

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 2525 Penn LLC

2519-2525 Pennsylvania Avenue, NW; Square 14, Lots 28-29.

I. INTRODUCTION.

A. Overview.

This Statement is submitted on behalf of the current subject property owner 2525 Penn LLC (the “Applicant”, and the purchaser of the subject property from the record owner when the Application was filed: Triangle Communications Associates, Inc. & LPD DC LLC & Evangeline Pedas). The Applicant is the owner of the properties located at 2519-2525 Pennsylvania Avenue, NW (Square 14, Lot 28 and 29). Each property is currently improved with a five-story row building. The first floor of each building has been consistently used for various non-residential purposes. The upper floors have been consistently used for residential purposes. The Applicant is proposing to (i) combine the lots (the “**Subject Property**”), demolish a portion of the internal party wall and internally connect the buildings to create one building (the “**Building**”); (ii) construct a four-story addition at the rear of the Subject Property which will be connected by a one-story addition at the first floor; and (iii) expand the existing fifth floor to the end of the existing Building footprint (the “**Addition**”). The proposed Building will have fifteen (15) residential units, and 2,447 square feet of commercial space (the “**Project**”). The Building is part of a group of buildings (2517-2515 Pennsylvania Avenue, NW) that are designated as Historic Landmarks known as the Mullett Rowhouses.

B. Summary of Requested Relief.

1. Special Exception- Lot Occupancy (G § 404.1, G § 1200).

The maximum permitted lot occupancy for residential floors in the MU-6 Zone is seventy-five percent (75%). The Project proposes a total lot occupancy of eighty-five percent (85%). Accordingly, the Applicant is requesting special exception relief from lot occupancy limitations of G § 404.1 pursuant to G § 1200.1 which states “the Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter.”¹

2. Special Exception Relief- Rear Yard (G § 1200, 1201).

A building in the MU-6 Zone is required to provide a fifteen-foot (15 ft.) rear yard. Pursuant to G §§ 405.4-5, the rear yard is measured from the centerline of the alley for the first twenty feet (20 ft.) of building height and from the rear lot line for any portion of the Building above twenty feet (20 ft.) from grade. The first twenty feet (20 ft.) of the building has a rear yard measurement of five feet (5 ft.) based on the centerline of the alley; the portions above that 20-foot point have no rear yard setback.

Accordingly, the Applicant is requesting special exception relief from rear yard requirements of G § 405.2 pursuant to G § 1200.1 which states “the Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter,” as well as the specific requirements of G § 1201.

3. Special Exception- Court Relief (G § 202.1, G § 1200).

An open court is not required in the MU-6 Zone, but if provided it must be at least 4 in./1 ft. of the height of the court. The Applicant is proposing a court height of 44 feet, which requires

¹ The proposed lot occupancy on the first floor is one hundred percent (100%). There is no lot occupancy limitations for commercial floors in the MU-6 zone. Proposed lot occupancy for all other floors is eighty-five percent (85%).

a court width of 14.67 feet. The Applicant is proposing a court width of 10 feet. Accordingly, the Applicant is requesting relief from the open court requirements of G § 202.1.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle G §§ 409, 1200 from the requirements of G §§ 404.1, 405.2, and 202.1.

III. BACKGROUND.

A. Description of the Subject Property and Proposed Project.

The Subject Property is located in the MU-6 Zone and is part of a group of buildings (2517-2525 Pennsylvania Avenue, NW) which are designated Historic Landmarks known as the Mullett Rowhouses. Each Property is a long rectangular lot and once combined they will have 4,308 square feet in land area. Each Property is currently improved with a five-story row building. The Applicant is proposing to combine 2519-2521 and 2525 Pennsylvania Avenue into a single record lot and construct a four-story Addition at the rear of the lot which will be connected to the main building by a new one-story Addition. This will give the appearance of two (2) separate structures but will still be considered one (1) Building. The Applicant is also proposing to expand the existing fifth floor to the end of the existing Building footprint.

The existing structures will be combined into one (1) single structure and increase the number of residential units to fifteen (15) residential units. The Applicant is proposing to maintain the existing commercial space on the first floor. The overall Building height is not increasing, and the FAR is limited to 4.38, which is well below the permitted 6.0 in this zone.

