

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Philip Bradford, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 25, 2024

**SUBJECT:** Modification Request - BZA Case 7096A, 4400 Connecticut Avenue, NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following to permit a reduction in vehicle parking requirements the original Order approved under ZR58:

- Modification with Hearing to BZA Orders 7096 and 7097 pursuant to Subtitle Y § 704;
- Special Exception relief from the minimum vehicle parking requirements of Subtitle C § 701.5, pursuant to Subtitle C § 703.2 and Subtitle X § 901.2.

Subtitle C § 701.10 requires that parking established under the previous, 1958 Zoning Regulations be maintained if the use on the property continues. The requested number of vehicle parking spaces would conform to the current ZR16 vehicle parking requirements.

The proposed changes to the condition of the approved Order, as requested by the applicant, are as follows: (New language in **bold**, deleted text is ~~struck through~~)

- The parking spaces authorized under the terms of this order are **non**-required parking spaces **for the existing hotel use on Lot 2 in Square 1971, but shall nonetheless continue to** ~~which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose~~ **for so long as the parking structure on Lot 26 in Square 1971 exists. so long as the improvements to be served exist or so long as said accessory off-street parking is required by the Zoning Regulations. Upon raze or demolition of said parking structure, the Board's approval of the parking structure and parking spaces authorized under the terms of this order shall cease, and use of Lot 26 in Square 1971 shall revert to what is permitted under zoning at such time. The Board's approval of this modification shall permit the Applicant, including its successors and assigns, to extinguish the parking covenant previously required under BZA Appeals #7096 and #7097 as it is no longer required.**

### **II. LOCATION AND SITE DESCRIPTION**

Address	4400 Connecticut Avenue, NW
Applicant	Goulston & Storrs PC, for Van Ness Limited Partnership
Legal Description	Square 1971, Lots 0836, 0835, 0026

Ward, ANC	Ward 3; ANC 3F
Zone	Lots 0836, 0835: MU7B, Lot 0026 R-1B
Lot Characteristics	Lots 0836 and 0835: Rectangular in shape with 165 feet of frontage along Connecticut Avenue, and 140 feet of frontage along Yuma Street.  Lot 0026: Approximately 166 feet along the 20-foot public alley and 100 feet along Yuma Street.
Existing Development	Site is developed with six story lodging use with ground floor commercial space, surface parking, and three level structured parking garage across a 20-foot public alley to the west.
Adjacent Properties	North: Two-story commercial building East: Mixed-use apartment building South: University of the District of Columbia West: Single family attached housing and three-story apartment building
Surrounding Neighborhood Character	Mixed use commercial uses along the Connecticut Ave NW corridor to the north and south with predominantly residential single-family attached and detached dwellings and small apartment buildings to the east and west.
Proposed Development	No development proposed at this time. Applicant is seeking to extinguish the parking covenant required under the conditions of BZA Appeals 7096 and 7097 in order to redevelop the garage lot.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone-	Regulation	Existing	Proposed	Relief
<b>Parking ZR 58 Requirements</b>	<b>1 for each 2 guest rooms</b> <b>78 spaces required</b>	<b>41 spaces on hotel lot 140 in parking garage</b>	<b>41</b>	<b>Reduction of 37 spaces</b>
Parking ZR16 C § 701 (provided for reference)	0.5 / 1,000 GFA in excess of 3,000 GFA <b>33 spaces required</b>	41 spaces on hotel lot 140 in parking garage	41	N/A

### IV. ANALYSIS

#### Subtitle C § 703 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

*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 (1) of the following:*

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

The applicant has demonstrated that the site is well served by mass transit. The property is located less than 1/4 mile from the Van Ness – UDC station on the Red Line, and abuts Connecticut Avenue which is served by the L2 Metrobus route, which runs from Farragut Square to Chevy Chase Circle. Due to these mass transit lines serving the site, the applicant meets this standard for granting special exception relief.

