GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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2001 JAN 31 PM 5:26

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: January 31, 2001

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16655 – 1313 Harvard Street.

The attached Final Report on Application No. 16655, a request for a parking-related variance for 1313 Harvard Street is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application at the continuation of a public hearing. The Office of Planning (OP) requests that the Board waive its rules to receive the report into the record.

Attachment

aa/sc

BZA
Case No. 16655
Exhibit No. 51

Board of Zoning Adjustment
District of Columbia
CASE NO.16655
EXHIBIT NO.51

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: January 31, 2001

SUBJECT: BZA Application #16655 (Application of Delores Flowers)
1313 Harvard St., NW
Square 2854, Lot 85

I. APPLICATION-IN-BRIEF

Applicant:	Delores Flowers of Ft. Washington, MD
Relief Sought:	Variance from off-street parking requirements
From Section:	11 DCMR § 2101.1
Regulations Require:	More Parking Spaces Than Provided
Relief Sought Under:	§3103-2
Applicant Justification:	Ms Flowers wishes to operate an assisted living facility at 1313 Harvard St., NW, but has been denied an occupancy permit because of the applicant's not having provided for the required three off-street parking spaces

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the application be amended or re-filed as a Community Based Residential Facility rather than as an Assisted Living Facility (Rooming House), and that the revised application be APPROVED.

III. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2)*

Square 85 in northwest Washington is bounded by:

- South: Harvard Street
- East: 13th Street
- North: Irving Street
- West: 14th Street.

An alley bisects the center of the block on a path much like a "Z" with 90 degree angles, rotated 90 degrees counter-clockwise. The alley entrances are on Harvard Street and Irving Street. The eastern 90-degree angle is at the back northwest corner of the applicant's property. The property abuts the alley for approximately 1 foot 8 inches

The parcel is located in the eastern section of the block, just to the west of a residential building facing 13th Street, and to the east of an adjacent row house on Harvard Street. It is a 3-story row house, with an English basement. The application states that the house has 8 bedrooms. The resident program manager for Superior Services Group Homes, which operates the assisted living facility, has told the Office of Planning there are 9 ½ bedrooms, with the ½ bedroom being used for storage. The property's only access points are by foot from Harvard Street, and by foot from a gap where the property abuts the alley in the back for approximately 1 foot 8 inches.

The house is part of a row of 3 story (plus English basement) row houses. The block is in the revitalizing Columbia Heights neighborhood, approximately 1½ blocks from the Green Line Metro stop at 14th and Irving Streets. It is also convenient to the cross-town bus routes on Irving/Harvard Streets, and the uptown bus-routes on 14th Street.

The socio-economic condition of the area is mixed. There is a solid core of lower middle and lower income residents, living in townhouses and row house type buildings, garden apartments (Columbia Village) and mid-rise structures (both pre-1930 structures and post 1970 elevator apartments on 14th Street). There is also a relatively recent layer of middle and upper middle-income residents who have purchased row houses. The neighborhood has a significant concentration of public and publicly assisted housing, as well as several community-based residential facilities (both existing and planned). A Second Genesis residential rehabilitation facility is on the south side of Harvard Street, across from the Applicant's building. There are also approximately 20 vacant row houses to the north, on Irving Street, Columbia Rd., and 13th Streets. These are owned by the Department of Housing and Community Development.

IV. AREA ZONING AND HISTORIC DISTRICTS

The site is zoned R-4, as is the most of the nearby area. R-5-D housing is to the north and west, predominantly where Columbia Village is. The 14th Street mixed-use corridor to the west is zoned C-2-B and C-3-A. Neither the site nor nearby blocks are within any historic districts.

V. PROJECT DESCRIPTION

The applicant currently operates an assisted living facility on the premises. There are currently 12 resident clients occupying 8 bedrooms, plus, in the 9th bedroom, a resident married couple that administers the facility and program. The facility is programmed to have no more than 15 people plus the resident administrator(s). Superior Services Group Homes is the name of the organization that assists the mentally challenged residents. It provides all of the residents' meals; arranges for transportation to and from day programs – primarily at the nearby

Washington Hospital Center; seeks to provide time-structure and organized activities for the clients; and ensure that medications prescribed by off-site providers are taken at the proper times.

