BZA Application No. 21372

1341 Pennsylvania Avenue, SE November 19, 2025

Applicant

1501 Erie St Construction, LLC

Zoning Attorney

Sulli Board of Zoning Actiustment Sulli Van Barrio Barriosa Martin Sullistano. 21372

EXHIBIT NO. 25



Overview

- The Property is located in the MU-4 zone and was being developed as a matter-of-right under Building Permit B2109090, issued in 2023, for a new four-story plus penthouse, nine-unit apartment building with one required parking space.
- Although the rear triangular portion of the lot could physically accommodate the parking space, the adjacent condominium (Jenkins Row at 1391 Pennsylvania Avenue SE) asserts that an access easement prevents the Applicant from placing a parking space anywhere in that triangle. The neighbors have initiated litigation, which may last more than a year and could prohibit the Applicant from constructing the parking space during that time; or, if the litigation succeeds, the Applicant will be permanently prevented from providing the required parking space.
- Because of this uncertainty, the Applicant seeks special exception relief under C § 703.2 to waive the requirement for one parking space.

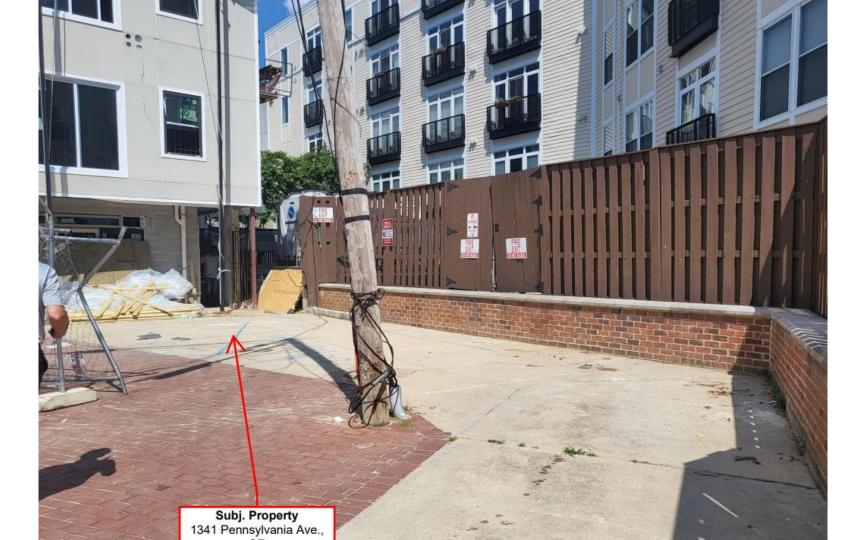


Community & Agency Support

- ANC 6B voted unanimously in support.
- The Office of Planning recommends approval.
- DDOT has no objection. DDOT has included a comment that the project requires short-term bicycle parking spaces, but this is not correct. The Zoning Regulations require one short-term bicycle parking space for each 20 dwelling units. Because this is 9 units, there is no short-term parking requirement (per calculation method in C-803.3). Three <u>long-term</u> bicycle parking spaces have been provided, as required. This project has full zoning approval.









Criteria for Approval- General SE Requirements

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 use itself and the proposed Building bulk and density is permitted as a matter-ofright in the MU-4 zone. As the Property has a Walk Score of 93 and is located close to amenities such as grocery stores, restaurants, shops, and the metro, the lack of one parking space will not tend to affect adversely the use of neighboring property.



(a) Due to the physical constraints of the The party opponent, Jenkins Row, claims emphatically that the Applicant is not property, the required parking spaces legally permitted to park in the only place where the Applicant may provide a cannot be provided either on the lot or parking space. If the party opponent's claim is valid, then the Applicant lacks the

Specific Special Exception Requirements of C-703.2

within six hundred feet (600 ft.) of the lot in area available for a parking space. Applicant has been unable to locate any accordance with Subtitle C § 701.8; available parking spaces within 600 feet which do not already satisfy another's parking requirement. (b) The use or structure is particularly well The Property is well served by mass transit, located approximately 500 feet (1–2served by mass transit, shared vehicle, or minute walk) from the Potomac Avenue Metro Station, providing access to the

bicycle facility; Blue, Orange, and Silver Lines. In addition, multiple Metrobus routes run along Pennsylvania Avenue, with a bus stop located less than 0.1 miles from the Property. The Property also benefits from proximity to multiple Capital Bikeshare stations and improved bike lanes. This exceptional access to transit supports a car-free lifestyle and satisfies sub-paragraph (b).

