

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 5, 2019

SUBJECT: BZA Case 19982 (1723 Montello Avenue, NE) to permit the construction of a multiple dwelling building.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Lot Occupancy, Subtitle G § 404.1, pursuant to Subtitle G § 1200.1 (75 percent maximum permitted with IZ; 100 percent existing at the first story; 100 percent proposed for the first, second, and third stories);
- Rear Yard, Subtitle G § 405.2, pursuant to Subtitle G § 1200.1 (15 feet minimum required; 0 feet existing at the first story; 0 feet proposed for the first, second, and third stories); and
- Parking, Subtitle C § 703.2, pursuant to Subtitle X § 900 (1 parking space minimum required; no parking spaces existing or proposed).

The applicant also requested variance relief from Subtitle C § 202.2, to allow an addition to a non-conforming building; this was since amended to special exception relief, although there is no provision in the regulations that would allow this review by special exception. OP discussed this with the Zoning Administrator who confirmed that no relief is necessary from Subtitle C § 202.2 in this case. OP has advised the applicant.

This OP recommendation of approval is based on applicant compliance with the TDM conditions (Exhibit 40) recommended by the District Department of Transportation (DDOT) related to the required parking reduction relief.

II. LOCATION AND SITE DESCRIPTION

Address	1723 Montello Avenue, NE
Applicant	Montello 1723 LLC
Legal Description	Square 4052, Lot 0180
Ward, ANC	5/5D
Zone	MU-4
Lot Characteristics	Rectangular shaped corner lot measuring 25 feet by 50 feet. The lot is bounded by Montello Avenue, NE to the west, a mixed-use row building to the north, a multiple dwelling building to the east, and Simms Place, NE to the south.

Existing Development	One-story commercial row building.
Adjacent Properties	Mixed-use row building and a multiple dwelling row building.
Surrounding Neighborhood Character	Residential row buildings and mixed-use row buildings.
Proposed Development	<p>The applicant proposes to construct a three-story (plus cellar) and penthouse multiple dwelling building. There would be eight dwelling units. Although a building is less than 10 units is not subject to IZ, the applicant is opting into the IZ program pursuant to C § 1002(e), and the applicant states that Unit 7 is likely to be the IZ unit. The first floor of the existing building would be retained and converted to residential use.</p> <p>Relief is required because the proposed second and third stories would not comply with the lot occupancy and rear yard development standards, and no required parking would be provided.</p>

III. ZONING REQUIREMENTS and RELIEF REQUESTED

MU-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height G § 403.1	50 ft. max.	15 ft. 7 in.	33 ft.	None Required
Lot Width	No requirement	25 ft. 6 in.	No change	None Required
Lot Area	No requirement	1,278 sq. ft.	No change	None Required
Floor Area Ratio G § 402.1	3.0 max. for residential use with IZ unit	1.0	3.0	None Required
Penthouse Area C § 1503.1(c)	Floor area of penthouse habitable space shall be included in total permitted FAR of the zone except if the FAR is less than 0.4	n/a	0.3	None required
Lot Occupancy G § 404.1	75% max. with IZ unit	1 st floor – 100%	1 st , 2 nd , & 3 rd floors – 100%	Special exception relief: 25%
Rear Yard G § 405.2	15 ft. min.	1 st floor – 0 ft.	1 st , 2 nd , & 3 rd floors – 0 ft.	Special exception relief: 15 ft.
Parking C § 701.5	1 per 3 dwelling units in excess of 4 = 1 required parking space	0	0	Special exception: 1 parking space

¹ Information provided by DCRA referral form (Exhibit 2).

IV. OFFICE OF PLANNING ANALYSIS

A. Special Exception Relief from Subtitle G § 404.1, Lot Occupancy and Subtitle G § 405.2, Rear Yard.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

Lot Occupancy: The intent of the lot occupancy requirement is to control the total volume of buildings on a lot and to ensure that there is enough open space on the lot. The existing building has a lot occupancy of 100%, and is located on a corner allowing two sides of the building to be completely open and bounded by two streets.

Rear Yard: The intent of the rear yard setback is to ensure there is sufficient space, light, air, and privacy between proposed and adjacent uses. The dwelling units in the proposed building would be designed to primarily face out towards both street frontages. Windows in bedroom #2 in units 4, 6, and 8 would be at-risk and would face the rear yard of the adjacent building on lot 181. However, these windows would not be located parallel to any windows on the adjacent lot.

The subject lot is both small and shallow in size. The limited building area would significantly constrain the ability for the applicant to construct a multiple dwelling building, which is contemplated and anticipated in the MU-4 zone. Given these factors, the proposal would not be inharmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed building would be below the permitted height and would conform to the maximum IZ FAR requirement. It would also be similar in height to the recently constructed multiple dwelling building to the east and would abut a two-story mixed-used row building to the north. The proposed building would not obstruct any windows on either of these adjoining properties and would not adversely impact their use.

iii. Would meet such special conditions as may be specified in this title?

Lot Occupancy: No special conditions or criteria for lot occupancy is required.

Rear Yard: Subtitle G § 1201.1 provides additional special criteria for rear yard relief:

a. No apartment window shall be located within forty feet (40 ft.) directly in front of another;

The proposed windows would not be located directly in front of windows on any adjoining property.

b. No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen (18 ft.) in front of a blank wall;

Not applicable.

c. In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall

be considered in determining distances between windows and appropriate yards;

The proposed building is parallel to adjacent buildings.

- d. Provision shall be included for service functions, including parking and loading access and adequate loading areas; and**

No applicable for a building with less than 50 dwelling units.

- e. Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.**

The application was referred to relevant agencies on March 13, 2019. The District Department of Transportation will provide comments directly to the record.

B. Special Exception Relief from Subtitle C § 703.2, Special Exceptions from Minimum Parking Number Requirements.

Subtitle C § 703.1 allows for a reduction in required parking as a special exception if the parking is “*impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.*” Subtitle C § 703.2 requires the applicant to demonstrate that there is at least one of a list of conditions relative to the site and request. The development proposal meets several of the conditions, including:

- 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;**
- b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities; and**
- c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces.**

The proposal would have a parking requirement of one space, which cannot be accommodated on-site due to the small size of the lot, the lack of a public alley, and the existing building which covers 100% of the site. The applicant states that there are no other available parking locations within 600 feet of the development site. Due to the small size of the lot, the applicant would not be able to provide a parking space without losing at least one dwelling unit.

The applicant has demonstrated through Exhibit 14 that the development site is well served by mass transportation, which includes a bus stop 16 feet away, and a Capital Bikeshare station 0.5 miles away.

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 is requesting full relief from the parking requirement of one parking space, and has provided sufficient justification for this level of relief.

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.

DDOT recommend specific TDM mitigation measures (Exhibit 40) related to the parking reduction, including:

- Providing new tenants a welcome package that would provide information about the availability of nearby transportation options;
- Providing initial owners of the apartments a one-year bikeshare membership; and
- Installing a TransitScreen or similar device showing the availability and location of bikeshare stations, local buses, commuter buses, Metrorail, carshare vehicles, and other public transportation options within .5 miles of the site.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT filed to the record a recommendation of support for the project with conditions (Exhibit 40).

VI. COMMUNITY COMMENTS TO DATE

No comments from the ANC were received at the time this report was drafted.

Three letters in support of the application was filed to the record (Exhibits 30-32) at the time this report was drafted. Two letters in opposition to the application was filed to the record (Exhibits 33 and 39) at the time this report was drafted.

Attachment: Location Map

