

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Cochran, Case Manager  
Joel Lawson, Associate Director for Development Review

**DATE:** January 17, 2020

**SUBJECT:** OP Report on BZA #20065 – Request for Parking Space Special Exception at 1717 Rhode Island Ave, N.E.

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**I. RECOMMENDATION**

The Office of Planning (OP) **recommends denial** of the following special exception request pursuant to Subtitle C § 703.2:

- Subtitle C 701.5 Parking Requirement for a Multiple Dwelling Unit Residential Use in the MU-4 zone (2 parking spaces required; 0 proposed).

As noted in the table in Section III of this report, the application also appears to require, but has not requested, relief from:

- Subtitle G § 202.1’s closed court dimensional requirements;
- Subtitle C § 802’s and 805’s requirements for the number and location of long-term bicycle spaces.

As this possible additional relief was not requested by the applicant, OP has not provided analysis or a recommendation.

While OP does not, in concept, have significant concerns with relief from parking, there are, in this case, extenuating circumstances that the applicant has yet to fully address, and OP is concerned about the unresolved nature of the application and the design. The design on-file as of January 14, 2020 appears to require additional relief and the proposed design could not be built without the extinguishment of an easement and, likely, without receiving relief from public space requirements.

By the hearing, the applicant will also need to:

- Address the transportation demand management plan included as a condition in the District Department of Transportation (DDOT) report (Exhibit 35);
- Provide a roof plan that shows the means of access to the roof, the location of the elevator overrun, and any proposed roof deck; and
- Show where trash will be stored inside the building and how its disposal will be managed.

## II. LOCATION AND SITE DESCRIPTION

Applicant	Dilan Investments, LLC. Martin Sullivan, Esq., agent
Address	1818 Rhode Island Avenue, N.E.
Legal Description	Square 4208, Lot 7
Ward / ANC	5, 5C
Zone	MU-4, Moderate Density Mixed-Use development located in low and moderate density residential areas with access to transit and main roads.
Historic District/ Resource	N/A
Lot Characteristics and Existing Development	Generally rectangular 2,910 square foot, 35-foot wide lot with angle in rear. Property has a retaining wall and bermed rise in public space in the front of the lot. There is currently a single-family house on the lot, at the top of the rise. While the lot does not have alley access, parking is provided via a curb cut to a driveway shared with the adjacent neighbor at 1816 Rhode Island Avenue. The District has recorded an agreement for a four-foot easement on both 1818 and 1816 to provide access for parking in the rear of each these properties.
Adjacent Properties	Both the east and west-adjacent properties are occupied by similar detached single-family houses. None have alley access. As noted, above, 1816 Rhode Island Avenue shares a legal easement with the applicant's property to provide access to parking in the rear of each property. The north adjacent property, at 1831 Irving Street is a detached single-family house in the RA-1 zone, with a driveway.
Surrounding Neighborhood Character	The neighborhood is primarily residential, with intermittent commercial uses in the MU-4 zone on Rhode Island Avenue. While the original residential development was single family detached houses, there has been considerable moderate density apartment building construction in both the MU-4 and the RA-1 zone.
Proposed Development	Demolish a single-family detached house and construct a 10-unit apartment building without parking.

