

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

**Georgetown Park Mall: Self-Storage Establishment
Lots 866, 867, and 868 in Square 1200**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This Preliminary Statement is submitted by Jamestown Premier Georgetown Park Corporation (the “**Applicant**”), the owner of Lots 866, 867, and 868 in Square 1200 (collectively, the “**Property**”), in support of its application for special exception relief pursuant to Subtitle X § 901.2 of the District of Columbia Zoning Regulations (Title 11, District of Columbia Municipal Regulations (“**DCMR**”)) to permit a self-storage establishment at the property in accordance with 11-U DCMR § 508.1(j).

Attached hereto is a letter from the Applicant authorizing Holland & Knight LLP to file and process the application. Upon the Office of Zoning’s acceptance of the application, the Applicant will provide the \$1,560.00 filing fee for the special exception relief requested via credit card payment through IZIS.

Pursuant 11-Y DCMR § 300.15, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“**BZA**” or “**Board**”) no fewer than 21 days prior to the public hearing for the application. In this statement and at public hearing, the Applicant will provide testimony and evidence to satisfy its burden of proof to obtain the Board’s approval of the requested relief. The following is a preliminary statement demonstrating how the present application satisfies the burden of proof.

**I.
BACKGROUND**

A. Description of the Site 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 (± 2.76 acres).¹ The Property is known as the Georgetown Park Mall (the “**Mall**”), which is 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, one of the more active intersections in the city. The surrounding area is characterized by a mix of residential and non-residential uses.

¹ According to records of the DC Office of Tax and Revenue, Lot 866 contains 8,754 square feet of land area; Lot 867 contains 37,113 square feet of land area; and Lot 868 contains 75,914 square feet of land area.

B. Zoning

The Property is currently split-zoned within the Mixed Use (MU)-12 and MU-13 zone districts.² 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 use which is permitted by special exception in the MU-12 and MU-13 zones, subject to conditions. 11-U DCMR § 508.1(j).

C. Proposed Self-Storage Use

As depicted on the floor plans submitted concurrently with this Preliminary Statement (the “Plans”), the Applicant proposes to utilize an existing below-grade tenant space for a 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 125 self-storage units for lease. The establishment will be designed and targeted for city residents, particularly individuals that have transient lifestyles and typically require more storage space due to constraints customary to urban living. The proposed self-storage units, which will range from 20 – 40 square feet in size, are intended for smaller household items, such as clothes, seasonal items (e.g., golf clubs, holiday decorations), and files, as opposed to larger furniture and kitchen appliances. As such, the proposed concept can be distinguished from other storage facilities that are larger, but less convenient and practical for District residents, and it will provide a benefit to the nearby residential uses. The proposed self-storage use is appropriate for this space given the minimal retail presence at the Canal level of the Mall, which have made it a challenging space to lease.

The proposed logistics are intended to be compatible with the modest scale of the storage facility and the projected frequency of overall customer visits to the facility (i.e., 10 visits per week). With respect to access and operations, the main entrance point will be via the shared loading dock along M Street, NW, where two adjacent elevators will lead tenants to the below-grade storage facility space. Users will be able to access the loading dock between the hours of 8:00 am and 7:00 pm, and will be required to contact on-site security before entering the facility. As an alternative point of access, storage tenants may also access their units from within the first level of the underground parking garage. Users will only be permitted to load/unload from the loading dock or for the more typical, smaller items, from their vehicles parked in the underground garage. There will be no temporary loading/unloading from M Street or Wisconsin Avenue. The Applicant will install adequate wayfinding signage in order to facilitate such access and direct tenants to the

² The Property was included in the Waterfront (W) District under the 1958 Zoning Regulations by virtue of Order No. 104. Pursuant to the rewrite of the Zoning Regulations approved as Z.C. Notice of Final Rulemaking & Order No. 08-06, the Property was given its current MU zoning designations.

appropriate elevators. Furthermore, storage tenants also will be provided with operational instructions upon leasing a unit in the establishment.

II. **SPECIAL EXCEPTION RELIEF**

A. Relief Requested for Proposed PDR Use in the MU-12/MU-13 Zone

The Applicant seeks special exception relief to permit the proposed self-storage use at the Property. A self-storage establishment is a type of production, distribution, and repair (“PDR”) use that is permitted by special exception under MU-Use Group C. 11-U DCMR § 508.1(j). Subtitle B § 200.2(z)(2) provides that a PDR use “may include firms that provide **centralized services or logistics** for retail uses[.]” (Emphasis added.) Moreover, 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 for Requested Special Exception Relief

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

i. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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 is consistent with 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 facility will support housing needs as urban residents can take advantage of additional storage space that is typically unavailable in urban dwelling units. Furthermore, users of the self-storage establishment can also support other shopping and service establishments at 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.

ii. Will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

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 logistics and operations of the proposed use 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. Moreover, the conditions in Subtitle U § 508.1(j) that are discussed below 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.

iii. Will meet such special conditions as may be specified in this title.

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;*

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.

- (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

property. Given the types of household items that the proposed 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.³ In those limited instances when trucks are used, the loading dock (accessible from the M Street ground level) will be available for those users.

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

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

III. COMMUNITY ENGAGEMENT

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 2E. As required under 11-Y DCMR § 300.8(l), the Applicant has apprised ANC 2E of this application for zoning relief, and has reached out directly to Commissioner Lisa Palmer, the affected Single-Member District ANC Commissioner (“SMD”). The Applicant will continue to coordinate with ANC 2E as this application progresses, and will request a formal vote from the ANC prior to the date of public hearing.

³ 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