STATEMENT IN SUPPORT OF APPLICATION FOR A SPECIAL EXCEPTION
PURSUANT TO SECTION 2108 OF THE ZONING REGULATIONS
FOR A REDUCTION IN PARKING AT
1101 K STREET, N.W.; SQUARE 316, LOTS 817 & 818

This Statement of Reasons is submitted on behalf of the applicant, JBG/Rockwood 1101 K, L.L.C., the owner of the property (hereinafter referred to as the "Applicant").

The Property and its Current and Proposed Uses. The subject property is comprised of 28,923[1] square feet. The property is primarily "L" shaped, with a "dog-leg" on the northern portion of the property. Lot 818, which is the lower portion of the property and is comprised of 20,621.50 square feet, spans the entire block of K Street N.W. between 11th and 12th Streets, N.W. Lot 818 has frontage of 199.67 feet along K Street and a depth of 99.5 feet. The property has a total 186.33 feet of frontage on 12th Street. Lot 817 has seventy-five feet (75') of frontage along 12th Street and a depth of ninety feet (90'). Lot 808, which fronts 12th Street to the north of the property and is not included in Lot 817, creates a dog-leg in Lot 817 that is 39.52 feet deep and twenty-five feet wide.

The property abuts a public alley that runs along the northern and eastern boarders of Lot 817 and the northern boarder of Lot 818. This alley is 11.97 feet wide to the north of Lot 817 and twenty feet (20) wide along the eastern boarder of Lot 817 and the northern boarder of Lot 818.

The property is currently vacant. The Applicant proposes to construct a 274,587 square foot mixed use retail/office building on the property.

Zoning. The Property is split zoned DD/C-2-C (Lot 817) and DD/C-3-C (Lot 818).

Special Exception Criteria. Section 3104.1 of the Zoning Regulations permits the Board to grant special exceptions, pursuant to the following:

> Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning

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[1] Lot 818 is comprised of 20,085 square feet, plus 536.5 square feet to be added pursuant to an alley closing which is the subject of S.O. 03-2973. Lot 817 is comprised of 7,765 square feet, plus 536.50 feet to be added pursuant to an alley closing which is the subject of S.O. 03-2973.

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Regulations and Zoning Maps, subject in each case to the special conditions specified in this title...

In short, the Board is empowered to grant a special exception where it finds

(1) The proposed use is in harmony with the Zone Plan and Zone Maps;

(2) The proposed use is not likely to adversely affect the use of neighboring property.

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with requirements of the section. If the Applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

A special exception may be granted for a reduction in the required parking for nonresidential use under the following conditions:

2108.2 The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

2108.3 The Board shall give consideration to the:

(a) Nature and location of the structure;

(b) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

(c) Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;

(d) 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 building or structure is in use; and

(e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation

service in the area or a ride-sharing program approved by the D.C. Department of Transportation.

2108.4 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

2108.5 Prior to taking final action on an application, the Board shall refer the application to the D.C. Department of Transportation for review and report.

For the purposes of section 2108, a nonresidential building or structure includes

> any building or structure where eighty percent (80%) or more of the gross floor area is devoted to a use other than a dwelling, flat, multiple dwelling, rooming or boarding house, community-based residential facility, or hospital.

11 DCMR § 2109.1.

In the instant matter, 161 parking spaces are required for the building. The Applicant is seeking the flexibility to reduce the number of required parking within the lot lines by twenty-five percent (25%), so as to provide additional tenant space on the B2 level. *See* Parking Reduction Plans. Under this alternative, the Applicant would provide 72 standard, 45 compact and four (4) handicapped parking spaces, for a total of 121 parking spaces, or seventy-five percent (75%) of the required spaces. Mitigating the need for the special exception is the fact that the Applicant proposes to provide an additional forty-eight (48) parking spaces in the vault space, resulting in a total of 171 parking spaces, or ten (10) more than required. Pursuant to section 2116.4[2] of the zoning regulations, the parking spaces provided in the vault area cannot count towards the parking requirements, thus necessitating the need for a special exception. However, because of these additional spaces, as well as the proximity of the building to public transportation, the proposed use is in harmony with the Zone Plan and Zone Maps and the proposed relief is not likely to adversely affect the use of neighboring property.

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[2] Section 2116.4 provides that "[r]equired parking spaces shall not be located in the area between a building line and lot line abutting a street."

CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exceptions requested, such relief be granted.

Respectfully submitted,

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