



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 3, 2013
SUBJECT: BZA Case 18676, 44 P Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance relief subject to § 3103.2:

- § 2100.6, Off-Street parking (50 spaces required, 11 spaces proposed); and
- § 2100.10, Reduction in number of existing spaces (24 spaces existing, 11 spaces proposed).

II. LOCATION AND SITE DESCRIPTION

Address	44 P Street, NW
Legal Description	Square 616, Lot 873
Ward	5
Lot Characteristics	Generally rectangular lot bounded on the north by P Street, the east and south by public alleys 15 and 30 feet in width, respectively, and the west by a row dwelling.
Zoning	R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development	Two-story school building with accessory parking, which is permitted in this zone.
Adjacent Properties	The John Fox Slater and John Mercer Langston Elementary School buildings, both District of Columbia Landmarks, are located to the north. The Margaret Murray Washington School, also a Landmark, is located to the south and has been redeveloped as affordable and mixed income senior housing. A single-family residential row dwelling is located to the west. Two-story commercial structures in the C-2-A zone front North Capitol Street to the east.
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential in character, with commercial properties fronting on North Capitol Street located to the east.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Goulston and Storrs, PC on behalf of the District of Columbia
Proposal	The applicant is proposing to adaptively reuse and expand the former J.F. Cook Elementary School as a public charter school.



Relief Sought	The applicant is seeking relief from the requirement to provide additional parking spaces for an increase in the intensity of use of a building or structure (§ 2100.6) and the requirement to maintain existing required parking spaces (§ 2100.10).
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IV. ZONING REQUIREMENTS

	Required	Existing	Proposed	Relief
Lot Area § 401	9,000 sq. ft.	42, 395 sq. ft.	No change	Not required
Lot Width § 401	120 ft.	304.1 ft.	No change	Not required
Lot Occupancy § 403	60%		45%	Not required
Parking § 2101	50 spaces	24 spaces	11 spaces	39 spaces
Rear Yard § 405	20ft.	0 ft.	No change	Not required
Side Yard § 405	12.5 ft.	44 ft.	No change	Not required
Height § 400	60 ft.	53 ft. 7 inches	43 ft. addition	Not required

V. OFFICE OF PLANNING ANALYSIS

§ 2100.6 VARIANCE RELIEF FROM ADDITIONAL PARKING SPACES REQUIRED FOR INCREASE IN INTENSITY OF USE

Except as provided in § 2120.3, when the intensity of use of a building or structure existing before May 12, 1958 is increased by an addition of employees, dwelling units, gross floor area, seating capacity, or other unit of measurement specified in § 2101, parking spaces shall be provided for the addition, subject to §§ 2100.7 through 2100.9.

§ 2100.10 VARIANCE RELIEF FOR REDUCTION IN NUMBER OF EXISTING PARKING SPACES

In the case of a building or structure for which the Zoning Regulations now require more parking spaces than were required when the building or structure was built, the following shall be required:

- (a) *If the existing number of parking spaces now provided is less than or equal to the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced; and*
- (b) *If the existing number of parking spaces now provided is more than the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced below the minimum number of parking spaces required by this chapter.*

A. The Property is Affected by an Exceptional Condition

The property was subdivided out of a larger lot that once provided parking for both J.F. Cook and the M.M. Washington schools. When the property was subdivided, the majority of the open space was allocated to the M.M. Washington lot, which left J.F. Cook with no rear yard and limited parking. The placement of the school on the property also contributes to an exceptional condition. The school is located to the rear of the lot, such that the majority of the remaining open space is along the street and in the front yard of the property.

B. Strict Application of the Zoning Regulations would Result in a Practical Difficulty

Complying with the Zoning Regulations with respect to providing additional parking would create a practical difficulty for the applicant to accommodate its existing and planned future growth. The property has no rear yard, which precludes the provision of parking behind the building. Although the property has a large front yard, the Zoning Regulations, at § 2116.4, prohibit the provision of parking between a building and the street lot line. The presence of the existing structure limits the potential area for underground parking to the unimproved portions of the lot, but the size and configuration of those spaces make underground parking cost-prohibitive, particularly for a public charter school. Therefore, any parking must be accommodated in the limited area on either side of the school, behind the line of the front building façade.

The programmatic needs of the school further constrain the ability to provide the required number of spaces and force the elimination of some of the existing parking on site. The Kinderhaus, a new structure that will house the Pre-Kindergarten and Kindergarten classes, is proposed to be located at the northeast corner of the property and would result in the loss of existing parking spaces. Similarly, the applicant is proposing to replace existing open space, which is paved with impervious materials, with green space. The proposed green space, which includes vegetable gardens, stormwater gardens, and a dry stream garden, provide students with exposure to outdoor recreation space and contribute to the School's educational program, which has a sustainability focus.

If the school were forced to adhere to the strict parking requirements of the Zoning Regulations, the school would have to reduce the size or number of classes, eliminate the Kinderhaus and open space, or construct expensive and inefficient underground parking. The class size and project elements are critical to the school's mission and operation and the school cannot sustain the cost associated with underground parking. Therefore, the property's exceptional condition creates a considerable burden in complying with the off-street parking requirements.

C. Relief can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan

The requested variance relief should not be detrimental to the Public Good or Zone Plan and should not adversely affect the availability of on-street parking in the neighborhood. Mundo Verde has a low rate of faculty and staff that drive to the school. At the school's current location at 3220 16th Street NW, 4 of the 50 faculty/staff drive to the school. The school is focused on sustainability and sustainability principles are integrated into school operations. The school actively discourages driving and charges for off-street parking. The school is located within one half mile of the NoMA-Gallaudet University Metro Station and is convenient to a number of bicycle and bus routes. The school's demonstrated commitment to alternative transportation and its additional programs to discourage driving will minimize the potential for any neighborhood traffic and parking impacts.

The applicant's pre-hearing submittal dated November 26, 2013 includes a site plan that identifies where the proposed zoning-compliant eleven spaces are to be located; four are located off the public alley to the east, and seven are located on the western side of the building. There are an additional six spaces that could be used as tandem spaces on the western side of the school and although not compliant with the zoning regulations, their use could help reduce any pressure on on-street parking.

V. COMMUNITY COMMENTS

The applicant indicates that they have the support of ANC5E, the Bates Area Civic Association, and the Hanover Area Civic Association.

Some individual neighbors have contacted the Office of Planning and DDOT to express concerns about the drop off, pick up and circulation, and potential congestion along P Street and the alley.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) is reviewing the applicant's parking inventory study and anticipates that it will have Transportation Demand Management related conditions for the applicant. Based on the information received to-date, DDOT would not object to the approval of the requested zoning relief.

Attachment: Location Map

