GOVI MENT OF THE DISTRICT OF COL BIA
OFFICE OF PLANNING
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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: April 29, 2003

SUBJECT: BZA Application 16970 – Supplement II

APPLICATION
In its original application, the National Child Research Center (NCRC) requested a Special Exception to continue an established Child Development Center use, increase the allowable staff from 28 to 38, and construct additions to existing buildings on property located at 3209 Highland Place, N.W. (Square 2072 Lot 30) pursuant to Sections 205 and 3103.13 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

During the continuation of the public hearing on February 25, 2003, the Board of Zoning Adjustment (BZA) identified the following additional relief as a result of hearing testimony:

- The BZA deemed the proposed Carriage House addition a second principal building, based on its planned use and size. Based on this conclusion, the Board recommended that the applicant request a variance from the requirements of Section 3202.3 pursuant to Section 3103.2. Although Section 2516 would allow creation of a theoretical subdivision, the Board did not consider the provisions under this section applicable in the instant case (refer to Exhibit 4).
- No consensus was reached about whether the proposed building additions and employee increase require additional parking under Section 2100.6. However, the Board advised the applicant to also seek a parking variance "in the alternative."

The applicant agreed with these recommendations and submitted a second Statement of Justification to support granting the stated relief.

SUMMARY RECOMMENDATION
The Office of Planning recommends the following:

BZA
Case No. 16970
Exhibit No. 143

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.143

- With respect to the special exception, two alternative approaches are offered:

    1) Table the special exception for the Child Development Center expansion until the school has had the opportunity to implement the proposed Transportation Management Plan (TMP), and monitor compliance for at least four months from the beginning of the Fall 2003 school year. The school could return to the Board in January 2004 with evidence of the regulatory solution's effectiveness. If DDOT deems it satisfactory, OP would recommend approval.

    2) If the regulatory solution proves unsatisfactory, the school can return to the Board to consider the addition of an engineering solution acceptable to DDOT. By then the neighborhood would also benefit from additional safety improvements contemplated by DDOT for 33rd and Ordway Streets.

- With respect to the parking variance, insufficient justification has been provided. Staff may submit a supplemental report if additional information is received.

- With respect to the variance from Section 3202.3, approval is recommended.

ADDITIONAL INFORMATION

The first BZA Public Hearing on this application was held on February 11, 2003. The Office of Planning report prepared for this hearing did not include a recommendation pending receipt of additional information from District agencies. The Departments of Transportation (DDOT) and Department of Health, Health Regulation Administration, Child and Residential Facilities Division (DOH) (refer to Exhibit 2) subsequently provided additional information. Of particular note was the DDOT memorandum dated February 5, 2003 that stated that the agency did not support this proposal because "proposed new construction, and subsequent increase of staff and enrollment at the subject site will have an adverse impact on the parking supply, will create dangerous and otherwise objectionable traffic conditions and increase traffic volume on neighboring street."

Based on the DDOT submission, OP prepared a supplemental report recommending denial because the applicant's proposal failed to meet the requirements of Section 205 of the Zoning Regulations in the area of traffic impacts.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." The referenced Special Exception for a Child Development Center use in R-2-B is also subject to provisions under Section 205.

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from Zoning Regulations. The second Statement of the Applicant characterized the

requested variances as "area" the rather than "use" variances. When Planning staff contacted the D.C. Office of Corporation Counsel (OCC) for confirmation, OCC agreed with this assessment. The overall standard for approval of an "area" variance is that circumstances surrounding the request must be "unique," and the usual application of the referenced zoning regulations would have to result in "peculiar and extraordinary practical difficulties."

Compliance with Section 205

The outstanding issue under this provision is the present and future transportation impacts of NCRC and the proposed expansion. Supplemental materials submitted by applicant, the applicant's transportation consultant, and DDOT do not definitively indicate that proposed modifications to the applicant's TMP will resolve current traffic safety issues identified on Highland Place, N.W. It is also uncertain whether the one-way circulation proposal currently under serious consideration by DDOT would ever be approved.

OP previously recommended denial because DDOT indicated there are adverse impacts from existing traffic. OP's own observations supported DDOT's conclusions. DDOT's supplemental report essentially offers two alternatives: a regulatory solution that, if effective, would rectify the problems of vehicles swerving into on-coming traffic to avoid the queue in front of the school, illegal blocking of driveways, and running of stop signs. However, there is some question whether NCRC can achieve sufficient compliance to make the regulatory solution effective. The engineering solution would primarily address only the traffic lane incursions, and is at least somewhat dependent on neighborhood agreement. Several communications received from the neighbors indicate that the one-way street proposal is controversial.

