

DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Statement in Support of Special Exception Approval

1001-1003 Bryant Street, NE (Square 3869, Lots 25-26)

I. INTRODUCTION.

This Statement is submitted on behalf of 1001 Bryant Street LLC, the owner of the property located at 1001-1003 Bryant Street, NE (Square 3869, Lots 25 and 26) (hereinafter referred to as the “Subject Property” or “Subject Properties”). The Subject Properties are located in the RA-1 Zone district. The Applicant proposes to subdivide the Subject Properties into one record lot, raze the existing structures and construct a new three (3) story, sixteen (16) unit building (the “Project” or the “Building”). Subtitle U, Section 421 states “all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.” Accordingly, the Applicant is requesting special exception approval pursuant to 11-U DCMR § 421 in order to construct a new multi-unit residential building in the RA-1 Zone.

II. BACKGROUND

A. Description of the Subject Property and Surrounding Area.

The Subject Property is a corner lot, zoned RA-1 with a total land area of 10,355 square feet. The Applicant is proposing to raze the existing buildings and construct the Project. The Property is on the southside of Bryant Street, NE at its intersection of Rhode Island Avenue. To the west of the Property is 10th Street, NE and to the east is a detached single-family house. To the south of the Property is a public alley. The Subject Property is well-served by public

transportation: the Rhode Island Avenue (red-line) metro station is located three-tenths of a mile (0.3) and the Rhode Island Avenue & 10th Street bus stop is directly adjacent to the Subject Property.

B. Description of the Proposed Project.

The Applicant proposes to subdivide the existing lots into one record lot, raze the existing structures and construct a new multi-family residential Building on the Subject Property. The proposed Building will measure thirty-four feet and nine inches (34 ft. 9 in.) in height with three (3) stories (and a penthouse). The Applicant is proposing sixteen (16) units total: five 3-bedroom units and eleven 2-bedroom units. The Building will have a lot occupancy of thirty six percent (36%), an FAR of 1.07 and a rear yard measuring twenty-four feet and five inches (24 ft. 5 in.). The west side yard will measure fifteen feet (15 ft.) and the east side yard will measure eight feet and nine and a quarter of an inch (8 ft. 9 1/4 in.). The Applicant will provide at least one IZ unit. The Applicant is providing five (5) parking spaces, three (3) of which are full size spaces and two (2) of which are compact spaces.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE 11-X DCMR § 901.2 AND 11-U DCMR § 421.

A. Overview.

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 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 also, in this case, to the specific requirements for relief under Subtitle U § 421 of the Zoning Regulations.

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. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

A. General Special Exception Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

The RA-1 Zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is for a moderate-density multi-residential building. The area is made up of a mix of larger residential developments and single-family dwellings. The construction of a new Building and addition of sixteen (16) units is unlikely to adversely affect the use of the neighboring residential developments. The additional sixteen (16) units are also unlikely to adversely affect the use of the neighboring single-family dwellings, as the Applicant has provided ample setbacks from directly adjacent properties, more parking than necessary to mitigate any potential impacts from additional density, and is otherwise conforming with the development standards of the RA-1 Zone. The location of the Subject Property on the corner of Bryant, Rhode Island, and 10th is more appropriate for multi-family use than single-family use, as it is a highly visible location on a busy corridor and is directly across from the RA-4 and MU-6 Zones which permit denser developments and larger buildings. The location near a metro is also conducive to multi-family use. The proposed Building will act as a

transition point from the denser zones across Rhode Island to the less-dense RA-1 Zone in which the Subject Property is located.

B. Specific Requirements of U § 421.

The Zoning Regulations require that all new residential developments in the RA-1 Zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section:

Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

According to DC Public Schools online Enrollment Boundary System Information, the following public schools are considered “in-boundary” schools for the Building: Noyes Elementary School, Brookland Middle School, and Dunbar High School. All DC public students eligible for grades K-12 have a guaranteed right to enroll in their respective in-boundary schools.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

The Subject Properties are located on Rhode Island Avenue which is a major transportation corridor in the District. The Rhode Island Metro station is only three-tenths of a mile (0.3), or a five-minute walk, from the Subject Property. The Applicant is providing five (5) parking spaces (where the Zoning Regulations only require 2 spaces). As the Applicant is only proposing sixteen (16) new units, is providing five (5) parking spaces, and the Subject Property is located so close to the metro, the new residents should be adequately served by the surrounding public streets and public transportation options.

Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

1. Site Plan, Arrangement of Building and Structures, and Provision of Light and Air

The proposed Project consists of a new Building that will measure thirty-four feet and nine inches (34 ft. 9 in.) in height with three (3) stories (and a penthouse). The Applicant is proposing sixteen (16) units total. The units will be a mix of two-bedroom and three-bedroom units. The Building will have a lot occupancy of thirty six percent (36%), and FAR of 1.07 and a rear yard measuring twenty-four feet and five inches (24 ft. 5 in.). The west side yard will measure fifteen feet (15 ft.) and the east side yard will measure eight feet and nine and a quarter of an inch (8 ft. 9 1/4in.). The Applicant will provide at least one IZ unit. The additional 16 units are also unlikely to adversely affect the use of the neighboring single-family dwellings, as the Applicant has provided ample setbacks from directly adjacent properties, more parking than necessary to mitigate any potential impacts from additional density, and is otherwise conforming with the development standards of the RA-1 Zone. The location of the Properties on the corner of Bryant, Rhode Island, and 10th is more appropriate for multi-family use than single-family use, as it is a highly visible location on a busy corridor and is directly across from the RA-4 and MU-6 Zones which permit denser developments and larger buildings. The proposed Building will act as a transition point from the denser zones across Rhode Island to the less-dense RA-1 Zone in which the Subject Property is located.

2. Parking, Recreation, Landscaping and Grading

The Applicant is providing five (5) parking spaces (where the Zoning Regulations only require 2 spaces). As noted above, the location is extremely well-served by public transportation.

The metro is only three-tenths of a mile (0.3) from the Subject Property. The submitted plans include landscaping elements such as the location of new trees and bushes. The Applicant is not proposing any major grading but will provide plans if requested by the Office of Planning.

Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant has submitted with this Application a site plan (which includes landscape elements), a typical floor plans and elevations. The Applicant is not proposing any new rights-of-way of easements.

IV. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully submitted,

Martin P Sullivan

Martin P. Sullivan, Esq.