(c) Land transportation As described directly above in (b), the Property is well-served by transportation. use or characteristics the neighborhood Moreover, the Property is walking distance to amenities such as grocery stores, restaurants, and shops. The Property has a Walk Score of 93 and is considered a minimize the need for required parking

spaces;

"Walker's Paradise." Potomac Avenue Metro Station is 500 feet from the Property.

Specific Special Exception Requirements of C-703.2

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.

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. Additionally, the units are 1 or 2 bedrooms, not likely to attract large families requiring cars.

The reduction in the required number of parking spaces (one space) is only for the

Jenkins Row "Opposition"

Jenkins Row's opposition to the parking relief is directly adverse to its stated interest. Jenkins Row claims that it is the beneficiary of a vehicular ingress and egress easement over the area where the Applicant could otherwise provide the one required parking space. It *does not want the Applicant to park there*. It states in its "opposition" that it has "no objection in principle to the special exception from the requirement of one parking space...".

There are two possible outcomes in this situation:

- (1) If Jenkins Row's prevails in its litigation, and the Court rules that the Applicant cannot park on the Property, then the Applicant will need to use the BZA Order to be zoning-compliant.
- (2) If the Applicant prevails in the litigation, then the Applicant will provide one parking space, and this BZA Order will simply expire without being implemented at DOB.



Jenkins Row "Opposition"

So why is the Party Opponent here?

For either one of these possible reasons:

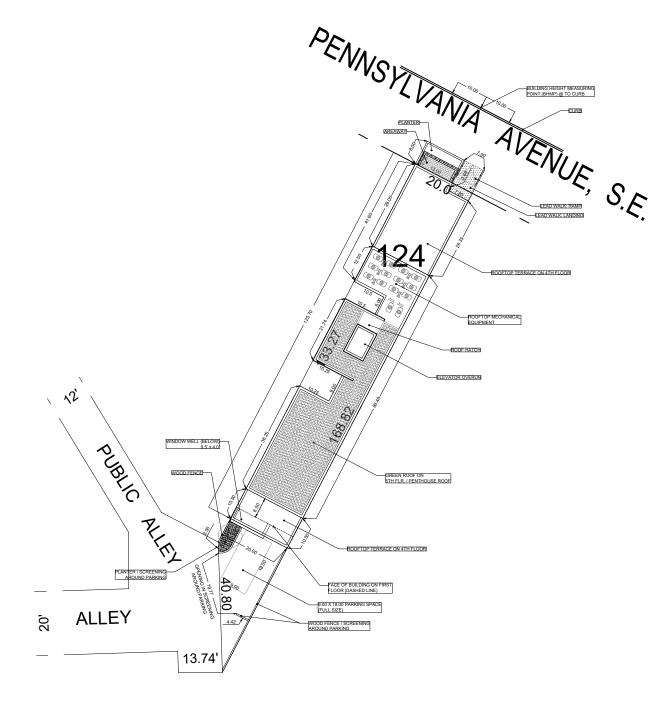
Reason No. 1: Jenkins Row mistakenly believes that the BZA has the authority to prohibit the Applicant to park on the Property, as a condition to any approval. Jenkins Row is effectively asking the BZA to decide the easement dispute and sidestep the Courts.

The problem with this rationale is that, even if the BZA provided such a condition with an approval, if the Applicant prevails in the litigation and provides a parking space, it does not need to implement the BZA Order, and it will simply expire without any effect on the use of the Property.

Reason No. 2: Jenkins Row is attempting to use its party status opposition as leverage in negotiations surrounding the easement dispute.

In any event, the purpose of the opposition is, as admitted by the party opponent, not to oppose the granting of the relief requested or to testify to any adverse impacts from the absence of the required parking space.





