

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

APPLICATION OF RSGDCONCORD, LLC

APPLICANT'S PRE-HEARING STATEMENT

This Hearing Statement ("Statement") outlines the existing and proposed use of the property and the manner in which the application ("Application") complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Subtitle X, Chapter 9, § 900.2 for a special exception under Subtitle U, §421.1 to allow the rehabilitation of an existing apartment comprising five (5) buildings on a single Tax and Assessment (A&T) lot, including an increase in the aggregate number of dwelling units from seventy (70) to eighty (80) subject to the conditions set forth under U, §§ 421.1 through 421.4 in the RA-1 zone district.

The proposed rehabilitation is accomplished through interior reconfiguration of the five (5) existing buildings by increasing the number of units in each building by two (2), from fourteen (14) to sixteen (16) dwelling units. new residential development complies with all other applicable provisions of the Zoning Regulations in the underlying RA-1 zone district

SUMMARY OF APPLICATION

The applicant seeks special exception pursuant to 11 DCMR Subtitle X, § 900.2 in accordance with the standards set forth in X, § 901.2 (a) through (c) to establish the proposed use in the underlying RA-1 zone district as set forth under Subtitle F, § 421.1

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 9, § 900.2.

As further set forth under § 901.2, the Board of Zoning Adjustment is authorized 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;
- (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.

As more specifically outlined below in this hearing statement and as will be further attested in the course of the hearing, the applicant contends that the application complies with the three provisions set for the above, and with all the applicable standards prescribed under §§ 421.2 through 421.4.

PROPERTY LOCATION AND DESCRIPTION

Although the subject property comprises five (5) buildings on a single A&T lot (lot 0804) each building has its own address, namely:

1. 5906 13th Street NW
2. 5912 13th Street NW

3. 1301 Missouri Avenue NW
4. 1309 13th Street NW NW
5. 1315 13th Street NW

located in the Brightwood-Manor Park Neighborhood.

The surrounding neighborhood is predominantly improved with medium density residential developments comprising three to four-story walk-up apartment buildings.

The subject property is Square 2792 Lot 0804 and it is a corner lot abutting three (3) streets; 13th Street at its East; Missouri Avenue at its South; and Rock Creek Ford Road its the North

The subject property is currently improved with five (5) buildings each containing fourteen (14) dwelling units but sitting on a single A&T lot. The subject property comprises forty thousand, six hundred and forty-one square feet (40,641 ft²) in lot area or size.

Applicant proposes to rehabilitate the existing buildings and increase the number of dwelling units by two dwelling units each for a combined total of ten (10) dwelling units, for an aggregate increase from seventy (70) to eighty (80) dwelling units, therefore an apartment house as the term is defined in the relevant section of the Zoning Regulations.

The proposed increase in the number of dwelling units will be achieved exclusively through interior reconfiguration of the five existing buildings, and exterior work is limited to the construction of areaway accessibility to the cellar floors of the existing building, and the creation of thirty-four (34) parking spaces which are accessible via a driveway off of Rock Creek Ford Road

The proposed project complies with all other applicable provisions, including percentage of lot occupancy; limitation on height and number of stories; side yards, Floor Area Ratio (FAR); rear yard and Green Area Ratio (GAR) requirement.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

1. Compliance with the three standards set forth under X, § 901.2 (a), (b), and (c)

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

The subject property is currently improved with five buildings containing fourteen (14) dwelling units each, and applicant proposes to rehabilitate all the buildings, including increasing the number of dwelling units in each by two (2) dwelling units, thereby increasing the total aggregate number of dwelling units from seventy (70) to eighty (80) dwelling units all through the interior reconfiguration of the building, which complies with all the development standards applicable in the underlying RA-1 zone district within which the subject property is located as set forth under Subtitle F, Chapter 3.

Hence, the application for relief is limited to increasing the aggregate number of dwelling units within an existing use in the zoning district within which the subject property is located

The general purpose and intent of the Zoning Regulations for the RA-1 zone district are set forth in Subtitle F, Chapter 3, §§ 300.1 (a) and 300.2, more specifically.

As stated under Subtitle F § 300.1 (a), the purpose of the RA-1 zone district is to permit “all types of urban residential development if they conform to the height, density, and area requirements established for these districts”

The proposed increase in the aggregate number of dwelling units in existing apartment houses is not inconsistent with the stated purpose because it is an urban residential development which conforms with the height, density and area requirements for its underlying zone district.

More specifically, F, § 300.1 states that the RA-1 zone district is intended to “provide for areas predominantly developed with low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments”

The existing three-story buildings are a low-rise apartment and are compatible with the predominant type of development in the immediate and general vicinity of its neighborhood of location.

