

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

Application of
3400 Connecticut Partners LLC

BZA Application No:
ANC: 3C05

STATEMENT OF THE APPLICANT

**I.
Nature of Application**

This application is made by 3400 Connecticut Partners LLC (the “**Applicant**”) for special exception relief from the parking requirements of the Zoning Regulations to facilitate redevelopment of a site with an existing historic building to create a new mixed-use project retaining the existing 17 residential units, providing 35 new apartment units, and providing 16,097 square feet of ground floor retail (the “**Project**”). The Property is located at 3400 Connecticut Avenue, NW (Square 2069, Lots 817-821) (the “**Property**”). The application requests special exception relief pursuant to 11-C DCMR §703.2 for relief from the parking requirements, as set forth in the Zoning Regulations. The Project will conform to the Zoning Regulations in all other respects.

**II.
Jurisdiction of the Board**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.1 of the Zoning Regulations (11-X DCMR §901.1).

**III.
Information Regarding the Property and Project**

A. Description of the Property and Surrounding Area

The Property is located at 3400 Connecticut Avenue NW in the Cleveland Park neighborhood. It is comprised of approximately 29,923 square feet of land area and is situated on the western side of Connecticut Avenue NW at the intersection with Newark Street NW. To the

west of the Property are large, single-family homes. To the north and east of the Property along Connecticut Avenue are one- to two-story retail buildings. To the south of the Property is the new Cleveland Park library and taller apartment buildings along Connecticut Avenue. The Property is located 500 feet from the entrance to the Cleveland Park Metrorail station.

The Property is improved with The Macklin, which is a contributing building in the Cleveland Park Historic District. The Macklin was designed by Washington architect Mihran Mesrobian in 1939. The Macklin is a four-story apartment building containing 17 residential units with ground floor retail. The residential component is accessed off of Newark Street NW. In front of the Macklin is a surface parking lot accessed via a curb cut off of Connecticut Avenue. Adjacent to the apartment building is a one-story retail component that extends to Connecticut Avenue. The Property is located in the NC-3 Zone District which is designated as appropriate for projects that (1) are compatible with the Cleveland Park Historic District, (2) are compatible with the existing scale of development, and (3) retain and provide additional housing and affordable housing.

B. Description of the Project

The Applicant is retaining the ground floor retail and 17 residential units in the existing Macklin building. In addition, the Applicant is proposing to construct two new buildings at the Property. First, the Applicant is proposing a new, four-story, 31-unit apartment building at the rear of the Property behind the existing building. Second, the Applicant is proposing a four-unit, townhouse-style building at the southeast corner of the Property with the unit entry fronting on Newark Street and some ground-floor retail with entry on the opposite side at the central courtyard. In total, the Project will provide 35 new residential units, 17 existing residential units, and 16,097 square feet of retail floor area.

As part of the Project, the Applicant is proposing to remove the existing surface parking lot that fronts on Connecticut Avenue and instead resurface this area as a pedestrian courtyard that will benefit the community. The existing surface parking lot does not meet the screening requirements of the Zoning Regulations and is an unsightly impact on the Property. Instead, the proposed courtyard will include plantings and attractive paving, providing visual appeal and greenery along Connecticut Avenue.

The Project has gone before the Historic Preservation Review Board (“**HPRB**”) for concept approval. HPRB has indicated general support for the Project, though the Applicant is refining the final penthouse design based on comments from HPRB. The Applicant will return to HPRB for concept approval prior to the Board’s consideration of this application.

IV.
Description of Relief Requested

Pursuant to 11-C DCMR §703.2, the Board may grant a special exception for relief from the parking requirements of Section 701.5 of Subtitle C of the Zoning Regulations, subject to certain considerations. Based on the current proposal, the Project would generate a parking requirement of seventeen spaces. The total 52 residential units would require a total of eight (8) parking spaces, and the retail component would require a total of nine (9) parking spaces. Of note, the addition would only require five (5) parking spaces for the residential component and one (1) space for the new retail component, for a total of six (6) spaces. However, because the Applicant is removing the existing parking spaces, parking required for the entire Project as a whole is 17 spaces. The Project is unable to accommodate any of these parking spaces, and therefore requests relief from the parking requirements of the Zoning Regulations.

