

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

**APPLICATION OF
4527 GEORGIA AVE LLC**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, 4527 Georgia Ave LLC (“Applicant”), the owner of the property located at 1544 Rhode Island Avenue, NE (Square 4021, Lot 0015) (the “Property”), in support of its application for special exception relief, pursuant to Subtitle X § 901.2, from the requirements for vehicular parking under Subtitle C § 701.5 and Subtitle C § 909.2 in connection with the construction of a new residential apartment building.

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 in the MU-4 Zone District with a lot area of 14,097 sq. ft. A copy of the zoning map is attached at **Tab A**. The Property is an irregularly-shaped corner lot located at the intersection of Rhode Island Avenue, NE and 16th Street, NE. A copy of the Baist Map is attached at **Tab B**. The Property is currently improved with a one story structure (the “Existing Building”). As described in more detail below, the Applicant proposes to demolish the Existing Building and construct a 49 unit apartment building (the “Project”).

The Property is located along a mixed-use stretch of Rhode Island Avenue, NE in the Brookland neighborhood. Rhode Island Avenue serves as the spine of the Brookland

neighborhood with a combination of commercial and medium-density apartment buildings. Brookland beyond Rhode Island Avenue is predominately residential. The buildings immediately adjacent to the Property are multi-story residential buildings with retail located across 16th Street, NE and Rhode Island Avenue, NE. Further along Rhode Island Avenue, NE are various neighborhood amenities and smaller format grocery stores with a Home Depot and Giant Food near the Rhode Island Ave-Brentwood Station to the southwest. The Property is not located in an historic district.

B. Traffic Conditions and Mass Transit

The Property is well-served by public transportation. There are a number of bus stops within one to two blocks of the Property, serving bus lines 83, 86, B8, B9, E2, G9, H6, T14 and T18. The Brookland-CUA Metrorail Station and the Rhode Island Ave-Brentwood Station are each .8 miles from the Property. There are two Capital Bikeshare stations within approximately two blocks of the Property. In general, the area is pedestrian-friendly, as Walkscore.com rates the Property as “very walkable.”

C. The Project

The Applicant proposes to demolish the Existing Building and to construct a new residential apartment building. A copy of the Architectural Plans are attached at **Tab C**.

The Project will be a 45,005.00 sq. ft. building with a cellar, four above-grade stories of residential units and a penthouse. The Project will contain 49 residential units in total, including IZ units. The Project will also contain a rental office, mail area and trash room at the first floor which will serve as accessory uses to the residential units. The Project will occupy the entirety of the Rhode Island Avenue, NE frontage and the majority of the 16th Street, NE frontage of the Property, with the remaining space left open for a rear yard, including area for a bio-retention

pond. The Penthouse will have a terrace shared in common among the tenants along the 16th Street, NE frontage. There will be 3 automobile parking spaces.

The Project will meet all the development standards in the MU-4 zone with the exception of parking, as described below. The Project will have a total floor-area-ratio of approximately 2.97, or approximately 39,380.00 sq. ft. of gross floor area with an additional 5,625.00 sq. ft. penthouse. The Project will have a lot occupancy of 69.85%.¹

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

The Applicant requests special exception relief from the requirements for vehicular parking because the Project will have a total of seven parking spaces, which includes two car-share spaces and one handicap parking space. However, under the Zoning Regulations, the Applicant is required to provide a minimum of 15 parking spaces.² As such, the Applicant requests relief for 8 parking spaces.

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

¹ In the MU-4 zone, residential uses are limited to a maximum lot occupancy of 60% which can be expanded to 75% through Inclusionary Zoning (“IZ”) which will be provided at the Project.

² Under Subtitle C § 701.5, multiple dwelling units must provide 1 space per 3 dwelling units in excess of 4 units. Thus, 49 units requires 15 parking spaces $(49-4)/45=15$.

discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If an 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 special exception relief will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The MU-4 zone is intended for “moderate-density mixed-use development” that is “located in low- and moderate-density residential areas with access to main roadways or rapid transit stops.” *See* Subtitle G § 400.3(a), (c). The MU-4 likewise encourages “facilities for . . . housing, and mixed uses for large segments of the District of Columbia outside of the central core.” *See* Subtitle G § 400.3(b).

The Project will further these goals by providing residential space along an urban arterial street. The nature of the mixed-use neighborhood is intended to encourage walking and the use of public transportation to access amenities, obviating the need for personal vehicles. To that end, there are residential-serving amenities within a few blocks of the Property, including a Walgreens Pharmacy, multiple convenience stores and bus lines for access to other nearby services. Nearby services within a mile radius and therefore easy public transit access include multiple grocery stores, the Woodridge Neighborhood Library and a local post office. Accordingly, the parking relief is harmonious with the purpose and intent of the Zoning Regulations.

B. The Relief will not tend to Adversely Affect the Use of Neighboring Property

The Property’s location in a transit-friendly, mixed-use neighborhood is expected to attract

residents that live in, walk and ride public transit to the Project, and, as such, will not require parking spaces. As noted above, the Property is easily accessible through a variety of transit options including bus stops within two blocks of the Property that provide access to numerous bus lines.

Moreover, the Project will reduce reliance on private vehicles by providing some parking including two dedicated car-share parking spaces within the Project. The car share parking will be available both to residents of the Project and the surrounding neighborhood. As such, the on-site parking will supplement the public transportation access to the Project.

C. The Project Satisfies the Special Conditions of Subtitle C § 703

In addition to the general special exception standard, the Project satisfies the special conditions for parking relief pursuant to Subtitle C § 703, as follows:

i. The Applicant meets several of the conditions for parking relief under Subtitle C § 703.2.

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

The Property is well-served by public transportation options, including mass transit, shared vehicles and bicycle facilities. As outlined above, the Property is in close proximity to two Metrorail Stations, nine bus lines, two Capital Bikeshare stations and will have car share spaces on site.

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

The land use and transportation characteristics of the Brookland neighborhood greatly minimize the need for parking at the Project. Brookland is a mixed-use neighborhood and Rhode Island Avenue has seen increased investment and development. The resident-serving amenities can be accessed on-foot and public transit, obviating the need for residents to have personal

vehicles. The excellent access to public transportation also provides for convenient access to amenities in the wider neighborhood and throughout the District.

- ii. The reduction in parking is for the amount Applicant is physically unable to provide and is proportionate to the reduction in parking demand.

The Project is providing seven parking spaces in total. The inclusion of residential units in the cellar limits the Applicant's ability to provide additional parking. The Applicant cannot physically provide additional parking in the Project.