Compliance with Section 3104.1

Due to this lack of resolution, staff cannot say whether this proposal meets the standards under Section 205. The best solution is to allow the applicant a chance to prove the TMP is effective in resolving the traffic issues.

Compliance with Section 3103.2

Variance from the parking requirements

OP finds that the justification provided by the applicant does not rise to the standards set by the Zoning Regulations because it does not specifically explain the practical difficulty associated with providing the required parking on-site. Although the proposal to provide three parking spaces next to Main Building would be a benefit, tandem parking spaces do not meet the requirements under Section 2117 of the regulations, and there is no explanation how this arrangement would function.

Variance from the requirement of one principal building on each lot:

The State Historic Preservation Office staff concurs with the assertion in the Statement of the Applicant that separation of the planned Carriage House from the existing playhouse building is the result of requirements from SHPO staff and the Historic Preservation Review Board. Separating the structures created the requirement for a new lot. Such a new lot would also limit the location of required parking which could result in significant grading problems.

Based on this information, staff concluded that only the variance from the requirement of one principal building on a lot can be granted without impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

Community Comments
Advisory Neighborhood Commission (ANC) 3C discussed the proposed variances during a meeting on April 28, 2003. The ANC found that the requested variances should not be granted and urged denial by the BZA (refer to Exhibit 3).

Conclusion and Recommendation
The Office of Planning makes the following recommendations:

- With respect to the special exception, two alternatives approaches are offered:

  1) Table the special exception for the Child Development Center expansion until the school has had the opportunity to implement the proposed Transportation Management Plan (TMP), and monitor compliance for at least four months from the beginning of the Fall 2003 school year. The school could return to the Board in January 2004 with evidence of the regulatory solution's effectiveness. If DDOT deems it satisfactory, OP would the recommend approval.

  2) If the regulatory solution proves unsatisfactory, the school can return to the Board to consider the addition of an engineering solution acceptable to DDOT. By then the neighborhood would also benefit from additional safety improvements contemplated by DDOT for 33rd and Ordway Streets.

- With respect to the parking variance, insufficient justification has been provided. Staff may submit a supplemental report if additional information is received.

- With respect to the variance from Section 3202.3, approval is recommended.

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Attachment:

Exhibit 1 Memorandum from Kenneth Laden, Associate Director for Transportation Planning, Department of Transportation, to Jerrily R. Kress, FAIA, Director, Office of Zoning, dated April 14, 2003
Exhibit 2 Memorandum from Valerie A. Ware, Program Director, Child & Residential Care Facilities Division, Department of Health, to Andrew Altman, Director, Office of Planning dated February 13, 2003
Exhibit 3 Advisory Neighborhood Commission Resolution 2003-11 dated April 28, 2003
Exhibit 4 Pertinent Provisions of the Zoning Regulations

Exhibit 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

MEMORANDUM

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

FROM: Kenneth Laden, Associate Director
Transportation Planning and Policy Administration

DATE: April 14, 2003

SUBJECT: BZA Application No. 16970- Special Exception Approval for The Continuation of a Child Development Center Located at 3209 Highland Place, NW, Lot 30, Square 2072. Supplemental report.

In a Memorandum dated February 5, 2003, the District Department of Transportation (DDOT) submitted its testimony to the Board of Zoning Adjustment (BZA) regarding the above referenced case. At that time, DDOT did not support the application due to five transportation safety concerns. These concerns included:

- Traffic and pedestrian safety at the intersection of 34th and Newark Streets
- Unsafe traffic patterns when westbound thru-traffic is forced to use the eastbound thru-lane to avoid the school's 'carpool' line.
- Illegal parking on Highland Place, including blocking of neighbors' driveways and double parking of vehicles in the drop-off and pick-up 'carpool' line.
- Cars making illegal U-turns and ignoring stop signs
- Traffic congestion during peak drop-off and pick-up periods

DDOT's original testimony recommended that the *NCRC Transportation Management Plan* (TMP) must be modified to safely accommodate the existing enrollment level, and proposed future expansion, in compliance with current traffic and safety regulations and guidelines. Since February 5, 2003, DDOT has met with both NCRC and supporters of the application, as well as with opponents of the application numerous times. Following these community meetings and further internal analysis, DDOT developed three options that could help to make existing traffic conditions on Highland Place NW safer. DDOT acknowledges that none of these options will provide a complete solution, and we would

also like to indicate that none of these options have the full support of the applicant and opponents. However, DDOT does believe that these options can have a positive influence on the existing transportation safety conditions. The four options DDOT examined include:

- **Option I: Do Nothing**
  Under this option, the existing situation would remain as is. DDOT finds that residents and NCRC generated traffic are aware of the traffic issues involving Highland Place and that this understanding of the situation naturally encourages people to drive more safely and with caution. Additionally, there has been no history of any accidents taking place on this street. It would then be up to the residents of Highland Place, NCRC parents and NCRC staff to work together to make the situation as safe as possible.

