

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Cochran, Development Review Specialist  
Joel Lawson, Associate Director Development Review  
**DATE:** July 7, 2021

**SUBJECT:** BZA 20065 (1818 Rhode Island Ave, N.E.) – Office of Planning Response to Board Request of June 23, 2021

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### **I. BACKGROUND**

The subject self-certified application was heard by the Board of Zoning Adjustment (BZA) at its January 19, 2020 and February 26, 2020 public hearings. The role of the Office of Planning in a BZA case typically is to provide analysis of the requested relief against the relevant tests for that relief as contained in the zoning regulations. OP provided this in a report at Exhibits 40 and 55 in the record. OP analysis indicated that the application had met the relevant tests, and accordingly recommended approval of the request. The BZA approved the application at its February 26, 2020 hearing.

At its public meeting of June 23, 2021, the BZA moved to rescind the prior vote and to reopen the record. This report responds to the Board's request for the applicant and the Office of Planning (OP) to address "how the application is eligible" for the specific requested relief. While this is not a determination for OP to make, this report focuses on whether OP believes the applicant requested permissible relief under zoning.

OP analyzed and the BZA acted on a self-certified application. The Zoning Administrator would determine whether plans submitted for the project's building permit reflects the relief granted by the BZA, and whether all required relief was obtained. For the purposes of this response, OP has consulted with the Zoning Administrator.

### **II. ELIGIBILITY OF RELIEF**

#### **a. Special Exception from Vehicle Parking Requirements of Subtitle C § 701.5, Pursuant to Subtitle C § 703.2**

The Board has requested OP comments as to how the self-certified application is eligible for the following requested relief:

- 1. A special exception— since the Applicant proposes to still physically provide the one required space but cannot meet the required access dimensions;*

The self-certified application included a request for complete relief from the requirement that one parking space be provided for a proposed 8-unit apartment building. The applicant was eligible for this relief to be processed as a Special Exception under Subtitle C § 703.2, provided it demonstrated that the application met at least one of the four criteria in Subtitle C § 703.2, the general special exception criteria in Subtitle X Chapter 9, and the requirements in Subtitle C §§ 703.3 and 703.4.

Once the BZA determined that the applicant met the relevant tests to be relieved of the parking space requirement, the property no longer had a requirement to provide a parking space. The regulations further state that “*All **required** parking spaces, driveways, and entrances that provide access to parking areas, shall conform to the requirements of this section.* (C §§ 711.2

As such, the zoning dimensional requirements for a parking space and its access requirements do not apply to a space that is not required under zoning.

In this case, the parking space depicted in Exhibit 57, page 8 would be smaller than the minimum required dimensions for a required parking space<sup>1</sup>. With the BZA having granted relief from the requirement to provide parking, any space shown on the plans would not be a required space. As such, the applicant's existing driveway<sup>2</sup> would not be required to meet the access requirements of Subtitle C § 711.15, since this provision applies only to required spaces.

**b. Special Exception from the Long-Term Bicycle Parking Requirements of Subtitle C § 802.1 pursuant to Subtitle C § 807.2**

The applicant also requested complete relief from the long-term bicycle parking requirements of Subtitle C § 802.1. The applicant was able to request this relief as a Special Exception because the application meets at least one of the Subtitle C § 807.2 criteria for the granting of such relief. Most notably, the applicant demonstrated that due to the physical constraints of the property it could not simultaneously meet both differently-abled accessibility requirements and public space requirements while also providing the required long-term bicycle parking spaces that meet the dimensional and placement requirements of Subtitle C § 805. Between these options, the applicant chose to ask for bicycle space dimensional and locational relief in order to accommodate accessibility requirements for future tenants and guests.

As with the vehicle parking spaces, with the granting of relief from the long-term bicycle requirements, the dimensional or locational requirements for long term bicycle parking (Subtitle C § 805, which consistently refers to requirements for required long term bicycle parking spaces) were not applicable to what were no longer required spaces. Further, DDOT's memo stating it had no objection to approval of the requested relief (Exhibit 56) indicates that with the submitted drawings, the applicant would be complying with the TDM requirements.

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<sup>1</sup> The exhibit shows that a space no larger than 16' x 8' on a 60-degree angle could be accommodated on the site, which would be too small to meet the dimensional requirements of Subtitle C § 712.5's for a space required by Subtitle C § 701.5.

<sup>2</sup> Through an early 20<sup>th</sup> century easement agreement, this driveway is shared by 1818 and 1816 Rhode Island Avenue.