

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

**3401 K Street, NW (Square 1183, Lot 813)**

***PRELIMINARY STATEMENT OF COMPLIANCE WITH THE BURDEN OF PROOF***

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**I. INTRODUCTION**

On behalf of Washington Georgetown Properties LLC (the “Applicant”), this statement is submitted in support of an application for special exception relief pursuant to 11-C DCMR § 703.2 and 11-X DCMR § 901.2 from the minimum number of on-site vehicle parking spaces required under 11-C DCMR § 701.5 to reduce the required minimum number of on-site vehicle parking spaces for the property located at 3401 K Street, NW (Square 1183, Lot 813) (the “Property”) (the “Application”). The relief requested will permit the redevelopment of the Property into a seven-story, plus penthouse, hotel that will include 230 guestrooms.

Pursuant to 11-Y DCMR § 300.15, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or “Board”) no fewer than 30 days prior to the public hearing on the Application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board’s approval of the requested relief. The following is a preliminary statement demonstrating how the Application meets the burden of proof.

**II. BACKGROUND**

**A. Description of the Property, Neighborhood Context, and Zoning**

The Property consists of approximately 20,320 square feet of land area and is located within the Georgetown neighborhood in northwest Washington, DC, just south of the Chesapeake & Ohio Canal National Historical Park and the Chesapeake & Ohio Canal. The Property is located within Square 1183, which is bounded by M Street, NW to the north, Water Street, NW to the south, the Francis Scott Key Bridge to the west, and 34<sup>th</sup> Street, NW to the east. The Property is more particularly bounded by the Chesapeake & Ohio Canal to the north, Water Street, NW to the south, the Francis Scott Key Bridge (“Key Bridge”) overpass and private property to the west, and 34<sup>th</sup> Street, NW and private property to the east. The Property has a significant grade change between Water Street, NW and the Chesapeake & Ohio Canal.

The Property is located within the Georgetown Historic District and is improved with a two-story warehouse building, which was constructed in or around the 1930s and 1940s and is a contributing building to the Georgetown historic district. The Property is also subject to review by the Old Georgetown Board and the Commission of Fine Arts.

The Property is located in close proximity to the Georgetown neighborhood’s vibrant M Street commercial corridor which is known for its shops, bars, and restaurants. Furthermore, the Property is uniquely situated towards the southwest corner of the Georgetown neighborhood and

is located at the terminus of K/Water Street, beneath the Key Bridge and the Whitehurst Freeway overpass.

As shown on the portion of the Zoning Map submitted herein, the Property is zoned MU-13. The MU zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities and is intended to provide for the orderly development and use of land and to preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities. *See* 11-G DCMR §§ 101.1, 101.3. More specifically, the MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront. 11-G DCMR § 101.20.

## **B. Description of the Project**

The Property is being redeveloped into a seven-story, plus penthouse, hotel that will include 230 guestrooms (the “Project”). The Project will incorporate and preserve the two-story historic warehouse building, which will house the hotel lobby, retail uses, commercial adjunct uses such as a restaurant and a bar, back of house and mechanical space, and loading. The second floor will contain hotel guest rooms and back of house and mechanical space. A new five-story plus penthouse addition will be constructed above the existing two-story warehouse building, with those floors including hotel guest rooms. Finally, the proposed penthouse will be devoted to penthouse mechanical space and screened mechanical equipment.

The Project has been reviewed and approved by the Old Georgetown Board, and building permits have been issued for the Project. The Project is currently under construction and is anticipated to deliver during the first quarter of 2026.

## **C. Required and Proposed Parking**

The minimum on-site vehicle parking requirements are set forth in 11-C DCMR § 701.5. For lodging uses, the minimum vehicle parking requirement is 0.5 spaces per 1,000 square feet of GFA in excess of 3,000 square feet of GFA. 11-C DCMR § 701.5. For retail uses, the minimum vehicle parking requirement is 1.33 spaces per 1,000 square feet of GFA in excess of 3,000 square feet of GFA. *Id.* If two or more uses are located on a single lot or in a single building and the applicable parking standard for such uses exempts an initial floor area (for example, the first 3,000 sq. ft. of GFA), only one exempt floor area may be deducted from the total combined parking requirements for the uses and the exempt floor area shall be pro-rated among uses. 11-C DCMR § 701.6.