GOVERNMENT OF THE DISTRICT OF COLUMBIA

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical





ZONING SUMMARY

ADDRESS: 1341 PENNSYLVANIA AVENUE, SE



ABBREVIATIONS: SHOWER ANGLE DWG./ DWGS. DRAWINGS HARDWARE HARDWOOD NOT IN CONTRACT SIMILAR NUMBER SPECIFICATION DRAWER HEIGHT CENTERLINE NOMINAL SPEAKER DIAMETER OR ROUND HOLLOW METAL SQUARE PERPENDICULAR NUMBER HANDRAIL STAINLESS STEEL HORIZONTAL OR POUND STATION HOUR STANDARD ELEVATION ON CENTER H.V.A.C. HEATING, VENTILATING & AIR STEEL ELECTRICAL OUTSIDE DIAMETER/DIM STORAGE STRUCTURE SUSPENDED ACOUSTICAL CEILING TILE STRUC. OPPOSITE HAND ABOVE FINISH FLOOR SUSP. OPENING OPPOSITE OVERHEAD ADDENDUM INSIDE DIAMETER/DIMENSION OPNG. SYMMETRICAL ADJUSTABLE SYSTEM ALUMINUM INCANDESCENT OUNCE ARCHITECTURAL INCLUDE(D) (ING) ELECTRICAL WATER COOLER INFO. INFORMATION TREAD INSULATION TOWEL BAR BOARD INTERIOR TELEPHONE **EXISTING** BUILDING TEMPERED TERRAZZO **EXTERIOR** BLOCKING P. LAM. PLASTIC LAMINATE TONGUE & GROOVE PLUMBING BY OTHERS BOTTOM FLOOR DRAIN PLYWOOD THROUGH BASEMENT FIRE DEPT. CONNECTION TOP OF ACCESS FLOOR POLISHED BOTTOM OF WALL KITCHEN PARTITION TOP OF CONCRETE FIRE EXTINGUISHER KNOCKOUT TOP OF STEEL/TOP OF SLAB FIRE EXTINGUISHER CABINET POINT CAB. CB. KICK PLATE TELEVISION FINISH FLOOR CEMENT TYPICAL FULL HEIGHT CERAMIC TOP OF WALL CORNER GUARD FIRE HOSE CABINET QUARRY TILE LABORATORY FINISH FLOOR CEILING GRID AND TILE RISER/RADIUS LAMINATE FLUOR FLUORESCENT UNFINISHED CONTROL JOINT REFLECTED CEILING PLAN LAVATORY UNLESS OTHERWISE NOTED FIREPROOF(ING) CENTER LINE ROOF DRAIN POUNDS FRAME UNLESS NOTED OTHERWISE CEILING REFERENCE LOCKER FULL SIZE UNDERWRITER'S LABORATORY CLOSET REFRIGERATOR REINFORCED CONCRETE MASONRY UNIT REQUIRED COLUMN CONCRETE RESILIENT VINYL COMPOSITION TILE REVISION CONNECTION VERTICAL MAXIMUM FUTURE CONSTR. CONSTRUCTION REFLECTED VESTIBULE MOP BASIN CONT. CONTINUOUS REMAIN IN PLACE VERIFY IN FIELD METALLIC CEILING TILE CONTR. CONTRACTOR RAIN LEADER V.W.C. VINYL WALL COVERING MOISTURE RESISTANT CORR. CORRIDOR MEDIUM DENSITY FIBERBOARD ROUND CERAMIC TILE MECHANICAL CENTER ROUGH OPENING GRAB BAR RETURN WALL COVERING MANUFACTURER WOOD MINIMUM GRADE DEPARTMENT WITHOUT MISCELLANEOUS SAFB. SOUND ATTENUATION FIRE BLANKET DETAIL WATERPROOF MOUNTED MULLION SANITARY WAINSCOT WEIGHT

MOULDING

HOLLOW CORE

HANDICAPPED

MATERIAL SYMBOLS:

DIAMETER

DIMENSION

DISPENSER

DOOR OPENING

DOWN

DOOR

DRAIN

DRN.

	EARTH/COMPACT FILL			
	POROUS FILL/GRAVEL			
A	CONCRETE			
	C.M.U.			
	BRICK			
	STONE			
	METAL			
	PLYWOOD			
	WOOD			
	PLASTIC LAMINATE			
	GLASS			
	GYPSUM WALLBOARD			
	BATT INSULATION			
	RIGID INSULATION			
ППППППППП	ACOUSTIC CEILING TILE			
	RESILIENT FLOORING			
	CARPET			
	CERAMIC TILE			
	ROUGH CARPENTRY			
	WOOD BLOCKING			

DRAWING SYMBOLS:

SOLID CORE

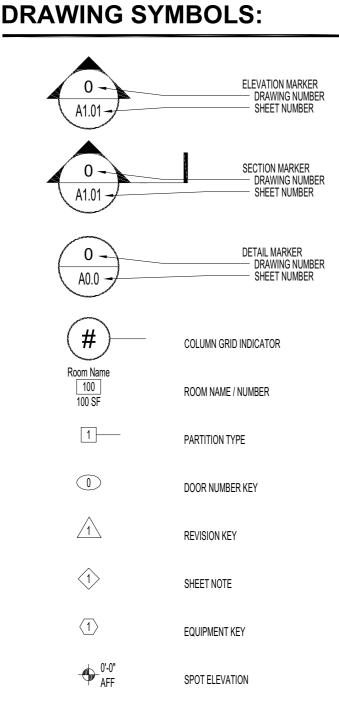
SCHEDULE

SECTION

SQUARE FOOT (FEET)

SPRINKLER HEAD

SCHED.



