ARNOLD & PORTER

Nathan W. Gross, AICP
Zoning and Land Use Specialist
Nathan_Gross@aporter.com

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

Not Engaged in the Practice of Law.

March 25, 2003

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Mr. Geoffrey Griffis, Chairman
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Application No. 16927 – Post-Hearing Submission No. 4
(Temperance Row – Public Welfare Foundation and Manna, Inc.)

Dear Mr. Griffis and Members of the Board:

In response to issues and questions raised by the Board of Zoning Adjustment (the "Board") in its discussion of the case on February 4, 2003, the Applicant herewith offers additional materials and analytical comments. We have listened carefully to the Board's concerns and suggestions and have made substantial changes to the project accordingly, including a reduction in the number of units from 12 to 10.

1. **Plan of Square 274.** The Board asked the Applicant to submit a general site plan of the subject square, including existing, approved and under-construction development. That plan is the first of the two sheets of plans, 20 copies of which are attached, together with one full-size set.

2. **Revised Site Plan.** Because of the Board's concerns about the number of variances requested (and indirectly the number of units), together with concerns about parking and vehicular movement, the Applicant has modified the proposed site plan (Sheet 2, attached) as follows:

A. The number of townhouses has been reduced from 12 to 10, accomplished by eliminating one townhouse from the east row and one from the west row.

B. The group of five parking spaces situated at the north end of the west row of townhouses has been eliminated. Instead of these five spaces, the revised plan has 10 spaces located at the southern end of the row of houses. This was accomplished by eliminating one townhouse. This relocation was in response to concerns expressed by D.C. Department of Transportation ("DDOT") staff about turning movements in that location just across the alley from surface parking spaces to be constructed as part of the future office building at 13th and U Streets, N.W. The spaces for the office

BZA Case No. 16927 Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
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building will be used in morning and evening peak commuting periods and will have much more in-and-out traffic than the proposed residential spaces, which will now be adjacent to the low-volume east-west alley to the south of the townhouses.

C. The eastern row of townhouses now consists of only two units, only one of which (Unit No. 9) will have a parking space on the lot, which is accessed only from Temperance Court. This eliminates any need for the residents of these houses to utilize the north-south, 10-foot-wide alley to the rear of the houses. Unit No. 10 will have a parking space directly across Temperance Court in the group of 10 spaces.

D. The result is 11 parking spaces for 10 townhouses, thereby complying with the 1:1 parking requirement for single-family dwellings in the R-4 District.

E. Pedestrian access along the northern east-west alley to 13th Street will be a striped, three-foot-wide marked area on the surface of the alley. DDOT staff concurs with the approach of striping rather than a raised surface of any kind.

3. Effects on Requested Variances. The proposed, modified site plan affects the requested variances as follows:

A. Lot Width. Only two lots rather than the four lots in the original submission require variance from the lot width requirement. These lots are numbers 1 and 10. These two lots comply with the minimum 18-foot width required for a row dwelling in R-4. However, being at the end of the rows, these are semi-detached dwellings with a lot width requirement of 30 feet.

B. Lot Area. In the original plan all 12 proposed lots required a variance from the lot area requirements, whereas nine lots now require this variance (Lots 1-7, 9 and 10). The principal constraint on achieving greater compliance is the existence of alleys to the front and rear of both rows of lots, thereby making full-area lots very difficult to achieve.

C. Lot Occupancy. Lots 1 and 10 now require a variance from the lot occupancy requirements, whereas three lots in the original plan required this variance. These variances derive from the fact that semi-detached dwellings are limited to 40 percent lot occupancy rather than the 60 percent allowed for row dwellings.

D. Rear Yard. All eight townhouses in the western row continue to require rear yard variances, the same as the nine lots previously in this row. This is unavoidable because of the shallow lot depth imposed by front and back alleys, together with the (effectively) two-story height limit based on this alley frontage.

E. Parking. With 11 parking spaces for 10 dwelling units, the project now complies with the 1:1 parking requirement for single-family homes in the R-4 District. Previously, the request was for a variance of two spaces – 10 parking spaces for 12 homes.

F. Location of Parking Spaces. In the revised plan, two of the houses comply with thr regulations by providing required parking on the subject lots. The other eight require the variance originally requested for parking other than on the lot. These off-lot parking spaces are now located as a group on Lot 8. This is simply a change in location from the northern end of the western row of homes to the southern end. The Applicant's response to the question of control of these spaces is on pages 5-6 of the November 19, 2002 post-hearing submission.

