GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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SUPPLEMENTARY REPORT

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: December 03, 2002

SUBJECT: BZA Case #16927, Special Exception / Variance Request, Supplementary Report

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends that the subject application be approved, subject to:

- **minor design revisions to satisfy concerns raised by the Historic Preservation Review Board;**
- **the receipt of comments from the Fire Department and additional comments from DDOT; and**
- **a redesign of the east three units to provide on-site parking from the front Temperance Court alley, rather than from the rear alley, and approval of the redesigned concept by the HPRB.**

II. APPLICATION-IN-BRIEF

Location 1300 Block Temperance Court
Square 274, Lots 57-61 and 804-820, Ward 1; ANC 1B

Applicant: Arnold & Porter – 555 12th ST. NW, Washington, DC

Owner: Public Welfare Foundation - 1200 U Street NW, Washington, DC

Developer: Manna Inc - 828 Evarts Street NE, Washington, DC

Zoning: R-4

Relief Sought: Construction of the 12 subsidized townhouse units would require:

- a special exception to allow parking spaces to be located on a lot other than where the principal structure is located (§2117), pursuant to §3104.1;
- variances pursuant to §3103.2 to:
  - minimum lot area and width (§401.3);
  - maximum lot occupancy (§403.2);
  - minimum rear yard setback (§405.9);
  - minimum number of parking spaces (§2101.1); and
  - single family dwellings abutting and accessed from an alley of less than 30 feet wide (§2507.2).

BZA
Case No. 16927
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16927
EXHIBIT NO.36

NC

III. BACKGROUND

At its October 22, 2002 meeting, the BZA postponed until December 10, 2002 making a decision on this application, to provide an opportunity for Staff and the applicant to address specific questions of the board. Issues raised for Staff comment are discussed in this report.

IV. Supplementary Information

1. Applicant

The applicant's post-hearing statement, submitted November 19, 2002 addresses a number of BZA questions related this proposal, including:

(a) Development on Alley Lots – the applicant provides examples of other alley lot developments, and notes that approval of the subject site as an accessory parking lot was approved by the BZA in 1988. However, OP Staff could find no record in OZ files of an approval for accessory parking on the internal alley lots. In 1987, BZA approval was given for accessory parking on 5 lots directly on 12th Street, but that application did not include the subject lots.

(b) One-Way Alley Systems – The applicant has indicated that they no longer intend to pursue the proposal to make alleys one-way, but instead would work with DDOT to ensure optimum traffic flow through the site. The applicant would also work with DPW to determine which alley surfaces require repaving by the developer.

(c) Subsection 2117.9 vs. 2116 – This report includes an analysis of the proposal by Staff under §2117.9.

2. DDOT

Questions raised by the BZA at its October 22, 2002 meeting were referred to the District Department of Transportation (DDOT) for review and comment on October 24, 2002. OP Staff met with DDOT Staff on-site on November 14, 2002, and there were a number of follow-up conversations. The following issues raised by the BZA were forwarded to DDOT for comment:

(a) Parking along Temperance Court – should this be permitted and, if so, could it be made "resident only"?

(b) Conversion of alleys to one-way traffic - Would DDOT support some or all of the alleys being one-way?

(c) Sidewalk along north alley – Would DDOT support the addition of a 3' wide sidewalk on the south side of the northern 15' alley running from 12th - 13th Streets?

(d) Ability of alley paving to support additional traffic – Would the alley paving surface support traffic associated with 12 rowhouse units?

(e) Any other DDOT comments on the application.

Comments from DDOT (Attachment II) were received on December 03, 2002. The DDOT report does not address the specific issues raised by the BZA – DDOT notes that those questions will be addressed in a separate report that should be submitted to the BZA under separate cover. The report notes support for the requested variance for number of parking spaces, as well as a strong objection to providing access to the east three dwelling units from the narrow rear alley, as proposed. Instead, DDOT recommends that access to these three units be from the wider front Temperance Court alley.

