

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant’s Statement of 2001 RIA Owner LLC
2001 Rhode Island Avenue, NE (Square 4217N, Lot 7).

I. INTRODUCTION.

This Statement is submitted on behalf of 2001 RIA Owner LLC (the “**Applicant**”), owner of the property located at 2001 Rhode Island Avenue, NE (Square 4217N, Lot 7) (the “**Property**”). The Property is located in the MU-4 zone and was previously used as office and conference rooms. The Applicant is proposing to raze the building and construct a new four-story building with a penthouse and cellar, that will have ground-floor retail and 50 residential units (the “**Project**”). The Project is permitted as a matter of right except the Applicant is not able to provide thirteen (13) of the seventeen (17) required parking spaces. Accordingly, the Project requires special exception relief pursuant to C-703.2 from the parking requirements for thirteen (13) parking spaces.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2 and C-703.2.

III. BACKGROUND.

A. Description of the Property and Proposed Project.

The Property is a corner lot with a land area of 14,665 square feet. The Applicant is proposing to raze the existing building and construct a new, four-story building with a penthouse and cellar. The new building will have ground floor retail and fifty (50) residential units. One (1) care share space and one (1) handicapped space will be provided. The care share space will count as three (3) parking spaces.

B. Surrounding Area.

The area is characterized by a mix of residential, commercial, and educational uses. The Property is only 0.3 mi. — or a 7-minute walk — from the Priority Route G8 Bus route¹, 1.2 miles from the Rhode Island Avenue Metrorail Station, and one 1 mile from the Brookland-CUA

¹ The maximum distance from a Priority Bus Line for a 50% parking reduction is .25 miles.

Metrorail Station. According to Walk Score, the Property has a Walk Score of 82, and is considered "Very Walkable."

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2, C-703.2.

A. General Special Exception Requirements.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, 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's bulk and density is permitted as a matter-of-right in the MU-4 zone. As the Property has a Walk Score of 82 and is located close to amenities such as grocery stores, restaurants, shops, and for various other reasons, it is anticipated that many of the future residents are unlikely to have cars.

B. Special Exception Requirements of Subtitle C-703.2.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to C § 703.2.

Section 703.2 "The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the sections most relevant to this Application.

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The topography of the site includes a severe increase in grade elevation from front to back, which makes excavation of a parking garage financially and physically infeasible. For the same reason, surface parking is infeasible to provide in any meaningful manner. The Applicant is providing one handicapped space and one car-share space at the rear of the Property, with the only space reasonably available to provide such parking. The limited alley access – a paper alley – also contributes to the inability to provide the required parking. The only potential vehicular access to the Property is by way of St. Francis DeSales Place, NE, a 25-foot-wide residential street, through a 15-foot-wide alley. The alley shows up as a paper alley on District maps, although it is somewhat finished with concrete. The Applicant presumes that DDOT does not maintain the alley and will engage with DDOT to assure that the alley can be finished, and maintained, to service the Applicant's two parking space. The alley extends to the Property only and is not a through alley.

Aside from this potential rear access, due both to the grading, proximity to intersections, and location on a busy commuter Rhode Island Avenue (part of the Transit Priority Network), it is presumed that DDOT will not permit any curb cuts on any Property frontage. Finally, all parking lots within 600 feet appear to be dedicated to their own respective residential and commercial uses.

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

The Property is well served by mass transit, including the Route G8 Bus Line, which is 0.3 mi., or a 7-minute walk from the Property, just shy of the 0.25 mi. requirement for a 50% parking reduction. The Property is also served by the following Bus Lines; 86 and 83 (directly in front of the Property), T18, T14, E2, and H6 (0.2 mi.) and the Metrorail Red Line (2 stations within 1.2 miles).

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

As described directly above in (b), the Property is well-served by transportation. Moreover, the Property is within walking distance to amenities such as grocery stores, restaurants, and shops. The Property has a Walk Score of 82 and is considered "Very Walkable." Accordingly, the characteristics of the neighborhood minimize the need for the required parking spaces.

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

- (1) A curb cut permit for the property has been denied by the District Department of Transportation; or**
- (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;**

The Property does not have access to an open public alley. It does appear to have access through the rear alley, with the challenges that alley presents, as described above. Any driveway that could access an improved public street from the property would violate DDOT's guidelines with respect to curb cuts. The Design & Engineering Manual (31.5)² states: "the number and impact of curb cuts and driveways on public space should be minimized to improve pedestrian circulation and safety by... e) Providing curb cuts only where leading to multiple vehicular parking spots, since a curb cut typically removes at least one on-street vehicular parking space."

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.

The reduction in the required number of parking spaces is only for the 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. Part of the parking requirement is a result of the Applicant's commitment to provide retail use on the first floor, which the Applicant understands is a desired use within the neighborhood.

Section C-703.4 Any request for a reduction in the minimum required parking 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.

²https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Jan%202019%20DEM%20Pages%20with%20Edits%20from%202017%20Edition%20Only.pdf

The Applicant will be hiring a traffic engineer and will work with DDOT to develop a TDM plan, if required.

V. CONCLUSION.

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,

Martin P Sullivan

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