GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

D.C. OFFICE OF ZONING
2003 DEC -2 PM 3:00

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman
Director

**DATE:** December 2, 2003

**SUBJECT:** BZA Application 17088 - Request filed by Willie D. Cook, Sr. an area **variance** to reduce the number of off-street parking spaces for a "public hall/summer garden" within an existing restaurant/bar, proposed by Willie D. Cook, Sr. for 1101 Kenyon Street, N.W.

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**APPLICATION**
Application of Willie D. Cook, Sr. for:

> **Variance relief to § 2101.1 of 11 DCMR** to permit a decrease in the minimum requirement for parking spaces from 30 to 3

for a public hall and summer garden for property located on the north side of Kenyon Street, N.W. and the west side of Eleventh Street, Square 2844, Lot 819. The property is zoned C-2-A, medium density community business center commercial.

**SUMMARY RECOMMENDATION**
The Office of Planning recommends denial of the request for a variance to reduce the number of off-street parking spaces required from 30 to 0.

**PROJECT DESCRIPTION**
The application proposes the addition of a "public hall/summer garden" to the existing restaurant/bar use. The restaurant/bar was established in 1954, prior to the adoption of the Zoning Regulations in 1958. Therefore, no parking is required for the restaurant/bar and none is provided. The application indicates that change of use is required so that a fee may be charged for entertainment.

The application indicates that there is an informal agreement with the principal of Tubman Elementary School allowing patrons of the restaurant/bar to park within the school lot when the school is not in operation and extracurricular activities are not taking place, between 8:00 PM and

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1:00 AM. The application also indicates that the combination of on-street parking and the school parking lot provides sufficient parking to accommodate the proposed use. No formal agreement was provided for the use of any off-site parking spaces.

The hours of operation of the proposed use are as follows:

| DAY OF THE WEEK | HOURS OF OPERATION |
|---|---|
| Sunday | 8:00 AM to 1:00 PM |
| Monday | Closed |
| Tuesday | Closed |
| Wednesday | 8:00 PM to 1:00 AM |
| Thursday | 8:00 PM to 1:00 AM |
| Friday | 8:00 PM to 2:00 AM |
| Saturday | 8:00 PM to 2:00 AM |

**SITE AND AREA DESCRIPTION**

The subject property is a triangular shaped lot located at the northwest corner of 11th and Kenyon Street that narrows to point at the 10-foot wide alley abutting the site on the north. The property is improved with a two-story brick building with basement that was constructed in 1927. The main entrance to the building faces the intersection and an outdoor staircase leading directly to the second floor on the north side of the building extends into the public space along 11th Street within a fence enclosed area between the building and the public sidewalk. A second fence-enclosed area is located on the south side of the building within the subject property and is used for outdoor seating. No parking is provided on-site.




Subject property at the corner of 11th and Kenyon Street, N.W.

North of the subject property, across the public alley, are commercial properties within the C-2-A zone district fronting on 11th Street. To the west is a row house within the C-2-A zone district, followed by row houses within the R-4 zone district. To the east and southeast, across 11th Street, are row houses within the R-4 zone district, some of which have been converted to multi-family dwellings.

To the south, across Kenyon Street, is Tubman Elementary School. The parking lot for the school is located near the southeast corner of 13th and Kenyon Street, directly accessible from Kenyon Street. The two entrances to the parking lot are posted "Staff Parking Only 7:00 AM to 7:00 PM. Others will be ticketed." The school's outdoor playing fields are located directly across from the subject property.

Most of the streets surrounding the subject property have restricted parking during the workday, as shown below.