While aesthetically less desirable to have access to parking from the front, OP concurs with this recommendation. This on-site parking at the front of the lots could be parallel to the Temperance Court right-of way, or perpendicular. However, assuming the uncovered surface parking is provided by moving the dwellings back onto the lots OP notes that additional non-conformities will likely result:

1. Rear Yard (§404.1): The Zoning Regulation requires a rear yard of 20 feet minimum. The current proposal would provide a rear yard setback of 22.5'; if the rowhouse units were moved to provide space for parking in the front, a variance to permit this reduced setback would be required. Such a variance has been requested for the other 9 lots on the west side of Temperance Court.

2. Parking Location (§2116): The Zoning Regulation does not permit the placement of required open parking within the front yard. §2116.2(b) states that open parking may be located within a rear yard or a side yard. §2116.6 provides for BZA approval of a special exception to this regulation.

In addition, the Historic Preservation Office has noted preliminary concerns with this change, as resulting in a detrimental impact on the character of the scheme approved by the HPRB.

Because the DDOT recommendation was received on the required date for filing this report, OP is not able at this time to provide a detailed analysis of these additional non-conformities, and has not had an opportunity to discuss possible options with the applicant. While OP feels that the rear yard variance and parking location special exception would be justifiable in this instance, given the nature of the lots and the comments form DDOT, a detailed analysis will be provided to the BZA in a supplemental report prior to the Public Hearing on December 10, 2002.

3. Fire Department

Specific questions raised by the BZA were referred by OP to the Fire and Emergency Services (FEMS) Department for review and comment on October 24, 2002. It was noted that the BZA wanted to be clear and certain that the Fire Department feels that adequate access to existing and proposed development could continue to be provided. The following specific questions raised by the BZA were forwarded to the Fire Department for comment:

(a) Fire access to alley separating new townhouses and 13th Street townhouses - Could the additional development raise concerns with the Fire Department re ability to access the rear of these new and existing units?

(b) Fire access on Temperance Court if parking is permitted - If parking on Temperance Court was permitted, is this a concern to the Fire Department, regarding access to the front of the units and access along the alley through the middle of this block?

(c) Access to site if alleys are made one-way – If some of the alleys were made one-way, would this be of concern to the Fire Department?

(d) Sidewalk along north alley – Would the addition of a 3' wide sidewalk / pathway on the south side of the northern 15' alley running from 12th - 13th Streets (thereby reducing alley width by 3 feet) raise concerns with the Fire Department?

(e) Fire hydrant - Would an additional fire hydrant be required? If so, where would it most likely be located, and who would pay for its installation?

Comments from the Fire Department had not been received as of the date of this report. The Fire Department report should be submitted to the BZA under separate cover.

4. Off-Site Parking

The proposal would require a special exception to allow required off-street parking spaces to be located on a lot other than where the principal structure is located, for lots 2-8. This report provides additional analysis under §2117.9 (c). The tests of §2117.9 (c) are similar to those of 2116.6, as analyzed in the OP report dated October 15, 2002.

§2117.9 Driveways and parking for row dwellings shall be governed by the following special provisions:

(c) The Board of Zoning Adjustment may allow the parking spaces required for one (1) or more row dwellings to be located on a separate as a special exception under § 3104, provided:

(1) There is no alternative access to on-site parking spaces through existing or proposed paved alleys or private driveways that meet the Design Standards of the D.C. Department of Transportation;

Conforms – The location and layout parking for units 2 to 8 are designed to remove access to parking from the narrow 10' wide rear alley. Access to the site is from existing alleys, each of which are 15.25 feet wide. There is no other opportunity for vehicular access.

(2) The parking spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structure that they are designed to serve;

Conforms – The parking areas, one of 9' X 47.5' for two cars and one of 19' X 47.5' for 5 cars, are convenient and easily accessible to the owners of the rowhouses.

