


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION**



d. Planning and Sustainability Division

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anna Chamberlin
Development Review Manager 

DATE: May 18, 2018

SUBJECT: **BZA Case No. 19377 – 3015 4th Street NE (St. Paul the Apostle Townhomes)**

INTRODUCTION

At its April 25, 2018 hearing, the BZA considered the Boundary Companies and The Missionary Society of St. Paul the Apostle's (together the "Applicant"). The proposal to develop 60 one-family dwellings and one (1) 22,828 SF seminary building requires special exceptions under the theoretical lot subdivision requirements of Subtitle C § 305.1 and the new residential use requirements of Subtitle U § 421, as well as a variance from the vehicular access requirements of Subtitle C § 305.3.

At the hearing, the BZA requested the Applicant with supplying additional information, including details and locations of all proposed easements on the site. The purpose of this memorandum is to demonstrate DDOT's support for the proposed easement package, and highlight a minor change from DDOT's previous position.

PUBLIC ACCESS

As noted in our March 9, 2018 report to the record, DDOT supports maximizing site porosity to improve the dispersion of traffic and enhance connectivity for all people and modes. The site (shown in gray on Figure 1) is located in an area with limited east-west connectivity between 4th and 7th Street NE, but has the opportunity to improve connectivity by providing connections from 4th Street NE to the adjacent townhome community known as Chancellor's Row. Chancellor's Row (shown in red in Figure 1) includes a network of private streets that are not encumbered with access easements. Many exhibits in the case record document this community's reluctance to accept new connections that may encourage travel on their private streets. While DDOT recognizes the preference of Chancellor's Row to limit access on their unencumbered private streets, DDOT has asked the Applicant to provide public access easements on the proposed sidewalks and roads within the site in the event Chancellor's Row ever considers recording public access through their property. As such, the Applicant has agreed to provide

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public access easements on the sidewalks and roads proposed for their property, as shown in red in Figure 2. DDOT supports the location and provision of the proposed easements.

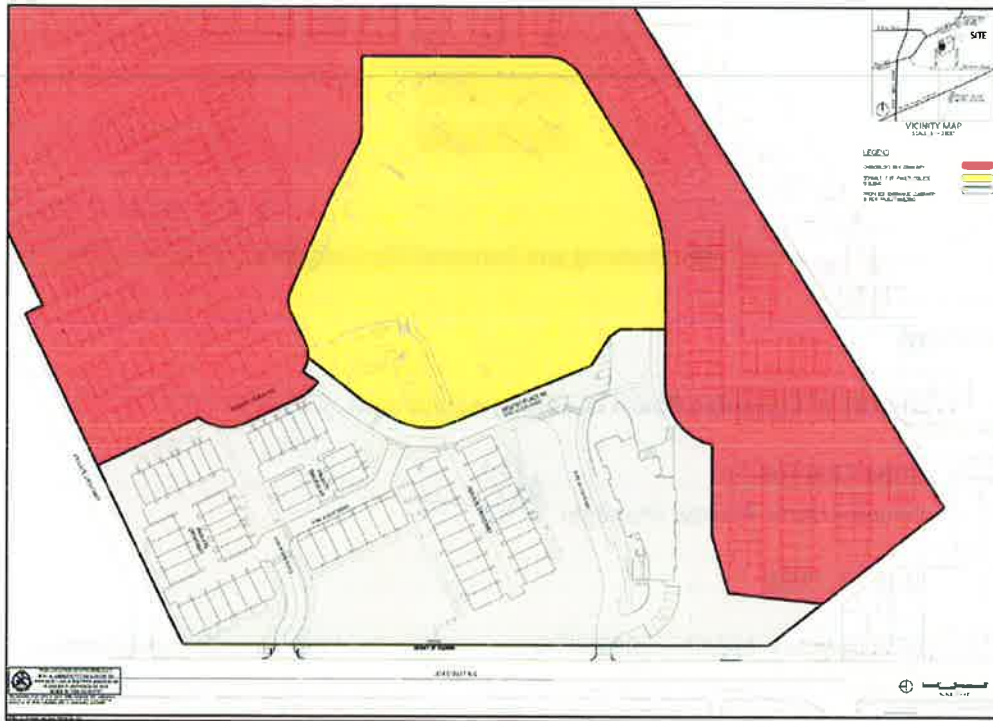


Figure 1 – Ownership Diagram (Source: Vika Capitol, Exhibit 170A)