| STREET | RESTRICTIONS |
|---|---|
| **Kenyon Street, N.W.** (between 11th Street and 13th Street) | North Side:<br>• No parking 7:00 AM to 9:30 AM and 4:00 PM to 6:30 PM;<br>• Two hour parking limit 9:30 AM to 4:00 PM, Monday through Friday, Zone 1 permit holders exempted;<br>• No parking 7:00 AM to 7:00 PM Wednesdays (street cleaning)<br><br>South Side:<br>• No parking 7:00 AM to 7:00 PM Wednesdays (street cleaning) |
| **Eleventh Street, N.W.** (between Kenyon Street and Lamont Street) | East Side:<br>• Two hour parking limit 9:30 AM to 4:00 PM, Monday through Friday, Zone 1 permit holders exempted;<br>• No parking 9:30 AM to 11:30 AM Tuesdays (street cleaning)<br><br>West Side:<br>• No parking 9:30 AM to 11:30 AM Tuesdays (street cleaning) |
| **Lamont Street, N.W.** (between 11th Street and 13th Street) | North Side:<br>• Two hour parking limit 9:30 AM to 4:00 PM, Monday through Friday, Zone 1 permit holders exempted;<br>• No parking 12:30 AM to 2:30 PM Tuesdays (street cleaning)<br><br>South Side:<br>• Two hour parking limit 9:30 AM to 4:00 PM, Monday through Friday, Zone 1 permit holders exempted;<br>• No parking 12:30 AM to 2:30 PM Tuesdays (street cleaning) |

With the exception of the parking restriction on the east side of 11th Street until 8:30 PM, the parking restrictions within the neighborhood do not conflict with the proposed hours of operation.

The area has been identified on the Generalized Land Use Map as moderate density residential land use, which is described as *"[r]ow houses and garden apartments are the predominant uses; may also include low density housing."*

**EXISTING ZONING**
The subject property is located within the C-2-A Commercial Zone District, medium density community business center.

**C-2 Community Business Center Districts**
*"The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core."* (§ 720.2)

**RELIEF REQUESTED:**
**Section 3103- Variances**, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, 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 any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."* (§3103.2)

**Uniqueness of Property**
The subject property is unique because it was constructed as commercial building, but without any off-street parking. There is no place within the subject property to locate off-street parking. In addition, the subject property is of exceptional shape, narrowing to a point at the public alley at the rear. As a result, the property is not accessible from the alley due to an inadequate width with which to provide vehicular access.

Sufficient area exists to the front of the building for the provision of off-street parking. However, § 2116.4 prohibits the location of required parking between "a building line and a lot line abutting a street." Therefore, it is not possible to provide parking on-site.

**Variance pursuant to § 2101 Schedule of Requirements for Parking Spaces**

Section 2101.1 sets forth the minimum number of parking spaces required for the public halls within the C-2-A zone district. The amount of parking required is one space for each seven square feet usable for seating when fixed seating is not provided. The floor plans do not indicate fixed seating. The application indicates that 30 spaces are required, which would indicate that the area of the proposed public hall is 210 square feet.

The application proposes to reduce the required parking to zero. As the applicant proposes to add an additional use, the public hall so that he can charge for entertainment, it is conceivable that the use will draw from an area larger than the immediate neighborhood, such as the existing restaurant/bar may do. Therefore, the impact on the surrounding residential neighborhood may be greater than the impact of the existing use. The application also does not indicate if there will be any reduction in the restaurant/bar business that will be made up for by the proposed use, or if the proposed use will be in addition to the existing use, which could potentially compound the impact on the adjacent residential neighborhood.

The school parking lot is of sufficient size to accommodate 26 parking spaces, almost as many as are required. Use of these spaces would reduce the variance amount to 4, resulting in a significantly smaller impact on the neighborhood. However, the application does not indicate any formal permission to use these spaces. The Office of Planning has made several attempts to contact the applicant regarding the off-site parking agreement but has been unsuccessful.

It is the Office of Planning's conclusion that the applicant has neither satisfactorily met the criteria for variance relief of § 2101, nor "that the relief 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." (§3103.2)

## COMMUNITY COMMENTS

Comments were solicited from **ANC 1A**, but none were received.

## AGENCY COMMENTS

Comments were received by telephone from the Real Estate Office of the District of Columbia Public Schools indicating that the applicant should complete an "Application to Use Facility Form" in order for his patrons to be able use the school parking lot.