  The benefit of this option is that neither the neighborhood residents nor the school will be asked to make any sacrifices above and beyond what sacrifices are being made now in terms of dealing with a frustrating and unsafe traffic situation. The obvious shortcoming of this option is that we believe existing conditions on Highland Place, NW are unsafe and anticipating no future accidents is perhaps wishful thinking.

- **Option II: Adjust NCRC's Traffic Generation**
  Under this option, the school would be required to reduce the traffic on Highland Place by either decreasing its overall enrollment, reducing overall vehicle trips, or accepting a larger percentage neighborhood students who would presumably then be able to walk to school, while decreasing the percentage of out-of-neighborhood students.

  DDOT's main interest here is to reduce the number of vehicle trips and thereby reduce exposure to unsafe driving conditions. The fact that the NCRC is essentially a pre-school limits some transportation options such as carpooling, transit, or shuttle bus solutions to reduce traffic volumes. DDOT has no authority over the enrollment of students at a school, and therefore leaves it to the BZA to determine if this is a proper solution.

- **Option III: Regulatory Solution**
  A regulatory solution has been proposed by the NCRC in their revised Transportation Management Plan, and would include:

  - Staggered drop-off and pick-up operations that will utilize the north curb as a drop off lane from 8 am – 5 pm during the weekday or during peak AM and PM time periods;
  - Monitoring drop-off and pick-up operations on Highland place by two uniformed persons or off-duty police officers from 8:15- 9:15 each morning classes are held;
  - Community liaison process;

- Addressing faculty and staff parking by NCRC by providing staff a financial incentive to use public transportation through participation in the Metrocheck program; and
- Limit of 3 special events in any 12-month period held only on Monday-Saturday when school is not in session.

DDOT could provide the school additional curb space in front of the school for loading and unloading operations by eliminating a residential permit-parking zone adjacent to the school and utilizing an existing no parking restriction in front of the school during school operating hours for student drop-off and pick-up.

The benefit of a regulatory solution is that it could be implemented quickly and, if run properly, positive results would presumably be felt in a short period of time. The downside of such a regulatory solution is that it would depend on constant monitoring to ensure people were abiding by the new regulations.

- **Option IV: Engineering Solution**
  A possible engineering solution would be to redesignate Highland Place, NW from Newark Street to 33rd Place as a one-way westbound road. Creating a one-way westbound road would allow for the north side curb to retain its existing residential permit parking, provide a queuing lane in what is now the westbound travel lane, and the existing eastbound lane would become the through lane.

  The benefit of such an engineering solution is that it would create a safe traffic condition because it would eliminate the competing interests for use of the existing eastbound lane.

  The disadvantage of the engineering solution is that it places the burden solely on the residents of Highland Place, NW and would require some traffic safety modifications to 33rd Place NW, which would now be receiving all of the traffic exiting from Highland Place. As previously stated, none of these options provide an ideal transportation solution.

The Department, at this time, is strongly considering implementing Option #4 as the most direct means of addressing the existing transportation safety concerns on Highland Place, making Highland Place a one-way street, westbound from Newark Street to 33rd Place, NW. This solution would eliminate our concern about westbound traffic having to cross over into the eastbound travel lanes to bypass the NCRC line of queued vehicles. Cars would no longer be making illegal U-turns on Highland Place, and traffic congestion would be reduced along Highland Place. This recommendation does not address our concerns regarding the narrow sidewalks on Highland Place, however, one-way traffic on this road would reduce the potential vehicular/pedestrian conflicts on the roadway. This option does not address problems with parents blocking driveways, running stop signs and parking illegally. However, these are traffic enforcement issues that cannot be easily addressed with additional regulatory or traffic engineering solutions. The Department

will address our transportation safety concerns at 34th Street and Newark Street as a separate transportation safety improvement.

If this option is implemented, the Department will coordinate with NCRC, the local Advisory Neighborhood Commission and residents who live near the school to implement specific traffic safety recommendations for Newark Street, Highland Place, 33rd Place and Ordway Street to improve transportation safety in the community. Additionally, DDOT will follow the DC Administrative Rulemaking Process for One-Way Street designations.

The Department will begin preparing design plans for the reconstruction of Ordway Street adjacent to the school, this summer. The Department will coordinate this design project with NCRC, the ANC and neighbors through the summer and fall of 2003.