V.
Satisfaction of Standards for Relief

Under Subtitle X, Section 901.2, in order to obtain special exception relief, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. Additionally, for special exception relief from the parking requirements pursuant to Subtitle C, Section 703.2, the applicant must demonstrate compliance with certain conditions for relief. As discussed below, the Project meets the specific conditions of Subtitle C, Section 703.2 and the relief requested is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties.

A. The Project satisfies the standards for granting special exception relief from the parking requirements of Subtitle C.

The Project is unable to provide the required parking spaces for several reasons, all of which are justifications the Board may consider in granting parking relief under Subtitle C. Further, the Applicant is unable to provide any parking spaces for these reasons at the Property, and therefore the Applicant is not requesting relief for more spaces than the Project is able to provide.

1. *The Project is will served by transportation infrastructure, land use or transportation characteristics of the neighborhood minimize the need for required parking spaces, and the existing historic building all justify the parking relief.*

The Project is exceptionally well-served by mass transit. The Property is located in the Cleveland Park neighborhood, only 500 feet (less than 0.1 miles) from the Cleveland Park Metrorail station. Due to its proximity to the Metrorail's red line, the Property has ease of access to the District's entire mass transit system, providing direct routes to Maryland and downtown DC, as well as connections to Virginia and other mass transit systems including MARC, VRE, and

Amtrak. The Property is also immediately served by several bus routes, including the L1 and L2 routes on Connecticut Avenue connecting to downtown DC through Dupont Circle and the H3 and H4 routes less than a quarter-mile from the Property connecting the Tenleytown and Brookland neighborhoods. The Cleveland Park neighborhood also features significant bicycle infrastructure, including a Capitol Bikeshare station immediately adjacent to the Property along Connecticut Avenue.

The Property's neighborhood itself also significantly minimizes the need of for required parking spaces. Residents' daily needs can largely be served by the resources within short walking distance. Across Connecticut Avenue from the Property, there are several neighborhood-serving retail options, including a market, a pharmacy, a dry cleaner, a hair salon, and a bank. There are also several restaurants, a public library, and a post office in close vicinity to the Property. Given the rich resources in the neighborhood, it is expected that most residents will not plan to own cars and will not need to use a vehicle to accomplish daily tasks. Finally, for retail visitors who do need to drive, there is metered street parking along Connecticut Avenue that can be utilized.

Finally, The Project prioritizes retaining the historic Macklin building and minimizing visual impacts on the historic structure by removing the non-compliant surface parking lot in front of the building. Therefore, any parking would have to be accommodated at the rear of the Property behind the historic building, which is not feasible due to physical site constraints and which take away the Project's viability. Therefore, for the above reasons, the parking relief will facilitate a historic Project in a neighborhood exceptionally served by mass transit and needed resources.

2. *The requested reduction is consistent with the number of spaces the Applicant cannot physically provide onsite.*

The Applicant seeks special exception relief from the requirement to provide seventeen (17) parking spaces on-site. The Project will provide no parking spaces. As seen in the plans attached as Exhibit H (the “**Plans**”), no parking spaces are feasible on the site.

First, while there is existing parking at the Property, that parking is not compliant with the Zoning Regulations today. The surface parking lot is accessed by a curb cut off of Connecticut Avenue, which is not permitted pursuant to 11-H DCMR §§204.2, 500.5 (not allowing a driveway to required parking spaces to be located on Connecticut Avenue NW, a designated roadway). Further, 11-C DCMR §710.2(b)(2) does not allow any parking to be located in a front yard. Additionally, surface parking must be screened in accordance with 11-C DCMR §714, which would require a four-foot tall hedge or fence along the Connecticut Avenue streetscape, a design not at all consistent with the desired planning for the NC-3 Zone. Therefore, the location of the existing parking is not permitted under the current Zoning Regulations.

