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January 19, 2022

## **VIA IZIS**

Board of Zoning Adjustment  
of the District of Columbia  
441 4th Street, NW, Suite 210S  
Washington, DC 20001

**Re: BZA Case No. 20622 -- Applicant's Prehearing Submission  
Jamestown Premier Georgetown Park Corporation  
3222 Street, NW (Square 1200, Lots 866, 867, and 868) (the "Property")**


Dear Members of the Board:

On behalf of Jamestown Premier Georgetown Park Corporation (the "Applicant"), the owners of the above-referenced Property, enclosed please find the Applicant's Prehearing Submission filed pursuant to Subtitle Y § 300.15 of the Zoning Regulations and no later than twenty-one (21) days before the date of the public hearing. In this case, the Applicant is seeking special exception relief pursuant to Subtitle X § 901.2 to permit a self-storage establishment at the Property in accordance with Subtitle U § 508.1(j).

We look forward to the Board's consideration of this application at the public hearing scheduled for Wednesday, February 9, 2022. Should you have any questions, please do not hesitate to have staff contact us.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Christine M. Shiker  
Christopher S. Cohen

Encl.

cc: Certificate of Service  
Jonathan Rogers, District Department of Transportation (w/ encl. via e-mail)

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20622  
EXHIBIT NO.27

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2022, a copy of the foregoing Prehearing Submission in support of BZA Application No. 20622 was served by electronic mail on the following at the addresses stated below.

**District of Columbia Office of Planning**

VIA EMAIL

Ms. Jennifer Steingasser  
Mr. Joel Lawson  
Ms. Maxine Brown-Roberts  
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[joel.lawson@dc.gov](mailto:joel.lawson@dc.gov)  
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**Advisory Neighborhood Commission 2E**

VIA EMAIL

Commissioner Rick Murphy, Chair  
Commissioner Lisa Palmer, SMD 2E-05  
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Christopher S. Cohen  
Holland & Knight LLP

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

**APPLICATION OF  
JAMESTOWN PREMIER GEORGETOWN  
PARK CORPORATION**

**BZA CASE NO. 20622  
HEARING DATE: FEB. 9, 2022**

**PREHEARING STATEMENT OF THE APPLICANT  
SPECIAL EXCEPTION TO PERMIT SELF-STORAGE ESTABLISHMENT**

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**I. NATURE OF RELIEF SOUGHT**

This Prehearing Statement of the Applicant is submitted on behalf of Jamestown Premier Georgetown Park Corporation (the "Applicant"), the owner of that certain property known as Lots 866, 867, and 868 in Square 1200 (collectively, the "Property"). Pursuant to Subtitle X § 901.2 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"), the Applicant is seeking special exception relief to permit a self-storage establishment at the Property in accordance with 11-U DCMR § 508.1(j).

**II. JURISDICTION OF BOARD**

The Board of Zoning Adjustment (the "BZA" or "Board") has jurisdiction to grant the requested relief pursuant to Subtitle X § 901.2.

**III. THE PROPERTY AND SURROUNDING AREA**

The Property consists of Lots 866 (part of Record Lot 67), 867 (part of Record Lot 67), and 868 (Record Lot 65) in Square 1200 and totals approximately 121,781 square feet of land area ( $\pm$  2.76 acres). The Property is also known as the Georgetown Park Mall (the "Mall"), a mixed use shopping center situated between M Street, NW and the historic C&O Canal. The Mall consists of specialty retail, fashion, and restaurant uses. The Property also includes a combined underground parking garage consisting of approximately 642 parking spaces.

The Property is located in the heart of the Georgetown Historic District at the southwest corner of M Street and Wisconsin Avenue, NW. The surrounding area is characterized by a mix of residential and non-residential uses.

**IV. ZONING**

The Property is currently split-zoned within the Mixed Use (MU)-12 and MU-13 zone districts. Generally, the MU-13 designation applies to the portion of the Property that lies within 90 feet of M Street, NW. The remainder of the Property is zoned MU-12. The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. 11-G DCMR § 100.2. Specifically, the MU-12 is intended

to permit moderate-density mixed use development, and the MU-13 zone is intended to permit medium density mixed use development, both generally in the vicinity of the waterfront. 11-G DCMR §§ 500.3 and 500.4. The use permissions under MU-Use Group C apply to the MU-12 and MU-13 zones, where office use, residential use, many types of retail and services uses, and accessory parking, among other uses, are permitted as a matter-of-right. 11-U DCMR §§ 500.2 and 507.1. As explained below, self-storage use is considered a production, distribution, and repair ("PDR") use which is permitted by special exception in the MU-12 and MU-13 zones, subject to conditions. 11-U DCMR § 508.1(j).