The Project contains 79,308 square feet of gross floor area (“GFA”), of which 2,636 square feet of GFA will be devoted to retail use. Accordingly, the Project’s minimum on-site vehicle parking space requirement is 40 spaces, calculated as follows using the prorated exemptions:

- Lodging Use:  $76,672 \text{ sf} - 2,901 \text{ sf} = 73,771 \times 0.5 / 1,000 = 36.8 = 37 \text{ spaces}$
- Retail Use:  $2,636 \text{ sf} - 99 \text{ sf} = 2,537 \times 1.33 / 1,000 = 3.3 = 3 \text{ spaces}$

According to a confirmation from the Zoning Administrator, the Project is entitled to a parking credit based on the existence of the two-story warehouse building which was constructed prior to 1958. The Zoning Administrator determined that based on the Zoning Regulations in effect in 1958, one parking space for each 2,400 GFA of warehouse use was required, which results in a parking credit of 13 spaces ( $31,217 / 2,400 = 13$ ). Accordingly, the Project requires 27 parking space to be provided (i.e., 40 spaces – 13 space parking credit).

The Zoning Regulations permit an automatic 50% reduction in the parking requirement for a site that is located within 0.25 miles of a Priority Corridor Network Metrobus Route, if the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program. 11-C DCMR § 702.1(c). The Property is located 0.28 miles from the Wisconsin Avenue/Pennsylvania Avenue (Routes 31, 32, 34, 36, 37, 39) route, which precludes use of the automatic reduction.

As part of the building permit process, the Applicant proposed to satisfy the parking requirement off-site as permitted pursuant to 11-C DCMR 701.8, and the Zoning Administrator confirmed that providing off-site parking in a location that is 600 feet from the Property, as measured from the nearest lot line, would be sufficient to satisfy the requirement. Since that time, however, changes have occurred in the immediate area. Accordingly, the Applicant requests a reduction in the minimum on-site vehicle parking space requirement to 13 spaces, which would be satisfied by virtue of the parking credit. Therefore, no parking would be provided on-site.

### **III. SPECIAL EXCEPTION RELIEF**

#### **A. Relief Requested**

The Applicant requests special exception relief pursuant to 11-C DCMR § 703.2 and 11-X DCMR § 901.2 from the minimum number of on-site vehicle parking spaces required under 11-C DCMR § 701.5 to reduce the required minimum number of on-site vehicle parking spaces for the Property from 40 to 13 spaces.

#### **B. Burden of Proof**

Pursuant to D.C. Code § 6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant a special exception where it finds that 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 subject, in each case, to the specified special conditions. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

**C. Compliance with the Special Exception Criteria in 11-C DCMR § 703.2 for Relief from the Minimum On-site Vehicle Parking Spaces Required Under 11-C DCMR § 701.5**

The requested relief may be approved by the Board as a special exception pursuant to 11-C DCMR § 703.2. According to 11-C DCMR § 703.2, the Board may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to 11-X DCMR § 901.2, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:

- (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;*
- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
- (f) All or a significant proportion of dwelling units are dedicated as affordable housing units;*
- (g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
- (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 Public Space Committee; 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;*

*(i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or*

*(j) The nature or location of an Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.*

11-C DCMR §§ 703.2(a)–(j).

The Application satisfies the requirements of 11-C DCMR §§ 703.2(e), 703.2(g), and 703.2(j) as follows:

*(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards.*

The Applicant, an entity related to CitizenM (“cM”), will operate a hotel on the Property. cM aims to provide affordable luxury experiences for modern travelers and places a focus on central city locations. cM targets “mobile citizens” that are modern, frequent travelers who value convenience, design, and affordability. Additionally, cM focuses on prime locations in major cities, close to transportation options, landmarks, and business centers.

Given cM’s target audience and business strategy, the Project is highly unlikely to result in customers who will be accessing the hotel using their own vehicle. In fact, the majority of cM’s customer base does not bring a vehicle when visiting their hotels, thereby eliminating the need for on-site parking. Specifically, the Project is designed to offer smaller guestrooms tailored to business travelers rather than families, which generates a lower parking demand. In addition, the hotels do not have extensive function or event space, which limits the visitors to the hotel to primarily overnight guests. Furthermore, cM operates multiple hotels throughout the United States and across the globe. For the hotels operated by cM that do not provide on-site parking, cM’s website is abundantly clear that on-site parking is not provided. This advanced information provides guidance to guests that parking is unavailable and reduces the likelihood that guests will bring a car to the hotel.

