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

**Application of Square 484 Hotel L.L.C. and 484 OPCO, L.L.C.**
**555 Massachusetts Avenue, NW/915 5th Street, NW**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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The Applicant is seeking variance relief from the Board of Zoning Adjustment to reduce the parking requirement (Section 2101.1) for the hotel portion of the development on Record Lot 27 in Square 484 (the "Subject Property"). The Applicant will establish through its Statement of the Applicant to be filed no fewer than fourteen days prior to the hearing on the subject application, as well as at the public hearing, that the subject application meets the burden of proof for the granting of the requested variance. A preliminary summary of how the application meets the required burden of proof follows.

**Variance from Parking Requirement (Section 2101)**

In order to obtain approval of the requested variances, the Applicant must show that: 1) the subject property is unique or is affected by an extraordinary or exceptional condition; 2) strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty to the Applicant; and 3) 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 Applicant intends to meet its burden as follows:

**(1) Exceptional Condition or Situation:**

The Applicant will demonstrate, and the Board has previously held in Board of Zoning Adjustment Case No. 16733, that the Subject Property has several unique conditions which give rise to an exceptional situation. The Subject Property has a unique shape with Massachusetts Avenue cutting diagonally through the front of the property and alley easements impacting the rear of the Subject Property. Furthermore, the development on the Subject Property is one of the first completed developments in the Mount Vernon Triangle area and as such has been a test case for the needs of developments in this area.

**(2) Resulting Practical Difficulty:**

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. Although the project currently complies with the parking requirements for this development, the

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hotel operator has found that it has significantly more parking under the Zoning Regulations than is needed to efficiently operate the hotel. Conversely, the residential portion of the development has additional need for parking than what is currently provided, which is in excess of that required by the Zoning Regulations.

**(3) No Harm to Public Good or Zone Plan:**

The Applicant will demonstrate that the application can be approved without harm to the public good and without detriment to the integrity of the zone plan. The Applicant will show that all of the parking currently provided for the hotel portion of the development is not necessary for the efficient operation of the hotel and that the parking can be better used by being allocated to the residential use. Furthermore, the present request for variance relief does not modify or alter the Board's earlier approval in Application No. 16733.

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