GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: November 21, 2003

SUBJECT: BZA Application 17079
417 A Street S.E.

APPLICATION
Mark Lee Phillips is requesting a special exception to expand an established Bed & Breakfast on property located at 417 A Street S.E. (Square 818 Lot 27) pursuant to Sections 203.8 and 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
At this time the Office of Planning **cannot recommend approval** of the special exception to allow an increase in the number of rooms in the existing bed & breakfast. OP has concerns regarding noise, traffic, and parking that have not yet been fully addressed by the applicant.

SITE AND AREA DESCRIPTION
This subject property is a corner lot fronting A Street and 5th Street S.E. The three-story building was originally built in the nineteenth century and was used as a rooming house throughout much of the twentieth century. The applicant and his family have resided in the house since the early 1990s and currently run a matter-of-right two room bed & breakfast.

The property and the surrounding neighborhood are zoned R-4 and are in the Capitol Hill Historic District. The area consists mainly of single and multiple-family residential row homes.

COMPREHENSIVE PLAN
The property is identified as moderate density residential on the General Land Use map, which includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing. The Ward 6 Housing element of the Comprehensive Plan sets a goal to discourage encroachment of non-residential use in residential areas (§1706.1(b)). One of the actions identified to implement this goal is to preserve the character of residential neighborhoods and curtail conversions of residential properties to other uses (§1707.1(b)).

BZA
Case No. 17079
Exhibit No. 55

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EXHIBIT NO. 55

§1702.1 more specifically targets the Capitol Hill Historic District in attempting to limit more intensive residential uses by stating that "there shall be no matter of right uses for private clubs, apartment houses, rooming houses, single room occupancy homes, museums, colleges, universities, or dormitories."

ZONING

The proposed use is allowed as a home occupation in the R-4 zoning district. Section 203.8 allows the owner of a dwelling to operate a bed and breakfast provided that there are a maximum of two sleeping rooms and that other criteria are met. §203.8(c) provides for an increase in the number of rooms with a special exception pursuant to §203.10 and §3104. The number may be increased to four or, if the building is an historic landmark or in an historic district, six.



Figure 1: Aerial View of Property

ANALYSIS

The applicant has applied to increase the number of rooms from the two currently allowed. The applicant has stated that the use currently meets the requirements of §§203.4, 203.5, 203.6, and 203.8 with the exception of §203.8(e). In addition, the standards for special exception require the application to meet the regulations of §§203.10 and 3104.

Section 203.8

(a) The use shall not be permitted in a multiple dwelling;
The property is a single family home.

(b) Breakfast is the only meal served, and is only served to overnight guests;
The applicant has stated that the only meal served is continental breakfast and that it is only served to guests.

(e) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use;
Currently, no parking is provided because the building has been certified as located within an historic district as allowed under §2100.5. As of the drafting of this report no additional parking has been proposed by the applicant.

(f) No cooking facilities shall be permitted in any of the rented rooms;
No cooking facilities are available for the guest rooms.

(g) The dwelling shall be owned and occupied as the principal residence of the operator(s);
The applicant uses the house as his primary residence.

(h) Except as provided in paragraph (d), the bed and breakfast shall comply with §§203.4 through 203.6.
The existing use appears to comply with all of the listed requirements of these sections.

Special Exception

Section 3104.1 grants the Board of Zoning Appeals (BZA) the 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." §203.10 adds further protection against "adverse effects" through reference to §203.1.

Based on review of the applicant's statement, the associated submissions, and letters from surrounding property owners, the potential for adverse impacts on the neighborhood come in the form of parking, traffic, noise, and the intensification of uses in a residential area.

In regards to parking and traffic, a referral has been sent to DDOT for review of the application. As the applicant's statement was not received until November 17, this referral was sent only

hours before the drafting of this memo. Ideally, DDOT will have information ready for the Board's consideration by the hearing date.

Currently, no parking is provided by the owner. §203.8(e) requires one space per two sleeping rooms in addition to the residential space required for a total of three spaces for four rooms or four for six rooms. The applicant has not been required to provide this parking because the building has been certified as located in an historic district as allowed under §2100.5. However, the request for approval of a special exception does allow the Board to impose parking requirements on the use as deemed necessary. OP would recommend, subject to DDOT comments, that the Board consider parking requirements prior to approval of this application.

OP is sympathetic to any noise concerns of the neighbors regarding this use, especially as this is not a detached building. However, the noises associated with bed and breakfast uses do not normally fall within the standards of an adverse impact on the neighborhood. The applicant may be able to provide assurances that noise will be controlled.

The final issue is the intensification of use in this historic district. The above quoted Comprehensive Plan section does suggest that residential uses more intensive than moderate density dwellings, such as row houses, are discouraged. However, the lack of more specific prohibitions in the zoning ordinance and the inclusion of bed and breakfast uses in the district as both by right and special exception uses, lead to the determination that this use is not inherently too intrusive for the neighborhood, nor will it necessarily lead to commercialization of the area.

Based on these findings, OP concludes that there are outstanding issues regarding the potential neighborhood impacts of noise, traffic, and parking that need to be addressed by the applicant.

COMMUNITY COMMENTS

OP has received a copy of a petition opposing the application that contains 116 signatures. In addition, at least 11 letters of opposition have been forwarded. OP has not received an official resolution from ANC 6B.

AGENCY COMMENTS

A referral was sent to DDOT on November 18, 2003. OP has requested a response prior to the December 2, 2003 hearing date for this application.

RECOMMENDATION

The Office of Planning is of the opinion that there are outstanding issues regarding potential neighborhood impacts that need to be addressed by the applicant. Subject to the pending referral from DDOT, the issues of parking, traffic, and noise should be addressed to the satisfaction of the Board. Until these issues are resolved, the Office of Planning **cannot recommend approval** of this application.

AA/tp