DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 2601 12th Street Holdings LLC
2601 12th Street, NE (Square 3937, Lot 54)

I. INTRODUCTION.

This Statement is submitted on behalf of 2601 12th Street Holdings LLC (the "**Applicant**"), owner of the property located at 2601 12th Street, NE (Square 3937, Lot 54) (the "**Property**"). The Property is located in the MU-3A zone and is currently unimproved, other than its use as a surface parking lot. The Applicant proposes to construct a new two-story residential building with a cellar and a penthouse (the "**Building**") containing twelve (12) dwelling units (the "**Project**"). The Project conforms to the development standards of the MU-3A zone as a matter of right, except that it does not provide the one (1) vehicle parking space required by Subtitle C §§ 701.5 and 702.1. Accordingly, the Applicant requests special exception relief pursuant to Subtitle C § 703.2 from the requirement to provide one (1) vehicle parking space.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief pursuant to Subtitle X § 901.2 and Subtitle C § 703.2.

III. BACKGROUND.

A. Description of the Property.

The Property is an irregularly shaped lot with a land area of 5,464 square feet, located on the east side of 12th Street, NE, immediately north of its intersection with Rhode Island Avenue, NE. The Property's only street frontage is on 12th Street, NE, and the Property does not abut a public alley. The southern boundary of the lot is set at an angle that follows the alignment of Rhode Island Avenue, NE, giving the lot a tapered, five-sided configuration that narrows toward its southeastern corner. The paved area lying between the Property and Rhode Island Avenue, NE is public space and is not available to the Applicant for access or parking. The Property is located in Ward 5, within the boundaries of Advisory Neighborhood Commission ("**ANC**") 5B

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(Single Member District 5B04). The Property is not located within a historic district and is not a designated landmark.

B. **The Proposed Project.**

The Applicant proposes to replace the existing surface parking lot with a new residential building containing twelve (12) dwelling units. The Building will be two stories and 26.5 feet in height, with a cellar and a penthouse; four units will be located in the cellar, three units on each of the first and second floors, and two units in the penthouse. All of the units are family-sized, with three bedrooms in each cellar unit and four bedrooms in each of the remaining units.

The Building complies with the development standards of the MU-3A zone. The Building contains approximately 6,416 square feet of gross floor area, for a floor area ratio ("FAR") of 1.17, within the 1.2 FAR permitted for a project subject to Inclusionary Zoning; it occupies 60% of the lot, consistent with the maximum lot occupancy permitted; it provides a rear yard of 37.1 feet where 20 feet is required; and its penthouse is 9 feet in height where 12 feet is permitted. The Project is subject to the Inclusionary Zoning requirements of Subtitle C, Chapter 10 and will include one (1) inclusionary unit. The Building will provide at least four (4) long-term bicycle parking spaces in a dedicated bicycle storage room on the first floor, satisfying the long-term bicycle parking requirement of Subtitle C § 802.1, together with short-term bicycle racks outside the Building.

C. **Required Parking and Relief Requested.**

Pursuant to Subtitle C § 701.5, a residential multiple dwelling unit use requires one (1) vehicle parking space for every three (3) dwelling units in excess of four (4) units. The Project's twelve (12) units include eight (8) units in excess of four, resulting in a base requirement of 2.67 spaces. Because the Property is located approximately 0.4 mile from the Rhode Island Avenue–Brentwood Metrorail station, within one-half mile of an operating Metrorail station, the minimum requirement is reduced by fifty percent (50%) pursuant to Subtitle C § 702.1(a), to 1.33 spaces, or one (1) required space. The Applicant is unable to provide any parking on the Property and therefore requests relief from the requirement to provide one (1) vehicle parking space.

Because the requested reduction is for fewer than four (4) parking spaces, the Transportation Demand Management plan requirement of Subtitle C § 703.4 does not apply to this Application.

D. **Surrounding Area.**

The Property is located in the Brookland neighborhood, along the Rhode Island Avenue, NE corridor near the Brentwood and Langdon neighborhoods. The surrounding area is characterized by a mix of row dwellings, small apartment buildings, institutional uses including several churches, and neighborhood-serving commercial uses concentrated along Rhode Island Avenue, NE. The MU-3A zone extends along the corridor, transitioning to the R-1B zone to the north and the RA-1 zone to the south.

The Property is well served by transit. The Rhode Island Avenue–Brentwood Metrorail station on the Red Line is located approximately 0.4 mile to the west of the Property. Rhode Island Avenue, NE is served by frequent Metrobus service, with a bus stop located directly in front of the Property. A Capital Bikeshare station is located approximately one block from the Property at 10th Street and Rhode Island Avenue, NE. The Property has a Walk Score of 92 ("Walker's Paradise"), a Transit Score of 71 ("Excellent Transit"), and a Bike Score of 71 ("Very Bikeable").

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X § 901.2 AND SUBTITLE C § 703.

A. General Special Exception Requirements.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception (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 the Zoning Regulations.

Harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The residential use, height, density, and lot occupancy of the Project are all permitted as a matter of right in the MU-3A zone. The Project replaces a surface parking lot with twelve new

family-sized dwelling units, including one inclusionary unit, on a transit-served corridor. This is consistent with the Zoning Regulations' approach to vehicle parking, under which minimum requirements are reduced for sites near Metrorail and may be further reduced where, as here, physical constraints and the characteristics of the site and neighborhood reduce the need for on-site parking. Approval of the relief will allow the Property to be developed to the scale the MU-3A zone contemplates without diverting a portion of a small, irregular lot to a single parking space and its access.