B. Surrounding Area.

To the north of the Subject Property is a ten-foot alley. Across the alley is the rear yard of a large condo building (1112 25TH STREET NW), which fronts on 25th Street, NW. To the south

of the Subject Property is a Pennsylvania Avenue. To the east of the Subject Property is an alley measuring 20.54 feet in width. To the west of the Subject Property is 2517 Pennsylvania Avenue, NW, which is also part of the Mullett Rowhouses Historic Landmark. It is currently used for both commercial and residential purposes. The Subject Property is located within three-tenths of a mile (0.3 mi.) of the Foggy Bottom Metro Station.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS.

A. Overview.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property; subject also, in this case, to the specific requirements for relief under G §§ 1200 and 1201.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. General Special Exception Requirements of Subtitle X § 901.2 and Requirements of G §§ 1200 and 1201.

Subtitle G § 409 states that the Board of Zoning Adjustment may grant special exception relief from the development standards of Subtitle G, subject to any applicable conditions of Subtitle G, Chapter 12 and the General Special Exception requirements of Subtitle X, Chapter 9. The general special exception requirements are as follows: "will be in harmony with the general

purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

The requirements of G § 1200 mirror the general special exception requirements except that G § 1200(a) includes that the special exception be in harmony with the general purpose and intent of the *MU zone*, as well as the Zoning Regulations and Zoning Maps. The Application meets the requirements of G §§ 1200, 1201 and X § 901.2 as follows:

(a) Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;

According to Subtitle G § 400.3, the purpose and intent of the MU-6 Zone is to “permit medium- to high-density mixed-use development with a focus on residential use; and provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.”

The Application is in harmony with the general purpose and intent of the MU-6 Zone, as it proposes an adaptive reuse of existing residential space for a total of fifteen residential units. The Subject Property also has access to main roadways and rapid transit stops including numerous bus stops nearby on Pennsylvania Avenue and New Hampshire Avenue. The Foggy Bottom Metro station is within three-tenths of a mile (0.3 mi.) from the Subject Property. The neighboring properties include a mix of commercial and of low- to moderate- density residential uses, and the Project will complement the surrounding character by providing new, quality residential units.

(b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and

To the west of the Subject Property is 2517 Pennsylvania Avenue, NW which is also part of the Mullett Rowhouses. It is currently used for both residential and commercial purposes. All

other buildings are separated by alleys. The height limit in the MU-6 Zone is ninety feet (90 ft.) and the FAR limit is 6.0, so the Applicant would ordinarily be permitted to add multiple stories as a matter-of-right—like many nearby properties since this is not a Historic District. However, due to HPRB requirements, the Applicant is not able to utilize its achievable height, and therefore achievable density. The FAR is limited to 4.38 and the height is not changing (55 ft.). Further, the Applicant is providing an open court to increase light and air, and move the bulk of the Addition to the very rear, abutting the alley. Across the alley is the rear yard of a condo building. Accordingly, the Project was purposefully designed to mitigate impacts on neighboring buildings and conforming to HPRB standards. This further mitigates any potential adverse impacts on the use of neighboring properties.

(c) Is subject in each case to any applicable conditions specified in this chapter.

Regarding lot occupancy and court relief, there are no other applicable conditions specified in this chapter. The specific rear yard requirements are described below.

C. Rear Yard Relief: Requirements of G § 1201.

Subtitle G § 1201.1 sets forth additional conditions for relief from the rear yard requirements of G § 405.2. The Board of Zoning Adjustment may grant relief for the rear yard requirements of Subtitle G as a special exception pursuant to Subtitle X, provided:

(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;

The Applicant is proposing windows at the rear of the Building. However, these windows face the rear yard of the building across the alley, which fronts on 25th street. Accordingly, no apartment window shall be located within 40 ft. directly in front of another building.

(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;

The Applicant is not proposing office use.

- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;**

The Building is parallel to the directly adjacent buildings. The only nearby non-parallel building fronts on 25th Street (1112 25th Street, NW). As the photographs and diagrams demonstrate, the windows at the rear of the proposed Addition will be located in such a way as to limit penetration of sight lines to the rear of that building.

- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and**

The Applicant is providing parking; loading is only required for projects with fifty (50) or more residential units.

- (e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.**

The Applicant acknowledges that the Board shall submit the Application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.

V. CONCLUSION.

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,

Martin P Sullivan

Martin P. Sullivan
Sullivan & Barros
Date: August 25, 2021

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros
Date: August 25, 2021