No addition which will alter the existing horizontal or vertical profiles of the existing apartment buildings is proposed, hence there will be no net change in the existing condition of the subject property

For the foregoing reasons, applicant submits that the proposed project 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;***

The subject property is located in and surrounded by similarly zoned properties. Given that the subject property is a corner lot abutting three streets, only two other properties adjoin the subject property to its West, one located at 1329 Missouri Avenue NW, which appears to be a single-family detached dwelling, and a second, a large Government Reservation green area of approximately thirty-two thousand square feet (32,000ft²) owned by the United States Government.

The proposed project is freestanding and will not share a common division wall amongst its five (5) buildings or any other structure or building

The subject property is wholly located within the RA-1 zone district, and is surrounded by similar apartment buildings, therefore not incompatible with the general use and bulk of adjoining properties.

The project will provide thirty-four (34) off-street parking spaces and accessible via a driveway from Rock Creek Ford Road whereas none existed prior to the proposed rehabilitation

The project will comply with all other development standards applicable in the underlying zone district of location.

The proposed rehabilitation results in no net change in the horizontal and vertical profile of the existing buildings since an addition is not contemplated or proposed.

For the foregoing reasons, the applicant submits that granting the special exception requested will not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

(c). Will meet such special conditions as may be specified in this title.

The special conditions specified are set forth under F, §§ 421.2 through 421.4.

The applicant notes that with the exception of § 421.4, all other conditions are that referrals to other Agencies shall be made by the Board.

§ 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

Applicant contends that the proposed increase in the number of dwelling units ten (10) are not substantial in number enough to significantly impact on the capacity of the existing or planned

schools to adequately accommodate the potential number of residents expected to reside in the proposed additional dwelling units.

Below are the schools in proximity to the subject property and relative distance from the subject property of application:

- 1. Eaton Elementary School Public PK-5 2.82 miles*
- 2. Janney Elementary School Public PK-5 2.88 miles*
- 3. Hardy Middle School Public 6-8 3.98 miles*
- 4. Howard University Middle School PCS Charter 6-8 4.76 miles*
- 5. Duke Ellington School of the Arts Public 9-12 & Ungraded 4.08 miles*
- 6. British School Private PK-12 4.18 miles*

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

The subject property is deemed “very walkable” in accordance with the walkability score (81 of 100 walkable score, very bikeable score of 65) for the property. The neighborhood is the twenty-third (23rd) most walkable neighborhood in Washington DC, making most errands possible on foot.

Further at a transit score of 64 the subject property is served by many nearby transportation options as attested by the public transit system, including carsharing from Zipcar, Hertz on Demand and RelayRides

The subject property is within nearby Public Transit as follows:

Rail Lines

Red Metrorail Line: 1.2 miles

Bus Lines

52 14th STREET: 0.0 miles 54 14TH STREET: 0.0 Mil
59th 14TH STREET LIMITED: 0.0 Miles D31 16TH ST-TENLEYTOWN 0.2 Mil
52 16th STREET: 0.2 Mil D34 16TH ST-TENLEYTOWN: 0.3 Mil
E4 MILITARY RD-CROSST: 0.2 Mil W45 MT. PLEASANT-TENLEYTOWN:0.2
D33 16TH ST.-TENLEYTOWN:0.2 59 16TH ST-METROEXT 0.2 Mil

Nearby Parks

Rock Creek Golf Course

Fort Stevens Park

Manor Parking Community Gardens

Applicant submits that the subject property is well served by proximity to public streets, recreation and other services to accommodate the residents expected to reside in the proposed project.

§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.

Applicant will consult interactively with the Office of Planning (OP) and is not likely to be averse to building design and other OP recommendation(s) for incorporation in project drawings, as deemed fit.

§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.

Applicant shall comply with the filing requirements and will file all such additional documents as may be recommended as part of final submissions

Community Outreach and Input

Applicant shall present the project to ANC 4A as the ANC meeting calendar/agenda shall permit prior to the scheduled hearing date.

Applicant therefore anticipates that the ANC shall file its resolution before the scheduled BZA hearing date.

Conclusion

As set forth under § 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions, to wit:

- (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.

The Applicant submits that the instant application complies with all conditions for the granting of the requested special exception set forth in Subtitle X, § 901.2 by virtue of the representations set forth under “Statement of Compliance with the Burden of Proof”

The proposed project provides thirty-four (34) off-street parking spaces, notwithstanding none existed for the existing seventy (70) dwelling units, and only two (2) spaces are required.

The existing apartment house use is deemed a conforming use by definition, and the proposed structure complies with and exceeds all other applicable development standards provisions in its underlying zone district of location.

Applicant respectfully requests for all the foregoing reasons that the Board approve the application for the relief sought.

Witness

- 1. Square 134 Architects**
- 2. Girma Deresso Owner**
- 3. Reggie Seifu Owner**