G. W idth of Alley to Street. The variance from the requirement for alley access to a public street to be at least 30 feet wide continues to be required.

If the Board approves the revised site plan, the Applicant will submit a new Surveyor's subdivision plat reflecting the amended lots that are proposed.

3. Department of Transportation. The Applicant submitted its revised site plan to DDOT staff in mid-February. DDOT requested two items: elimination of parking space #12 (not shown on the attached plans, but which was tandem with and to the east of space 11); and agreement to work with DDOT and the other property owners in the square towards a one-way alley system. The Applicant's memorandum to DDOT agreeing to these items is attached to this statement.

4. Fire Department. The Fire Marshall has submitted two reports, indicating that the Department visited the site twice, has no objection to the proposed development and can provide fire and emergency services. The second report, however, did not specifically address the list of questions that the Office of Planning sent the Fire Department on the Board's behalf. Accordingly, Mr. Carl Huff, Manna's land use and zoning planner, met on March 20, 2003 with Mr. John Desautels and another senior operations officer at Engine Company No. 9 in the 1700 block of U Street, N.W. This is the fire station that would normally service the property. The following is a summary of the responses provided by Engine Company No. 9:

A. Would the Fire Department be able to provide service to the existing and new townhouses backing up to the westernmost, north-south alley. Response: There is no problem servicing these properties. The fire trucks are 6.5 feet wide, and in any case can deploy along either of the two east-west alleys and extend hoses or other equipment to the properties in question. The form of deployment will depend on the specific situation and location. Applicant notes that it has voluntarily set back its fence row along this alley by two feet in response to neighbors' concerns, so that the alleyway is effectively 12 feet wide.

B. Can the Department provide service via Temperance Court if parking is allowed along this 25-foot-wide alley? Response: Yes, provided parking is allowed on only one side of the street.

C. If the alley network is converted to a one-way system, will the Fire Department still be able to provide normal service? Response: Yes. In an emergency the Department will not be restricted by one-way directional signs.

D. Do you have any problem with the proposed sidewalk (striping) along the south edge of the northern east-west alley? Response: This is not a problem.

E. Will a new fire hydrant be required, and if so, where would it be located? Response: There are six hydrants on the four street frontages surrounding the site, so we have adequate capacity. If it is determined that an additional hydrant is necessary, it should be central to the new townhouses, i.e., situated along Temperance Court. If parking is allowed on Temperance Court, the hydrant should be on the opposite side of the street.

5. Other Zoning Avenues. The Board questioned whether there were not other zoning mechanisms that could authorize the proposed development. The answer is that there are no good alternatives. A zoning map amendment would raise the question of spot zoning. The question is also, What zone should be applied for? R-5-B allows the same density as R-4 for row dwellings, and the height restriction based on alley lots remains the same. (R-5-A allows less density than either zone.) The height problem continues with R-5-C or more intensive residential zones: If there can be no actual building height and number of stories beyond what is currently proposed under R-4 zoning because of the height limit on alley lots, a more intensive zone accomplishes nothing. The other alternative, a planned unit development, is simply not available because a minimum land area of two acres is required for a PUD in the R-4 zone. The subject site is far less than two acres.

Conclusion

The Applicant believes that, in the Application and four post-hearing submissions, it has fully responded to the Board's various concerns, and has submitted a further amended site plan to address those issues. Advisory Neighborhood Commission 1B voted unanimously to support the project and requested variances, and the Office of Planning has recommended approval. We respectfully request approval of the Application as modified.

Sincerely,

Nathan W. Gross, AICP

Jamie Z. Goodson

Attachments

cc: Advisory Neighborhood Commission 1B
Office of Planning

ARNOLD & PORTER

March 24, 2003

MEMORANDUM

TO: D.C. Department of Transportation
Attn: Mr. Abdoulaye Bah, Mr. Lawrence Nwankwo