- iii. The Applicant Will Discuss a Transportation Demand Management Plan

As required by Subtitle C § 703.4, the Applicant will contact the District Department of Transportation to discuss a transportation demand management plan for the Property.

VI. COMMUNITY OUTREACH

The Applicant will attend meetings of Advisory Neighborhood Commission (ANC) 5B to introduce the application and discuss the Project. The Applicant will formally present the application to ANC 5B at its next available public meeting.

VII. 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.

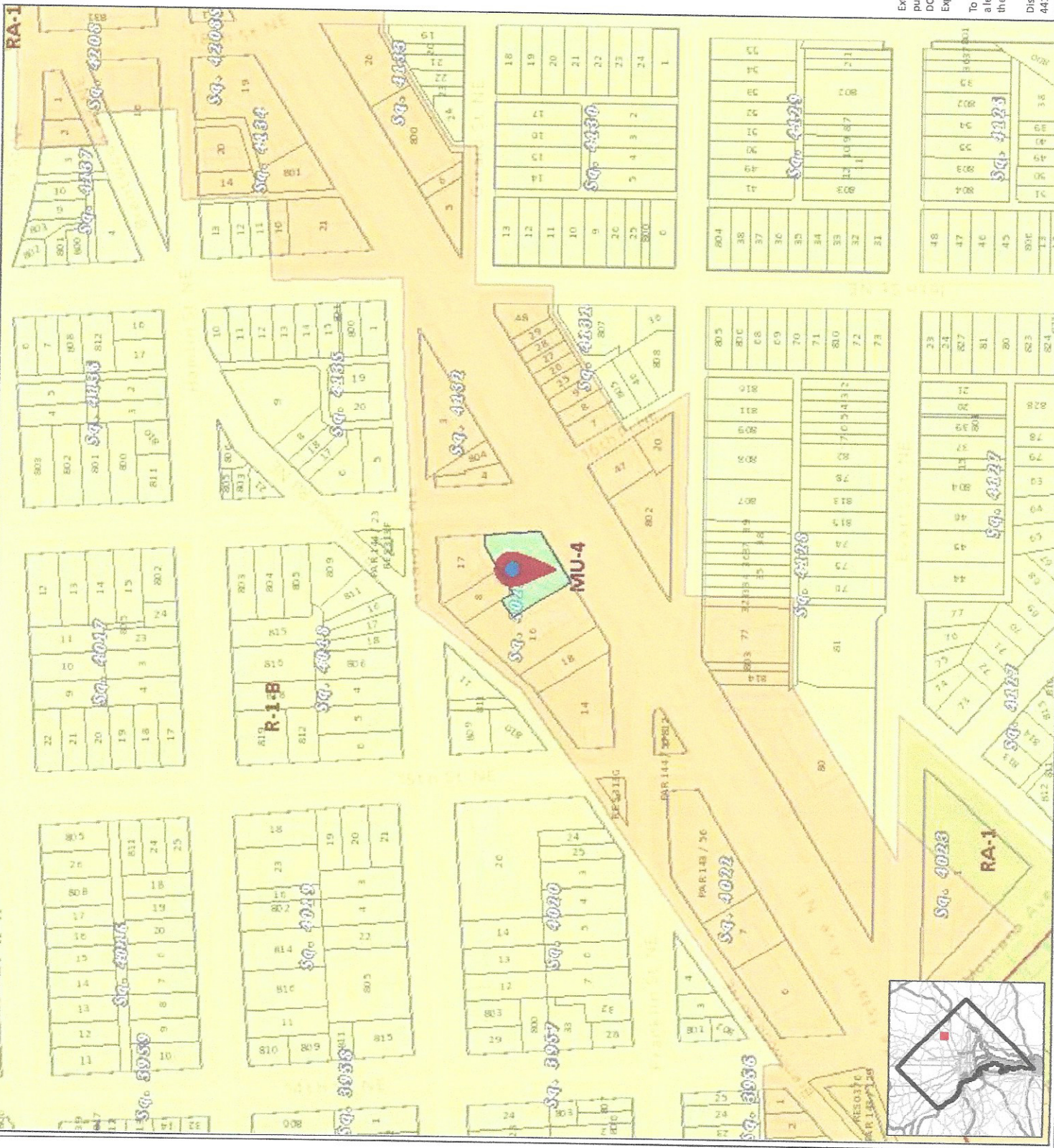
Respectfully Submitted,

COZEN O'CONNOR

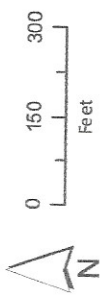


Meridith H. Moldenhauer
Harrison Haas
1200 19th Street NW
Washington, DC 20036

TAB A



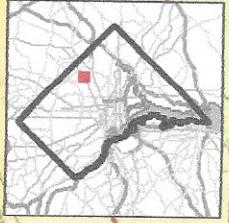
Zoning Map of the District of Columbia



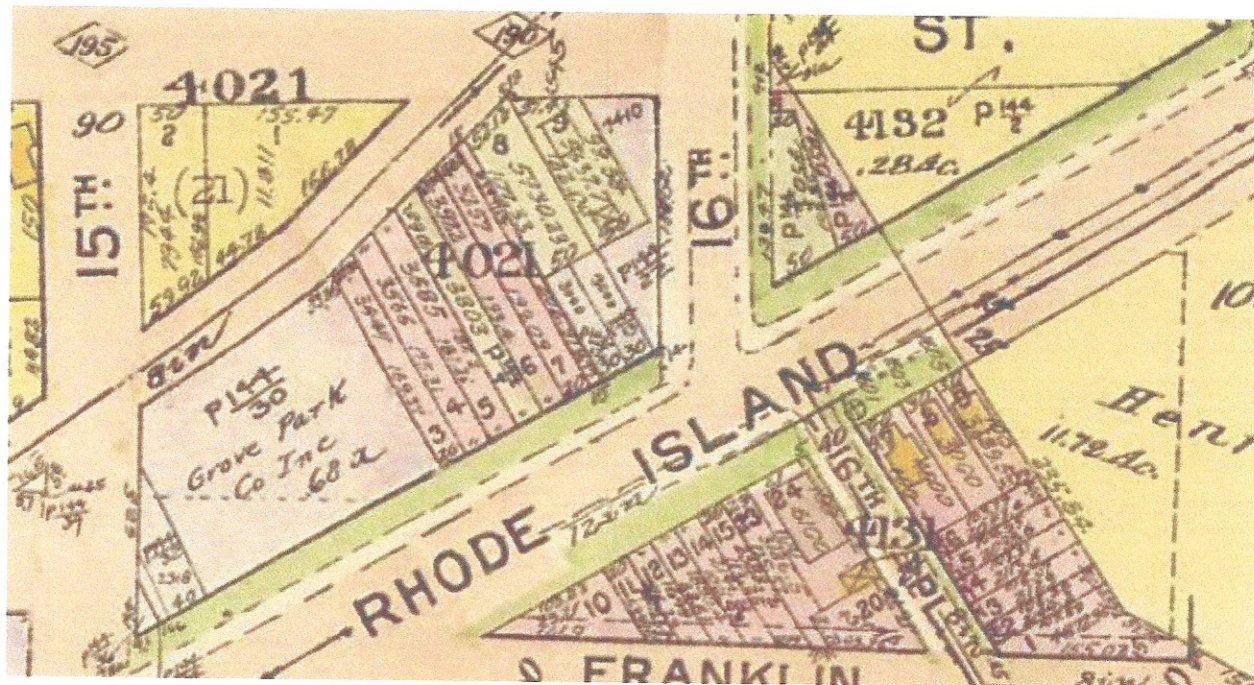
Extracted from Online Zoning Information published by the District of Columbia Office of Zoning, DCOS, and Office of the Chief Technology Officer (OCTO). Exported on: 7/24/2020