APPLICABLE CODES						
2017 DC EXISTING BUILDING CODE - IBC 2015 2017 DC BUILDING CODE CODE - IBC 2015 / DC 2017 DC ENERGY CONSERVATION CODE - IEEC 2013 ANSI/ASHRAE/IES 90.1 2017 DC GREEN CONSTRUCTION CODE - 2012 2017 DC ELECTRICAL CODE - 2014 NEC, NFPA 2 2017 DC MECHANICAL CODE - 2015 IMC / DCM 2017 DC PLUMBING CODE - 2015 IPC / DCMR 2017 DC FIRE CODE - 2015 IFC / DCMR 12H-20 2009 ICC/ANSI A117.1 DCMR 11 - 2016 - DC ZONING REGULATIONS	CMR 12A-2017 2015 / DCMR 1 ICGG / DCMR 1 70 - 2014 / DCM MR 12E-2017 12F-2017	.2I-2017 2K-2013				
GENERAL CONSTURCTION INFORMATION						
<u>USE GROUP</u>	R-2					
PROPOSED CONSTRUCTOIN TYPE	1A 5A	Padium Consturction' w/ F	Horizontal Seperation allowance per DCMR 12A 510.2			
ALLOWED BUILDING HEIGHT	UL 70'	TABLE 503 - W/ SPRINKLER INCREASE (NEPA 13) PER 504.2				
ALLOWED NUMBER OF STORIES	5 (4+1)	TABLE 503 - 4 FLOORS + 1 W/ SPRINKLER INCREASE (NEPA 13) PER 504.2				
ALLOWABLE BUILDING AREA		TABLE 503 - 16,000 SF X 2 W/ SPRINKLER INCREASE (NFPA 13) PER 506.3				
PROPOSED BUILDING HEIGHT & AREA						
PROPOSED HEIGHT	47' - 4 3/4"	TO TOP OF MECHANICAL S	CREENING			
PROPOSED # STORIES ABOVE GRADE		4 STORIES + PENTHOUSE - 1 STOREY TYPE 1A / 4 STOREY TYPE 5A				
PROPOSED BUILDING AREA	12,854 GSF					
FIRE-RESISTANT CONSTRUCTION*	BELOW 1ST FLR. (TYPE 1A)	ABOVE 1ST FLR. (TYPE 5A)				
EXTERIOR BEARING WALLS	3 HR.	1 HR.	TABLE 601			
INTERIOR BEARING WALLS	3 HR.	1 HR.	TABLE 601			
EXTERIOR NON-BEARING WALLS < 5'	1 HR.	1 HR.	TABLE 602			
INTERIOR NON-BEARING WALLS	O HR.	0 HR.	TABLE 601			
FLOORS + SECONDARY MEMBERS	2 HR.	1 HR.	TABLE 601			
ROOF + SECONDARY MEMBERS	1.5 HR.	1 HR.	TABLE 601			
SHAFT / TRASH ENCLOSURES	2 HR.	2 HR.	§713.4			
STAIR ENCLOSURES / EXIT PASSAGEWAYS	2 HR.	2 HR.	§707.3.2 - §713.4			
CORRIDOR & UNIT DEMISING WALLS	0.5 HR.	0.5 HR.	TABLE 1020.1			
DWELLING UNIT HORIZONTAL SEPARATION	1 HR.	1 HR.	§711.2.4.3			
		TRATIONS AND OPENINGS IN FIF				
TO MEET THE REQUIR	RMENTS OF CHAPTER 7	OF THE BUILDING CODE FOR TH	IE SPECIFIC ASSEMBLY			
FIRE PROTECTION						
FULLY SPRINKLERED	YES	NFPA 13 - PER 2012 IBC 90	NFPA 13 - PER 2012 IBC 903.3.1.1			
STANDPIPE	YEŞ					
SMOKE ALARM	YES	SEE MECHANICAL / ELECTRICAL				
CARBON MONOXIDE ALARM	YES	SEE MECHANICAL / ELECTRICAL				

