

Government of the District of Columbia


Department of Transportation



d. Planning and Sustainability Division

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anna Chamberlin
Neighborhood Planning Manager 

DATE: February 14, 2020

SUBJECT: BZA Case No. 20222 – 5104-5106 Jay Street NE

APPLICATION

Jack Spicer Properties, LLC (the “Applicant”), pursuant to Title 11 (2016 Zoning Regulations) of the District of Columbia Municipal Regulations (DCMR), Subtitle X, Chapter 9, requests an area variance from the lot dimension requirements of Subtitle D §302.1 to subdivide the existing record lot into two separate lots of record and to internally divide the existing detached principal dwelling into two separate, semi-detached principal dwelling units. There is one (1) vehicle space provided on-site accessed via a driveway from the front yard. The site is located in the R-2 Zone at 5104-5106 Jay Street NE (Square 5176, Lot 369) and served by a public alley at 16 feet.

SUMMARY OF DDOT REVIEW

The District Department of Transportation (DDOT) is committed to achieve an exceptional quality of life in the nation’s capital by encouraging sustainable travel practices, safer streets, and outstanding access to goods and services. To achieve this vision, DDOT works through the zoning process to ensure that impacts from new developments are manageable within and take advantage of the District’s multi-modal transportation network.

The purpose of DDOT’s review is to assess the potential safety and capacity impacts of the proposed action on the District’s transportation network and, as necessary, propose mitigations that are commensurate with the action. After an extensive review of the case materials submitted by the Applicant, DDOT finds:

- The Applicant is proposing to convert the garage to a den, thereby removing the existing off-street parking space.

- The removal of the parking space triggers DDOT curb closure requirements, which state that all curb cuts that do not lead to a legal and accessible vehicle parking space on private property, in a garage, or in a carriage house should be closed. Thereby, the Applicant must close and remove the existing curb cut and driveway within the public parking area.
- The Applicant needs to clarify how they intend to meet the 2016 Zoning Regulation's parking requirement of two (2) spaces. Vehicular access to private property for uses such as parking or loading should be from an existing alley. The Applicant should provide vehicle parking off the rear alley or seek parking relief, which DDOT would support.
- The Applicant shall restore the slope and grade of the public parking area.

RECOMMENDATION

The District Department of Transportation (DDOT) has reviewed the application materials and has determined that the proposed action will not have adverse impacts on the District's transportation network. DDOT has no objection to the approval of the requested area variance. Approval of this application, however, would put the site out of compliance with public space regulations. As such, DDOT requests the following conditions (as discussed further in the public space section):

- The Applicant must close and remove the existing curb cut and driveway within the public parking area; and
- The Applicant must restore the grade of the public parking area to its original height and slope.

The Applicant should also clarify how they intend to meet the 2016 Zoning Regulation's parking requirement of two (2) spaces if the driveway and curb cut are removed since driveway parking spaces in public space cannot be counted for zoning purposes. The Applicant should either provide parking off the rear alley or seek parking relief from the Board of Zoning Adjustment. DDOT would be supportive of a parking relief action.

PUBLIC SPACE

DDOT's lack of objection to this application should not be viewed as an approval of public space design. All elements of the project proposed in public space require the Applicant to pursue a public space permit through DDOT's permitting process. The site currently has a 15-foot Building Restriction Line (BRL) along the Jay Street NE frontage. The area between the property line and the BRL is regulated like public space and must be park-like in nature.

DDOT notes the following significant public space issues that would result from approval of this application and must be addressed by the Applicant:

- **Curb Cut Removal** – All curb cuts that do not lead to a legal and accessible vehicle parking space on private property, in a garage, or in a carriage house should be closed. If the property owner does not close the curb cut, DDOT may initiate the curb cut closure procedures set forth in the DDOT *Right of Way Policies and Procedure Manual* (DEM, Section 31.5.1.(b)). As such, the proposed conversion of the existing garage to a den would trigger the need to close the existing curb cut.

- **Vehicular Access** – It is the policy of DDOT that vehicular access to private property for uses such as parking or loading should be from an existing alley (DEM, Section 31.3). Retaining the driveway in the public parking area for use of vehicle storage when it does not lead to a legal parking space is inconsistent with this policy. The two required parking spaces should be provided off the rear alley or the Applicant should seek parking relief, which DDOT would support.
- **Public Parking** – Restore the slope and grade of the public parking area at the 5106 property to be consistent with the slope and grade of the 5104 property. (DCMR, Title 24, Section 104).

DDOT expects the adjacent public space to meet all District standards. The Applicant should refer to Titles 11, 12A, and 24 of the [DCMR](#), and the most recent version of DDOT's [Design and Engineering Manual](#), and DDOT's [Public Realm Design Manual](#) for public space regulations and design guidance. A permit application can be filed through the DDOT [Transportation Online Permitting System](#) (TOPS) website.

AC:kv