

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Prehearing Statement of Caradoc Properties LLC
3315 12th Street, NE (Square 3930, Lot 27).

I. INTRODUCTION.

This Statement is submitted on behalf of Caradoc Properties LLC (the “**Applicant**”), owner of the property located at 3315 12th Street, NE (Square 3930, Lot 27) (the “**Property**”). The Property, located in the MU-3A zone. The Applicant is proposing to raze the existing structure and construct a new building (the “**Building**”) with three stories (a first floor, first-floor mezzanine and second story), a penthouse, two cellars and 12 residential units (the “**Project**”). The Project is permitted as a matter-of-right except for a reduced penthouse side setback. Further, the Applicant cannot provide one required parking space. Accordingly, the Project requires special exception relief pursuant to C-1506 from the penthouse setback requirements of C-1504.1(c)(1) and C-703.2 from the parking requirements for one parking space of C-701.5.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2, C-1506, and C-703.2.

III. BACKGROUND.

A. Description of the Property and Proposed Project.

The Property is an interior lot with a land area of 3,500 square feet. The Applicant is proposing to raze the existing building and construct a new Building with three stories (a first floor, first-floor mezzanine and second story), a penthouse, two cellars and 12 residential units. The proposed penthouse is 10 feet in height and is required to be set back 10 feet from the front and from the north side, as the north side of the building abuts a proposed side yard on the subject Property and not the side lot line. The penthouse is set back 10 feet from the front and rear, and 6 feet 3 inches from the north side. Accordingly, the setback is just shy of the 10-foot requirement. Any additional setback would significantly impact the proposed penthouse units.

The proposal requires one parking space but due to the physical constraints of the site, no parking is being provided. Ordinarily, two parking spaces would be required for 12 units; however,

the proximity to the Brookland-CUA Metro (0.3 mi.), as well as the G8 bus line (0.1 mi.) permits a 50% reduction in the number of parking spaces, resulting in a requirement of one space. The property was recently used as a single-family home and no parking was provided for that use as it is not physically possible to put parking spaces on the Property given the site restraints.

B. Surrounding Area.

The area is primarily characterized by a mix of residential and commercial uses in an urban setting. The Property is only 0.3 mi.—or a 6-minute walk—from the Brookland-CUA Metro Station. The Property is only 0.1 mi.—or a 2-minute walk—from the G8 bus stop on Monroe Street and 12th Street, NE. The Property is located within walking distance of grocery stores, a library, restaurants, and commercial shops along 12th Street to the north and south, as well as Michigan Avenue, to the east. According to Walk Score, the Property has a Walk Score of 90 and is considered a “Walker’s Paradise.”

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2, C-1506, C-703.2.

A. General Special Exception Requirements.

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.

The reduced penthouse setback is only 3 feet and 9 inches shy of the requirement and meets the intent of the regulations as the Applicant is providing as much of a setback as possible without impacting the unit configuration of the penthouse. The use itself and the proposed Building bulk and density is permitted as a matter-of-right in the MU-3A zone. As the Property has a Walk Score of 90 and is located close to amenities such as grocery stores, restaurants, shops, and the metro, it is anticipated that future residents are unlikely to have cars.

B. Special Exception Requirements of Subtitle C-1506

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).

Section 1506.1: Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:

(a) The special exception requirements of Subtitle X, Chapter 9;

See above, Section IV.A.

(b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

The Applicant has made reasonable efforts to comply with the setbacks by providing a 6 ft. 3 in. setback from the side. Any additional setback would impact the proposed residential units in the penthouse, which is within the 0.4 FAR limit.

(c) The applicant's demonstration of at least one (1) of the following:

The Applicant safely felt that (c)(2) would safely apply in this scenario:

(2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;

The penthouse is the appropriate size (0.4 FAR) and meets the front and rear setback requirements (1:1 ratio so as to not be visible), and the side setback requirement for the south side (none required as it is on a side lot line). However, the north side of the penthouse is just shy of the 1:1 requirement. The penthouse is set back 6 ft. 3 in. from the northern side building wall, where it is required to be set back 10 feet.

The building is designed with an 8-foot side yard on the north side of the Property to provide adequate separation between the buildings and create a better overall design. Were the relief not granted, the penthouse would effectively be eliminated since the building is relatively narrow and the units would be too small to have both egress and living space. Alternatively, the Applicant could extend the building to the north side lot line so that it would not require any setback, but that would result in a worse design than the current design which preserves open space

on the property and maintains the distance between the proposed building and single-family home to the north.

C. Special Exception Requirements of Subtitle C-703.2.

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to C § 703.2.

Section 703.2 “The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The Property lacks alley access, DDOT will not permit a curb cut, and even if a curb cut were permitted, the lot is relatively narrow and a driveway and/or garage would impact the building envelope so severely that a project would not be feasible. All parking lots within 600 feet are dedicated to their own respective residential and commercial uses.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Property is well served by mass transit, including the Brookland-CUA Metro (0.3 mi.) and the G8 Bus Line (0.1 mi.) which is why the project qualifies for the 50% reduction for the required number of vehicle parking spaces.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

As described directly above in (b), the Property is well-served by transportation. Moreover, the Property is walking distance to amenities such as grocery stores, restaurants, and shops. The Property has a Walk Score of 90 and is considered a “Walker’s Paradise.” Accordingly, the characteristics of the neighborhood minimize the need for the required parking spaces.

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

- (1) A curb cut permit for the property has been denied by the District Department of Transportation; or**
- (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;**

The Property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street. Any driveway that could access an improved public street from the Property would violate DDOT's guidelines with respect to curb cuts. The Design & Engineering Manual (31.5)¹ states: "the number and impact of curb cuts and driveways on public space should be minimized to improve pedestrian circulation and safety by... e) Providing curb cuts only where leading to multiple vehicular parking spots, since a curb cut typically removes at least one on-street vehicular parking space."

Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The reduction in the required number of parking spaces (one space) is only for the amount the Applicant is physically unable to provide. Regarding demand for parking, as discussed above, the Applicant anticipates that the transportation characteristics and amenities in the neighborhood will likely attract residents without cars.

Section C-703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

The Applicant will work with DDOT to develop a TDM plan, if required.

V. CONCLUSION.

¹https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Jan%202019%20DEM%20Pages%20with%20Edits%20from%202017%20Edition%20Only.pdf

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

Respectfully Submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
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