To certify zoning on any property in order to satisfy a legal requirement, contact the office of Zoning at the address listed below.

District of Columbia Office of Zoning,
441 4th St NW, Suite 200 South, Washington, DC 20001
202-727-6311 | doz@dc.gov



TAB B



TAB C

APARTMENTS: 1544 RHODE ISLAND AVENUE, NE WASHINGTON DC 20018

PROJECT INFORMATION:

EXISTING PERMIT NUMBER: B0300316
 OWNERS: 4327 GEORGIA AVE NE
 ARCHITECT: DZ ARCHITECTURE VA
 DESIGNER: KENT HASKER
 MEP ENGINEER: KAC ASSOCIATES, P.E.
 DESCRIPTION: PROJECT AREA PERMIT FROM A-10 PROJECT TO 4-40 UNITS APARTMENT BUILDING. BUILDING NOW HAS A CEILING LEVEL HAVING 5' CLEARANCE ABOVE CEILING. THE BUILDING NOW HAS A CEILING LEVEL HAVING 5' CLEARANCE ABOVE CEILING AND 4 STORES OF THE W/ CONSTRUCTION ON TOP. EXISTING STRUCTURE WILL BE DEMOLISHED. APPLICATION TO REZE IS OBTAINED.

LOT INFORMATION

LOT AREA: 11,000 SFT
 ZONE: M-1A
 FAR: 14.00/80 x 2.5 = 6
 14,000 SFT
 ZONE: M-1A
 FAR: 14.00/80 x 2.5 = 6
 7,000 SFT

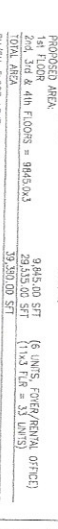
AREA PROPOSED:

AREA OF PROPOSED: 140,970.00 S.F.
 TOTAL AREA PROPOSED: 2,215.00 S.F.
 EX. BUILDING FOOTPRINT: 1,100 S.F.
 EXISTING LOT COVERAGE: 23.77 %
 PROPOSED AREA: 9,450.00 S.F.
 14 FLOOR: 29,325.00 S.F. (13 X3 FLS = 33 UNITS)
 14 FLOOR: 29,325.00 S.F. (13 X3 FLS = 33 UNITS)
 TOTAL AREA PROPOSED: 9,450.00 S.F. (6 UNITS)
 LOT COVERAGE PROPOSED = 9,450.00/14,000.00 = 67.50 %

GOVERNING CODES AND STANDARDS:

INTERNATIONAL BUILDING CODE (IBC) 2012, 2009
 INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING CODE (M.E.P.C.) 2012
 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) 2012
 INTERNATIONAL FIRE SEPARATION CODE (IFSC) 2012
 INTERNATIONAL FIRE RETARDATION TREATMENT CODE (IFRT) 2012
 INTERNATIONAL PLUMBING CODE (IPC) 2012
 INTERNATIONAL ELECTRICAL CODE (NEC) 2012
 INTERNATIONAL FIRE SEPARATION CODE (IFSC) 2012
 INTERNATIONAL FIRE RETARDATION TREATMENT CODE (IFRT) 2012
 INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING CODE (M.E.P.C.) 2012
 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) 2012

EXISTING SITE PLAN



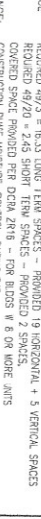
LIST OF DRAWINGS:

- AC-101 ARCHITECTURAL DRAWINGS
- AC-102 ARCHITECTURAL DRAWINGS
- AC-103 ARCHITECTURAL DRAWINGS
- AC-104 ARCHITECTURAL DRAWINGS
- AC-105 ARCHITECTURAL DRAWINGS
- AC-106 ARCHITECTURAL DRAWINGS
- AC-107 ARCHITECTURAL DRAWINGS
- AC-108 ARCHITECTURAL DRAWINGS
- AC-109 ARCHITECTURAL DRAWINGS
- AC-110 ARCHITECTURAL DRAWINGS

LOCATION PLAN:



COVER SHEET, CODE INFORMATION



ACCESSIBLE UNITS:

8 ACCESSIBLE UNITS ARE PROVIDED AS TYPE A UNITS.
 PROVIDED ON VARIOUS FLOORS, SEE SHEET AC-105.
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS
 177 TOTAL UNITS, 8 ACCESSIBLE UNITS

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AREA PERMITTED:

FAZ 2.5%	1.6	35,244.50 SFT
16	7,688.00 SFT	
16	42,233.40 SFT	
16	3,688.12 SFT	
16	10,573.35 SFT	
16	64.22	
16	10,573.35 SFT	
16	9,445.00 SFT	
16	29,510.00 SFT	
16	39,380.00 SFT	
16	3,883.00 SFT	
16	43,053.00 SFT	

ZONING CALCULATIONS:

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REVISIONS:

NO.	DATE	DESCRIPTION
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2	11/13/2010	ISSUED FOR PERMIT
3	11/13/2010	ISSUED FOR PERMIT
4	11/13/2010	ISSUED FOR PERMIT
5	11/13/2010	ISSUED FOR PERMIT
6	11/13/2010	ISSUED FOR PERMIT
7	11/13/2010	ISSUED FOR PERMIT
8	11/13/2010	ISSUED FOR PERMIT
9	11/13/2010	ISSUED FOR PERMIT
10	11/13/2010	ISSUED FOR PERMIT

SCALE:

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APARTMENTS: 1544 RHODE ISLAND, N.E.

