

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

Application of Eastern Avenue Holdings III, LLC for Special Exceptions

1218 Eastern Ave NE (Square 5202; Lot 43) (the “Property”)

STATEMENT OF THE APPLICANT

Eastern Avenue Holdings III, LLC, the “Applicant” and owner of the property located at 1218 Eastern Ave NE (Square 5202; Lot 43) (the “Property”), now seeks a special exception to renovate, expand, and add 13 units to an existing 15-unit apartment house located in the RA-1 zone, pursuant to 11 DCMR Subtitle U, Section 421. The Applicant also seeks a special exception for relief from the required two parking spaces for this project pursuant to 11 DCMR Subtitle C, Section 703.

I. BACKGROUND

The Property is zoned to the RA-1 zoning district and is currently improved with a three-story apartment house with 15 units. The Property is comprised of one lot with frontage along Eastern Avenue NE and Nash Street NE. The Property is comprised of a combined land area of 18,780 square feet. The Property is not located within a historic district.

II. NATURE OF RELIEF REQUESTED

The Applicant proposes to renovate and expand the existing apartment house on the Property and add 13 units for a total of 28 units. Therefore, the Applicant seeks a special exception to add 13 units to the existing apartment house pursuant to 11 DCMR Subtitle U, Section 421. The Applicant also seeks a special exception for relief from the required two parking spaces for this project pursuant to 11 DCMR Subtitle C, Section 703 given that the alley providing access to the Property is unimproved.

A. Special Exception Relief for New Residential Developments in the RA-1 Zone Pursuant to Subtitle U, Section 421.1

All new residential developments in the RA-1 zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment (the “BZA” or the “Board”) as special exceptions under Subtitle X, in accordance with the standards and requirements in Subtitle U, Section 421.1.

Special Exception Standards Pursuant to Subtitle X, Chapter 9

Pursuant to Subtitle X, Chapter 9, the special exception relief requested must meet the standards set forth in 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-1 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-1 zone allows for low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. *Id.*, Section 101.4. The proposed project will meet all development standards in the RA-1 zone.

The proposed renovations, additions, and 13 new dwelling units will not substantially intrude on the character, scale, and pattern of neighboring properties. A mix of small and large multifamily residential buildings are common in this neighborhood, especially along Eastern

Avenue NE. In addition, the Property is located just over 1/3 mile from the Deanwood Metro Station and, therefore, additional residential density is appropriate at this location.

Further, the project will not adversely affect the use of neighboring properties. The Property is a corner lot with frontage along Eastern Avenue NE and Nash Street NE. The adjacent property to the east is a similarly-sized apartment house. To the west, the Property is separated from the rear of the properties along Nash Street NE by an unimproved alley and several large shade trees.

As part of this project, the Applicant proposes to extend and raise the roof of the existing buildings. Shadow studies included in the Applicant's architectural plans (page A203) illustrate that these changes and additions will have minimal impact on the light, air, privacy, enjoyment, character, scale, and pattern of neighboring properties. Further, the proposed project will satisfy all development standards in the RA-1 zone as noted. The project will provide 14 bicycle parking spaces (10 long-term and 4 short-term). For all of these reasons, the Application satisfies the general standards and criteria for a special exception.

Subtitle U, Section 421 of the Zoning Regulations sets forth additional standards for the Board to consider in determining whether to approve new residential developments in the RA-1 zone. Section 421 requires that the application be referred to relevant D.C. agencies to analyze the project's impact on schools, public streets, recreation, and other services. Given this project only involves 13 new residential units, impacts on schools and public infrastructure will be minimal and outweighed by the addition of new family-size units, including three IZ units. Section 421 also requires that the Board refer the application to the Office of Planning to review 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. As noted herein, the Applicant is proposing minimal changes to the existing site plan and these changes will not have a significant impact on the surrounding neighborhood. A landscape plan is included with the Applicant's architectural plans filed herein.

B. 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 two parking spaces required for this project under Subtitle C, Sections 701, 704 and 705. Pursuant to Section 703.1(a), the Applicant seeks this special exception because the required number of spaces would be impractical due to the shape or configuration of the site. 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:

- (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;**
- (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;**
 - 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;**

Further, 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 Property is currently improved with a 15-unit apartment house and the rear of the Property is only accessible via an unimproved alley accessed from Nash Street NE. As such, based on discussions with the District Department of Transportation (“DDOT”), for purposes of meeting the parking requirements in the Zoning Regulations, the Applicant may not count any parking spaces at the rear of the site given DDOT does not have any near-term plans to improve this alley. The Applicant may construct the alley, however, that would not be feasible for this project given the public alley impacts many other properties and the cost of such an undertaking far outweighs the value of this project, which seeks only to add 13 new units.

As noted above, the Property is well-served by multi-modal transit options including access to the Deanwood Metro station which is located just over 1/3 mile from the Property and several WMATA bus stops are located nearby on Eastern Avenue NE. 14 bicycle spaces, four more than the Zoning Regulations require, will also be provided on the Property as part of this project.

A special exception request pursuant to Subtitle C, Section 703 must also meet the general special exception standards set forth in Subtitle X, Section 901.2, which state that the Board 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.**

Here, as provided above, the Applicant seeks relief only from the requirement to provide two parking spaces. The project, as a whole, is compliant with the development standards in the RA-1 zone and will provide family-size units, including at least three IZ units, in an area located within walking distance of the Deanwood Metro station. Further, the request for relief from two required parking spaces should not tend to affect adversely the use of neighboring property. Many neighboring properties are also apartment houses of varying sizes as noted above. Further, the project will provide four more bicycle parking spaces than are required and multimodal transit options including the nearby Deanwood Metro station and nearby WMATA bus stops mitigate against the need to provide these two parking spaces on-site.

III. COMMUNITY ENGAGEMENT

The Applicant will engage with ANC 7C, 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.

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