

## Exhibit A

### Additional Information Regarding Requested Relief

The Zoning Commission requested additional information regarding the items of requested relief. The PUD process was created to allow greater planning and design flexibility than is possible under the strict application of the Zoning Regulations. Under Subtitle X, Sections 303.1, 303.11, and 303.13 of the Zoning Regulations, the Zoning Commission retains discretion to grant flexibility with respect to development standards.

Under Section 303.13, the Zoning Commission has the authority to grant special exception relief, applying the standards applicable to such request for relief. As part of this Application,<sup>1</sup> the Applicant requests the Zoning Commission grant flexibility with respect to the number of long-term bicycle parking requirements for Building B (i.e., the senior independent living building).

Under Section 303.11, the Zoning Commission has the authority to grant flexibility from all other development standards not otherwise addressed in Section 303. Thereunder, the Zoning Commission has the discretion to grant variance relief from the lot occupancy development standards.<sup>2</sup> The Applicant seeks such relief from the lot occupancy requirements for both Buildings A and B.

#### **A. Bicycle Parking Relief**

Under Subtitle C, Section 802.1 of the Zoning Regulations, Building B must provide long-term bicycle parking at the same ratio as any other residential multiple dwelling unit use, which is at a ratio of one space for every three units, which ratio is reduced to one space for every six units after the fiftieth bicycle parking space, pursuant to Section 802.2. Building B will contain ten such long term bicycle parking spaces, whereas it is required to have 58 spaces under the applicable regulations. Therefore, the Project requires special exception relief.

Building B generates insufficient demand for the number of long-term bicycle parking spaces required. Under Subtitle C, Section 807.1, the required number of long-term bicycle parking spaces may be modified by special exception when such number of spaces is unnecessary due to a lack of demand for bicycle parking. Pursuant to Subtitle C, Section 807.2(b)(1) such special exception relief for the number of long-term bicycle parking may be granted when the use will generate demand for less bicycle parking than the minimum bicycle parking standards require as a result of the nature of the use. Given the nature of the use of

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<sup>1</sup>All capitalized terms not otherwise defined herein shall have the meaning set forth in the original statement to which this Exhibit succeeds.

<sup>2</sup> The Applicant notes that Section 303 does not expressly direct the Zoning Commission to apply the variance review standards of Section 1002.1 in exercising its discretion to grant flexibility from the development standards through the PUD process. Nevertheless, the Applicant provides an analysis of its request against such variance review standards for ease and clarity of review.

Building B—an age- and income-restricted residential facility—the demand for long term bicycle parking is less than what is required under the Zoning Regulations. The Applicant has commissioned a transportation report for the Project, which report specifically noted that the demand generated by seniors for bicycle parking is less than what is required for multi-family buildings typically.

The requested relief is in harmony with the general purpose of the Zoning Regulations. Building B does provide some long-term bicycle parking and also provides the required number of short-term bicycle spaces in recognition that visitors to, and employees of, Building B may travel to the Project via bicycle. The Applicant has also elected to provide vehicle parking spaces in Building B at a slightly higher rate than is required in anticipation of its senior residents being more likely than a general population of apartment-dwellers to prefer vehicle travel to bicycle travel. (The Zoning Regulations have a vehicle parking requirement that acknowledges that residents of seniors-only buildings are less likely to require car parking than are residents of a typical multi-family residential building, but the bicycle parking requirement does not make such a concession.)

The requested relief will also not tend to affect adversely the use of neighboring property. The requested flexibility with respect to the bicycle parking is mitigated by the transit options proximate to the site, the expectation that Capital Bikeshare stations will be installed nearby as part of future phases of the redevelopment of the Site, and the age-constrained demographics of the occupants of the building requiring such flexibility.

## **B. Lot Occupancy Relief**

Under Subtitle F, Section 304.1 of the Zoning Regulations, the maximum lot occupancy for lots in the RA-2 is 60 percent, and the Project proposes to exceed that amount by 11 percent in the aggregate. Therefore, the Project requires flexibility from Subtitle F, Section 304.1.