(3) The Board determines that the separate parking does not impose any adverse impact on the surrounding neighborhood;

OP is of the opinion that the proposed parking layout minimizes potential impacts on neighbors, principally by removing access to the west bank of units from the narrow lane which currently serves the existing residences which face 13th Street.

(4) Any application for the separate parking shall be submitted to the D.C. Department of Public Works for review and report; and

The proposal was forwarded to the DPW on September 16, 2002. To date, OP has not received comments from DPW. The application was also forwarded to DDOT on September 16, 2002, and specific issues raised by the BZA were forwarded to DDOT on October 24, 2002, as described above.

(5) The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances or exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose such other conditions as it deems necessary to ensure the continued provision and maintenance of the spaces.

OP has no recommendations for these forms of parking conditions. Signage or striping to indicate that the parking areas are not public would be beneficial.

V. OP SUMMARY RECOMMENDATION

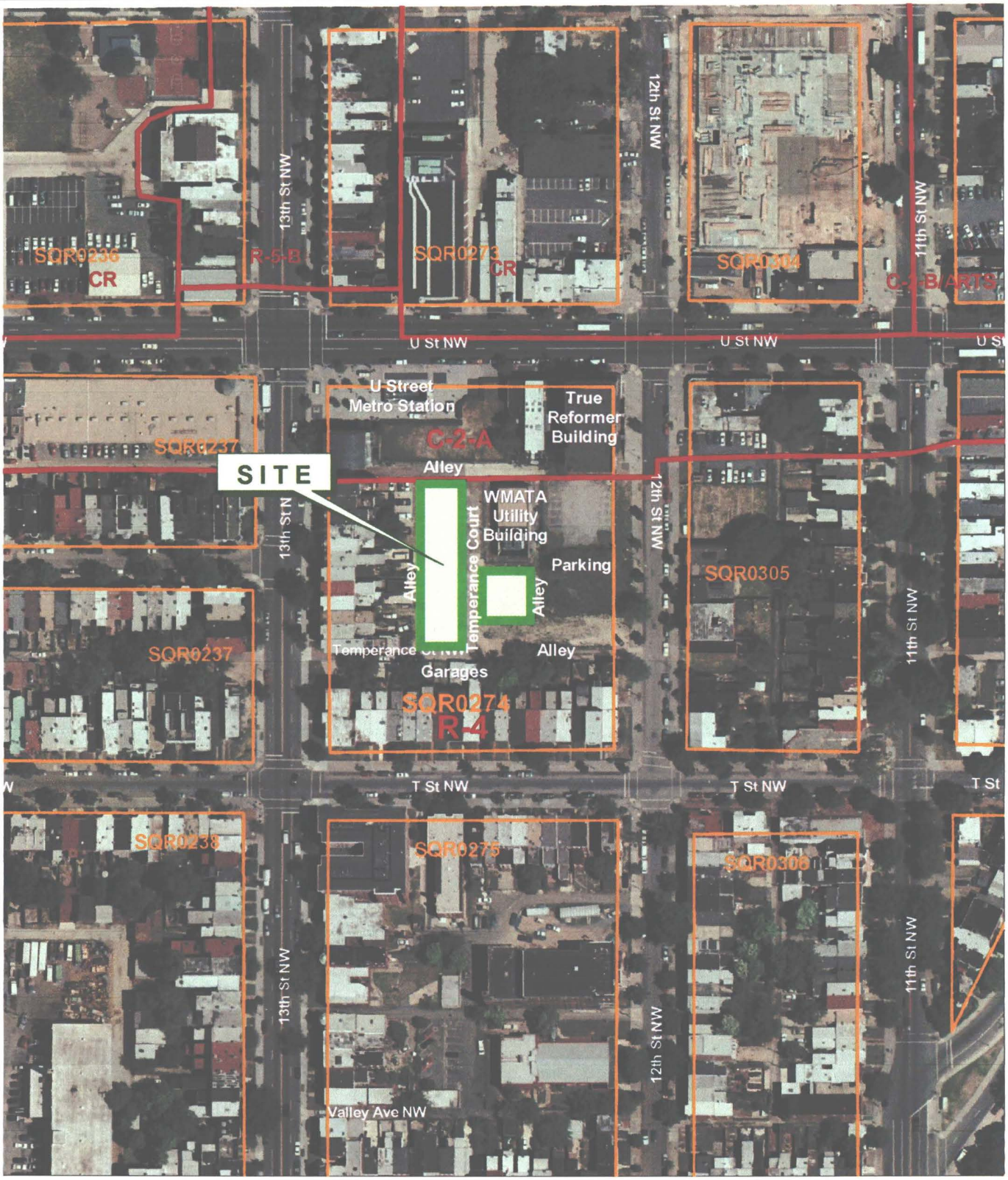
The Office of Planning continues to feel that the proposal is consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the Zoning Regulations. Should the BZA decide to permit this development, OP would recommend that the permission be subject to minor design amendments recommended by the HPRB, to which the applicant has agreed, and to siting and design changes to provide parking access from the front of the three east lots. The BZA may wish to make such an approval subject to further review and approval of the HPRB.

