

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

**Application of BREOF 64 New York Avenue REO LLC
64 New York Avenue, N.E.**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background

The subject property consists of Lot 854 in Square 669 (the "Site"). Square 669 is located in the northeast quadrant of the District and is bounded by P Street and Florida Avenue to the north, 1st Street to the east, O Street to the south, and North Capitol Street to the west. The Site is zoned C-3-C and contains approximately 129,285 square feet of land area. The northern-most portion of the Site is improved with an office building that contains approximately 325,639 square feet of gross floor area. The southern portion of the Site is used for surface parking. Pursuant to Section 2101.1 of the Zoning Regulations, 180 off-street parking spaces are required for the existing building. Currently, 129 of the required parking spaces are located on the Site, and the remaining parking spaces are located to the immediate west of the Site on Lot 853 in Square 669.

The Applicant, BREOF 64 New York Avenue REO LLC, is seeking zoning relief to reduce the amount of required parking for the building, such that all of the required parking for the office building can be located on the Site, without relying on the adjacent parcel to fulfill its requirements. Specifically, the Applicant is seeking a reduction in the required parking pursuant to Section 2108 of the Zoning Regulations, which permits the Board to reduce the amount of parking spaces required for non-residential uses under Section 2101.1 in accordance with Section 3104 of the Zoning Regulations. The Applicant proposes to reconfigure the existing parking lot such that 150 parking spaces will be provided on the Site. The Applicant therefore proposes to reduce the amount of required parking by approximately 16.6%, from 180 spaces to 150 spaces for the Site. A site plan showing the design and layout of the proposed 150 parking spaces is included with this application.

The Applicant notes that but for the Site's proximity to the R-4 zone approximately 450 feet to the north and the Site's 925-foot distance from the New York Avenue Metrorail Station entrance, the Applicant could, as a matter-of-right, reduce the amount of required parking pursuant to Section 2104.1, which permits up to a 25% reduction in the number of required parking spaces for nonresidential buildings located within a radius of 800 feet of a Metrorail station entrance, and located at least 800 feet from any R-1, R-2, R-3, or R-4 District.

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Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than fourteen days prior to the public hearing for the present application. In this statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a preliminary statement indicating how the Applicant meets the burden of proof.

II. Burden of Proof

Section 2108.2 requires that the amount of required parking space not be reduced by more than twenty-five percent. In this case, the existing building requires 180 parking spaces, and the Applicant is seeking relief to provide 150 parking spaces. Thus, the request is for a reduction of approximately 16.6 percent, which is less than a reduction of 25 percent. Section 2108.3 of the Zoning Regulations requires the Board to give consideration to the following, all of which are satisfied as stated below:

(a) Nature and Location of the Structure

The project is located in the developing NoMa area and within close proximity to a Metrorail line and to numerous bus routes. Specifically, the entrance to the New York Avenue Metrorail Station is only approximately 925 feet away from the Site. In addition, the Metropolitan Branch Trail runs down First Street.

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

Based upon the current use of the Site, and the existing travel and parking needs for the users of the existing building on the Site, the parking proposed is sufficient to accommodate the estimated parking demand for the project. The parking provided, combined with the availability of other parking facilities in the area, the anticipated number of pedestrian walk trips and the availability of public transportation, support the requested parking adjustment and will result in no adverse parking demand impacts.

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

The project will have a minimal impact on traffic and parking conditions within the local area given that the Applicant is not proposing to create any additional parking spaces on the Site or to otherwise increase demand, but is rather

proposing to reconfigure the existing parking lot to meet the parking needs for the existing uses on the Site.

- (d) Quantity of existing public, commercial or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use

The parking proposed for the project will be sufficient to meet the needs of the Site, given the availability of public transportation and estimated parking demand.

- (e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area

The building located on the Site is situated within walking distance of the New York Avenue Metrorail Station and is in close proximity to a number of bus routes. In addition, the project is in close proximity to the Metropolitan Branch Trail.

Finally, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring properties since the District is seeking to reduce the amount of parking in areas served by adequate public transportation.