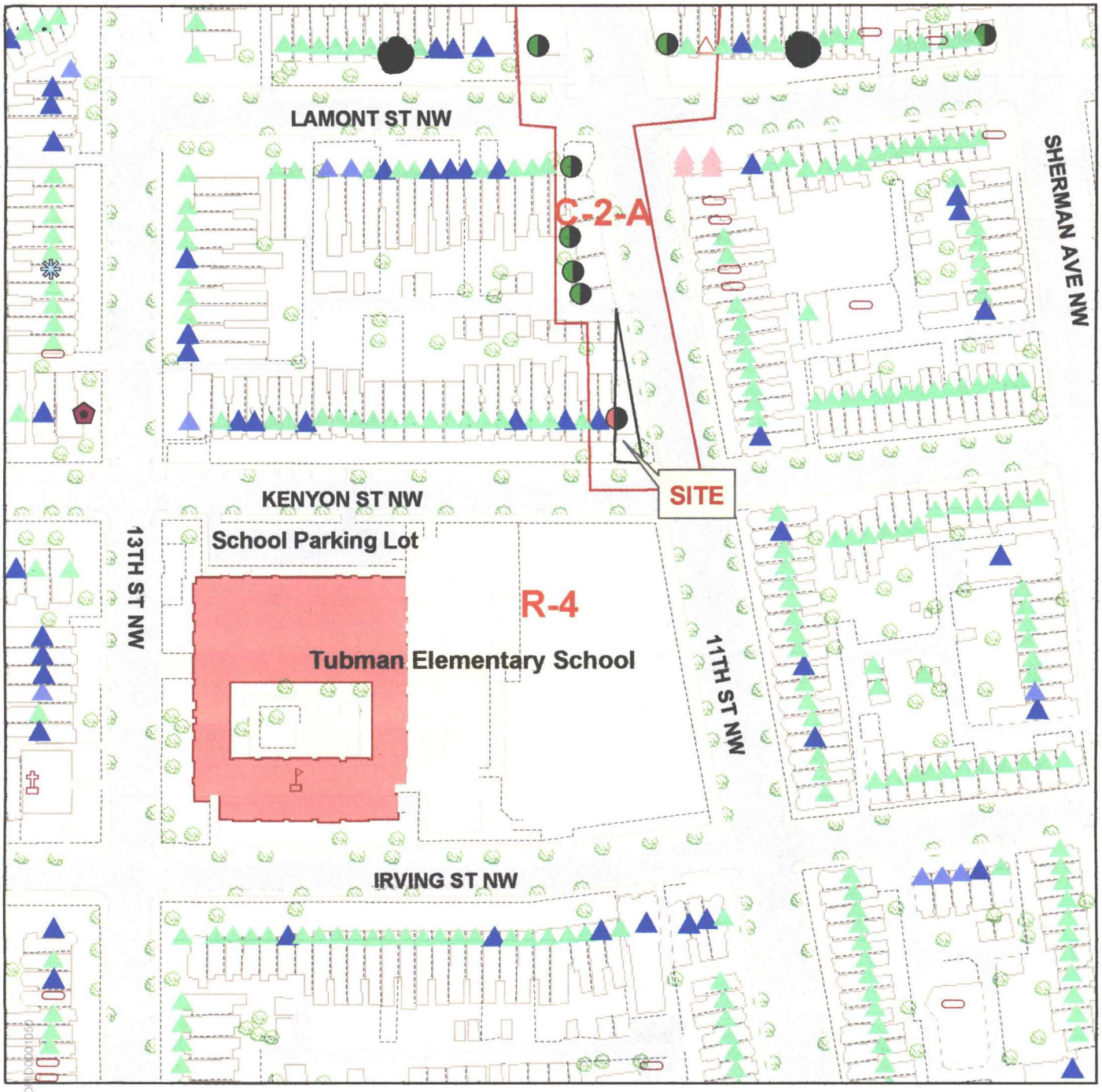
Comments were solicited from the District Department of Transportation, but none were received.

## 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 variance relief. The application indicates that an informal agreement exists with the school. Although the application requests to reduce the parking to zero, OP believes that this will have an adverse impact on the surrounding residential neighborhoods. Provision of a formal agreement would ensure that those parking spaces would be available to the use, reducing the impact that the proposed use will have

on the neighborhood. However, no formal agreement exists. Therefore, the Office of Planning recommends denial of the request.

AA/sjm$_{AICP}$




**Existing Land Use Map**

**BZA Application No. 17088**

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Feet

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**Government of the District of Columbia**
**Anthony A. Williams, Mayor**

**Office of Planning ~ November 18, 2003**

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Nonconforming Commercial
- Single Family Dwelling
- Res. Condo
- Multi-family Dwelling
- Flat
- Dormitory
- Retail Store
- Restaurant
- Small Office
- Religious
- Educational
- Vacant; 197