

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

**APPLICATION OF
GALLERY CT LLC**

ANC 6C

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, Gallery CT LLC (the “**Applicant**”), the owner of the property known as Lot 829 in Square 775 (the “**Property**”), in support of its application for special exception relief, pursuant to Subtitle X § 901.2, to convert an alley tax lot to an alley record lot under Subtitle C § 306.4.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is an alley tax lot that was created by Assessment and Taxation Plat dated November 28, 2011. A copy of the plat is attached at **Exhibit A**. The Property is located in the MU-5A zone and is 5,770 sq. ft. in land area. A copy of the zoning map is attached at **Exhibit B**. The Property is unimproved, having previously used as a 22-space parking pad associated with an office building at 901 3rd Street NE. The adjacent alley network (the “**Alley**”) varies in width; a 15-foot-wide north-south segment connects to I Street NE and K Street NE and a 30-foot-wide east-west segment that does not connect with a public street.

There are a broad mix of uses within Square 775 and in the surrounding H Street NE corridor. The “Axis” is a six-story multi-family apartment building at the corner of 4th and I Street

NE. Likewise, the building at the corner of 3rd and I Street NE is in the process of being converted from an office building to a multi-family apartment building. Across the Alley to the east of the Property is a two-story alley building that is used as an artist studio called “Gallery NK.” The northern and western sides of Square 775 is improved with attached single-family homes.

The Property is 1.5 blocks from the H Street NE corridor with commercially-zoned property to the south and west of the Property featuring high-density multi-family apartments, retail, services, and eating/drinking establishments. To the north and east of the Property is primarily residential in nature, with attached and semi-detached rowhomes.

B. Traffic Conditions and Mass Transit

The Property has excellent access to public transportation. Union Station is approximately four blocks to the southeast, providing access to Metrorail, Amtrak, MARC, VRE and the Metrobus system. There are also five Capital Bikeshare stations within two blocks of the Property.

C. The Project

The Applicant proposes to construct a new 22-unit apartment building (the “Project”) at the Property. A copy of the architectural plans are attached at **Exhibit C**. The Project will be four stories with the ground level primarily dedicated to eight parking spaces and a drive aisle to access those spaces. The ground level will also have a resident lobby, a bicycle parking room, and a utility room. The Project’s three upper stories and penthouse level will be for residential units.

The Project will be constructed to a height of 38 feet plus a 10-foot penthouse.¹ The Project is setback 10 feet from the northern lot line and a 5-foot setback from the western lot line as

¹ As part of ZC Case 25-06, the Zoning Commission is considering a text amendment to regulations governing alley lots. On March 12, 2026, the Zoning Commission took proposed action on March 12, 2026 to approve the text amendment. As part of this proposed action, the Zoning Commission is amending the development standards for alley lots in the MU zones, including to allow for a building height up to four stories and 40 feet by special exception. It is expected that the Zoning Commission will take final action on the text amendment on June 11, 2026. The application will be updated accordingly.

required under Subtitle G § 5100.1. The Project is also setback a minimum of 7.5 feet from the centerline of the abutting Alley to the east and south. The Project's eight vehicular parking spaces exceed the zoning requirement of three spaces.² The Project will also feature a long-term bicycle parking room on the ground level that will provide a minimum of seven parking spaces.

The relief requested as part of this application allows the Property to be converted from an assessment and taxation lot to a record lot, which is needed in order to obtain a building permit for the Project. Under Subtitle C § 306.1, an alley lot can be converted to a record lot as a matter-of-right if the lot:

- a) has frontage on a public alley that is a minimum of 24 feet in width;
- b) has access to a public street through a public alley that is not less than 24 feet in width "at any point between the new Alley Record Lot and the street"; and
- c) meets the minimum lot area standards for a non-alley lot in the zone but, if none are provided, is a minimum of 1,800 sq. ft.³

The Property meets subsections (a) and (c) in that it has frontage on the Alley, which is 30 feet at its widest, and is 5,770 sq. ft. of land area. However, the Property does not meet subsection (b) because the Property's access to a public street – either K Street NE or I Street NE – is through a 15-foot-wide portion of the Alley. Since the public portion of the Alley is only 15 feet, subsection (b) is not met.

Nonetheless, under Subtitle C § 306.4, an existing alley tax lot created prior to September 6, 2016 may be converted to a record lot by special exception even if the lot does not meet the requirements of Subtitle C § 306.1. The Property was recorded with the Office of Tax and Revenue in November 2011 and, therefore, the Applicant seeks special exception relief under Subtitle C § 306.4. See **Exhibit A**.

² A multi-family residential use must provide one space per three units in excess of four units. This results in a requirement of six spaces. Due to the Property's proximity within ½ mile of the Union Station Metrorail, the parking requirement can be reduced by 50% to three spaces.

³ A fourth condition concerns a prohibition on subdividing an existing record lot, which is not applicable.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

Pursuant to D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the 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.” *President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment*, 837 A.2d 58, 68 (D.C. 2003); *see also 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.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The Property is a large lot that is suitable for redevelopment due to its adjacency to larger-scale development within Square 775 and along the H Street corridor. The Property meets two of the three requirements for a matter-of-right conversion to a record lot. Despite not meeting the required 24-foot connection to a public street, the Property is well situated to allow for easy and safe access for residents and municipal services. The Property is only 80 feet from K Street NE and can be accessed through the paved, 15-foot-wide Alley. Further, the “Axis” apartment

building to the south is setback an additional nine feet from the Alley, thereby creating 24 feet of traversable space between the Property and I Street NE.⁴

It is also notable that a residential use on an alley lot in the R, RF and RA zones can be achieved if the subject property is on a 15-foot-wide alley that is within 300 feet of a public street. *See* Subtitle U § 600.1(f)(4)(B). The Property meets this standard for both K Street NE (80 feet) and I Street NE (173 feet). Although this standard was not carried over for the creation of an alley record lot under Subtitle C § 306.1, the requirement is reflective of public safety standards that are relevant to the Project.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The Property's prior use as a parking pad serving the adjacent office building demonstrates the Property can be safely and efficiently accessed by vehicles. Nonetheless, the Project will only have eight parking spaces, decreasing the amount of vehicular traffic in the Alley. The Property's proximity to public transit options, including Metrorail and Metrobus, provide alternatives for residents to access the Project.