WASHINGTON DC 20018
 COVER SHEET, CODE INFORMATION

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 CHECKED BY: [Name]
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 SHEET NO. 11.00

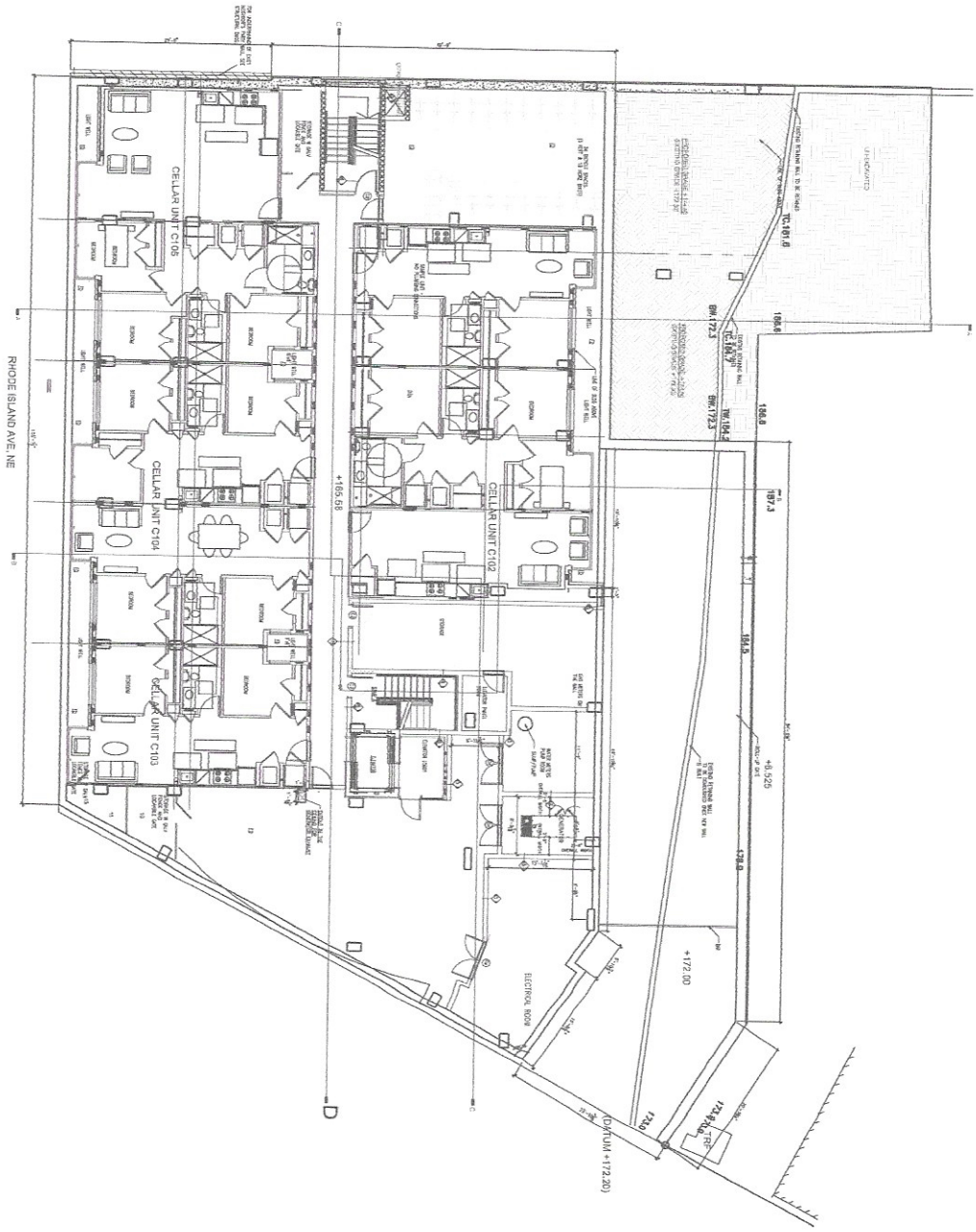
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1 CELLAR FLOOR PLAN
SCALE: 1/8" = 1'-0"