Further, even if the Applicant were to utilize the existing curb cut to attempt to locate parking below grade on the Connecticut Avenue side of the Property, that would not be feasible. As shown in Appendix A of the Plans, there is not adequate space to provide a ramp to access below-grade parking. Further, attempting to locate parking here would eliminate the public plaza, a community benefit of the Project. Therefore, parking at the Connecticut Avenue side of the Property would not be feasible or zoning compliant.

Instead, to provide zoning-compliant parking, the Project would have to include parking at the rear of the Property behind the Macklin building. Providing parking in this location is not feasible due to the site’s characteristics, including significant grade change. Surface parking at the rear of the Property would render the Project moot as it would replace the 31-unit building that is

the bulk of the Project. However, below-grade parking here is not viable given the grade change and site constraints. First, the Property experiences a significant grade change at this end, making construction of a below-grade garage very difficult. Further, this rear area of the site is long and narrow, limiting the Applicant's ability to create a functional garage with the necessary drive aisle widths and turn radii to accommodate the required spaces, as shown in Appendix A of the Plans. Finally, below-grade parking here would encounter significant amounts of rock that exist at the Property. Blasting through this rock to even create below-grade parking would have an impact on neighboring properties.

The Applicant also explored replacing the second floor of this new building with parking, even though typically above-grade parking is disfavored. However, that proposal is also not feasible, as shown on Appendix A of the Plans. First and most importantly, removing the entire second floor of units to accommodate parking would render the project infeasible financially. Second, the ramping and parking on the second level would have an impact on the neighboring properties as headlights would be level with the nearby houses. Third and finally, using the second floor for parking would drastically reduce the efficiency of the building. Therefore, parking in this location is also not feasible for the Project.

Therefore, the requested reduction of the full parking required for the Project is consistent with the fact that the Applicant could not physically provide any compliant parking on-site.

- 3. This request for relief will include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of BZA approval.*

The Applicant will file a transportation report by its transportation consultant, Gorove/Slade, at least thirty days prior to the public hearing, as required by Subtitle Y, Section 300.14. The report will include a Transportation Demand Management plan (“**TDM Plan**”)

resulting from consultation with DDOT staff. Such TDM Plan will further enhance the use of mass transit, biking and walking options by residents, employees, and guests of the Project. The Applicant has already agreed the TDM Plan for the Project will include a prohibition on participation in the Residential Parking Permit (“RPP”) program for residents at the Property.

B. The requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect or impact surrounding areas

This application balances the need for additional housing and affordable housing in this community with the needs of the neighborhood and the zoning requirements. The Project will create 35 new residential units, including family-sized units, and retain 17 existing residential units. The Project will close a curb cut off of Connecticut Avenue that would not be permitted under the existing regulations and remove surface parking that is not screened as required. Instead, the Project will provide an attractive courtyard for the community that includes green space.

As mentioned above, the Property is exceptionally well-served by public transit, including the Metrorail’s red line mere feet from the Project, and multiple bus lines along Connecticut Avenue. Further, the Applicant will provide a TDM Plan, including an RPP prohibition, to further encourage non-automobile transportation modes. Additionally, the immediate neighborhood is highly walkable and includes many of the day-to-day residential needs including a grocery store, pharmacy, and many restaurants and shopping venues. Therefore, we do not anticipate any adverse effect or impact of the requested parking relief.

In conclusion, the parking relief will allow the Project to respect the historic nature of the Property, provide additional housing, and remove a visual blight on the community. Once completed, the Project will provide 52 housing units, approximately 16,000 square feet of retail, and a public courtyard for the community. Given the proximity to public transit and the TDM Plan,

the Project will not negatively impact the surrounding properties and is in harmony with the intent and purpose of the Zoning Regulations and map.

VI.
Conclusion

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully submitted,

/s/ _____
Allison C. Prince

/s/ _____
Meghan Hottel-Cox