Superior Services operates a similar facility at 715 Quebec Street, N.W.

The facility manager has said that neither he and his wife, nor any of the clients have automobiles. He states that they use either public transportation, or social services-type mini-vans.

The facility is already in operation. According to the relatively new building owner, when she sought a copy of the certificate of occupancy (c of o) from the Department of Consumer and Regulatory Affairs (DCRA), she was told one did not exist. Accordingly, DCRA advised her that, as a Rooming House/Assisted Living Facility, a c of o could not be granted unless the Board of Zoning Adjustment approved a variance from the parking requirements for this rooming house.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

It is important to note that this application addresses only a variance from parking requirements. The relationship of the actual assisted living facility/rooming house to various objectives of the Comprehensive Plan or the Ward 1 plan is not germane to this application. The facility is intended to house 15 or fewer resident clients. Under 11 DCMR Section 335.1, only if such a facility has more than 15 resident clients is it subject to a use variance review by the BZA.

The District of Columbia Generalized Land Use Map designates the block and the general area as suitable for moderate density residential uses.

The application for a variance from parking requirements is not inconsistent with the Comprehensive Plan. The transportation element of the Ward 1 Plan stresses the current availability of public transportation in the Ward and encourages increased transit usage in the Ward. The Superior Services Group Home administrator has stated that the residents and administrators do not own private vehicles, and use either public transportation or special charter mini-busses to get to services, day treatment facilities, and other activities.

The residents are subject to curfew and are rarely out of the facility in the evening. They therefore do not contribute to any parking congestion problems that may exist when neighborhood residents are home from work. The Office of Planning has visited the site during different hours of the day and evening. OP found daytime parking plentiful, and night-time parking availability average, or slightly above average, for a Ward 1 neighborhood.

VII. REQUESTED ZONING RELIEF

Pursuant to Sections 3103.2 of the zoning regulations, the applicant is the requesting a variance from the parking requirements of Section 2101.1 of regulations.

The applicant has filed for a variance from the requirements for a Rooming House. Rooming houses are required to have 1 parking space, plus one for each 5 rooming units. As such, if each of the 9 (not 8 as filed) bedrooms were considered a rooming unit, 1313 Harvard Street would be required to have 3 parking spaces. With the automatic credit of one parking space, the facility would thus be required to have 2 spaces it does not currently have.

The Office of Planning has reviewed all of the documentation provided by the applicant in support of the Special Services Group Home's being a well-run facility. This documentation seems to establish that 1313 Harvard Street is actually being operated more closely to a Community Based Residential Facility. From the standpoint of permitted uses, the distinction between a Rooming House and a CBRF is irrelevant if there are 15 or client/residents. However, from the standpoint of parking, the distinction is significant. A CBRF actually requires fewer parking spaces than a Rooming House. Only 2 spaces are required for a CBRF with 15 or fewer persons housed. With the parking credit, this means the Applicant would be required to provide only 1 additional space.

VIII. AUTHORITY TO GRANT VARIANCES

11 DCMR, Sec. 3103.2 cites the D.C. code provision that authorizes the BZA to grant the requested variances *"where, by reason of*

- *exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption or the regulations, or by reason of*
- *exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,*

the strict application of any regulation … would result in

- *peculiar and exceptional practical difficulties to or*
- *exceptional and undue hardship upon the owner of the property…;*

Provided, that the relief can be granted

- *without substantial detriment to the public good and*
- *without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning regulations and Map".* (bullets added)

IX. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. With respect to exceptional narrowness, shallowness or shape of the specific piece of property:

   It does meet the test.

   1313 Harvard Street is essentially a "landlocked" property. It has only 1.67 feet of access to a public alley in the rear. It shares party walls on both sides of the house. The front

yard is the only part of the property where there is actual room for an automobile and access. Here, however, there is a mature street-tree on the eastern property line. It could not be cut down without special permission of DPW, and for the curb cut to be far enough to the west to protect the tree and provide for the standard apron-angle, a driveway would obliterate much of the walk leading to the front steps. (See Attachment 2).

There is only one other property in Square 2854 that is constrained by the same limitations of lacking alley access and having no curb cut.