No adverse effect on neighboring property. The requested relief, which concerns a single parking space, will not tend to affect adversely the use of neighboring property. The Project will generate modest parking demand given its size and its proximity to Metrorail, Metrobus, and bicycle facilities, and the long-term and short-term bicycle parking provided by the Project supports car-free living by residents. Because the Project will remove the existing curb cut and will not introduce a new one, the Project will restore on-street parking and a continuous sidewalk along the Property frontage and will avoid conflicts between turning vehicles and pedestrians near a busy intersection with Rhode Island Avenue, NE.

Special conditions. As set forth below, the Application satisfies the specific requirements of Subtitle C § 703.

B. <u>Special Exception Requirements of Subtitle C § 703.2.</u>

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. *See, e.g., Nat'l Cathedral Neighborhood Ass'n v. D.C. Bd. of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

Subtitle C § 703.2 provides that the Board may grant, as a special exception, a full or partial reduction in the number of required parking spaces, subject to the general special exception requirements of Subtitle X, Chapter 9, and the applicant's demonstration of at least one (1) of the enumerated criteria. Although the Applicant is required to satisfy only one criterion, the Application satisfies each of the following four.

(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;

The physical constraints of the Property prevent the required parking space from being provided on the lot. The Property lacks alley access, and its only street frontage is on 12th Street, NE, so any on-site parking would require vehicular access by way of a curb cut on 12th Street, NE. The District Department of Transportation ("**DDOT**") Design and Engineering Manual provides that curb cuts are to be provided only where they lead to multiple vehicular parking spaces, because a curb cut typically removes at least one on-street parking space.[1] Providing access to only one off-street parking space by way of a curb cut is therefore not permitted and would not be approved by DDOT. Consistent with that policy, the existing curb cut serving the surface parking lot will be removed and the curb, gutter, and sidewalk restored as part of the Project.

Moreover, the configuration of the lot leaves no area in which a compliant parking space and drive aisle could be accommodated. The Building occupies 60% of the lot, as permitted in the MU-3A zone, and the angled southern lot line significantly limits the usable depth of the lot. The remaining open areas consist of the required rear yard and narrow side areas of approximately [eight (8)] feet in width that are occupied by window wells, exterior egress stairs, and the Building's condensing units. Providing parking on the lot would require a reduction in the Building footprint and the loss of housing.

Nor can the required space be provided off-site within 600 feet of the Property in accordance with Subtitle C § 701.8. All parking lots within 600 feet of the Property are dedicated to the use of the lots on which they are located.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Property is particularly well served by mass transit, shared vehicle, and bicycle facilities. The Rhode Island Avenue–Brentwood Metrorail station on the Red Line is located approximately 0.4 mile from the Property, providing direct service to downtown and throughout the region. Frequent Metrobus service operates along Rhode Island Avenue, NE, with a bus stop directly in front of the Property. A Capital Bikeshare station is located approximately one block away, at 10th Street and Rhode Island Avenue, NE. The Property has a Transit Score of 71

[1] DDOT Design and Engineering Manual § 31.5, https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Jan%202019%20DEM%20Pages%20with%20Edits%20from%202017%20Edition%20Only.pdf.

("Excellent Transit") and a Bike Score of 71 ("Very Bikeable"). In addition, the Building will provide at least four (4) secure long-term bicycle parking spaces for residents, as well as short-term bicycle racks outside the Building.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

The land use and transportation characteristics of the neighborhood minimize the need for the required parking space. In addition to the transit service described above, the Property is within a short walk of daily needs and amenities, including a grocery and several restaurants within approximately one-tenth of a kilometer of the Property, coffee shops and retail along the Rhode Island Avenue, NE corridor, and Noyes Elementary School and Noyes Playground nearby. The Property has a Walk Score of 92 and is considered a "Walker's Paradise," meaning daily errands do not require a car. Residents of the Project will be able to meet their daily needs on foot, by bicycle, or by transit, which minimizes the need for on-site vehicle parking.

(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 District Department of Transportation; 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;

The Property does not have access to an open public alley; as a result, the only means by which a motor vehicle could access the lot is from an improved public street, 12th Street, NE. Any driveway that could access 12th Street, NE from the Property would violate DDOT's requirements with respect to curb cuts. Section 31.5 of DDOT's Design and Engineering Manual provides that the number and impact of curb cuts and driveways on public space should be minimized to improve pedestrian circulation and safety by, among other measures, "[p]roviding curb cuts only where leading to multiple vehicular parking spots, since a curb cut typically removes at least one on-street vehicular parking space." Because the Project requires only one (1) parking space, a driveway serving that space would not be permitted.

C. <u>Subtitle C §§ 703.3 and 703.4.</u>

Subtitle C § 703.3 requires that any reduction in the required number of parking spaces be only for the amount that the applicant is physically unable to provide, and be proportionate to

the reduction in parking demand demonstrated by the applicant. The requested reduction of one (1) space is limited to the single space the Applicant is physically unable to provide on the Property for the reasons described above; DDOT will not permit a curb cut to serve one parking space. The reduction is also proportionate to the reduced parking demand associated with the Project, given the Property's proximity to Metrorail, the bus stop directly in front of the Property, nearby Capital Bikeshare, the bicycle parking provided by the Project, and the walkable character of the surrounding neighborhood.

Subtitle C § 703.4 requires a Transportation Demand Management plan approved by DDOT only where an applicant requests a reduction of more than four (4) parking spaces. Because the Applicant requests relief from one (1) space, no Transportation Demand Management plan is required. To the extent DDOT requests one, the Applicant will work with DDOT to develop a Transportation Demand Management plan.

V. CONCLUSION.

For the reasons set forth in this Statement, the Application satisfies the requirements of Subtitle X § 901.2 and Subtitle C § 703 for the requested special exception relief from the minimum vehicle parking requirements of Subtitle C §§ 701.5 and 702.1. The Applicant respectfully requests that the Board grant the Application.

Respectfully Submitted,

Alexandra Wilson

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