## V. PROPOSED SELF-STORAGE ESTABLISHMENT

As depicted on the floor plans included at Exhibit 6 in the case record (the "Plans"), the Applicant proposes internal renovations to an existing below-grade tenant space for a new self-storage establishment (i.e., "Stuf Storage"). The facility will consist of approximately 7,985 square feet of below grade space within the existing Mall building and provide approximately 130<sup>1</sup> self-storage units for lease.

The proposed facility will be designed and targeted for city residents, particularly individuals that have transient lifestyles and typically require more storage due to customary urban living space constraints. Given this intent, the size of the storage units will range between 20 – 50 square feet, with only a small portion of the units (approximately 5 – 10%) being the larger size (e.g., 40 – 50 square feet). The size of the units will dictate the types of household items that can be stored, which will primarily be smaller household items such as off-season clothing, golf clubs, and/or holiday decorations. In fact, the few large units can only accommodate compact furniture items suitable for a small studio or one bedroom apartment. Thus, the sizing of the units will ensure that the proposed use is regarded as an urban amenity and remains compatible with the surrounding area. The facility will function as an accessory storage space for city residents, rather than a large storage complex that is more familiar to suburban areas.

The proposed operations are intended to be compatible with the modest scale of the storage facility and the projected frequency of overall customer visits. The Applicant anticipates that weekly tenant visits will be approximately 10 per week. As shown on the Plans, the Applicant proposes two alternative points of access that are intended to offer tenants reasonable flexibility. The main access point will be via an existing shared loading dock along M Street, NW, where two adjacent elevators will lead tenants down to the below-grade space. This loading dock is shown in the third photograph included at Exhibit 4 of the case record. Customers will be able to use the loading dock at their discretion between the hours of 7:00 am – 7:00 pm. Upon arrival, a customer will use the callbox to contact on-site security and then gain entry into the loading facility. As an alternative point of access, storage tenants may also access their units from within the first level of the underground parking garage.

Due to its configuration and ease of use, it is likely that the M Street loading dock will be the preferred method of access for storage tenants. The loading dock offers the most direct access

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<sup>1</sup> This number reflects a slight increase from the 125 units indicated in the Applicant's Preliminary Statement. *See Ex. 8* at pg. 2.

to the facility, as the freight elevators will open directly into the storage establishment. Additionally, the use of any type of dolly or cart will be prohibited within the garage, and garage parking fees will still apply. The Applicant will install adequate wayfinding signage to facilitate access and direct tenants to the appropriate elevators. Furthermore, storage tenants also will be provided with operational instructions upon leasing a unit in the establishment.

## **VI. SPECIAL EXCEPTION RELIEF**

### **A. Request**

The Applicant seeks special exception relief to permit the proposed self-storage use at the Property. A self-storage establishment is a type of PDR use that is permitted by special exception under MU-Use Group C. 11-U DCMR § 508.1(j). Both “storage” and “self-storage” are listed as examples of PDR uses under Subtitle B § 200.2(z)(3). As such, the Board is authorized to grant this special exception request that seeks a PDR use at the Property pursuant to the criteria set forth in 11-X DCMR § 901.2 and the five conditions under Subtitle U § 508.1(j).

### **B. Burden of Proof**

Pursuant to D.C. Code § 6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested 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.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *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.*

### **C. Justification**

As demonstrated below, the proposed self-storage use satisfies the special exception criteria under Subtitle X § 901.2.

#### **1. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps [11-X DCMR § 901.2(a)].**

As stated above, prior to granting an application for a special exception, the Board must determine that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposed Station will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. 11-X DCMR § 901.2(a)-(c). The stated purposes of the Zoning Regulations are set forth in D.C. Code § 6-641.02:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

The proposed self-storage use furthers these objectives and is a suitable use for the Property. As noted above, the MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. 11-G DCMR § 100.2. Furthermore, the stated intentions of the MU Zones are, among other things, to “[p]rovide for a varied mix of residential, employment, retail, service, and other related uses” and to “preserve and enhance existing commercial nodes and surrounding by providing...[a] range of shopping and service opportunities[.]” 11-G DCMR §§ 100.3(b), 100.3(f).

The Applicant's self-storage concept is in harmony with the Zoning Regulations. The proposed use will support housing needs, as city residents will be able to take advantage of accessory storage space that is typically unavailable in urban dwelling units. Moreover, access to this additional storage will translate to additional living space for urban dwellers. Storage tenants can also support other shopping and service establishments within the Mall and around the Property, thereby preserving and enhancing the vitality of the Georgetown commercial node. For these reasons, the special exception is in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps.

***2. Will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps [11-X DCMR § 901.2(b)].***

The proposed self-storage use will not tend to adversely affect the use of neighboring property. As discussed above, the Applicant intends to lease existing **below-grade** tenant space for the proposed self-storage establishment. This location has been strategically selected to prevent potential conflicts with pedestrians at the street level along M Street NW and Wisconsin Avenue, and potential disturbances to other uses within the Mall. In addition, the proposed use is much more compatible with the below-grade tenant space that receives no daylight, and is thus less desirable for other types of uses – e.g., retail and service. Indeed, the Applicant has experienced great difficulty in leasing the subject tenant space and in fact, it has never been leased under the

Applicant's ownership. Nonetheless, the proposed self-storage establishment is a much better fit for the space given the facility's character and intended purpose – i.e., privacy and secure storage of personal property.