SEE PLAN

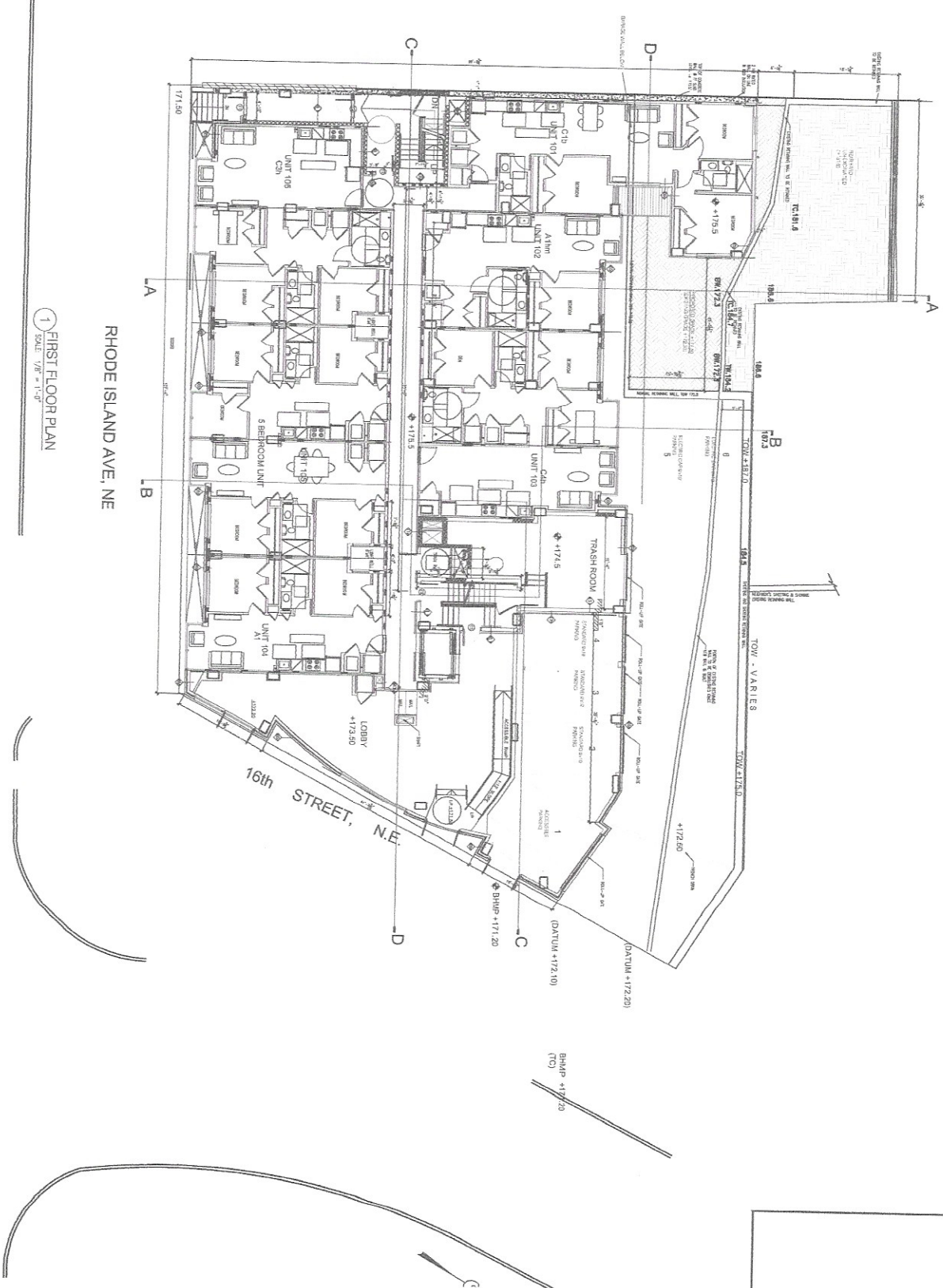
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REVISIONS	DATE	BY	CHKD
CELLAR FLOOR PLAN	07/24/18	XXX	XXX
DATE	BY	CHKD	APP'D
07/24/18	XXX	XXX	XXX
DATE	BY	CHKD	APP'D
07/24/18	XXX	XXX	XXX
DATE	BY	CHKD	APP'D
07/24/18	XXX	XXX	XXX

APARTMENTS: 1544 RHODE ISLAND, N.E.
WASHINGTON DC 20018
CELLAR FLOOR PLAN

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1. All dimensions are in feet and inches. 2. All dimensions are to the center of the member unless otherwise noted. 3. All dimensions are to the finished surface unless otherwise noted. 4. All dimensions are to the exterior surface unless otherwise noted. 5. All dimensions are to the interior surface unless otherwise noted. 6. All dimensions are to the center of the member unless otherwise noted. 7. All dimensions are to the finished surface unless otherwise noted. 8. All dimensions are to the exterior surface unless otherwise noted. 9. All dimensions are to the interior surface unless otherwise noted.



RHODE ISLAND AVE, NE
 1 FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

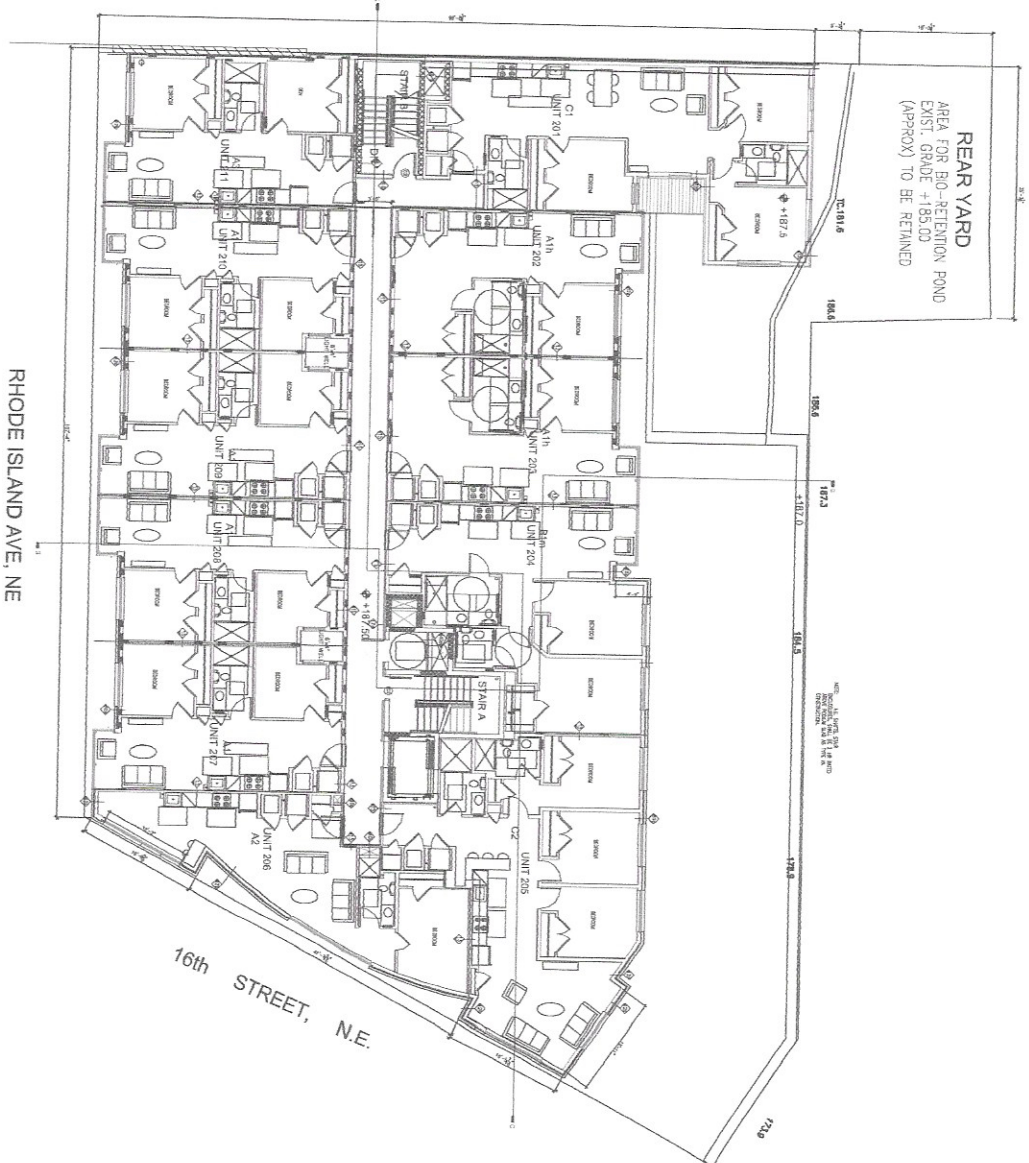
APARTMENTS: 1544 RHODE ISLAND, N.E.