ADDRESS:	1341 PENNSYLVANIA AVENUE,					
	SQUARE 1045	<u>LOT</u> 0124				
	1043	0124				
SITE AREA:	3,021 SF					
ZONING DISTRICT:	·					
HISTORIC DISTRICT:						
	R-2 (9 UNITS)					
O3L.	1 2 (3 GW113)					
ZONING DATA	ALLOWED / REQUIRED	PROPOSED	SECTION	NOTES		
USE	RESIDENTIAL APARTMENT (R-2)	9 DWELLING	U § 513	MIXED-USE GROUP	<u> </u>	
FAR	3.00 (IZ)	2.727 FAR	G § 1001.2 (b)	Voluntary Inclusion	ary Development	
	9,063 GFA	8,237 GFA	0.045004			
	3.40 (W/ PENTHOUSE)	3.00 FAR	C § 1503.1	2.73 + 0.27		
HEICHT	10,271 GFA	9,057 GFA				
HEIGHT BUILDING	50'-0"	46'- 3 1/4"	C \$ 402.1			
STORIES	UNLIMITED	4 + PENTHOUSE	G § 403.1 G § 403.1			
PENTHOUSE HEIGHT	12'-0" (OCCUPIED)	10'-6"	G § 403.3			
TENTHOOSE HEIGHT	15'-0" (MECHANICAL)	13'-10"	G § 403.3	Elevator Overun		
PENTHOUSE STORIES	1 + 1 FOR MECH.	1	G § 403.3			
REAR YARD SETBACK	15'-0"	26'- 0 3/4"	G § 405.2			
SIDE YARD	NONE REQUIRED	NONE	G § 406.1			
COURT	2" PER 1'-0" = 94" = 7'-10"	NORTH COURT: 10'-4"	G § 406.3	Court treated as sid	de yard	
		SOUTH COURT: 10'-3"	G § 406.3			
LOT OCCUPANCY	75%	76.99%	G § 404.1	IZ		
	2,266 SF	2,326 SF	G § 304.2 (a)	Deviation §A304.2	?(a) 76.83%<2%	
GAR	0.3	0.301	G § 407.1			
PARKING	4.00/0.000		0.701-			
VEHICLE BYCICLE	1.66/2833 = 1 3 LONG / 1 SHORT	1 3 LONG / 1 SHORT	C § 701.5	FULL SIZE		
BYCICLE	3 LUNG / 1 SHUKT	3 LUNG / 1 SHURT	C § 802.1			
PENTHOUSE SETBACKS						
FRONT / BACK	1:1	1:1	C § 1502.1 (a)(b)	1:1 at rear; 1:2.75	at front	
SIDE / COURT	NONE REQUIRED	NONE	C § 1502.1 (c)	CLOSED COURT		
PROPOSED BUILDING DATA		ACCESSI	ACCESSIBILITY SUMMARY			
			TYPE A UNITS:	_	FEWER THAN 10 UNITS	
CONSTRUCTION DATA	GROSS SQUARE FEET (GSF)		TYPE B UNITS:	9	ALL UNITS REQUIRED TO BE TYPE B PE	
PENTHOUSE	1,556 GSF					
FOURTH FLOOR	2,326 GSF	IZ SUMN	ИARY			
THIRD FLOOR	2,326 GSF	Projec	ct Residential GFA	8,237 GFA		
SECOND FLOOR	2,326 GSF	Proje	ct Residential Net	7,074 NSF		
FIRST FLOOR	1,304 GSF		Ratio	0.859		
CELLAR	2,209 GSF	-				
TOTAL	12,047 GSF	REQUI	RED SET ASSIDE:			
			11:h			
CROSS FLOOR AREA	CDOCC FLOOD ADEA (CFA)	750/ of Dom	Higher of	440,000,00		
GROSS FLOOR AREA FOURTH FLOOR	GROSS FLOOR AREA (GFA) 2,311 GFA	/5% OI BON	us IZ used x Ratio <i>Or</i>	440.890 SF		
THIRD FLOOR	2,311 GFA			707.40 SF		
SECOND FLOOR	2,311 GFA	10% KESIDENTIAL N	ETTINOSECTIONS	707.4031		
FIRST FLOOR	1,304 GFA	TOTAL REOL	JIRED SETASSIDE	707.40 SF	@ 80% MFI C §1003.3 (b)	
TOTAL	8,237 GFA	20% REDUCED SET ASSID		565.92 SF	@ 60% MFI C §1003.9	
BUILDING FAR	2.727 FAR		~		C	
PENTHOUSE	820 GFA	PROPO	OSED SET ASSIDE	711 SF		
PROJECT TOTAL	9,057 GFA		PROSED IZ UNITS	UNIT 2A	@ 80% MFI	
	3.00 FAR	_				
			PENTHOUSE			
DWELLING UNIT MATRIX		_ TOTAL PENTHOUSE F		984 SF		
PROPOSES LIVIT SEVERAL I	MUNAPER OF THE	PENTHOUSE HABITABLE SPA		820 SF	PER C-1500.11	
PROPOSED UNIT CONFIGURATION	NUMBER OF UNITS	SET ASSIDE THE	ROUGH CONTRIBUTION	TO HOUSING TRUST FL	JND PER C-1006.10 (A)-(C)	
1 BEDROOM	4					
2 BEDROOM	5 o	_				
TOTAL	9	_				
UNIT NUMBER	NET SF (NSF)					
FIRST FLOOR - 1A	1,119 NSF	_				
1B	1,242 NSF					
SECOND FLOOR - 2A	711 NSF (IZ - 60% MRI)					
2B	860 NSF					
THIRD FLOOR - 3A	711 NSF					
3B	860 NSF					
FOURTH FLOOR - 4A	711 NSF					
4B	860 NSF	_				
SUBTOTAL	7,074 NSF	_				
PENTHOUSE APARTMENT (P1)	742 NSF					
BUILDING TOTAL	7,816 NSF					



