

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of Nicholson St Holdings LLC and Nicholson Street Properties LLC  
for Two Special Exceptions

2318, 2322, 2324 Nicholson Street SE (Sq. 5560, Lots 0819, 008, 007) (the “Property”)

**STATEMENT OF THE APPLICANT**

Nicholson St Holdings LLC and Nicholson Street Properties LLC, collectively the “Applicant,” and owners of the property located at 2318, 2322, 2324 Nicholson Street SE (Sq. 5560, Lots 0819, 008, 007) (the “Property”), now seek a special exception for relief to provide 11 rather than the required 19 parking spaces for this project pursuant to 11 DCMR Subtitle C, Section 703. The Applicant also seeks special exception relief from the requirement to provide a 12’x30’ loading space, pursuant to 11 DCMR Subtitle C, Section 909.

**I. BACKGROUND**

The Property is zoned to the RA-2 zoning district and is currently improved with three single family residences. The Property is comprised of three lots located on the north side of Nicholson Street SE between Prout Street SE and Minnesota Avenue SE. The Property has a combined total land area of 18,000 square feet. The Property is not located within a historic district.

**II. NATURE OF RELIEF REQUESTED**

The Applicant proposes to consolidate the three lots that make up the Property, demolish the existing single-family homes, and build a new five-story apartment building with 62 affordable rental units. The proposed building meets all development standards in the RA-2 zone other than the required parking and loading spaces. Therefore, the Applicant seeks a special exception for relief to provide 11 rather than the required 19 parking spaces for this project pursuant to 11 DCMR Subtitle C, Section 703. The Applicant also seeks special exception relief from the requirement to provide a 12’x30’ loading space, pursuant to 11 DCMR Subtitle C, Section 909.2.

**(A) Special Exception from Minimum Parking Requirements Pursuant to Subtitle C, Section 703**

The Applicant seeks a special exception, pursuant to Subtitle C, Section 703, to obtain relief from the 19 parking spaces required for this project under Subtitle C, Section 701. Pursuant to Section 703.1(b), the Applicant seeks this special exception because 19 parking spaces are unnecessary due to a lack of demand for parking and the site's proximity to transit options, as set forth more fully below.

Further, the Board may grant a full or partial reduction in the number of required parking spaces if the Applicant satisfies at least one of the standards set forth in Subtitle C, Section 703.2. Here, as discussed below, the Applicant satisfies the following standards:

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

The Property is located just one to two blocks away from multiple high-frequency bus stops including those along Minnesota Avenue SE and Pennsylvania Avenue SE and has strong pedestrian and bicycle connectivity. This project would typically qualify for the 50% reduction in required parking spaces pursuant to Subtitle C, Section 702.1(c) due to its location within one-quarter mile (.25 mi.) from the Pennsylvania Avenue Priority Corridor Network Metrobus Routes. However, in this case, the Property is located on a street that is technically part of the District Residential Parking Permit Program even though currently there are no residential parking permit signs on this block of Nicholson Street. It should be noted that the Office of Planning has proposed a text amendment, currently pending before the Zoning Commission (Z.C. Case No. 25-12), to eliminate this condition regarding the District Residential Parking Permit Program. If and when

this text amendment is approved, this project would meet the parking requirements of Subtitle C, Section 703.

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

The Property is located within the study area for the Pennsylvania Avenue East Small Area Plan (the “PAESAP”). The vision of the PAESAP is that this area will be anchored by a multimodal transit hub on the west end and that the corridor will be connected by a safe and reliable transit network including moto vehicles, bikes, and pedestrians. Today, the neighborhood is well served by pedestrian and bicycle connectivity due to its close proximity to neighborhood-serving retail and grocery stores along both Pennsylvania Avenue SE and Minnesota Avenue SE. Furthermore, a Capital Bikeshare station is located approximately one block from the Property at the intersection of Minnesota Avenue SE and 25<sup>th</sup> Street SE.

**(f) All or a significant proportion of dwelling units are dedicated as affordable housing units;**

All of the units provided as part of this proposed project will be affordable rental units, including a significant number of family-size units, available to tenants earning up to 50% of the local Area Median Income (AMI).

In addition, pursuant to Subtitle C, Section 703.3, any reduction in the required number of parking spaces granted under Subtitle C, Section 703.2 shall be:

- (a) Proportionate to the reduction in parking demand demonstrated by the applicant;**
- (b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and**
- (c) Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.**

The Applicant is proposing to provide 11 rather than the required 19 spaces, which represents more than 50% of the required amount of spaces. The Applicant has worked to design the project in a manner that would allow surface parking at the rear of the Property. Below-grade parking in this location is prohibitively expensive, especially given that this project will be an all-affordable project providing rental units for tenants earning up to 50% AMI. Given that the Applicant needs to preserve space for a service and delivery space as well at the rear, no additional surface parking spaces can be provided. No additional relief related to location, access, size or layout, screening is requested.

