

# Holland & Knight

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November 1, 2024

## **VIA IZIS**

Board of Zoning Adjustment  
of the District of Columbia  
441 4th Street, NW, Suite 210S  
Washington, DC 20001

**Re: BZA Case No. 21208 - 2033 11<sup>th</sup> Street, NW  
Request to Amend Application for Additional Relief for Parking**

Dear Members of the Board:

On behalf of Beacon Communities, LLC, and Christian Tabernacle Church of God (collectively, the “Applicant”), we respectfully request that the above-referenced application (the “Application”) be amended to include special exception relief from the parking requirements in Subtitle C, Section 701.5 of the Zoning Regulations in order to permit 16 parking spaces where 20 parking spaces are required.

**The public hearing on the Application is scheduled for December 18, 2024. Please include this additional relief in the hearing notice.**

## **I. Background**

The subject property is an “L” shaped corner lot with frontage along 11<sup>th</sup> Street, NW, to the west, V Street, NW, to the north, and 10<sup>th</sup> Street, NW, to the east, and consists of approximately 14,382 square feet of land area (the “Property”). The western portion of the Property is currently improved with the Christian Tabernacle Church of God (the “Church”), which has a maximum capacity of 200 seats, and which will remain on the site. The eastern portion of the Property is improved with a 2,500-square foot child development center and a surface parking lot with 10 parking spaces that serve the Church and child development center. The eastern portion of the Property will be redeveloped with a new seven-story building with approximately 65 affordable units (with a mix of studios, one-, two-, and three-bedroom units) and an 8,200 square foot child development center on the ground floor (the “Project”).

## **II. Parking Requirements**

Under the Application, the Property will be improved with the following three uses: the Church, which has a maximum capacity of 200 seats; an 8,200-square foot child development center; and 65 affordable dwelling units. The parking requirement for each use, under Subtitle C, Sec. 701.5, is as follows:

Church: 20 parking spaces; 1 for each 10 seats of occupancy capacity in the main sanctuary.

Child development center: 4 parking spaces; .5 per 1,000 s.f. with a minimum of 1 space required.

Residential: 20 parking spaces; 1 per 3 dwelling units in excess of 4 units.

Additionally, the development of the subject property is eligible for a 50% parking reduction under Subtitle C, Section 702.1(a) and (b) because the site is a quarter mile from the U Street – African American Civil War Memorial / Cardozo Metrorail Station and within a quarter mile of the U Street-Garfield Priority Bus Network. As such, the required parking for each use is reduced to the following:

Church: 10 parking spaces;

Child development center: 2 parking spaces; and

Residential: 10 parking spaces.

The parking spaces for the Church and child development center will be shared in accordance with Subtitle C, Sec. 701.9(a) because these uses have different days and hours of operation. Therefore, the total required parking for the Church and child development center is 10 parking spaces.

## **III. Burden of Proof**

### **A. Flexibility Under Subtitle C, Section 703.1**

Subtitle C, Section 703.1 provides for flexibility from the minimum parking requirements when providing the required number of spaces would be:

- (a) Impractical due to the shape or configuration of the site;
- (b) Unnecessary due to the lack of demand for parking, or the site's proximity to transit options; or
- (c) Contrary to other District of Columbia regulations.

In this case, meeting the minimum parking requirements is impractical due to the site configuration. Although the Property consists of 14,382 square feet of land area, the Church will remain on the site, which reduces the developable area for the Project to 9,700 square feet. Also, flexibility from the parking requirements is appropriate because of the public transit options in proximity to the Property. The site is a quarter mile from the U Street – African American Civil War Memorial / Cardozo Metrorail Station and within a quarter mile of the U Street-Garfield Priority Bus Network.

## **B. Criteria Under Subtitle C, Section 703.2**

The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the Applicant's demonstration to the Board's satisfaction of at least one of several criteria set forth in Subtitle C, Section 703.2. In this case, the Application meets several of the criteria listed as discussed below:

### **703.2(b): The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities.**

The site is a quarter mile from the U Street – African American Civil War Memorial / Cardozo Metrorail Station and within a quarter mile of the U Street-Garfield Priority Bus Network.

### **703.2(c): Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces.**

**In addition to being** a quarter mile from the U Street – African American Civil War Memorial / Cardozo Metrorail Station and within a quarter mile of the U Street-Garfield Priority Bus Network, approximately 85% of the families that use the child development center walk or take public transportation to the site.

