance of the Site. In addition, three car-share facilities are located within 0.4 miles of the Site, and Car-2-Go vehicles, which are operated as a city-wide point-to-point car-share service, are easily accessible throughout the neighborhood. Together, the mixed use neighborhood and the variety of public transportation options will attract residents and visitors who do not want or need to own a car, thus eliminating any detriment to the public good or impairment to the zone plan

Based on information retained recently, there are also nearby parking garages with available parking spaces that can be rented daily or monthly by building residents or visitors, if necessary (*see* letters from parking garage operators, attached hereto as Exhibit D). For example, the owner of 4100 Georgia Avenue indicated that it has 35 parking spaces, some of which could potentially be rented; and the management of the 3 Tree Flats apartments, which is located at 3910 Georgia Avenue, N.W., indicated that it has ten full time (24-hour) off-street parking spaces and 17 evening spaces (6:00 pm to 8:00 am) currently available for rent.

Therefore, due to the Site's proximity to transit, its mixed-use walkable location, and the availability of nearby parking options, the proposed development of nine new residential units will not cause any detrimental impacts to parking or traffic conditions in the neighborhood.

VI.
COMMUNITY SUPPORT

The Applicant's project has the support of Advisory Neighborhood Commission ("ANC") 4C, the ANC in which the Site is located. At its regularly scheduled, duly noticed public meeting on March 11, 2015, ANC 4C voted 9-1 to approve the project. A copy of the ANC's report is attached hereto as Exhibit E.

VII.
WITNESSES

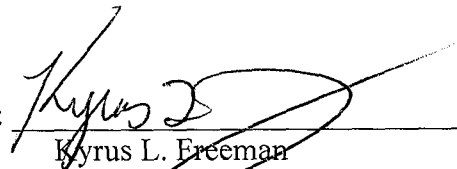
- A. Kevin Brown, Neighborhood Development Company.
- B. Aubrey Jason Grant, RA, NCARB, Emotive Architecture.

VIII.
CONCLUSION

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

Respectfully submitted,

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