Finally, pursuant to Subtitle C, Section 703.4, the Applicant will submit a transportation demand management plan approved by the District Department of Transportation.

**(B) Special Exception Relief from Minimum Loading Requirements Pursuant to Subtitle C, Section 909**

The Applicant seeks a special exception, pursuant to Subtitle C, Section 909, to obtain relief from the one loading space required for this project under Subtitle C, Section 901. Pursuant to Sections 909.1 and 909.2, the Applicant is seeking a special exception for relief from this requirement due to the limited size of the Property and the fact that the loading demand for this project is not expected to require a full-size loading berth. Rather, the Applicant proposes to include a 10'x20' service and delivery space in lieu of the required 12'x30' loading berth for residential developments with more than 50 dwelling units. The proposed service and delivery space is expected to accommodate the vast majority of loading activities associated with the building, including package deliveries, small move-ins, and service vehicles. Further, to the extent the District Department of Transportation deems it necessary, the Applicant will provide a loading demand management plan pursuant to Subtitle C, Section 909.2(a)(2).

**C. Special Exception Standards Pursuant to Subtitle X, Chapter 9**

Pursuant to Subtitle X, Chapter 9, the special exception relief sought herein must meet the standards set forth in Subtitle X, Section 901.2, which states that the BZA may grant a special exception when the relief requested:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and 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.**

This Application meets the above standards. First, the relief requested is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The purpose of the RA-2 zone is to “[p]ermit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts.” *See* 11 DCMR Subtitle F, Section 101.3(a). The RA-2 zone provides for areas developed with predominantly moderate-density residential. *Id.*, Section 101.5. The proposed project will meet all development standards in the RA-2 zone apart from parking and loading requirements.

The requested parking and loading relief and the project that it will facilitate will not substantially intrude on the character, scale, and pattern of neighboring properties. As noted, the proposed residential apartment building conforms to all development standards in the RA-2 zone. Further, the Property is located within the study area for the PAESAP. One of the four key themes of the PAESAP is Housing Opportunities and Affordability. The PAESAP states that while multifamily housing is limited in this area, demand for this housing type is high, leading to multifamily vacancy rates that are lower than the citywide average. *See* PAESAP at p. 36. The PAESAP further states that there is a “strong desire for more affordable family- size units within the

PAESAP study area for both purchase and rental.” This project will provide new family-size affordable rental units, thereby advancing the goals of the PAESAP.

In addition, the Property is directly adjacent to the new Pennsylvania Avenue East Neighborhood Mixed-Use Zone (NMU-5A/PAE). This new zone is intended to further implement the goals of the Pennsylvania Avenue East Small Area Plan. The PAESAP envisions a new square at the intersection of Pennsylvania Avenue SE and Minnesota Avenue SE. This new square will be located just steps away from the project proposed in this application. The square is envisioned to provide a new neighborhood landmark and gathering space that will promote pedestrian retail space and allow for a new gathering place for performances and community events. The project will provide new affordable housing for residents who wish to live in close proximity to the new square and other planned improvements in the PAESAP.

Further, the relief requested and the project as a whole will not adversely affect the use of neighboring properties. Rather, as discussed above, the project will facilitate the goals for new and affordable housing in the PAESAP study area. And given the proximity to multi-modal transit options including bus, bicycle, and pedestrian connections in this area, the parking and loading relief requested will not create adverse impacts on neighboring properties.

Finally, other applicable special conditions referenced in Subtitle X, Section 901.2(c) are addressed above.

### **III. COMMUNITY ENGAGEMENT**

The Applicant will engage with ANC 7B, neighbors, and the community as this project moves forward.

#### **IV. WITNESSES**

The following witnesses will appear on behalf of the Applicant at the BZA hearing on this Application:

1. Matthew Medvene, District Line Development, LLC

Mr. Medvene is supervising the proposed construction for this project and will testify as to construction, design, and community engagement and outreach.

2. Ryan Petyak, Architect, Studio 3877

Mr. Petyak is the architect for this project and will testify as to design and architecture matters related to the project.

3. Daniel Solomon, Gorove Slade

Mr. Solomon is providing transportation-related assistance on this project and will testify regarding the parking and loading relief sought and the Applicant's plan to mitigate the impacts of any such relief.

#### **V. CONCLUSION**

For all of the reasons discussed above, the Applicant respectfully requests that the BZA approve this application for two special exceptions.

A handwritten signature in black ink, appearing to read "Zach Williams", written over a horizontal line.

Zachary G. Williams, Esq.  
Venable LLP  
Authorized Agent for the Applicant