WASHINGTON DC 20018
 FIRST FLOOR PLAN

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DATE: 10/15/10
 DRAWN BY: J. H. [Name]
 CHECKED BY: J. H. [Name]
 TITLE: ARCHITECT
 PROJECT: APARTMENTS
 SHEET: A2.01

A2.01



1 SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

RHODE ISLAND AVE., NE

16th STREET, N.E.

APARTMENTS: 1544 RHODE ISLAND, N.E.

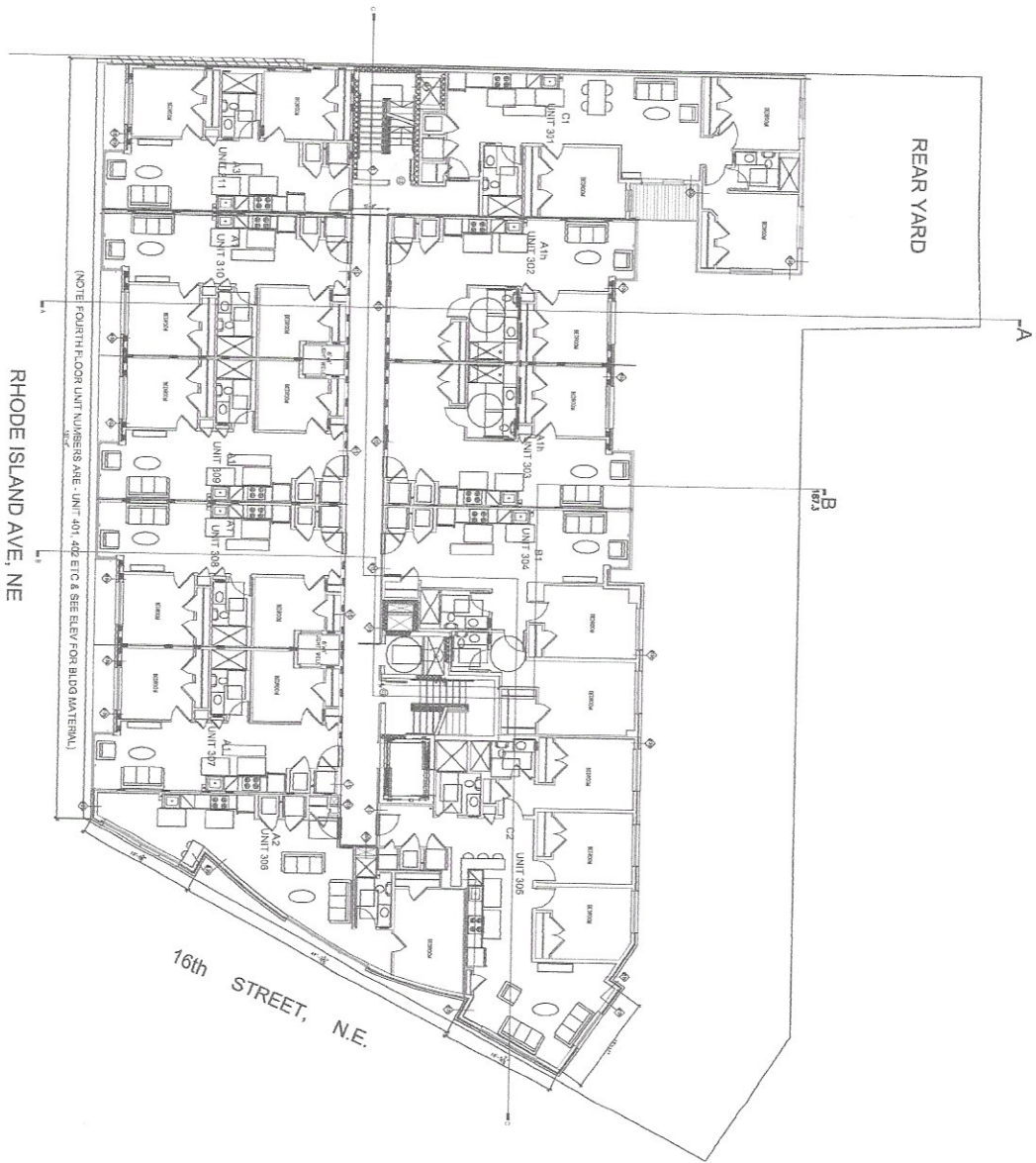
WASHINGTON DC 20018
PLAN: SECOND FLOOR

A2.02

DESIGNED	DATE
DRAWN	DATE
CHECKED	DATE
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BY	

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FOR INFORMATION OF THE ARCHITECT, THE FOLLOWING INFORMATION WAS OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY: THE EXISTING GRADE AT THE REAR YARD IS APPROXIMATELY +185.00. THE PROPOSED GRADE FOR THE BO--RETENTION POND IS +185.00. THE PROPOSED GRADE FOR THE REAR YARD IS APPROXIMATELY +187.00. THE PROPOSED GRADE FOR THE REAR YARD IS APPROXIMATELY +187.50. THE PROPOSED GRADE FOR THE REAR YARD IS APPROXIMATELY +187.30.



