

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

Application of District Line Development, LLC for Two Special Exceptions

829-927 Upshur Street NW, Washington, DC 20011 (Sq. 3024, Lots 72, 71)

STATEMENT OF THE APPLICANT

District Line Development, LLC, the “Applicant,” now seeks two special exceptions for lot occupancy and parking relief to facilitate a two-story addition with seven new residential units above two existing single-story retail buildings at 829-927 Upshur Street NW, Washington, DC 20011 (Sq. 3024, Lots 72, 71) (the “Property”) in the MU-4 zone, pursuant to 11 DCMR, Subtitle G, Section 5200.1 and Subtitle C, Section 703.

I. BACKGROUND

The Property is zoned to the MU-4 zoning district and is currently improved with two one-story retail buildings. The Property is comprised of two lots located on the north side of Upshur Street NW between 9th Street NW and 8th Street NW. The Property has a total combined land area of 3,013 square feet. The existing one-story retail buildings cover nearly the full extent of the lots and current lot occupancy is 99%. The Property is not located within a historic district.

II. NATURE OF RELIEF REQUESTED

The Applicant proposes to consolidate Lots 72 and 71 and construct a two-story addition with 4,530 square feet of gross floor area and seven new residential apartment units above the existing retail buildings on the Property. Given the footprint of the existing retail buildings at ground level, which occupy nearly the entirety of the Property, the Applicant seeks two special exceptions for lot occupancy relief and relief from the required one parking space to facilitate a two-story addition with seven new residential units above two existing single-story retail buildings

pursuant to 11 DCMR, Subtitle G, Section 5200.1 and Subtitle C, Section 703. The project will comply with all other applicable zoning requirements.

A. Special Exception from Minimum Lot Occupancy Pursuant to Subtitle G, Section 5200.1.

The Board of Zoning Adjustment (“BZA”) may grant special exception relief from the minimum required lot occupancy in the MU-4 zone pursuant to Subtitle G, Section 5200.1 and subject to the criteria of Subtitle X, Chapter 9, which states that the special exception relief:

- (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 relief sought from minimum lot occupancy meets the above standards for the following reasons.

i. The relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The MU-4 zone is intended to permit moderate-density mixed-use development, provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core, and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The Applicant proposes to redevelop the existing building on the Property with a moderate-density mixed-use development with both commercial and residential uses. Thus, the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The maximum permitted lot occupancy in the MU-4 zone is 60%. The existing buildings on the Property occupy nearly the entirety of the Property's land area with a lot occupancy of 99%. The Applicant proposes to keep the existing first floor footprint and build two additional stories that comprise lot occupancy of 75%. Notwithstanding this requested deviation from maximum lot occupancy, the proposed project remains in harmony with the Zoning Regulations and MU-4 zone. The project includes a total proposed density of 2.49 FAR, which is less than the permitted by-right density of 2.50 FAR in the MU-4 zone. Moreover, the proposed height of the proposed structure will be 33'-11", which is well below the maximum permitted height of 50 feet and is in harmony with the adjacent and surrounding buildings on neighboring properties. The proposed two additional stories also provide more than the required rear yard area of 15 feet in the MU-4 zone.

Without this special exception, and in order to maximize the FAR available on the Property, the Applicant would need to build three smaller stories rather than the two stories proposed. This would be prohibitively expensive and much less efficient in terms of construction and layouts. Further, the building would continue to have the existing first level, which would continue to occupy 99% of the lot. As such, given the existing first level, the two additional stories proposed will allow the Applicant to design and build a more efficient building that is also in harmony with the heights and massing of other buildings in the nearby vicinity.

ii. The relief sought will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps

The special exception relief sought in this Application will not affect adversely the use of neighboring property. The D.C. Zoning Regulations state that lot occupancy regulations are "intended to provide a primary control of the total volume of buildings on a lot" and are "intended

to contribute, along with height regulations, to ensuring that buildings within a zone are generally consistent in their volume.” See Subtitle B, Section 311. Here, the Applicant’s proposed building is generally consistent in its volume, height and density with neighboring properties. The neighboring properties along Upshur Street include a mix of commercial and residential uses with heights from one to three stories. The adjacent properties to the west are improved with a three-story building with a mix of commercial and residential uses. Neighboring buildings to the east also occupy nearly the full extent of those properties with limited rear setbacks. Furthermore, the proposed three-story building height will be in harmony with the character of mixed-use buildings and residences along Upshur Street and in Petworth in general. Moreover, the proposed residential units on the Property will further support the commercial retail uses that currently exist in the adjacent and neighboring properties along Upshur Street.

Finally, the proposed mixed use redevelopment project on the Property is particularly suitable for this location given the Property’s proximity to both a major roadway (Georgia Avenue NW) and a Metrobus stop, located just steps from the front door of the Property on Upshur Street. In addition, the Georgia Avenue-Petworth Metro station is located less than a half mile from the Property and easily accessible by foot via Georgia Avenue NW. For all of these reasons, the requested special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

iii. The relief sought will meet such special conditions as may be specified in this title.

Subtitle G does not include any additional conditions that would impact this Application.

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 one parking space required for this project under Subtitle C, Section 701. 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;**

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 two one-story retail buildings, which occupy nearly the entirety of the land area of the Property. The Applicant proposed to build a two-story addition with a total of seven new residential apartment units. As such, one parking space is required to serve the seven new apartment units pursuant to Subtitle C, Section 701.

Given the existing footprint of the retail buildings on the Property occupy nearly the entirety of these lots, there is no space to provide parking on-site. Further, the Property is located within 275 feet from two Metrobus stops along both Georgia Avenue NW and Upshur Street NW as well as within 1/3 mile of the Georgia Avenue Metro station. Finally, the Property is located within 200 feet of a Capital Bikeshare station. As such, the Property is well-served by multi-modal transportation options. The Applicant is only requesting relief from one required parking space. As such, the requested relief is minimal and limited in scope.

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 from the requirement to provide one parking space. This parking relief is needed given the existing footprint of the retail buildings on the Property, which occupy nearly the entirety of the land area. The Project will add seven new apartment units and thus provide additional housing in a neighborhood where housing supply is constrained. As noted, the site is well-served by multimodal transportation options including multiple Metrobus stops, a Metro station, and a Capital Bikeshare in close proximity. As such, it is not expected that the relief sought will have adverse impacts on neighboring properties. The only other zoning relief requested relates to lot occupancy, which mainly relates to the existing

footprint of the buildings on the Property. For all of these reasons, the relief meets the general special exception standards set forth in Subtitle X, Section 901.2.

III. COMMUNITY ENGAGEMENT

The Applicant will engage with ANC 4C, 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