With respect to the proposed application before the BZA, it is our understanding from the applicant that the new construction would result in an additional 10 students attending the school. It is also our understanding that there would be 10 additional faculty or staff associated with the proposed expansion of the school.

If NCRC limits new students and staffing to the numbers listed above, and the Department implements Option #4, as outlined above, we do not anticipate that the resulting increase in traffic would significantly worsen traffic conditions in the neighborhood.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health

Child & Residential Care Facilities Division

MEMORANDUM

TO: Arthur Jackson
Office of Zoning

FROM: Valerie A. Ware
Program Manager

DATE: February 13, 2003

SUBJECT: BZA No. 16970
National Child Research Center
3209 Highland Place, NW
Washington, DC 20008

The Department of Health, Health Regulation Administration, Child and Residential Care Facilities Division (DOH/HRA/C&RCFD) acknowledges receipt of the dimensioned plans for the proposed additions to National Child Research Center, on January 23, 2003.

DOH/HRA/C&RCFD has reviewed all the documents submitted. Shaw Pittman representative, Mr. Paul Timmunds, identified the proposed program spaces, which will serve as classrooms: "Classroom 1" on located on ground level, and the "New Classroom" located on the first floor. The program space estimated would allow for twenty-one (21) children in each proposed classroom. Therefore, the National Child Research Center could increase its licensure capacity from (108) children to (150) children at any one time. The estimate calculations for the (2) proposed classrooms are listed as follows:

Floor Level	Program Space	Square Footage	Capacity
Ground	Classroom 1	747.6	21
First	New Classroom	746	21

Should you have further questions, you may contact Denise Ryles-McKoy, Supervisory Human Services Licensing Specialist for Child Care Branch on (202) 442-4780.

ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS
MCLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners
01-Allen Hahn; 02-Kurt Vorndran; 03-Sally MacDonald
04-Richard C. Bartel; 05-John Welsh; 06-Trudy Reeves
07-Sheila Hogan; 08-Nancy Nord; 09-Nancy MacWood

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ANC3C RESOLUTION 2003-011

Resolution Regarding Variance Application by NCRC

WHEREAS National Child Research Center (NCRC) is seeking variance relief from sections 3202.3, which prohibits more than one principal building on a single record lot, and 2100.6, which requires parking spaces when the intensity of use of a building is increased due to an addition or increased number of people using the building; and

WHEREAS section 5.420 of the DC Code provides the granting of variances by the Board of Zoning Adjustment (BZA)

> Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of 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 zoning regulations] would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize,...a variance from such strict application so as to 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; and

WHEREAS the BZA has not determined whether a use or area variance is the necessary relief for the proposed second principal building on NCRC's single record lot; and

WHEREAS a use variance "cannot be granted unless a situation arises where reasonable use cannot be made of the property in a manner consistent with the Zoning Regulations" and thus, would result in exceptional and undue hardship*; and

WHEREAS NCRC is currently operating a successful child development center in a sought after residential neighborhood; and

WHEREAS an area variance is based on a showing that "compliance with the area restriction would be unnecessarily burdensome"* due to peculiar and exceptional practical difficulties; and

WHEREAS it is "fundamental that the difficulties or hardships be due to unique circumstances peculiar to the applicant's property and not to general conditions in the neighborhood"*; and

WHEREAS sect. 2100.6 requires the provision of parking spaces for additions when the intensity of use will be increased; and

WHEREAS the zoning regulations provide an exemption from the parking requirement only when a building is located in a historic district and has been certified by the State Historic Preservation Officer as contributing to the character of that historic district; and

WHEREAS Advisory Neighborhood Commission 3C has unanimously opposed the NCRC application on historic preservation grounds (Resolution No. 2002-042) and the application for special exception relief under section 205 for NCRC (Resolution No. 2003-001):

BE IT RESOLVED that ANC 3C finds

1. that there is no exceptional narrowness, shallowness, or shape of the NCRC property or any exceptional topographical conditions that are unique to this property;
2. that NCRC has not shown that its property, which is zoned residential, could not be put to a conforming use without a variance;
3. that there is no unnecessary burden placed on NCRC by either continuing to operate under current conditions or complying with the zoning requirements to create a second record lot for the proposed second principal building; other similar lots on the same street have been subdivided and the new structures have complied with the area zoning requirements;
4. that there is no extraordinary or exceptional situation or condition of the NCRC property , including the fact that it is in a historic district since this fact is not unique to this property in the neighborhood;
5. that granting the variance could result in substantial detriment to the public good because it would allow NCRC to build a new principal structure and avoid side yard, rear yard, lot occupancy and other residential zoning requirements that protect neighboring property owners;
6. That with the proposed addition and proposed increase in enrollment and faculty there will be an increase in intensity of use and we further find that the new principal building would not be certified by the State Historic Preservation Officer as contributing to the historic district and therefore, it does not qualify for a parking exemption under sect. 2100.6.