As such, the guests who are expected to use the Project will generate a demand for less parking than the minimum parking requirement.

*(g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use.*

The Property is located in a segment of the Georgetown neighborhood that has a sufficient quantity of public parking, other than on-street parking, which can reasonably be expected to be available when the building is in use. Several public parking lots and garages are located within 0.25 miles of the Property, such as:

1. The Flour Mill Garage (1000 Potomac Street, NW) - The Flour Mill Garage is a 5-minute walk from the Property and provides 170 parking spaces.
2. 3290 M Street, NW Parking Lot - The 3290 M Street, NW Parking Lot is a 5-to-7-minute walk from the Property and provides 38 parking spaces.
3. 3307 M Street, NW Parking Garage - The 3307 M Street, NW Parking Garage is a 5-to-6-minute walk from the Property and provides approximately 125 parking spaces.
4. The Waterfront Center Garage (3213 Water Street, NW) - The Waterfront Center Garage is a 6-minute walk from the Property and provides approximately 275 parking spaces.
5. The Georgetown Park Parking Garage (1080 Wisconsin Avenue, NW) - The Georgetown Park Parking Garage is an 8-to-10-minute walk from the Property and provides 660 parking spaces.
6. 3333 M Street, NW Parking Garage - The 3333 M Street, NW Parking Garage is a 5-to-7-minute walk from the Property and provides approximately 88 parking spaces.
7. Crystal Parking Lot (3601 M Street, NW) - The Crystal Parking Lot is an 8-to-10-minute walk from the Property and provides approximately 30 parking spaces.

These seven parking facilities located within 0.25 miles of the Property provide approximately 1,386 parking spaces.

Additionally, the following public parking garages are located slightly further than 0.25 miles from the Property:

1. The Millenium Parking Garage (3177 K Street, NW) - The Millenium Parking Garage is a 7-to-8-minute walk from the Property and provides 340 parking spaces.
2. 1403 Wisconsin Avenue, NW Parking Garage - The 1403 Wisconsin Avenue, NW Parking Garage is a 13-minute walk from the Property and provides approximately 50 parking spaces.

In total, there are approximately 1,776 parking spaces located within walking distance of the Property that hotel guests and employees can use.

Accordingly, based on the available data, it is evident that there is a sufficient quantity of existing public, commercial, and private parking, other than on-street parking, in the neighborhood that can reasonably be expected to be available for the Project.

*(j) The nature or location of an Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking*

*spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.*

A Historic Resource is a historic landmark or a building, structure, object or feature, and its site, that contributes to the character of a historic district, as determined in accordance with the Historic Landmark and Historic District Protection Act of 1978. *See* 11-B DCMR § 100.2. The Property is a Historic Resource because the existing two-story warehouse is a contributing building to the Georgetown Historic District.

The nature and location of the contributing building precludes the provision of the number of required parking spaces due to architectural and structural difficulties. First, the existing warehouse building occupies a significant majority of the Property, making on-site parking outside the building extremely difficult. As such, any parking would need to be accommodated within the historic existing warehouse building. However, according to direction from the Historic Preservation Office and the Old Georgetown Board, the existing two-story warehouse building's façade must remain intact. Therefore, creating penetrations into the existing historic façade would create challenges for the Project.

Even if access could be accommodated, the existing warehouse building's limited width and structural columns do not provide enough space to create compliant drive aisles or compliant parking spaces. Excavating below the existing ground level slab of the Project would be exceptionally difficult due to the substantial presence of rock and the risk of damaging the existing warehouse building, the Key Bridge, and the Whitehurst Freeway, an elevated structure directly adjacent to the Property. Furthermore, parking on the ground level would adversely impact the public realm and operations of the hotel. Given these constraints, the Property cannot provide the required number of parking spaces.