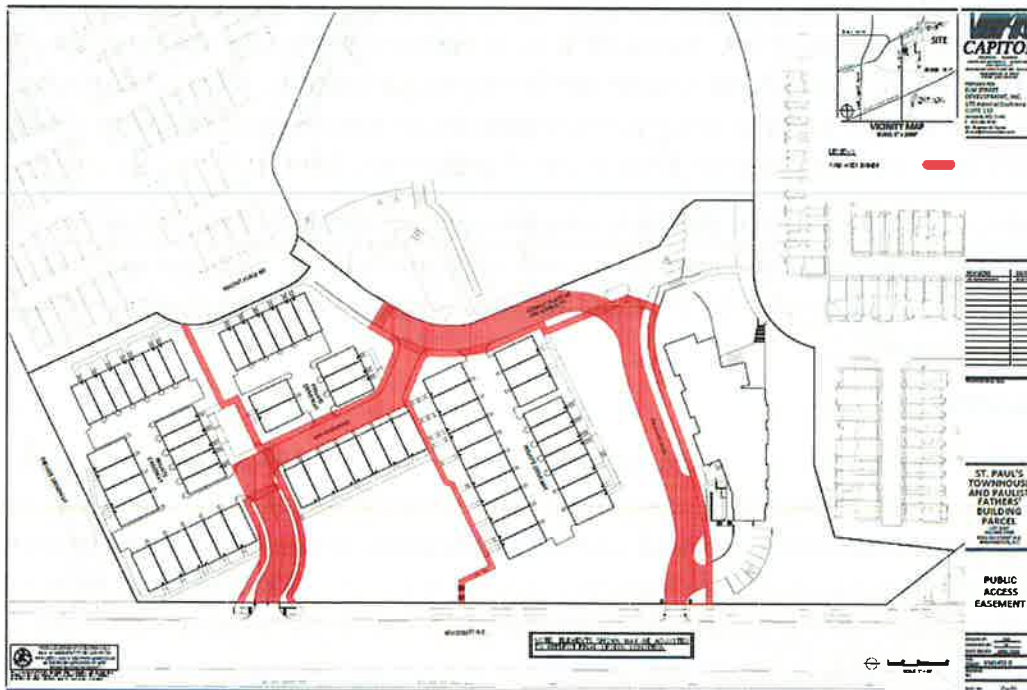


Figure 2 – Public Access Easement Diagram (Source: Vika Capitol, Exhibit 170C)

REVISED “SPRINGING EASEMENT” CONCEPT

In its March 9, 2018 report, DDOT recommended the Applicant provide a public access easement no less than 42 feet wide, as approximated in Figure 3, to ensure that future road connections not be precluded

between the proposed road network and existing Regent Place NE. The Applicant team coordinated with DDOT to develop a concept in which the public access easement shown in red would become legally effective if and when public access was recorded over any portion of Regent Place NE on the adjacent Chancellor’s Row property. During the April 25, 2018 hearing, this easement was referred to as a “Springing Easement” because its effect was not immediate, and tied to the adjacent property.

