

BZA Application No. 21406 – 2502 Martin Luther King Jr. Avenue SE

Submitted by: Christopher Comer, Ward 8 Resident and Board Member, City Homes Condominiums (2518 Sayles Place SE, Washington, DC 20020)

Written Statement for the Record

As a resident of Ward 8, and a board member of a neighboring homeowners association located immediately adjacent to the subject property, I submit this statement for the record to address the applicant’s request for special exception relief related to the zone boundary line crossing a lot and vehicle parking requirements.

My comments explain why the current record does not yet support a finding that the proposed development will avoid adverse impacts on adjacent residential properties, especially where MU-4 intensity meets RA-1 zoning and the MLK Avenue streetscape.

A) Failure to Provide a Meaningful Transition to the RA-1 Zone

The proposed building reaches nearly the full MU-4 height limit at approximately 49 feet and maintains substantial bulk directly adjacent to the RA-1 portion of the site. The plans do not demonstrate any meaningful transition in height, massing, or scale along the RA-1 edge.

Specifically:

The rear yard depth is reduced to 15 feet, rather than the 20 feet typically required in RA-1.

The cumulative effect is a **sheer wall condition** that places MU-4 intensity immediately against low-density residential fabric.

While the zoning regulations permit consideration of zone boundary line crossing relief, they do not eliminate the obligation to mitigate impacts on lower-density zones. As presented, the RA-1 designation provides little practical buffering, and the project functions as a full MU-4 building across the entire site.

B) Non-Binding and Indeterminate Design Commitments

Across multiple plans and renderings, the application repeatedly states that exterior materials, architectural elements, dimensions, and design details are “**subject to finalization**” during the building permit process and that “**minor refinements**” may be made following approval.

As a result, the drawings currently before the Board are expressly non-binding. This type of indeterminate language has the practical effect of shifting substantive design decisions from the Board’s review to the permitting phase, where the standards and oversight are materially different.

Once zoning relief is granted, the Board no longer retains leverage over exterior quality, durability, or buffering measures that may be central to its special exception findings.

The Board’s special exception analysis necessarily relies on the plans and representations submitted by the applicant. This level of indeterminacy prevents the Board from reliably concluding that the project, as ultimately constructed, will not tend to adversely affect neighboring properties.

The Board cannot make the required finding under Subtitle X that the proposal will not tend to adversely affect neighboring properties based on the record as submitted.

Accordingly, **any grant of special exception relief should be conditioned on binding commitments that clearly define the exterior materials, façade treatments, and buffering measures** relied upon in the Board’s findings, and should require submission of revised drawings reflecting those commitments prior to issuance of building permits.

C) Bulk and Massing Impacts

The updated drawings confirm that the project is designed to fully exploit the maximum allowable building envelope, rather than to respond to the site’s proximity to lower-density residential uses. The building maintains near-maximum lot occupancy, rises to nearly 50 feet in height, and includes a penthouse and roof deck without any corresponding reduction in overall bulk or spatial separation at the RA-1 interface.

As a result, the project creates a continuous, sheer mass extending from the sidewalk to the rear of the lot, with no meaningful modulation to reduce perceived scale or preserve light, air, and privacy for adjacent residential properties. These impacts are not incidental; they are the direct consequence of design choices that prioritize envelope maximization over contextual transition.

For special exception relief to be granted, the Board must find that the proposal will not tend to adversely affect neighboring properties. The current plans provide no evidence that the cumulative bulk and massing impacts have been mitigated, and therefore do not support the required finding.

D) Parking, Loading, and Service Impacts

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The project proposes 36 residential units with zero on-site vehicle parking. While proximity to Metrorail is cited, the plans do not include enforceable transportation demand management measures or operational details addressing:

- Move-ins and move-outs

- Deliveries and ride-share activity

- Trash and service access

In an already constrained curb environment along MLK Avenue and surrounding residential streets, the absence of these commitments raises unresolved concerns regarding spillover parking, congestion, and safety impacts.

The application assumes **zero on-site vehicle parking without demonstrating that alternative configurations, such as partial below-grade parking, were evaluated and found infeasible**. While zoning may permit reduced parking, the special exception analysis requires a showing that adverse effects have been reasonably mitigated. Absent such analysis, the proposal appears to externalize parking, service, and ride-share impacts onto surrounding public streets rather than mitigate them on-site.

E) MLK Avenue Frontage: Lack of Buffering at Street Level

Along the MU-4 frontage on MLK Avenue, the building is placed directly against the sidewalk with no landscaped setback, tree lawn, or green buffer.

Given the project's height, mass, and elimination of parking, the absence of any street-level buffering:

- Exacerbates pedestrian safety concerns

- Increases heat island effects

- Amplifies the visual impact of building mass at the sidewalk

In the absence of on-site parking and loading capacity, the lack of a landscaped frontage further constrains pedestrian and service activity at the curb.

A modest landscaped buffer or tree lawn along the MLK frontage would materially mitigate these impacts without undermining the project's feasibility and would better align the development with District goals related to environmental performance and pedestrian comfort.

F) Requested Conditions and Mitigation Measures

If the Board is inclined to grant special exception relief, I respectfully request that approval be conditioned on the following mitigation measures, which are necessary for the Board to make the required findings:

Rear Yard and RA-1 Interface Mitigation: Measures to mitigate impacts at the RA-1 interface, including increased rear yard depth and/or enhanced landscaping and buffering, sufficient to reduce the effects of building bulk and proximity on adjacent residential properties.

Binding Exterior and Façade Commitments: Binding commitments specifying exterior materials, façade treatments, and architectural elements—particularly on elevations facing RA-1 and the public realm—so that these elements are not left subject to change during the building permit process. Revised drawings reflecting these commitments should be required prior to issuance of any building permits.

MLK Avenue Frontage Buffering: A landscaped buffer or tree lawn along the MLK Avenue frontage, with minimum dimensions and street tree requirements clearly shown on a revised site plan approved by the Board prior to issuance of any building permits, to mitigate pedestrian safety impacts, heat island effects, and the visual impact of building mass at street level.

Parking, Loading, and Operational Controls: Enforceable operational conditions addressing move-ins and move-outs, deliveries, ride-share activity, trash collection, and service access, to prevent spillover impacts on surrounding residential streets. These conditions should be documented in a management plan approved by the Board prior to issuance of any building permits and implemented prior to occupancy.

Board Oversight and Retained Jurisdiction: Retention of jurisdiction by the Board to review and approve revised site, landscape, and exterior drawings demonstrating compliance with the above conditions before building permits are issued.

G) Conclusion

Even if the Board is inclined to grant relief, the record does not yet demonstrate that impacts on the RA-1 zone and the MLK Avenue frontage have been adequately mitigated. I respectfully request that the Board require additional conditions or revisions to address these issues before granting the requested special exception.

Thank you for the opportunity to submit this statement.

Submitted on 1/29/2026 by:

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