

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Livingston Developers Group LLC
4184, 4190 and 4196 Livingston Road, SE (Square 6219, Lots 24, 23 and 22)

I. INTRODUCTION.

This Statement is submitted on behalf of Livingston Developers Group LLC (the “**Applicant**”) owner of the properties located at 4184, 4190 and 4196 Livingston Road, SE (Square 6219, Lots 24, 23 and 22) (the “**Properties**”). The Properties are located in the RA-1 zone district and each is improved with a three-story + cellar 13-unit residential building (the “**Building**” or “**Buildings**”). The Applicant is proposing to construct a three-story rear addition + cellar, connected by a one-story laundry room, (the “**Addition**” or “**Additions**”) to each of the respective Buildings. One residential unit will be added to the cellar level of each existing Building, and each proposed Addition will have 8 new units (the “**Project**”) for a total of nine new units on each lot (from 13 to 22 units). This is a net increase of 27 units across all three properties. The Zoning Administrator has determined that expansions to existing residential developments in the RA-1 zone require special exception relief pursuant to U § 421 of the D.C. Zoning Regulations.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle X § 901, and U § 421.

III. WITNESSES

The Applicant anticipates that Alexandra Wilson from Sullivan & Barros will lead the presentation and that Dagmawi Gebrekidan from the architecture team will be available for questions.

IV. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Properties are zoned RA-1 and are all interior lots with no alley access. The 4184 and 4190 Properties have 14,921 square feet of land area and the 4196 Property has 15,205 square feet of land area. To the north of the Properties is 4180 Livingston Road, SE, which is improved with a 12-unit apartment building. To the south of the Property is 4200 Livingston Road, SE, which is improved with a single-family semi-detached dwelling. To the west of the Property is Livingston

Road. Across from Livingston Road is Oxon Run Park. To the east of the Property is 4323 3rd Street, SE, a large multi-family apartment complex spread across 14 buildings contained in 6 clusters. The surrounding area is characterized by large apartment complexes.

Regarding transportation in the area, the properties are served by several Metrobus lines including the A6, A7, A8, D12, D14, and W14, which run along major streets like Martin Luther King Jr. Avenue SE and Wheeler Road SE. The nearest Metrorail station is Southern Avenue, approximately a 30-minute walk or 10-15 minute bus ride. The A6 and A8 bus lines service the stop on 3rd St SE and Livingston St SE. This is a 5-minute walk from the Properties. These lines provide 24-hour service and operate every 20 minutes, making them reliable options for travel at any time. Both are priority metrobus routes. The A2 bus line, also a priority metrobus route, is even closer—only 0.2mi., on the corner of Livingston & Atlantic.

B. Description of the Proposed Project.

The Applicant proposes to construct a three-story rear addition connected by a fully enclosed and conditioned shared laundry room and add 8 units within each new Addition, and a new unit in the cellar of each existing Building, an increase of 9 units on each property, for a total of 22 residential units on each Property. Additionally, the proposal meets all development standards of the RA-1 zone, including height which is limited to 34 feet and is also limiting density to under 0.9 FAR—even though 1.08 would be permitted with IZ. Additionally, the proposal includes 6 new parking spaces where there are currently none, and where only 4 parking spaces are required, and the additions leave ample side yard space and rear yards of more than 20 feet. Additional project details have been included in the plans and plat included with this submission.

V. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND U-421

A. Special Exception Criteria

i. General Special Exception Standards

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.

ii. Standard for Review

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). In this case, the Applicant is seeking relief from U-421 and asserts it meets the prerequisites for approval as it satisfies the relevant respective zoning requirements.

B. The Application satisfies the General Special Exception Criteria of Subtitle X-901.2.

The granting of the special exception will be in harmony with the general purpose and intent of the zoning regulations. The RA-1 Zone provides for areas predominately developed with low to moderate-density development, including multi-family residential buildings. The Building will conform to all other RA-1 zoning development standards. Accordingly, the granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

C. The Application satisfies the Specific Requirements of U § 421.

New residential developments in the RA-1 zone require special exception approval pursuant to U-421. The Zoning Administrator's interpretation of what constitutes a "new residential development" under U-421 includes the expansion of existing apartment buildings. Accordingly, the Project requires special exception approval pursuant to Section U-421 of the D.C. Zoning Regulation:

Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

It is expected that the Office of the State Superintendent of Education will not have an issue with the increase in residents from the new units. As noted above, in addition to the in-boundary schools, there are two nearby charter schools.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

It is expected that DDOT and other relevant DC agencies will find that the surrounding public streets, recreation, and other services are adequate to accommodate the residents that can

be expected to reside in the project. As noted above, the Applicant exceeds the parking requirements with 4 spaces where only 6 are required. Further, there are several bus lines nearby, including two 24-hour bus lines that are only a 10-15 minute drive to the metro.

Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The Applicant has provided sufficient information for the Office of Planning to comment and make recommendations on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant has submitted a site plan, a set of typical floors plans and elevations, grading, and landscape plans. The Applicant is not proposing any new rights of ways or easements.

VI. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
Date: January 16, 2025