GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: ~~Andrew Altman~~ JLS for
Director

DATE: June 4, 2002

SUBJECT: BZA Application 16878 - Request filed by Robins, Kaplan, Miller & Ciresi L.L.P. for a **special exception** for use of an existing residential building and the land on which it is located by a non-profit organization for the purposes of the non-profit organization, proposed by Cady-Lee LLC for the Lucinda Cady House at 7064 Eastern Avenue, N.W.

APPLICATION
Application of Cady-Lee L.L.C. for:

1) **Special exception relief pursuant to §217 of Title 11 DCMR** to permit use of an existing residential building and the land on which it is located by a non-profit organization for the purposes of the non-profit organization

for property located at the southern corner of Eastern Avenue and Chestnut Street, N.W., 7064 Eastern Avenue, Square 3351, Lot 808. The property is zoned R-5-A, low density residential.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief as submitted by the applicant, with the condition that the applicant work with the District Department of Transportation to achieve a more site-sensitive parking plan.

PROJECT DESCRIPTION
This proposal is for the location of the non-profit organization, The Forum for Youth Investment, at the Lucinda Cady House. The house is a landmark listed in the Inventory of Historic Sites, the National Register Historic Places and is located within the Takoma Park Historic District, and contains 10,002 square feet of gross floor area as certified by the applicant's architect. Nine off-street parking spaces are proposed to be located within the rear yard of the subject property around an existing circular gravel driveway.

BZA
Case No. 16878
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16878
EXHIBIT NO.23

SITE AND AREA DESCRIPTION
The property consists of Lot 808 of Square 3351, in the North West quadrant of the District. The property is located at the southern corner of Eastern Avenue and Chestnut Street, in the 7000 block of Eastern Avenue. Vehicular access to the site is from Chestnut Street. The site is improved with a single-family detached dwelling, a small shed to the rear and a circular gravel driveway in the rear yard.

The surrounding area is residential in nature. To the southeast of the subject property are four 3 to 4-story garden apartment buildings, followed by the Takoma Metrorail Station. Northwest of the subject property, across Chestnut Street, is green space owned by the National Park Service. Across Eastern Avenue, within Maryland, are single-family detached dwellings. To the southwest is a parcel that is a hillside owned by WMATA. This parcel is located between the railroad tracks and the subject property and is part of one of the proposed alignments for the Metropolitan Branch Trail.

The railroad tracks serve Metrorail (Red Line), MARC trains (Brunswick Line) and freight trains (CSX).

The area has been identified on the Generalized Land Use Map as located within the low density residential and low density commercial mixed use land use designation- "A combination of land use categories are depicted in areas where a variety of uses are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes."

EXISTING ZONING
The subject property is zoned R-5-A, Low Density General Residence district.

R-5 Residential District
The R-5 district is designed to "...permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses..."(§350.1)

RELIEF REQUESTED:
Special Exception pursuant to §217– Non-Profit Organizations
Section 217 sets forth the specific criteria under which non-profit organizations may be permitted within a residential building within a residential district. Those criteria are as follows:

217.1 The use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted in an R-1 district in the following instances if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of Chapter 31 of this title, subject to the provisions of this section:

(a) If the building is listed in the District's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to §101(a) of Public Law 89-665, Oct. 15, 1966 (16 U.S.C. §§470a-

470m), or if the building is located within a district, site, area, or place listed on the District's Inventory of Historic Sites; and

(b) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 ft. sq.) or greater;

217.2 Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties.

217.3 The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

217.4 No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

217.5 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board. The Board shall refer any proposed additions or modifications to the State Historic Preservation Officer, who, acting with the advice of the D.C. Professional Review Committee for nominations to the national Register of Historic Places, shall provide the Board with a report to determine possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

The building is a landmark listed in the Inventory of Historic Sites, is listed on the National Register of Historic Places and is located within a historic district. The main building contains 10,002 square feet, in excess of the minimum requirement, as documented by the applicant's architect.

Two sides of the subject property front on public streets (Chestnut Street and Eastern Avenue); across Chestnut Street is land owned by the National Park Service, followed by Piney Branch Road. A third side is adjacent to a small lot owned by WMATA on which a trail is proposed, beyond which are the railroad tracks. The fourth is adjacent to a garden apartment complex, and an 8-foot high wooden fence on the subject property screens the subject property from the apartment complex. As all of the neighboring properties are either nonresidential in nature, separated by a street from the subject property or screened with an 8-foot high wooden fence, use of the subject property for a nonprofit organization should not adversely affect the use of neighboring properties. Offices are compatible to residential uses as they tend to be used during the day on weekdays only, and not in the evening or weekends when residents are more likely to be at home.

The application indicates that the subject property is to be used for the offices of a nonprofit organization, and not for commercial purposes. The application also proposes no building additions.

The applicant has informed the Office of Planning by telephone that 16 people are expected to work in the house and that nine parking spaces are proposed to be located within the rear yard around the existing circular drive. Nine parking spaces were determined to be adequate by the applicant, with approximately 6 staff members expected to drive. By providing 9 parking spaces, sufficient space is provided for visitors to the site, or for a change in the office staff. Chapter 21 of the Zoning Regulations does not address parking for office uses within residential districts, Section 217 requires that "adequate" parking be provided and Historic Takoma recommends that on-site parking be kept to a minimum. The Office of Planning received a copy of the proposed parking layout on Monday, June 3, 2002. This layout is not sensitive to this historic property. However, the Office of Planning does not have available to it sufficient information, such a plan to scale that includes topography and mature trees, to recommend an alternative design. Therefore, the Office of Planning recommends that the applicant work with the District Department of Transportation in order to design a more sensitive parking layout.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 217 and that in granting the relief, the intent and purpose of the chapter "shall not adversely affect the use of the neighboring properties"

COMPREHENSIVE PLAN
This project will contribute toward the provision that "A full range of physical and mental health care and human services should be available to District residents who require assistance..." within Ward 4. (Section 1525.1)

AGENCY COMMENTS
The Office of Planning met with the District Department of Transportation and approval of this application will not interfere with the proposed Metropolitan Branch Trail alignment on the adjoining property to the southwest of the subject property.

COMMUNITY COMMENTS
The applicant has informed the Office of Planning by telephone that **ANC 4-B** considered the application at their meeting of May 23, 2002 and voted unanimously in favor of the project, with one abstention.

Historic Takoma, at their meeting of May 9, 2002, voted unanimously in favor of the application, and recommended that parking be kept to a minimum.

RECOMMENDATIONS
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. OP concludes that the special exception meets the required tests and 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."

The Office of Planning recommends approval of the following:

Special exception pursuant to §217 of Title 11 DCMR to permit a non-profit organization, subject to the condition that the applicant work with the District Department of Transportation to achieve a more site-sensitive parking plan.

AA/sjm$_{AICP}$



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16878

DC Office of Planning
May 28, 2002

Scale 1:1674

25 0 25 50 75 100 Feet

Attachment 1