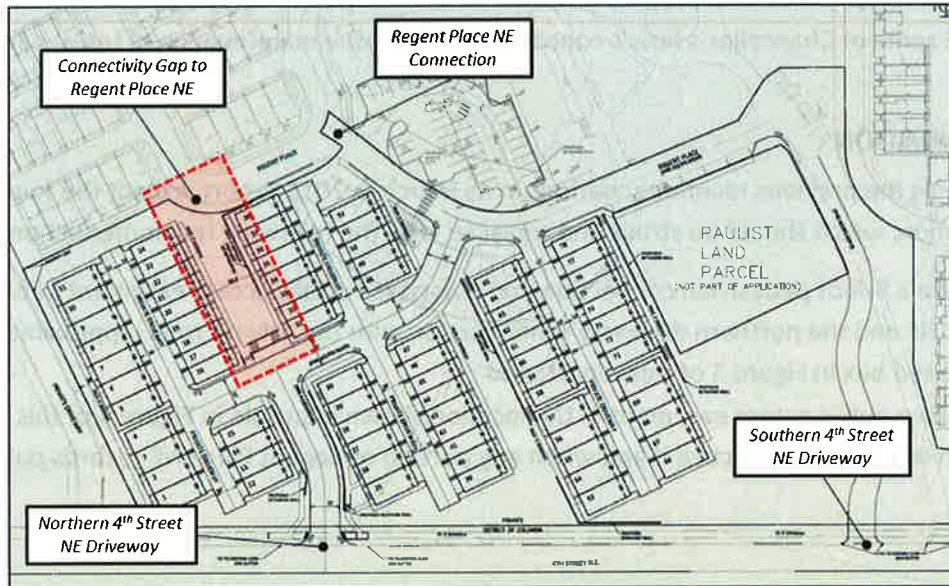


Figure 3 – Public Access Easement (Source: DDOT March 9, 2018 Report)

After its April 25, 2018 hearing, the Applicant contacted DDOT to coordinate further regarding the “springing easement” concept and its location. Based on concerns from Chancellor’s Row residents, impacts to existing trees and open space, and potential implications related to financing, the Applicant team was no longer comfortable with a public access easement at the location approximated in red in Figure 3 and alternatively offered a “springing easement” in the location shown in purple in Figure 4.

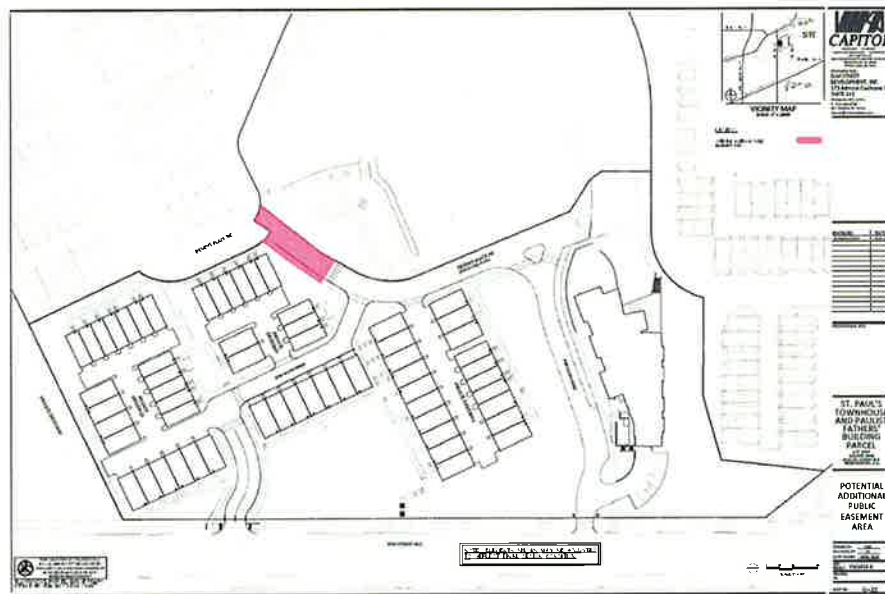


Figure 4 – Potential Additional Public Access Easement Diagram (A.K.A. “Springing Easement”) (Source: Vika Capitol, Exhibit 170C)

DDOT prefers the initial location because the driveway to the Paulist building is narrow and is designed to look and feel more like a driveway than a street. Additionally, the Applicant's initial plan schemes included a road connection at the former location suggesting such a connection was feasible. Despite this preference, DDOT is willing to accept the alternative location for the "springing public access easement" as a compromise. The proposed location should reduce the Applicant's concerns related to financing and some of Chancellor's Row's concerns related to the maintenance of trees, open space, and traffic.

RECOMMENDATION

DDOT maintains the previous recommendations in its March 9, 2018 report, except the fourth recommendation, which should be struck and replaced with the following recommendations:

- Provide a 6-foot pedestrian connection and associated public access easement between Regent Place NE and the northern driveway's intersection with the private road, approximately shown in the red box in Figure 3 of this report; and
- Provide a public access easement in the location shown in purple in Figure 4 of this report, which will become effective if and when any portion of Regent Place NE records public access.