



## MEMORANDUM

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

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

**DATE:** February 21, 2020

**SUBJECT:** OP Report on BZA #20065 – Request for Vehicle Parking Space and Long-Term Bicycle Space Special Exceptions at 1818 Rhode Island Ave, N.E.

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### I. BACKGROUND

The original OP filed its January 17, 2020 report (Exhibit 40) recommended denial of requested relief and noted additional relief that may be required. Subsequently, the applicant has revised its application and plans. The most recent filings reflect the modifications and clarifications presented at the January 29, 2020 public hearing (Exhibits 43 – 45), responses to the information requested by the Board at the hearing, and additional plan and relief changes filed since the hearing (Exhibits 50A, 52, 52A and 52B). The most important changes include:

- Reducing the size of the building, decrease the number of units from 10 to 8 and decreasing the number of required vehicle parking spaces from two to one;
- Continuing to request a special exception from the vehicle parking requirements, while providing two spaces on site not complying with access requirements;
- Pulling the building back from the easement governing access to parking spaces behind 1818 and 1816 Rhode Island Avenue, NE.
- Modifying the building entrance and eliminating a proposed accessibility lift in public space;
- Adding a special exception request to provide no conforming long-term bicycle parking spaces;
- Clarifying roof access and trash storage plans;
- Modifying the Transportation Demand Management (TDM) plan.

### II. RECOMMENDATION

Based on the most recent applicant filings, the Office of Planning (OP) **recommends approval** of the following Special Exceptions, subject to the Transportation Demand Management conditions noted on pages 2 and 3 of the District Department of Transportation's (DDOT's) Supplemental Report, which are intended to mitigate any minor potential impacts the requested relief might otherwise have on the District's transportation network or the nearby neighborhood:

- From Subtitle C 701.5's Parking Requirement for a Multiple Dwelling Unit Residential Use in the MU-4 zone, pursuant to Subtitle C § 703.2 (1 parking space required; 0 proposed);
- From Subtitle C § 802.1's requirement for a minimum number of long-term bicycle parking spaces, pursuant to Subtitle C §§ 807.2 and 807.3 (3 required; 0 compliant spaces provided).



### III. REVISED LOCATION, SITE AND PROPOSAL 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 an 8-unit apartment building without parking.

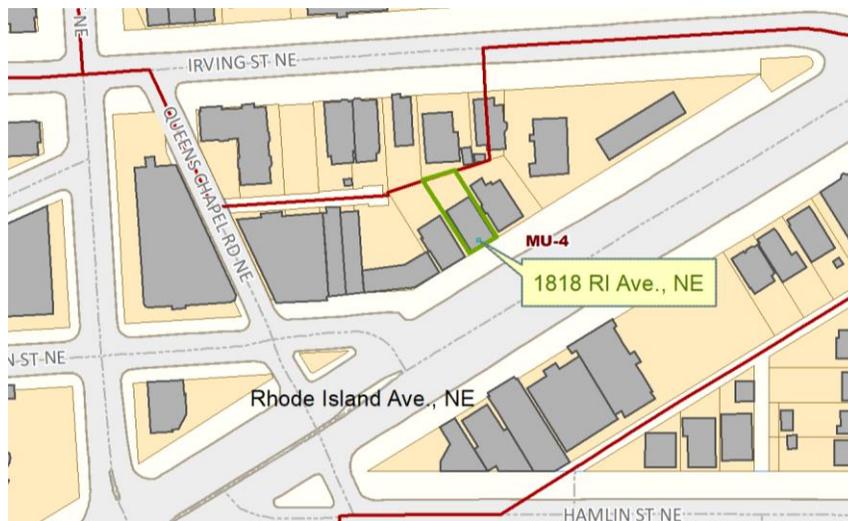


Figure 1. Location Map

**IV. REVISED ZONING REQUIREMENTS AND RELIEF REQUESTED<sup>1</sup>**

<b>MU-4 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width	n/a	35 ft.	No Change	Conforming
Lot Area	n/a.	2,910 SF	No Change	Conforming
FAR G § 402.1	2.5 max.w/out IZ 3.0 with IZ	0.7	1.92	Conforming
Lot Occupancy G § 404.1	60 % max. 75% max. w/IZ	35.15%	52.2 %	Conforming
Height G § 403.1	50'	24'	49'6 1/4"	Conforming
Rear Yard G § 405.2	15' min.	37'	15'+	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><i>Parking C § 701.5</i></b>	<b><i>2 (1 per 3 units in excess of 4 units)</i></b>	<b><i>1</i></b>	<b><i>0 compliant spaces</i></b>	<b><i>Special Exception Requested</i></b>
<b><i>Bicycle Parking C §§ 802.1 and 805</i></b>	<b><i>1 space for every 3 dwelling units, with 50% being horizontal, either enclosed or in garage</i></b>	<b><i>n/a</i></b>	<b><i>0 compliant spaces</i></b>	<b><i>Special Exception requested</i></b>
GAR G §407.1	0.3	Not provided	Not provided	Not known