2. With respect to the *"practical difficulties" that would be "unnecessarily burdensome"* to the Applicant should the application for parking variance not be approved:

   It does meet the test.

   The applicant has stated that the realtor through whom the applicant purchased the property stated that there was a valid certificate of occupancy. The applicant has not stated what type of c of o the realtor said there was. Whatever the case, there is no c of o on file.

   Both rooming houses/assisted living facilities and CBRF's with 15 or fewer client/residents are matter of right uses in the R-4 zone. However, whether considered a rooming house or a CBRF, were relief from the parking requirement not granted, the applicant would not be able to operate the property as it is now operated, should the requested zoning relief not be granted.

3. Can The Relief Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as Embodied in the Zoning Regulations and Map?

   It can.

   With respect to the parking variance requested, the relief requested meets this test. As noted earlier, the resident administrator has stated that neither the administrator(s) nor the resident clients own private vehicles, and that their transportation needs are met by either public transportation or private mini-bus service. There are no services provided at the facility for people other than the resident-clients. Therefore the only visitors parking needs would likely be limited to social worker visits during the daytime, or occasional guests of residents.

X. COMMUNITY COMMENTS

The application was filed as a variance for a Rooming House/Assisted Living Facility. It is OP's opinion that this application should have been filed as a variance for a CBRF. OP has brought this opinion to the attention of the Applicant, DCRA, and the ANC.

Neither public agencies nor the ANC have had an opportunity to review an application filed as a CBRF. However, since the parking requirements for a CBRF are less than for a Rooming House, the point about the correct filing category is probably irrelevant.

Members of ANC 1B , as newly constituted following recent elections, expressed informal concerns about the parking situation in the vicinity of the Applicant's property, and the neighborhood in general. These concerns were expressed in conversations initiated by OP as part of its review process. The ANC was notified of the parking variance application (for a rooming house) and had not, as of January 22, 2001 filed comments about the application.

XII. OTHER AGENCY COMMENTS

As noted earlier, during a conversation with OP, DCRA indicated that, given the information in the letters of support for the application, the Applicant should probably have filed as a CBRF, but that this point is moot from the standpoint of parking.

No agencies had formally submitted comments as of January 22, 2001.

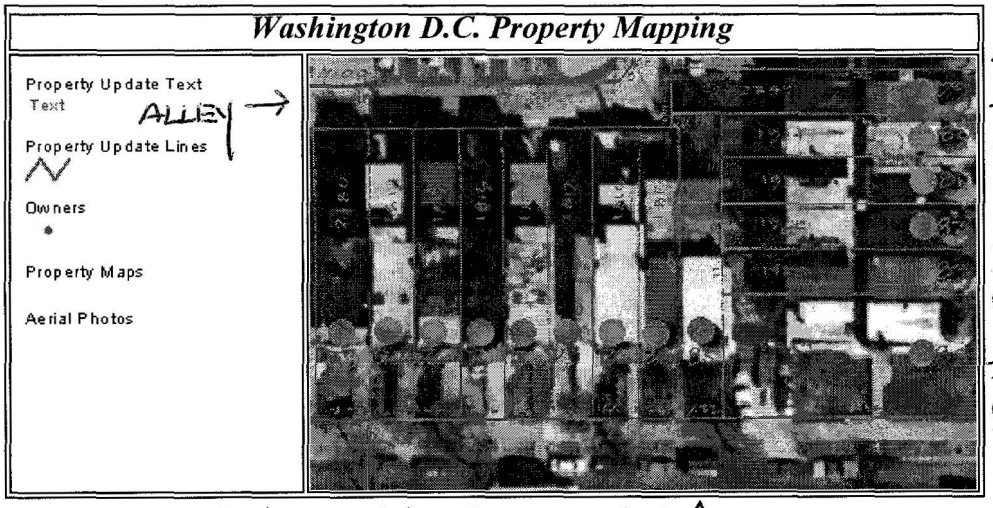
X.II OP SUMMARY RECOMMENDATION

The Office of Planning Recommends the BZA ask the Applicant to file an amended application and then approve the requested zoning relief for the amended application. The parcel possesses extraordinary or exception physical characteristics that pose peculiar and exceptional practical difficulties or exceptional and undue hardship upon the property owner. Given the current use of the property, and probable future uses, there are likely to be few, if any negative impacts, harm to the neighborhood or to intent of the zoning regulations, should the BZA grant the requested zoning relief.