*(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*

The site currently provides vehicle parking well in excess of zoning requirements, so a reduction in parking spaces could reduce vehicle trips to/from the site from the Connecticut Avenue NW corridor and through the surrounding neighborhood. Removal of the parking covenant would enable the future redevelopment of garage lot which could further reduce vehicular trips to and from the site.

*703.3 Any reduction in the required number of parking spaces granted under Subtitle C § 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 request would reduce the required number of spaces required under ZR58, to bring the required number of spaces in line with the amount of parking spaces located on the hotel lot (41 spaces). Under ZR16, the use would require 33 parking spaces, which could be reduced to 17 spaces due to the proximity of the site to a Metrorail station. The Metrorail station was constructed after the hotel was built, which lowers the parking demand of the site as it is now more transit accessible than it was when it was built. According to the applicant the 41 spaces to be retained on the hotel lot are adequate to meet the needs of the hotel.

*703.4 Any request for a reduction of more than four (4) spaces from the required number of parking spaces 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 proposes a reduction of 37 spaces from the required parking under ZR58. The applicant does not believe a Transportation Demand Management (TDM) plan should be required in this case as the reduction of spaces to 41 exceeds the requirements of 33 parking spaces under the ZR16 requirements, and the site is well served by Metrorail and Metrobus routes along Connecticut Avenue. OP would defer to DDOT on whether a TDM Plan should be required.

#### **b. Special Exception Relief from Subtitle X § 901.2**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

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

*Zoning Maps;*

The requested parking relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposed reduction in required parking spaces would still be greater than the total required under ZR16, and all existing spaces located on the site are proposed to remain without change. The parking reduction and modification to the condition facilitates the future redevelopment of the parking garage consistent with what is intended for that site.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Approval of the requested relief should not adversely affect the use of neighboring properties, the reduction in spaces only impacts the required total, the total of spaces provided on the two properties will not change until the garage lot is sold and redeveloped, which any redevelopment would be evaluated under the zoning regulations adopted at that time.

**Subtitle Y § 704 MODIFICATION WITH HEARING**

**1. Description of Requested Modification**

The applicant is requesting a modification the condition in Order No. 7096 / 7097. The modifications to the condition allow for the extinguishment of the required parking covenant and would allow the garage lot to be more appropriately developed when market conditions improve. The modified condition would read as follows:

*The parking spaces authorized under the terms of this order are non-required parking spaces for the existing hotel use on Lot 2 in Square 1971, but shall nonetheless continue to be reserved exclusively for that purpose for so long as the parking structure on Lot 26 in Square 1971 exists. Upon raze or demolition of said parking structure, the Board's approval of the parking structure and parking spaces authorized under the terms of this order shall cease, and use of Lot 26 in Square 1971 shall revert to what is permitted under zoning at such time. The Board's approval of this modification shall permit the Applicant, including its successors and assigns, to extinguish the parking covenant previously required under BZA Appeals #7096 and #7097 as it is no longer required.*

**2. OP Analysis**

Subtitle Y § 704.6 states “a public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.”

The applicant requests to modify Condition A of the previously approved Order No. 7096 and 7097, which would allow the applicant to extinguish the parking covenant required under the approved Order, and reduce the required number of parking spaces required. The applicant proposes to maintain the site and parking deck as currently built, despite the request to reduce required parking spaces, there will be no change or expansion to the use. Therefore, the subject application does not change the material facts upon which the Board based its original approval.

The applicant has further demonstrated that the parking required by the hotel is significantly less than originally required under the previous regulations and due to the high frequency transit options located near the property, the vehicular demand to the site is also less than when it was built.

## V. OTHER DISTRICT AGENCIES

At the time of this report, no district agency comments have been submitted to the record.

## VI. ADVISORY NEIGHBORHOOD COMMISSION

At the time of this report, a memo from ANC 3F has not been filed to the record.

## VII. COMMUNITY COMMENTS TO DATE

At the time of this report, no community comments have been submitted to the record.

### Location Map