However, should the Fire Department or DDOT in their reports raise concerns regarding traffic flow, parking, or emergency vehicle access, OP would recommend that the BZA delay making a decision for a second time, to provide an opportunity for the applicant to review these concerns and discuss possible ways to address them with appropriate District departments.

AA/jl

ATTACHMENTS:

I Area / Location Plan
II DDOT Report



Feature Key

Zoning Boundaries

Square Index

Zoning Commission
Case No. #

DC Office of Planning
December 3, 2002

Scale 1:1848

N

25 0 25 50 75 Feet

Attachment 1

ATTACHMENT II

d.

District Department of Transportation

POLICY & PLANNING ADMINISTRATION

2000 14TH Street, N.W., 7TH Floor, Washington, D. C. 20009
Phone #: 202-671-2730/40 Fax #: 202-671-0617

MEMORANDUM

TO: Jerrily R. Kress, FAIA
Director
Office of Zoning

FROM: Kenneth Laden
Associate Director for Transportation Policy & Planning

DATE: DEC - 3 2002

SUBJECT: BZA Application No.16927 – Application for variance for the construction of 12 single-family dwellings units in an alley lots 57 thru. 61, 804 – 820 in square 274, Zoned R-4

The District Department of Transportation (DDOT) has reviewed the application and other materials accompanying your memorandum dated July 16, 2002. This memorandum addresses the transportation elements of the application.

The Public Welfare Foundation of 1200 U Street, N.W., Washington, D.C. filed the application. The property is bounded on the east by a dead–end unpaved public alley, on the west by a public alley, on the north by a public alley and on the south by a public alley and a vacant undeveloped lot. The property is zoned residential (R-4) and is presently undeveloped and vacant.

The owner is requesting a variance from section 2101.1 requiring a parking space for each dwelling unit in the R-4 Zone. Twelve parking spaces are required for the dwelling units. Only ten parking spaces are provided. The owner is also requesting a Special Exception pursuant to Section 2116 to allow for the required parking spaces to be located

on a lot other than where the dwelling structure is located in the R-4 Zone. (Section 3: 04.1).

The District Department of Transportation has conducted a site visit of the property and discovered that dwelling units 10, 11 and 12 are bounded in the east by a narrow and unpaved 10' wide alley. The alley has a dead-end at the south. Parking spaces are provided next to the alley (see the survey plat) and will generate a two-way traffic flow creating **a serious safety issue.** There is no information in the application on traffic study showing how traffic will flow in the building complex bounded on all sides by public alleys.

DDOT supports the request for the reduced number of parking spaces to 10. DDOT does not support the site plan as proposed with access to parking for units # 10, 11, and 12 off the 10-foot wide alley. We recommend instead that parking spaces # 10, 11, and 12 be accessed from the 25-foot wide alley.