

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 
Associate Director

DATE: April 12, 2024

SUBJECT: BZA Case No. 21103 – 71 Kennedy Street NW

APPLICATION

Developer REI, LLC (the “Applicant”), pursuant to Title 11 of the District of Columbia Municipal Regulations (DCMR) (Zoning Regulations), requests Special Exceptions from the rear yard requirements of Subtitle G § 207.6 and court closed requirements of Subtitle G § 209.1 to raze an existing structure and construct a detached, four-story, 47-unit apartment house with below-grade parking and penthouse. The site is in the MU-4 Zone at 71 Kennedy Street NW (Square 3389, Lot 138) and is served by a 15-foot unimproved public to the east of the site. The project proposes to construct the alley with this project.

SUMMARY OF DDOT REVIEW

The District Department of Transportation (DDOT) is committed to achieving an exceptional quality of life 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 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 required by Zoning to provide 14 spaces off-street parking and is providing 17 spaces within an underground garage on private property, which will be accessed via a future improved 15-foot paper alley;
- The applicant is proposing to construct the full 15-foot paper alley extending from Kennedy Street NW to the larger alley network which has access points on Longfellow Street NW;

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- DDOT supports the construction of the paper alley, which is the preferred location for vehicle access, but notes there are existing grade and topography challenges that require a more robust design review process;
- The Applicant must enter into a Horizontal Public Use Agreement (HPUA) with DDOT outlining the design review, construction, inspection, and acceptance of the alley; and
- The construction of the paper alley is a critical piece of the project and without the HPUA, the project may need redesigned or require further relief.

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 relief with the following condition:

- The Applicant must enter into a signed Horizontal Public Use Agreement (HPUA) with DDOT outlining the process for design review, construction, inspection, and acceptance of the alley.

TRANSPORTATION ANALYSIS

Alley Modifications

The project includes the construction of an unimproved alley to the east of the site. The Alley has significant grade challenges which require substantial engineering and design. Figure 1 shows a picture of the existing conditions of the unimproved alley from Kennedy Street NW.

Figure 1. | Unimproved Alley



View from Kennedy Street NW

The Applicant is proposing to construct the full 15-foot paper alley extending from Kennedy Street NW to the larger alley network which has access points on Longfellow Street NW. Figure 2 shows the project site, paper alley, and existing alley network, which is not currently reflected on any of the BZA exhibits. DDOT supports the use and construction of the paper alley, which is the preferred location for vehicle access, but notes there are existing grade and topography challenges that require a more robust design review process. Given the grade challenges, the Applicant has agreed to enter into a Horizontal Public Use Agreement (HPUA) with DDOT outlining the design review, construction, inspection, and acceptance of the alley. The construction of the paper alley is a critical piece of the project and without the HPUA, the project may need redesigned or require further relief to accommodate vehicle parking on-site.

Figure 2. | Applicant Auto-Turn



Vehicle Parking

The overall parking demand created by the development is primarily a function of land use, development square footage, price, and supply of parking spaces. However, in urban areas, other factors contribute to the demand for parking, such as the availability of high-quality transit, frequency of transit service, proximity to transit, connectivity of bicycle and pedestrian facilities within the vicinity of the development, demographic composition, and other characteristics.

The Applicant is required by Zoning to provide 14 spaces of off-street parking. Per the Applicant's Architectural Plans, the Applicant is providing 17 parking spaces in an underground parking garage, accessed via the improved 15-foot alley.

Bicycle Parking

The project is required by Zoning to provide 16 long- and three (3) short-term bicycle parking spaces. The Applicant is meeting these requirements by providing 19 long- and four (4) short-term bicycle parking spaces (2 inverted U-racks). The long-term spaces are provided in a storage room on the first floor of the building. DDOT confirms that at least 50% of spaces are located horizontally on the floor, as required by Zoning. As the storage room is designed, ensure that at least 5% of spaces (minimum 2) are the 10 feet by 3 feet size (rather than 6 feet by 2 feet) to accommodate larger tandem/cargo bikes and at least 10% of spaces are served by electrical outlets for e-bikes and scooters.