**D. Compliance with the Criteria in 11-C DCMR § 703.3 and 11-C DCMR § 703.4 for Relief from the Minimum On-site Vehicle Parking Spaces Required Under 11-C DCMR § 701.5**

Any reduction in the required number of parking spaces granted under 11-C DCMR § 703.2 must adhere to the criteria in 11-C DCMR § 703.3. The criteria in 11-C DCMR §§ 703.3(a)–(c) and the Application's compliance with the criteria is listed below:

*(a) Proportionate to the reduction in parking demand demonstrated by the applicant;*

As stated above, given cM's target audience and business strategy, the Project is highly unlikely to result in customers who will be accessing the hotel using their own vehicle, and the majority of cM's customer base does not bring a vehicle when visiting their hotels, thereby eliminating the need for on-site parking. Accordingly, the proposed reduction in the required number of parking spaces is proportionate to the 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*

As stated above, the nature and location of the contributing building precludes the provision of the number of required parking spaces due to architectural and structural difficulties because the existing warehouse building occupies a significant majority of the Property and because any parking would need to be accommodated within the historic existing warehouse building, which would contradict the direction given by the Historic Preservation Office and the Old Georgetown Board. Additionally, even if access could be accommodated, the existing warehouse building's limited width and structural columns do not provide enough space to create compliant drive aisles or compliant parking spaces. Further, excavating below the existing ground level slab of the Project is exceptionally difficult due to the substantial presence of rock and the risk of damaging the existing warehouse building, the Key Bridge, and the Whitehurst Freeway, an elevated structure directly adjacent to the Property. Furthermore, parking on the ground level would adversely impact the public realm and operations of the hotel. Given these constraints, the Property cannot provide the required number of parking spaces.

*(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 relief requested is limited to the minimum number of parking spaces required by this section and does not seek relief from the location, access, size or layout, screening, or other requirements of this chapter.

Additionally, according to 11-C DCMR § 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 ("TDM") plan approved by the District Department of Transportation ("DDOT"), the implementation of which shall be a condition of the Board of Zoning Adjustment's approval. The Applicant is working with DDOT to create a TDM plan, which will be submitted with the Prehearing Statement, and which will be a condition of the Board's approval.

**E. Compliance with the General Special Exception Standards of 11-X DCMR § 901.2**

The requested special exception relief may be approved by the Board pursuant to 11-X DCMR § 901.2.

To grant an application for a special exception, the Board must determine whether the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. *See* 11-X DCMR §§ 901.2(a)–(c). The stated purposes of the Zoning Regulations are set forth in D.C. Code § 6-641.02:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

a. *Relief Requested is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps*

In this case, the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map. The relief requested would permit the development of the Project, which will serve to benefit this section of the Georgetown neighborhood. Further, the MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront and, Project will further the MU-13 zone's intent because, as discussed above, the Project is a medium-density mixed-use development located in the general vicinity of Georgetown waterfront.

b. *Relief Requested will not affect adversely the use of neighboring property*

Granting special exception relief will not adversely affect the use of neighboring properties. As discussed above, the guests who would be expected to use the Project will generate a demand for less parking than the minimum parking requirement and several public parking lots and garages are located in the immediate area which will be able to accommodate any parking needs generated by the Project. In addition, the Applicant's transportation consultant is working with the DDOT to create a TDM Plan that will reduce or eliminate any adverse impacts relating to the relief for the Project. Additional information will be provided as part of the Prehearing Statement. Therefore, the special exception relief will not adversely affect the use of neighboring properties.

c. *Relief Requested will meet the specified special conditions*

As discussed above, the Application satisfies specific special conditions enumerated in 11-C DCMR § 703.2.

#### **IV. COMMUNITY ENGAGEMENT**

The Property is located within the boundaries of ANC 2E05 which is the “affected” ANC pursuant to 11-Y DCMR § 101.8. Commissioner Mimsy Lindner is the representative of ANC Single Member District (“SMD”) 2E05.

The Applicant has worked closely with the community on this Project. Prior to filing the Application, the Applicant’s team contacted Commissioner Lindner on April 17, 2025, to discuss the requested relief. Commissioner Lindner expressed her support for the Project and encouraged the Applicant to continue to work with the ANC to address any questions as to where guests may be directed if they seek parking. The Applicant will continue to work to address these questions and plans to present the Application to ANC 2E at its monthly public meeting on June 2, 2025, or on June 30, 2025.

In accordance with 11-Y DCMR § 300.8(l), the Applicant will supplement the record regarding its outreach efforts at least twenty-one (21) days prior to the public hearing.