26. PER DCMR 12A 3309.1 STRUCTURES UNDER CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE PROVIDED WITH NO FEWER THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER IN ACCORDANCE WITH SECTION 906 AND SIZED FOR NOT LESS THAN ORDINARY HAZARD AS FOLLOWS: 1. AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED. 2. IN EVERY STORAGE AND CONSTRUCTION SHED. 3. ADDITIONAL PORTABLE FIRE EXTINGUISHERS SHALL BE

27. PER DCMR 12A 803.1.1 INTERIOR WALL AND CEILING FINISH MATERIALS: INTERIOR WALL AND CEILING FINISH MATERIALS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM E84 OR UL 723. SUCH INTERIOR FINISH MATERIALS SHALL BE GROUPED IN THE FOLLOWING CLASSES IN ACCORDANCE WITH THEIR FLAME SPREAD AND

CLASS C: = FLAME SPREAD INDEX 76-200; SMOKE-DEVELOPED INDEX 0-450.

PROVIDED WHERE SPECIAL HAZARDS EXIST, SUCH AS THE STORAGE AND USE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS.

SMOKE-DEVELOPED INDEXES.

CLASS A: = FLAME SPREAD INDEX 0-25; SMOKE-DEVELOPED INDEX 0-450. CLASS B: = FLAME SPREAD INDEX 26-75; SMOKE-DEVELOPED INDEX 0-450.

SE AVENUE 1341 PENNSYLVANIA

1341 Pennsyllvania Avene SE, Washington, DC 20003

FESCUM, INC 4300 Forbes Blvd #130 Lanham, MD 20706 301.341.3435

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10432 Balls Ford Road #300 Manassas, VA 20109



ISSUE O. PERMIT SET 03/15/2021 1. PERMIT COMMENTS - REV 1 8/8/2022 2. PERMIT COMMENTS - REV 2 12/5/2022

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3 3D ILLUSTRATIONS - 3D ILLUSTRATIONS
A201 N.T.S

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PERMIT OPERATIONS DIVISION
PLANS APPROVED
Permit No. B2109090 Date 02/14/23

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits

AVENUE SE

1341 Pennsyllvania Avene SE, Washington, DC 20003

PROJECT

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MECHANICAL ENGINER
Mario Obando PE
MEP 4PERMITS

3D STRUCTURAL ENGINEERS, INC

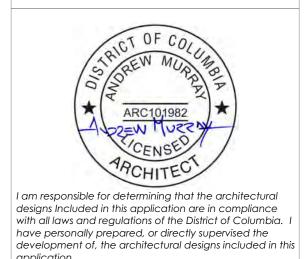
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DOMINION ENGINEERS, INC. 10432 Balls Ford Road #300 Manassas, VA 20109 703.291.1700



have personally prepared, or directly supervised the development of, the architectural designs included in this application.

ISSUE

0. PERMIT SET
0. PERMIT COMMENTS
8/8/2022

ELEVATIONS NORTH & SOUTH A201