1 PLAN: THIRD & FOURTH FLOOR LEVEL
SCALE: 1/8" = 1'-0"

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APARTMENTS: 1544 RHODE ISLAND, N.E.
WASHINGTON DC 20018
PLAN: THIRD & FOURTH FLOORS

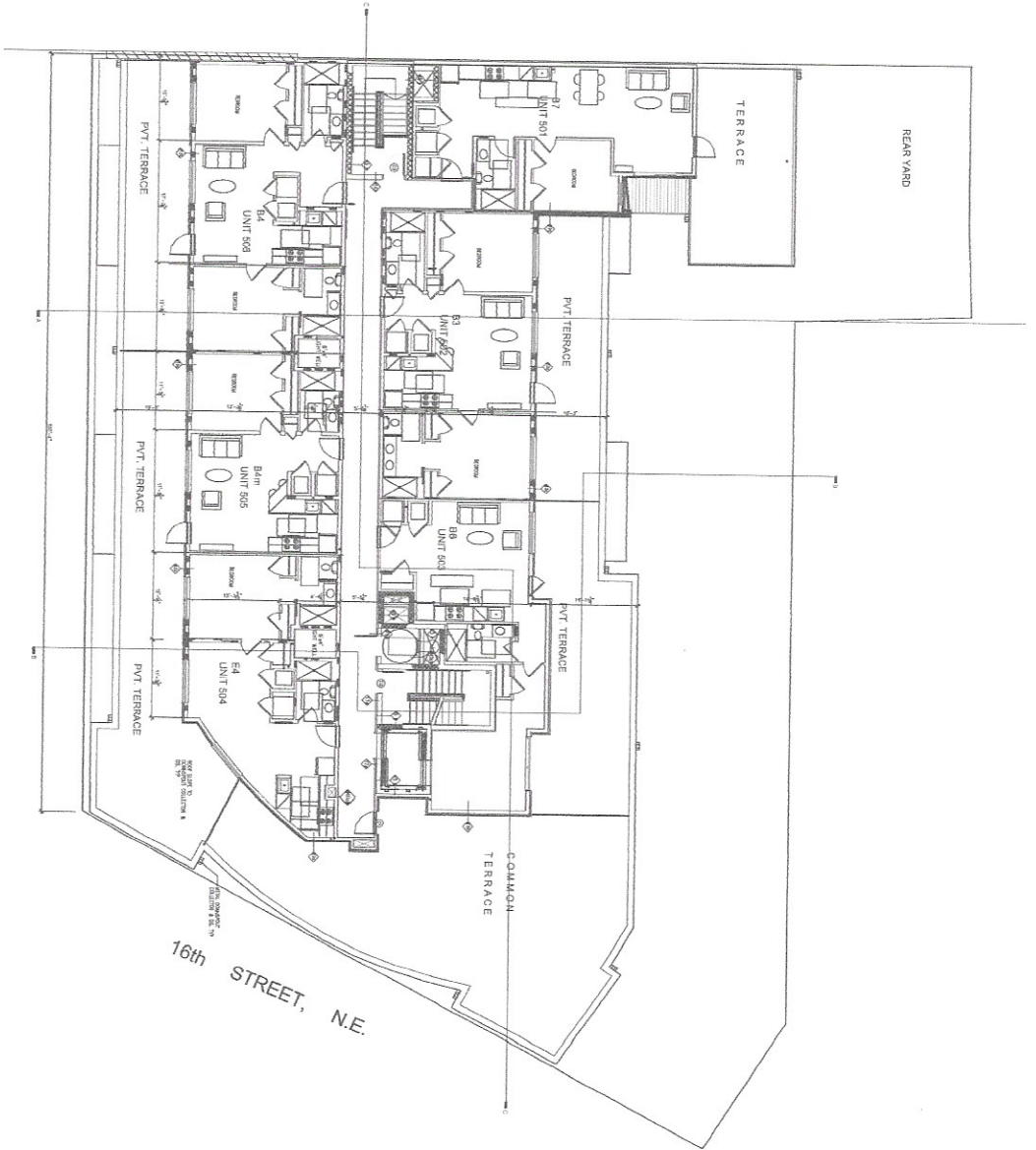
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SHEET 43

① PLAN, PENTHOUSE/5th FLOOR LEVEL
 SCALE: 1/8" = 1'-0"

RHODE ISLAND AVE, NE



16th STREET, N.E.

APARTMENTS: 1544 RHODE ISLAND, N.E.

WASHINGTON DC 20018

PLAN: PENTHOUSE/5th FLOOR LEVEL

This drawing is an instrument of service. It is not valid unless signed and sealed by the architect. It shall not be used for any other purpose without the written consent of the architect. It shall be a complete and final contract for the work herein shown.

THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT AND FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE INFORMATION PROVIDED BY THE CLIENT.

REVISIONS

DATE

DESCRIPTION

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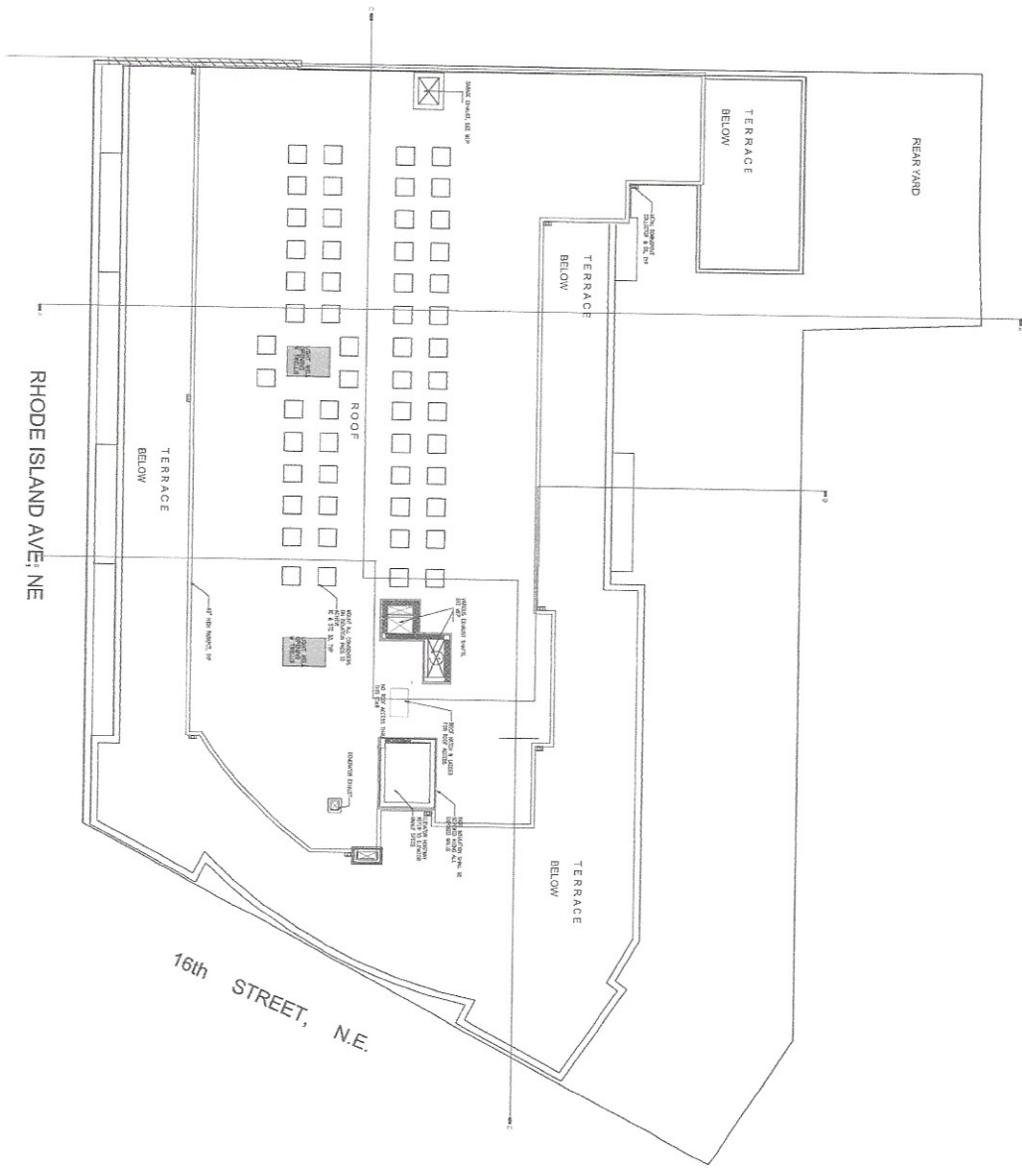
DESCRIPTION