Aa/slc

Attachment 1

ALLEY



1313 HARVARD is on North side of street

1
N

OFFICE OF THE SURVEYOR

Attachment 2

Washington, D.C. SEPT. 6, 2000

Building Permit of SQUARE 2854 LOT 85

Scale: 1 inch = 20 feet Recorded in Book CO 23 Page 100

Receipt No. 0382

Furnished to: REGINALD DAVIS

Surveyor, D.C.

By: MT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

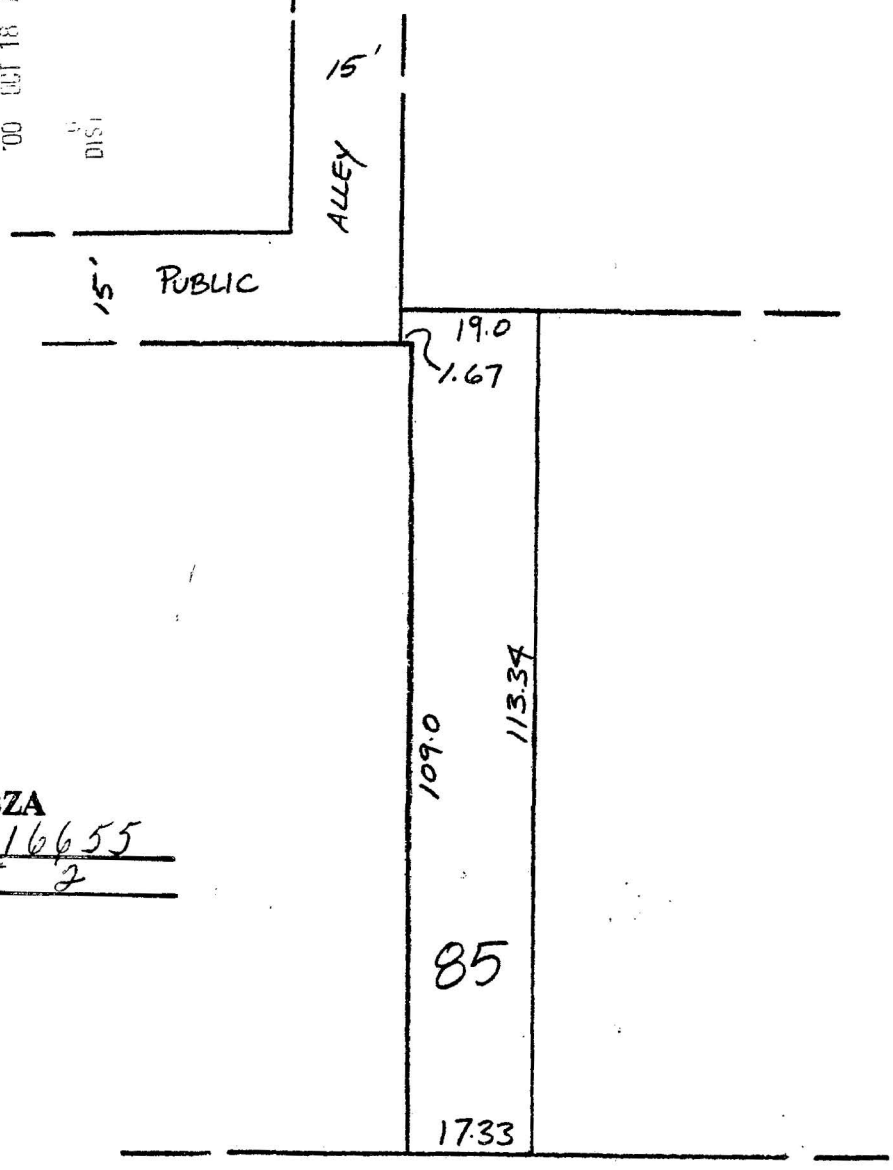
Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

'00 OCT 18 AM 8:16

DIST



BZA
Case No. 16655
Exhibit No. 2

HARVARD STREET