FROM: Nate Gross, Planning and Zoning Consultant

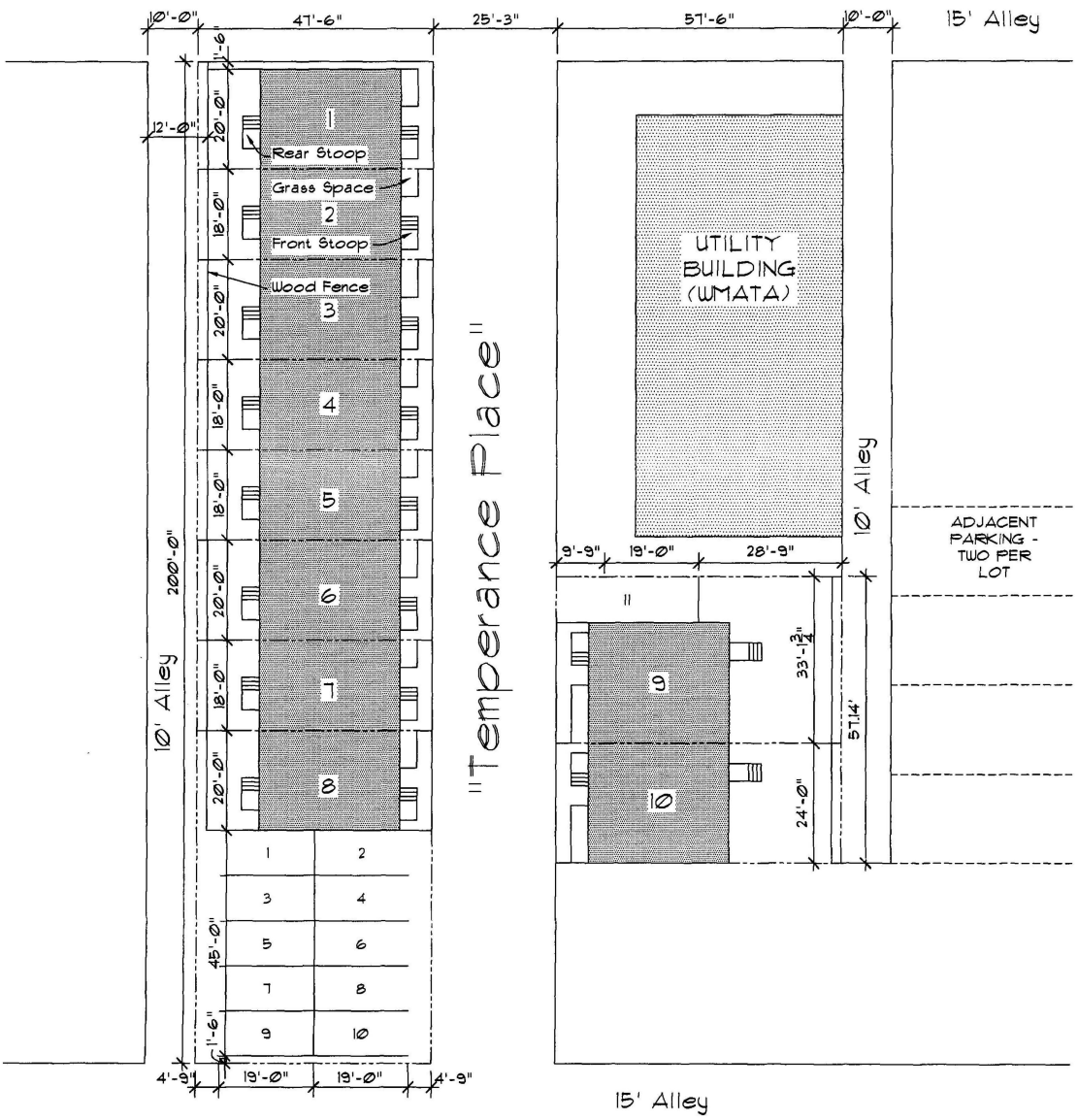
RE: BZA Case No. 16927 (Temperance Row – Manna, Inc.)