The proposed logistics and operations will also be compatible with neighboring uses within the Mall and at neighboring properties. Storage tenants will only have the option to access the facility via the shared loading dock in the northern portion of the Property, off of M Street, NW, or via the first level of the underground parking garage. As such, there will be no standing of vehicles along M Street or Wisconsin Avenue. The encouraged use of the M Street loading dock is also likely to minimize traffic conflicts and/or congestion within the underground parking garage. Importantly, the loading dock will be made available to storage tenants between 7:00 am – 7:00 pm. These hours are consistent with operational practices the Applicant has agreed to with the Georgetown Park Condo Association (the "Condo Association"), which is located adjacent to the Property at Lot 852 in Square 1200.

Moreover, the proposed use satisfies the special conditions of 11-U DCMR § 508.1(j), which are addressed below. These conditions are intended to protect neighboring properties, specifically within the vicinity of the Georgetown waterfront, from any significant adverse impacts from the proposed facility. As such, the proposed self-storage establishment will not tend to adversely affect other tenants with the Mall or the use of neighboring property.

**3. *Will meet such special conditions as may be specified in this title [11-X DCMR § 901.2(c)].***

The proposed use will also satisfy the special conditions enumerated under Subtitle U § 508.1(j), as follows:

- (1) *The facility shall be designed to enhance the visual and recreational opportunities offered by the waterfront;*

The Applicant does not propose any new construction for the proposed self-storage establishment, as it will assume approximately 7,895 square feet within enclosed, below-grade tenant space(s) of the existing Mall. As such, this condition is not applicable to this application.

- (2) *The use shall comply with the standards of external effects and shall have no adverse effects on other users on the same or adjoining properties;*

The proposed use is intended as an urban amenity that will accommodate the storage of seasonal and moderate-sized household items. Thus, the intensity of the storage facility (10 visits/week after stabilization) is unlikely to rise to a level that will disturb other tenants within the Mall, or other neighboring retail uses or residents. All storage activities will be contained within the designated below-grade tenant space, with access and egress points strategically located to prevent adverse effects upon other uses on

and around the Property. To further reduce conflicts within the underground parking garage on the Property, users will be encouraged to utilize the M Street level loading dock, within the permitted hours of 7:00 am – 7:00 pm in accordance with the operational practices of the loading dock.

- (3) *The use shall not result in dangerous or otherwise objectionable traffic conditions;*

Storage tenant access will only be permitted from the at-grade loading dock or the first level of the underground parking garage, which will discourage users from standing vehicles on M Street or Wisconsin Avenue. As such, drop-off/pick-up activities will remain contained to very specific areas, in close proximity to the elevators designated for the self-storage facility so as not to negatively impact surrounding vehicle or pedestrian traffic.

- (4) *There shall be adequate off-street parking for trucks and other service vehicles; and*

The Property includes an underground parking garage that consists of approximately 642 spaces, which is more than is required for the Mall uses. Given the types of household items that the self-storage units will be able to accommodate, most users will only require standard-sized vehicles to move items into and out of their storage units. As such, there is adequate off-street parking for the intended users of the self-storage establishment.<sup>2</sup> In those limited instances when trucks are used, the loading dock (accessible from the M Street ground level) will be available for those users as detailed above.

- (5) *There shall be no outdoor storage of materials.*

The proposed self-storage facility will not enable the outdoor storage of materials.

## **VII. COMMUNITY ENGAGEMENT**

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 2E. As required under 11-Y DCMR § 300.8(1), the Applicant apprised ANC 2E of this request for zoning relief and served the application materials upon ANC 2E at the time of initial filing. Since then, the Applicant has maintained an ongoing dialogue with Commissioner Lisa Palmer, the affected Single-Member District ANC commissioner (“SMD”). The Applicant presented the application to the full ANC at its duly-noticed, regularly scheduled public meeting

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<sup>2</sup> Subtitle C § 705.1 provides that additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same area. Because self-storage requires less parking than any retail/service use, that would have previously occupied the space, no additional parking would be required. *See* Subtitle C § 701.5



on January 6, 2022. As indicated by the resolution included at Exhibit 25 in the case record, ANC 2E voted in unanimous support of the application (6-0-0).

### **VIII. WITNESSES**

An outline of testimony for the Applicant's representative, Jed Wasilewsky, is included in the case record at Exhibit 12. At public hearing the Applicant will also have Ms. Renee Finnerty, another representative of the Applicant, made available for questions. Below is an updated list of the Applicant's witnesses:

- Jed Wasilewsky, on behalf of the Applicant
- Renee Finnerty, on behalf of the Applicant