In terms of light, air and privacy, the Project will not have adverse impacts to neighboring properties because the Project is being constructed to matter-of-right standards in the MU-5A zone. The Project's massing is limited to 38 feet in height, which is significantly less than the larger buildings facing I Street NE. The Project abuts single-family homes to the north and west, but is buffered by those homes' rear yards plus the 10-foot and 5-foot setback on the Property's northern

⁴ The Axis was approved as a planned unit development pursuant to ZC Case 05-15. As part of that case, the Department of Transportation requested the building be setback nine feet from the Alley in order to create a 24-foot-wide passage for vehicles. This request stemmed, in part, from the fact that the Axis has an underground garage entrance off the Alley. While the PUD under ZC Case 05-15 was eventually extinguished under ZC Case 05-15C, the property at 318 I Street NE was ultimately improved with a multi-family building that is setback nine feet from the Alley.

and western lot lines, respectively. To the south and east, the Project is buffered from neighboring uses by the Alley.

C. The Project Satisfies the Special Conditions for Conversion to a Record Lot

The Project also satisfies the special conditions for conversion to a record lot under Subtitle C § 306.4, as follows:

- a. The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability*

The Property connects to both K Street NE and I Street NE through the improved Alley. The Property is approximately 80 feet from the K Street right-of-way and approximately 173 feet from the I Street right-of-way. The Property's proximity to K Street allows easy access for Fire and Emergency Services.

Although the Property is not currently served by utility connections, the Applicant intends to install new connections for electric, sewer and water. It is expected that the new utility lines will connect to existing infrastructure within the I Street right-of-way.

- b. The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:*
 - 1. Department of Transportation (DDOT);*
 - 2. Department of Public Works (DPW);*
 - 3. Metropolitan Police Department (MPD);*
 - 4. Fire and Emergency Medical Services Department (FEMS);*
 - 5. DC Water (WASA); and*
 - 6. If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).*

Upon filing, the Office of Planning will refer the application to the agencies set forth for review and recommendation. The Property is not within a historic district and, thus, referral to HPO is not applicable.

VI. COMMUNITY OUTREACH

In accordance with ANC 6C's procedures and guidelines, the Applicant will contact ANC 6C after the application is filed. The Applicant will formally present the application to ANC 6C at its next available public meeting.

VII. SUMMARY OF WITNESS TESTIMONY

A representative of the Applicant, Jenay Doganay, will testify regarding the project and community outreach. Shahnur Bostan from Axis Architects will testify regarding architecture and project design. The Applicant reserves the right to add witnesses or expert witnesses as necessary

VIII. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'Eric J. DeBear', is written over a horizontal line.

Eric J. DeBear
2001 M Street NW, 5th Floor
Washington, DC 20036

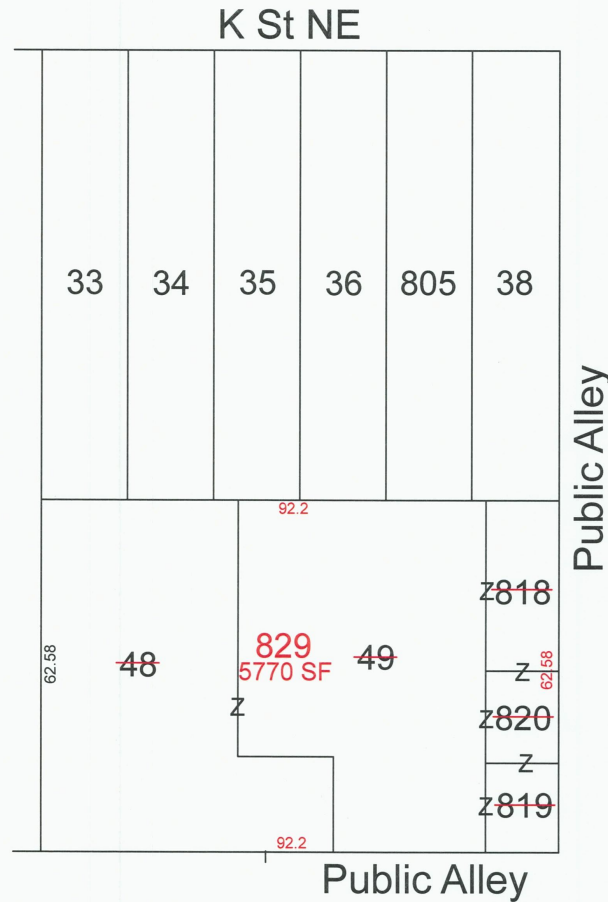
Exhibit A

OFFICE OF TAX AND REVENUE
ASSESSMENT DIVISION

3854-K



ASSESSMENT AND TAXATION PLAT
Square 775



Drew Wold
Draftsman

Combination
Reference

11/28/11
Date

Scale, 1 inch = 20 ft.

The Office of Surveyor of the District of Columbia shall admit this plat to record under the provisions of Chapter 7 of Title 47, District of Columbia Code, Designation of Real Property for Assessment and Taxation, and for other purposes.

Chief Assessor, Office of Tax and Revenue

Exhibit B