THEREFORE BE IT FURTHER RESOLVED that ANC 3C finds that the requested variance should not be granted and urges the BZA to deny the application.

RESOLVED that the Chair, Commissioner Welsh, or the chair's designee is authorized to represent the ANC on this matter.

Attested by Nancy J. MacWood, Chair, on April 28, 2003
Date

* *Gardner E. Palmer,et al. v. Board of Zoning Adjustment, 287 A.2d 535; 1972 D.C.App*

Pertinent Provisions of the Zoning Regulations

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

...

Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

Building, accessory - a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building. ...

Child/elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per clay. This definition encompasses facilities generally known as child care centers, day care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training and health and social services of the parents or principal guardians of children attending the center. ...

Lot, interior - a lot other than a corner lot or a triangular lot. ...

Lot, through - an interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°) or less. ...

205.3 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

205.4 Use as a child/elderly development center shall be permitted in an R-I District 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.

205.5 The center shall be capable of meeting all applicable code and licensing requirements.

205.6 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.

205.7 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

205.8 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions.

205.9 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.

205.10 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

205.11 The Board may approve more that one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District. …

400 REAR YARD …

404.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure. …

2100 AUTHORITY TO REQUIRE PARKING FACILITIES …

2100.5 No additional parking spaces shall be required for a historic landmark or a building or structure located in a historic district which is certified by the State Historic Preservation Officer as contributing to the character of that historic district.

2100.6 When the intensity of use of a building or structure existing before May 12, 1958, *is increased by an addition or additions of employees,* dwelling units, gross floor area, seating capacity, or other unit of measurement specified in § 2101, parking spaces shall be provided for the addition or additions, subject to §§ 2100.7 through 2100.9. …

2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

2516.1 If approved by the Board of Zoning Adjustment in accordance with the conditions set forth in § 3108 of this title, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.

2516.2 The provisions of this section shall apply to construction on a lot that is located in, or within twenty-five feet (25 ft.) of, a Residence District.

2516.3 In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans, for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; Provided, that the following requirements are met:

(a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans, and two (2) sets of typical floor plans and elevations; and
(b) If the applicant elects to submit the plans referenced in §2516.3(a) at a later date, the Board's original approval shall be conditioned, subject to a later public hearing and final decision on the project as a whole.

2516.3 The number of principal buildings permitted by this section shall not be limited; Provided, that the applicant for a permit to build submits satisfactory evidence that all requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to §2507), and §§ 3202.2 and 3202.3 are met.

2516.4 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(a) The front of the building shall be the side upon which the principal entrance is located;
(b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;
(c) A rear yard is required; and

(d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.

2516.6 In providing for net density pursuant to §2516.11, the Board shall require at least the following:

(a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;
(b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;
(c) f there are not at least two (2) entrances and/or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and
(d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width and/or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; Provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

2516.7 Where not in conflict with the Act of June 1, 1910 (36 Stat. 452), as amended, the height of a building governing by the provisions of this section, in all districts, shall be measured from the finished grade at the middle of the front of the building.

2516.8 The provisions of this section shah also apply to buildings erected under the terms and conditions of §410 of this title.

2516.9 The substantive provisions of this title shall be complied with, and the proposed development shall not be likely to have an adverse effect on the present character and future development of the neighborhood.

25 16.10 Before taking final action on an application under this section, the Board shall refer the application to the District of Columbia Office of Planning for coordination review, and report, which coordination, review, and report shall consider the following:

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans,

programs, and policies of other departments and agencies of the District government; Provided, that the planning considerations that are addressed shall include, but not be limited to the following:

(1) Public safety relating to police and fire concerns;
(2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;
(3) Public education;
(4) Recreation:
(5) Parking, loading, and traffic;
(6) Urban design; and
(7) As appropriate, historic preservation, and visual impacts on adjacent parkland;

(c) Considerations of site planning; the size, location, and bearing capacity of driveways: deliveries to be made to the site; side and rear yards; density and open space; and the location, design and screening of structures;

(d) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(e) The impact of the proposed development on neighboring properties; and

(f) The findings, considerations, and recommendations of other District government agencies.

2516.11 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

3202 BUILDING PERMITS ...

3202.3 Except as provided in § 2516 and the Act of Congress of June 28, 1898 (30 Stat. 520, chapter 519, §5) a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure. ...