

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 18, 2019

**SUBJECT:** BZA Case 20082 (2721-2725 Martin Luther King, Jr. Avenue, S.E.) to permit the construction of a public charter middle school building

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle C § 909, Special Exception from Loading Requirements (minimum one loading berth, one loading platform and one service delivery space required; none proposed); and
- Subtitle G § 1201, Special Exception from Rear Yard Relief (15-foot minimum required; none proposed).

OP recommends **denial** of the following special exception relief:

- Subtitle C § 807, Special Exception from Long-Term Bicycle Parking Requirements (5 long-term bicycle parking spaces required, none proposed).

The applicant has indicated to OP that they intend to eliminate the need for the bicycle parking relief, but had not yet updated the record as of the date of this report. OP has encouraged the applicant to provide the required number of spaces, at a minimum.

OP encourages the applicant to continue to work with the Public Space Committee regarding the construction of an elevated walkway above the public alley at the rear of the subject property.

**II. LOCATION AND SITE DESCRIPTION**

Address	2721-2725 Martin Luther King, Junior Avenue, S.E.
Applicant	Friendship Public Charter School, Inc.
Legal Description	Square 5982, Lots 812 and 822; and Parcel 234/31
Ward, ANC	Ward 8, ANC 8C02
Zone	MU-4
Lot Characteristics	Unusually-shaped mid-block lot with rear public alley access
Existing Development	Surface parking lot

Adjacent Properties	North: Two-story retail building South: One, two and three-story commercial buildings East: Across MLK, Jr. Avenue, Saint Elizabeth’s West Campus West: Across a 16-foot wide public alley, the elementary and pre-school building of Friendship Public Charter School, Inc.
Surrounding Neighborhood Character	Moderate density residential with locally serving retail along the west side of Martin Luther King, Jr. Avenue.
Proposed Development	Middle school building for Friendship Public Charter School, with an elevated and enclosed walkway connecting to the school’s elementary school building above a public alley. The new building would serve 280 students fifth through eighth grades.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Height G § 403	50-foot max.	N/A	50 feet	None Required
Lot Width	None Prescribed	212 feet	212 feet	None Required
Lot Area	None Prescribed	23,981 sq.ft.	23,981 sq.ft.	None Required
Floor Area Ratio (non-residential) G § 402	1.50 max.	N/A	1.48	None Required
Lot Occupancy (non-residential)	None Prescribed	None	51.6%	None Required
Open Court G § 202	6-foot min.	N/A	10 feet, 4 inches	None Required
Rear Yard G § 405	15-foot min.	N/A	None (walkway)	<b>REQUIRED</b>
Side Yard G § 406	8.33-foot min.	N/A	60 feet, 11 in.	None Required
Parking C § 701	0.25 spaces/1,000 sq.ft. or 9-space min.	N/A	9 spaces	None Required
Bicycle Parking C § 802				
-Long Term	1/7,500 sq.ft. or 5	N/A	None	<b>REQUIRED</b>
-Short Term	1/2,000 sq.ft. or 18	N/A	20 spaces	None Required
Loading § 901				
-Loading Berth & Platform	1/30,000-100,000 sf	N/A	None	<b>REQUIRED</b>
-Service/Delivery	1/30,000-100,000 sf	N/A	None	<b>REQUIRED</b>
Green Area Ratio G § 407	0.3 min.	N/A	0.3	None Required

#### IV. OFFICE OF PLANNING ANALYSIS

##### a. Special Exceptions from Bicycle Parking Requirements

**807.2 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the minimum number of long-term or short term bicycle parking spaces required for a use or structure, subject to the general requirements of Subtitle X, the limitations of Subtitle C § 807.3, and the applicant's demonstration of any 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 application does not demonstrate that the five long-term bicycle parking spaces cannot be provided. Rather, the application states that long-term bicycle parking is not necessary because the use is not residential, even though the Zoning Regulations require long-term bicycle parking for public schools.<sup>1</sup>

- (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 application does not address any of the above.

- (c) **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.**

The subject property is not a historic resource.

**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 application has not demonstrated that five long-term bicycle parking spaces cannot be provided on-site.

As such, the requested special exception to eliminate long-term bicycle parking on-site is not in conformance with the criteria required for the granting of this relief.

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<sup>1</sup> Public charter schools are defined as public schools pursuant to Subtitle B § 100.2.

**b. Special Exception Relief from Subtitle C § 901, Loading Requirements**

- i. The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or**
- ii. The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.**

Although rear public alley access would be available to the proposed middle-school building with the elementary and pre-school building for the school located on the west side of the alley directly opposite the subject property, this alley is used by the school for pick-up and drop-off of students in the elementary school building. At a width of 16-feet, the additional use of this alley segment for loading would result in conflict with student pick-up and drop-off, especially as loading is provided for the elementary school building via a separate public alley north of that building. All food deliveries for both buildings would be to the elementary school building in which the school cafeteria for both buildings would be located, and refuse removal would be coordinated between the two buildings by the applicant to take place from the elementary school building only.

The subject property is not an historic resource.

**b. Special Exception Relief from Subtitle G § 405, Rear Yard**

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

The applicant proposes to reduce the minimum rear yard for the elevated walkway only, as the building itself would respect the required minimum fifteen-foot rear yard. The walkway is proposed to be elevated a minimum of fifteen feet above the alley and not expected to interfere with vehicular traffic below. OP encourages the applicant to work with the Public Space Committee on design of the walkway, as it would span public space.

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

Most of the surrounding properties are developed with other buildings associated with the school. The adjacent property to the north is developed as a separately owned two-story retail building, and a series of separately owned commercial buildings are located to the south. Provided the proposed elevated walkway is approved by the Public Space Committee and does not interfere with alley below, the proposal should not adversely affect the use of neighboring properties.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were submitted to the record from other District agencies as of the date of the filing of this report.

## VI. COMMUNITY COMMENTS TO DATE

No comments from ANC 8C had been submitted to the record as of the date of the filing of this report.

Attachment: Location Map