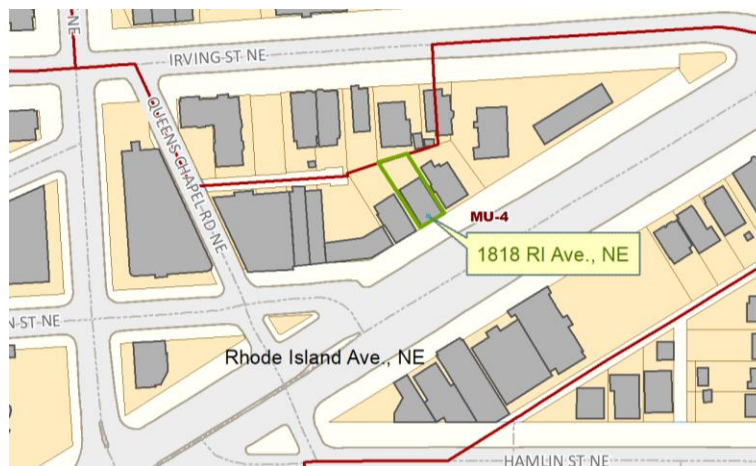


Figure 1. Location Map

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED<sup>1</sup>

MU-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width	n/a	35 ft.	No Change	Conforming
Lot Area	n/a.	2910 SF	No Change	Conforming
FAR G § 402.1	2.5 max.w/out IZ 3.0 with IZ	0.7	2.83	Conforming
Lot Occupancy G § 404.1	60 % max. 75% max. w/IZ	35.15%	73.78 %	Conforming
Height G § 403.1	50'	24'	49'10 3/4"	Conforming
Rear Yard G § 405.2	15' min.	37'	18.75'	Conforming
Side Yard G § 406.1	Need not be provided. If provided, the greater of 2"/ft. of building height, or 5'	Not provided	None	Conforming
<b>Parking C § 701.5</b>	<b>2 (1 per 3 units in excess of 4 units)</b>	<b>1</b>	<b>0</b>	<b>Special Exception Requested</b>
Bicycle Parking C § 802.1	1 space for every 3 dwelling units (3); Spaces located within building	n/a	4 bike racks in public space outside the building	Appears to be non- conforming.  Relief not requested.
Closed Court <sup>2</sup> G §202.1	<u>Width</u> - greater of 4"/ft. of court height or <u>15 feet</u> ; <u>Area</u> - greater of 2 x (required court width squared) or <u>350 SF</u>	n/a	Not Provided  OP Estimates Width: 6 ft. Area: ~116 SF	Appears to be non- conforming.  Relief not requested.
GAR G §407.1	0.3	Not provided	Not provided	Not known

### IV. ANALYSIS UNDER THE RELEVANT SPECIAL EXCEPTION CRITERIA

The Board may grant a request for a special exception from the parking requirements, where:

X-901.2 ... in the judgment of the Board of Zoning Adjustment, the special exceptions:  
 (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

<sup>1</sup> Existing and Proposed Dimensions reflect information provided by applicant unless otherwise noted.

<sup>2</sup> The closed court is labelled "Atrium" on architectural drawings, which also indicate it would be covered by a "trellis". This "atrium" feature meets the definition of a closed court.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- (c) Will meet such special conditions as may be specified in this title.*

The conditions cited by the applicant as relevant to the parking special exception are the following:

*C-703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8.*

The applicant states that because the property has no alley access it cannot provide the required parking on-site. However, as OP staff informed the applicant's representative in June 2019 and subsequently, the land records of the District of Columbia contain a record of an easement recorded in 1922 on 4.5 feet along the western boundary of 1818 Rhode Island Avenue and 4 feet along the western boundary of 1816 Rhode Island Avenue for the purpose of providing access to parking in the rear of each property. OP provided a copy of the easement to the applicant. Without the 4 ½ foot easement on 1818, or if 1818 is developed as proposed, the property at 1816 would no longer have access to its parking.

Absent the extinguishing of this easement:

- The property would appear to have access to the rear of the site for parking;
- The design submitted to the Board could not be legally constructed.

The applicant states, but has not demonstrated, that parking could not be provided within 600 feet of the site.

- (b) The use or structure is particularly well-served by mass transit, shared vehicle, or bicycle facilities.*
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces.*
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood.*

The applicant has demonstrated that the site is well-served by busses and shared bicycle facilities. There is also a car rental location 0.9 miles from the site, and the Rhode Island Metro station, which is served by bus lines, is 1.2 miles away. In addition, the property has a walk score of 83, "Very Walkable".

*C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

The applicant states that the reduction is for spaces the applicant is unable to provide, linking this statement to the absence of an alley. The applicant does not address the existing means of access guaranteed by the easement with 1816 Rhode Island Avenue.

*C-703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The applicant states it will provide a transportation demand management (TDM) plan and DDOT has stipulated the elements of a TDM plan as a condition of its finding of no objection to the application (see below). The applicant had not committed to this plan as of January 15, 2020.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

The report by DDOT indicates the agency has no objection to approval of the special exception subject to the TDM-related conditions noted on page 2 of their report (Exhibit 35). There is nothing in the case file indicating that the applicant has agreed to the conditions. The last DDOT condition would require the applicant to provide four long-term bicycle spaces. The zoning regulations require these spaces to be within the building. The proposed building plans had not been revised to accommodate these spaces as of January 15, 2020.

No other District agency had commented at the time OP completed this report.

## **VI. COMMUNITY COMMENTS**

ANC 5C voted to “deny support” for the application (Exhibit 12). The file contains 27 letters of opposition (Exhibits 29, 30 and 37).