**V. REVISED ANALYSIS UNDER THE RELEVANT SPECIAL EXCEPTION CRITERIA**

**A. Vehicular Parking Requirements (C § 701.5)**

The project would require one vehicular parking space. The applicant proposes to retain the one or two informal parking spaces that now exist. They would be behind the proposed building. However, because the existing driveway does not meet access requirements and would not be reconstructed, the applicant has asked for complete relief from the vehicular parking requirements.

The Board may grant a request for a special exception from relevant 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.

- (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.*

*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 has demonstrated that it cannot meet the zoning regulations standards for on-site parking for the following reasons:

- There is no alley access to the site;
- An existing driveway that, through an easement of 4.5 feet on the applicant's property and 4.5 feet on the west-adjacent property, provides access to parking at the rear of each property. However, the width of the retaining walls parallel and adjacent to the driveway has resulted in the driveway's being only 7.5 feet wide. This is less than the 8-foot minimum width required by Subtitle C § 711.5.

The applicant has stated 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 has demonstrated this. It also intends to maintain the existing driveway and provide one or two informal parking spaces at the rear of the property.

*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 has provided a transportation demand management (TDM) plan (Exhibit 52B) consistent with DDOT's recommendations.

### **B. Bicycle Parking Requirements (C §§ 802.1 and 805)**

The project would require the provision of 3 long-term bicycle spaces. Subtitle C, Chapter 8 requires they be located on the main floor or the floor beneath that and, if racks rather than lockers were provided, they would need to be located in either a garage or within an enclosed and lockable room. At least 50% of the spaces would need to permit horizontal bicycle storage. The applicant is proposing to provide 6 racks for bicycle parking: three in a corridor located on the floor below the entrance level and 3 in the rear yard. Because none of the spaces would be completely compliant with locational or dimensional requirements of Subtitle C § 805, the applicant is requesting a special exception from all long-term bicycle parking space requirements.

Subtitle C §807.2 permits the Board to grant a request for a special exception from the parking requirements where the applicant demonstrates **any** (emphasis added) of the following:

*(a) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space;*

The applicant has demonstrated that responding to DDOT public space concerns by providing an accessible building entrance without using a lift located in public space required the redesign of the lower building level, the elimination of the lockable bicycle storage room or cage shown in earlier plans, and the location of long-term bicycle spaces in an alcove off of a corridor.

*(b) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:*

*(1) The nature of the use or structure;*

*(2) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces; or*

*(3) A transportation demand management plan approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, that will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or*

The supplemental DDOT report filed February 21, 2020 indicates that the applicant's TDM is acceptable to DDOT, including the provision of 6 non-compliant long-term bicycle spaces in lieu of the required three conforming spaces.

*(b) The nature or location of the historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

This is not applicable.

*807.3 A reduction in parking granted under Subtitle C § 807.2 shall only be for the amount that the applicant demonstrates cannot be physically provided, and proportionate to the reduction in bicycle parking demand demonstrated by the applicant.*

The applicant has provided a TDM plan that encourages transit ridership and would be providing twice the number of long-term bicycle parking spaces than are required by the zoning regulations, although these spaces would not meet the zoning regulation's physical standards for such spaces.

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

DDOT has filed a supplemental report stating that the proposed action and requested relief would not have adverse impacts on the travel conditions of the District's transportation network, subject to the TDM-related conditions noted on pages 2 and 3 of the DDOT report.

No other District agency has commented.

## **VII. COMMUNITY COMMENTS**

ANC 5C, which had voted to "deny support" for the original application (Exhibit 12), has filed a recommendation of denial for the revised application (Exhibit 53), and enclosed a memorandum of opposition to the application from the single member district (Exhibit 54).

The file contains 27 letters of opposition to the original application (Exhibits 29, 30 and 37).