In order to meet the standard for such flexibility: (a) the property must be affected by an exceptional or extraordinary situation or condition, (b) the strict application of the Zoning Regulations be demonstrated to result in a practical difficulty, and (c) the granting of the variance must not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan. *Palmer v. D.C. Bd. of Zoning Adj.*, 287 A.2d 535, 541 (D.C. 1972). The Project satisfies each of these three conditions for the requested lot occupancy relief.

### *a. The Property is affected by an exceptional or extraordinary situation or condition*

The Property's long and narrow dimensions and change in topography create exceptional conditions. The presence of exceptional or extraordinary situations or conditions may arise from a confluence of factors that tend to affect the property only (rather than the neighborhood generally), although the factors needed not be unreservedly unique to the subject property. The dimensional and topographic conditions affecting the Property are exceptional and satisfy this standard.

As noted above, the Property is irregularly long in the east to west direction and narrow in the north to south direction. The block on which the Property is located is bounded by four

roads, three of which have significant midblock curves which create irregular lot boundaries. In addition, there is a significant change in grade across the Property along the shorter north-south dimension. The Property's frontage along Saratoga Ave., NE sits ten or more feet higher than the rear of the Property along the southern alley and higher still than the frontage of the residential properties to the immediate south of the Property. These several factors are not general conditions of the neighborhood, but present a confluence of factors that are unique to the Property, all of which factors constrain the ability to comply with the applicable lot occupancy requirements. The Property therefore satisfies the exception or extraordinary condition prong of the variance test.

*b. The strict application of the Zoning Regulations would demonstrably result in a practical difficulty*

The strict application of the lot occupancy requirements of the Zoning Regulations would create unnecessarily burdensome practical difficulties on the Project. To comply with the lot occupancy requirements the Project would need to shrink the footprint of the Buildings. To maintain the same amount of FAR for a building with a compliant lot occupancy, such building would have to be constructed a story taller (which additional story is permitted under the height limits imposed in the First-Stage PUD). However, the change in topography across the block would cause such a taller building to appear significantly taller than the buildings to the south. Moreover, the taller buildings could cause adverse shadow impacts on the proposed community park space proposed to the north of the Property on a lot owned and controlled by the Applicant. These potential practical difficulties from a taller building arise directly from the unique topographic and dimensional conditions of the Property.

*c. The granting of the relief does not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan*

Finally, the granting of the flexibility must not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the Zone Plan for the zone in which the Property is located. The additional lot coverage does not cause substantial public detriment and does not substantially impair the intent, purpose or integrity of the Zone Plan.

The requested lot occupancy relief causes no substantial detriment and indeed mitigates potential detriment that could be caused by taller buildings permitted under the First-Stage PUD. The additional lot occupancy on the Property is significantly mitigated by the Applicant's commitment to develop the lot immediately to the north as a publicly-available open space. Any concerns about lot coverage are offset by the amount of space the Applicant intends to reserve as open space on that lot. But for the intervening public way, the open lot area of the adjacent park space and the lot area of the subject Property would more than satisfy the applicable lot coverage requirement.

From an urban design perspective, the requested relief does not impair the intent, purpose or integrity of the Zone Plan, with respect to the balance of height and lot occupancy. Here the benefits from the reduction in height of the Project, especially in light of the Property sitting at a higher grade than the abutting lots, more than compensates for the lot coverage objectives of the Zone Plan. In total, any effects on the neighboring properties from the requested lot occupancy

relief is significantly mitigated by the Buildings being less than the maximum height allowed in the RA-2 and by the high-quality improvements in urban design and architecture, including breaking up the southern facades with five courtyards and also contributing land towards the widening of the alley to the south. The Project also significantly improves the pedestrian experience and urban design-related safety of Block 7 such that the lot occupancy relief is well-warranted.

### **C. Conclusion**

For the reasons set forth above, the Applicant requests the Zoning Commission exercise its discretion under Subtitle X, Chapter 3 to grant the requested flexibility.

*[end of Exhibit A]*