### **703.2(f): All or a significant proportion of dwelling units are dedicated as affordable housing units.**

All of the 65 dwelling units proposed for the Project will be affordable, with a range of income levels.

### **703.3(j): The nature or location of a Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.**

The proposed development of the Property, including the ability to increase the below-grade parking garage to accommodate all of the required parking, is constrained by the fact that the Church will remain on the site. This reduces the amount of developable land area from 14,382 square feet to 9,700 square feet. The Church is a late Victorian-era brick

church constructed in 1902, designed by Louis Stutz, and located within the Greater U Street Historic District.

### **C. Criteria Under Subtitle X, Chapter 9**

Pursuant to Subtitle X, Section 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions where, in the judgment of the Board, the special exceptions (a) will be in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Maps; (b) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) will meet such special conditions as may be specified in this title.

The Property is in the ARTS-2 zone, and the Board's approval of the requested relief will facilitate the development of the Property in a manner that advances several of the listed purposes of the ARTS zone in **Subtitle K, Section. 800.1** as discussed below:

**Sec. 800.1(b) - Encourage a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen (18) hour activity.**

The Applicant proposes a mixed-use building on the eastern portion of the Property, which will include a child development center and 65 dwelling units; additionally, the Church will remain on the Property. The Project will be constructed on a portion of the Property that is currently underutilized and will generate additional pedestrian activity and contribute to the vibrancy of the neighborhood, which enhances public safety.

**Sec. 800.1(c) - Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses.**

The Project includes 65 dwelling units.

**Sec. 800.1(e) – Expand the area's housing supply in a variety of rent and price ranges.**

The Project will expand the area's housing supply by 65 dwelling units, all of which will be affordable, with a range of income levels.

**Sec. 800.1(h) – Encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings.**

The development of the Property includes the Project and the preservation of the Church on the western portion of the Property. The construction of the Project will substantially improve the aesthetics of the site and this immediate area. The design of the Project, as it relates to the church and the surrounding historic district, have been reviewed and approved by HPRB.

Additionally, granting parking relief for four parking spaces will not adversely affect the neighboring properties. Because of the Property's access to the Metrorail Station and several bus lines, residents and their visitors, families using the child development center, and persons attending the Church have several transportation options. The Project also includes 24 long-term bicycle spaces and 4 short-term bicycle spaces for the residential building, further increasing transportation options. Finally, the scale and nature of the development proposed for the Property are consistent with the intent of the ARTS-2 zone, which is to permit medium-density, compact mixed-use development, with an emphasis on residential development.

#### **D. Restatement of Zoning Relief & Conclusion**

As amended herein, the Application seeks the following areas of relief:

Lot Occupancy: special exception relief from the requirements in 11-K DCMR § 804.1 to allow the ground floor, consisting of a residential use, to exceed 80 percent lot occupancy, pursuant to 11-K DCMR § 813 and 11-X DCMR § 901.2;

Open Court: special exception relief from the open court width requirement of 11-K DCMR § 807.1, pursuant to 11-K DCMR § 813 and 11-X DCMR § 901.2;

Green Area Ratio: special exception relief from the requirements in 11-K DCMR § 808.1 to allow a Green Area Ratio ("GAR") of less than 0.3, pursuant to 11-K DCMR § 813 and 11-X DCMR § 901.2;

Loading: special exception relief from the requirements in 11-C DCMR § 909.1 to provide no loading berth or delivery space, pursuant to 11-C DCMR § 909.2 and 11-X DCMR § 901.2;

Penthouse Setback: special exception relief from 11-C DCMR § 1504.1(d) for a reduced penthouse setback adjacent to an open court, pursuant to 11-C DCMR § 1506 and 11-X DCMR § 901.2;

Garage Ramp Slope: area variance from the requirements in 11-C DCMR § 711.8 to permit a garage ramp to have a 20 percent slope where a maximum of 12 percent is permitted, pursuant to 11-X DCMR § 1001.1; and


Parking: special exception from the requirements in 11-C DCMR § 701.5 to permit 16 parking spaces where 20 are required.

An updated self-certification form and the additional fee of \$1,560 for the additional parking relief will be submitted separately.

Thank you for your considerate attention to this matter. Please have the Office of Zoning contact me with any follow up questions or concerns.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Leila M. Jackson Batties

cc: Certificate of Service

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2024, a copy of the foregoing correspondence to the Board of Zoning Adjustment in support of BZA Case No. 21208 was served by electronic mail on the following at the addresses stated below:

1. **District of Columbia Office of Planning**

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