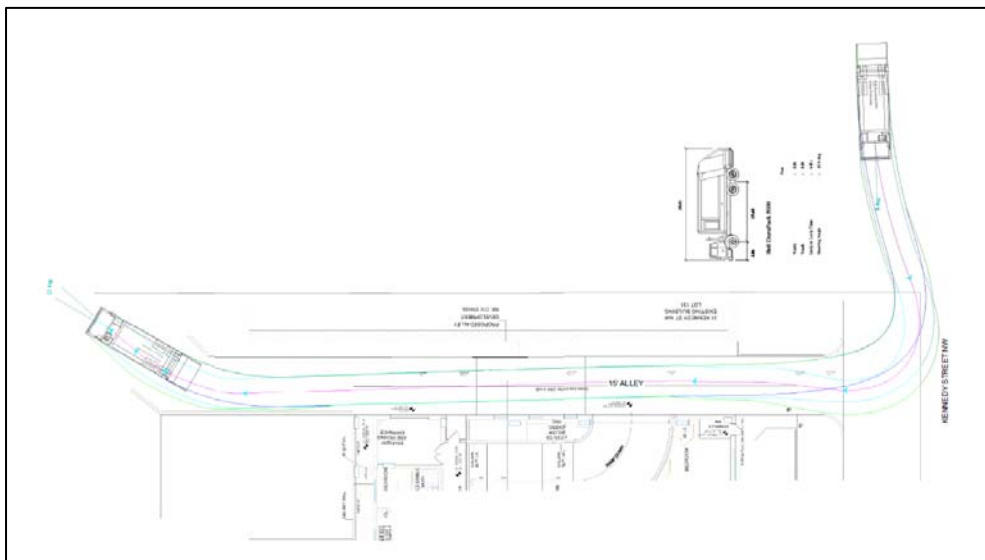
The Applicant should work with DDOT during public space permitting to determine a final location for the short-term bike spaces, ideally in the 'furniture zone' of public space near the edge of the street. The Applicant should refer to the 2018 DDOT *Bike Parking Guide* for best practices on design of long- and short-term bicycle parking spaces.

Loading

DDOT's practice is to accommodate loading operations safely and efficiently, while prioritizing pedestrian and bicycle safety and limiting negative impacts to traffic operations. For new developments, DDOT requires that loading take place in private space and that no back-up maneuvers occur in the public realm. Access to this building for loading and unloading, delivery and trash pick-up is an important consideration, and DDOT expects the Applicant to comply with DDOT's standards for loading.

Per Subtitle C § 901.1 of the Zoning Regulations, buildings with fewer than 50 units are not required to provide a loading berth. As such, for move-in/move-outs, future residents should obtain "emergency no parking" signs from DDOT to reserve an on-street parking space. Since the site has more than three (3)

Figure 3. | Applicant Auto-Turn



Source: Stephen DuPont, Jr. RA Architects 3/18/24, Truck Plan Turning Radius

units, the Applicant must contract a private trash collection service. Trash must be stored entirely on private property, out of the view of the sidewalk, and collected via the improved alley connection. The Applicant has indicated that trash trucks will collect trash from the improved alley and continue into the larger alley network, shown in Figure 3. DDOT finds the proposed trash operations appropriate and finds the construction of the alley critical for trash operations.

STREETSCAPE AND PUBLIC REALM

DDOT's lack of objection to this application should not be viewed as an approval of the public realm design. All elements of the project proposed within District-owned right-of-way or the building restriction area, such as a new alley curb cut, bay windows, bike racks, and sidewalk, require the Applicant to pursue a public space construction permit. It is noted that the site has a 15-foot Building Restriction Line (BRL) along the Kennedy Street NW frontage. The area between the property line and BRL is the building restriction area, which is regulated like DDOT public space and should remain "park-like" with landscaping.

The following items proposed in public space will need to be resolved by the Applicant during permitting:

- Applicant must incorporate improvements from the Horizontal Public Use Agreement (HPUA) design review into the TOPS permit to construct the unimproved paper alley.
- Applicant must utilize the [Kennedy Street Streetscape Guidelines](#) for the public space on Kennedy Street NW. These standards include:
 - 6-foot brick sidewalk,
 - 4-6 foot tree zone,
 - A fully landscaped 15-foot Building Restriction Line with bay window, balcony, and porch projections, and;
 - Benches facing toward building facades.

DDOT expects the adjacent public realm to meet all District standards. The Applicant should refer to Titles 11, 12A, and 24 of the [DCMR](#), the most recent version of DDOT's [Design and Engineering Manual \(DEM\)](#), and the [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.

HERITAGE AND SPECIAL TREES

Heritage Trees have a circumference of 100 inches or more and are protected by the Tree Canopy Protection Amendment Act of 2016. With approval by the Mayor and DDOT's Urban Forestry Division (UFD), Heritage Trees might be permitted to be relocated. As such, the Applicant may be required to redesign the site plan to preserve the Non-Hazardous Heritage Trees. Special Trees are between 44 inches and 99.99 inches in circumference. Special trees may be removed with a permit. However, if a Special Tree is designated to remain by UFD, a Tree Protection Plan (TPP) will be required.

According to the District's [Tree Size Estimator map](#), the property has no trees the size of special trees or heritage trees. It is recommended that the Applicant coordinate with the Ward 4 Arborist regarding the planting of new street trees, in bioretention facilities or a typical expanded tree planting space.