Pursuant to discussions between representatives of Manna, Inc. and D.C. Department of Transportation staff regarding Manna's proposed revised site plan, Manna, Inc. agrees to:

1. Eliminate parking space number 12 from the plans; and

2. Work with the other property owners in Square 274 and the D.C. Department of Transportation in the interest of converting the alleys to a one-way system.

cc: D.C. Board of Zoning Adjustment
D.C. Office of Planning



SITE PLAN

NOT TO SCALE

N

Rebuilding Neighborhoods Through Affordable Homeownership

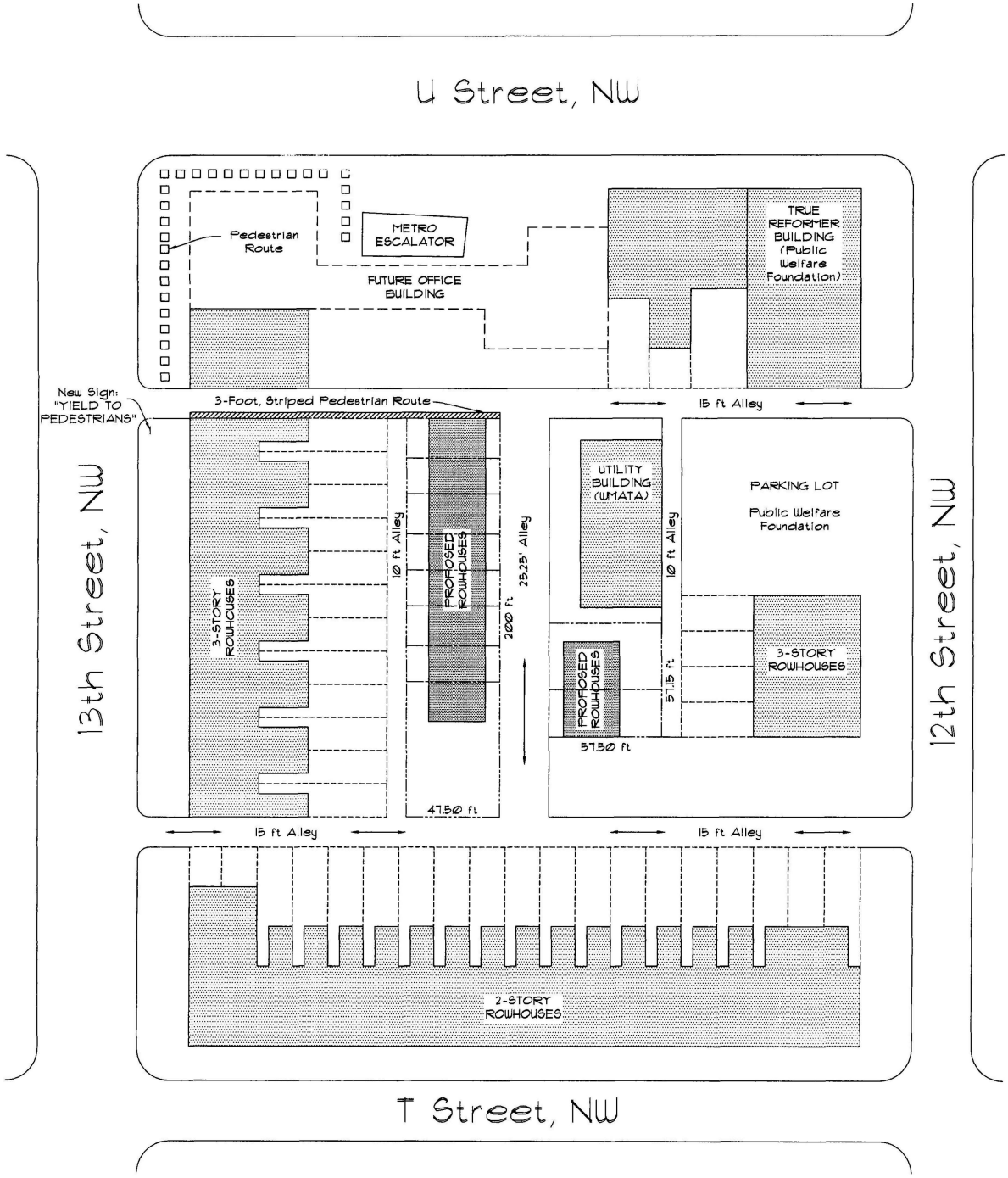
MANNA

MANNA, INC.
828 Evarts Street, N.E.
Washington, D.C. 20018
202-832-1845
202-832-1870 (Fax)

TEMPERANCE ROW

CARDOZO-SHAW, WASHINGTON, DC

03/25/03



SITE PLAN

NOT TO SCALE

N

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03/25/03

EXHIBIT 45

CASE NO. 16927

IS AN OVERSIZED EXHIBIT

PLEASE SEE AT OFFICE