BY

DATE

A2.04

SCALE



1 ROOF PLAN
SCALE: 1/4" = 1'-0"

RHODE ISLAND AVE, NE

16th STREET, N.E.

TERRACE BELOW

REAR YARD

TERRACE BELOW

ROOF

TERRACE BELOW

TERRACE BELOW

REVISED
DATE: JULY 21, 2008
DRAWN BY: [blank]
CHECKED BY: [blank]
TITLE: [blank]
SCALE: [blank]
PROJECT: [blank]

APARTMENTS: 1544 RHODE ISLAND, N.E.

WASHINGTON DC 20018

ROOF PLAN

This drawing is an approximation of service, it is not a guarantee of service, it is not a contract and shall not be construed as such. No liability shall be assumed by the architect for any error or omission, that is a consequence of the client's negligence.

I, the undersigned, being a duly licensed architect in the State of Washington, do hereby certify that this is a true and correct copy of the original design and specifications on file in my office.

A2.05

12-1-2008



1 SOUTH ELEVATION FROM RHODE ISLAND
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION FROM RAMP
SCALE: 1/8" = 1'-0"

1544 RHODE ISLAND AVENUE, N.E. - WITH/OUT GARAGE CEILING STORIES - UNIT CONFIGURATIONS - 10/19/20

UNIT TYPES	NO. BUILDING	203	303	403	503	TOTAL	TOTAL	NO. UNITS
ACC. 101	1	1	1	1	1	4	164	4
ACC. 411	1	1	1	1	1	4	164	4
ACC. 411A	1	1	1	1	1	4	164	4
ACC. 411B	1	1	1	1	1	4	164	4
ACC. 411C	1	1	1	1	1	4	164	4
ACC. 411D	1	1	1	1	1	4	164	4
ACC. 411E	1	1	1	1	1	4	164	4
ACC. 411F	1	1	1	1	1	4	164	4
ACC. 411G	1	1	1	1	1	4	164	4
ACC. 411H	1	1	1	1	1	4	164	4
ACC. 411I	1	1	1	1	1	4	164	4
ACC. 411J	1	1	1	1	1	4	164	4
ACC. 411K	1	1	1	1	1	4	164	4
ACC. 411L	1	1	1	1	1	4	164	4
ACC. 411M	1	1	1	1	1	4	164	4
ACC. 411N	1	1	1	1	1	4	164	4
ACC. 411O	1	1	1	1	1	4	164	4
ACC. 411P	1	1	1	1	1	4	164	4
ACC. 411Q	1	1	1	1	1	4	164	4
ACC. 411R	1	1	1	1	1	4	164	4
ACC. 411S	1	1	1	1	1	4	164	4
ACC. 411T	1	1	1	1	1	4	164	4
ACC. 411U	1	1	1	1	1	4	164	4
ACC. 411V	1	1	1	1	1	4	164	4
ACC. 411W	1	1	1	1	1	4	164	4
ACC. 411X	1	1	1	1	1	4	164	4
ACC. 411Y	1	1	1	1	1	4	164	4
ACC. 411Z	1	1	1	1	1	4	164	4
TOTAL (20 TYPES)	4	4	4	4	4	16	656	16

UNIT TYPES: 1 BED + 1 UNIT + 1 BATH; 2 BED + 1 UNIT + 1 BATH; 3 BED + 1 UNIT + 1 BATH; 4 BED + 1 UNIT + 1 BATH; 5 BED + 1 UNIT + 1 BATH; 6 BED + 1 UNIT + 1 BATH; 7 BED + 1 UNIT + 1 BATH; 8 BED + 1 UNIT + 1 BATH; 9 BED + 1 UNIT + 1 BATH; 10 BED + 1 UNIT + 1 BATH; 11 BED + 1 UNIT + 1 BATH; 12 BED + 1 UNIT + 1 BATH; 13 BED + 1 UNIT + 1 BATH; 14 BED + 1 UNIT + 1 BATH; 15 BED + 1 UNIT + 1 BATH; 16 BED + 1 UNIT + 1 BATH; 17 BED + 1 UNIT + 1 BATH; 18 BED + 1 UNIT + 1 BATH; 19 BED + 1 UNIT + 1 BATH; 20 BED + 1 UNIT + 1 BATH.

3 UNIT AREA CONFIGURATIONS
SCALE: 1/8" = 1'-0"

APARTMENTS: 1544 RHODE ISLAND, N.E.
WASHINGTON DC 20018
BUILDING ELEVATION

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REVISION	DATE	DESCRIPTION
1	10/19/20	ISSUED FOR PERMIT
2	10/19/20	ISSUED FOR PERMIT
3	10/19/20	ISSUED FOR PERMIT
4	10/19/20	ISSUED FOR PERMIT
5	10/19/20	ISSUED FOR PERMIT
6	10/19/20	ISSUED FOR PERMIT
7	10/19/20	ISSUED FOR PERMIT
8	10/19/20	ISSUED FOR PERMIT
9	10/19/20	ISSUED FOR PERMIT
10	10/19/20	ISSUED FOR PERMIT