

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 27, 2017  
**SUBJECT:** BZA Case 19572 - request for variance relief pursuant to X § 1002.1 from the requirements of C § 202.2(a) and (b) and special exception relief pursuant to C § 703.2 to allow the construction of an addition at an existing nonconforming mixed use building not meeting lot occupancy and parking at 1916 15<sup>th</sup> Street, SE

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning recommends **approval** of the following requested relief:

- C § 202.2, variance for addition to a nonconforming structure (75% maximum lot occupancy permitted, 91% existing); and
- C § 701.5, special exception from the parking requirements (3 spaces required, 0 spaces provided); subject to the provision of an adequate TDM plan as proposed by DDOT.

The project would be subject to Inclusionary Zoning and the Applicant would be required to provide any additional affordable units on-site or contribute to the Housing Production Trust Fund for the proposed penthouse habitable space.

**II. LOCATION AND SITE DESCRIPTION**

Address	1916 15 <sup>th</sup> Street, SE
Applicant	Toye Bello on behalf of SIM Development, LLC
Legal Description	Square 5766, Lot 845
Ward / ANC	Ward 8; ANC 8A05
Zone	MU-4 - Moderate Density Mixed Use
Lot Characteristics	The property is a corner lot, rectangular in shape, situated at the intersection of Good Hope Road and 15 <sup>th</sup> Street SE. The Good Hope Road frontage measures 72 feet in length and the 15 <sup>th</sup> Street frontage measures 122 feet in length. A 16-foot improved public alley runs to the south of the property.
Existing Development	The property is currently improved with a two-story mixed-use building that was previously used for residential and commercial purposes. The building is currently vacant.

Adjacent Properties	To the north across Good Hope Road is a church and to the east is a mixed-use building at 1521 Good Hope Road SE, both in the MU-4 zone. To the south across the alley is a demi-detached residential building in the R-3 zone. To the west across 15 <sup>th</sup> Street is Ketcham Elementary School, which is split zoned between the MU-4 and R-3 zones.
Surrounding Neighborhood Character	The surrounding neighborhood is generally residential in character with semi-detached and row dwellings in the R-3 zone. The Good Hope Road commercial corridor in the MU-4 zone features mixed-use and other institutional buildings.
Proposed Development	The Applicant is proposing to construct a two-story and penthouse addition to the existing structure. The proposed development would consist of ground floor commercial with 25 residential units over four floors and a habitable penthouse.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED<sup>1</sup>

Zone – MU-4	Regulation	Existing	Proposed	Relief
Lot Width	--	72 ft.	72 ft.	None required
Lot Area	--	8,784 sq. ft.	8,521 sq. ft.	None required
Floor Area Ratio G § 402	2.5/1.5 non-res. 3.0 (IZ)	1.7	2.9/0.32 non-res.	None required
Height G § 403	50 ft. max.	27 ft.	49 ft.	None required
Lot Occupancy G § 404	60% max. 75% max. (IZ)	91%	91% existing/ 63% addition	Existing nonconforming
Rear Yard G § 405	15 ft. min.	12.5 ft.	12.5 ft.	None required
Side Yard G § 406	None req. 2 in./1 ft. or 5 ft. min. if provided (15 ft.)	0 ft.	0 ft. existing/ 17 ft. addition	None required
Parking C § 703.2	3 spaces	0	0	<b>Relief requested</b>
Long Term Bike Parking C § 802.3	1 space/3 du (8 spaces)	0	8	None required
Short Term Bike Parking C § 802.3	1 space/20 du (1 space)	0	1	None required

### IV. OFFICE OF PLANNING ANALYSIS

The Applicant is requesting area variance relief pursuant to X § 1001.2 from C § 202.2, addition to a nonconforming structure.

- a. *Variance Relief from C § 202.2, addition to an existing nonconforming structure*
  - i. *Exceptional Situation Resulting in a Practical Difficulty*

<sup>1</sup> Information provided by Applicant. Exhibit 5, June 29, 2017.

The practical difficulty of achieving a conforming lot occupancy is a product of an exceptional situation which has been created by the lot and existing building dimensions. The improvements on the subject property pre-date the 1958 zoning regulations and the existing building exceeds the maximum permitted lot occupancy (75% maximum permitted, 91% existing). The property is bounded by an improved alley to the south, District right-of-way to the north and west, and a developed lot to the east. The Applicant is unable to acquire adjoining properties to increase the lot area and create a project that conforms to the maximum permitted lot occupancy.

*ii. No Substantial Detriment to the Public Good*

Granting relief for lot occupancy should not result in a detriment to the public good. While the Applicant is proposing to construct two additional stories and a habitable penthouse, the proposed new construction would conform to the maximum permitted lot occupancy (75% maximum permitted, 63% proposed). The subject property is a corner lot, bounded by an alley to the south; therefore, the proposed new construction should not unduly impact light and air available to the adjacent mixed-use building at 1521 Good Hope Road SE.

*iii. No Substantial Harm to the Zoning Regulations*

Granting relief to allow the proposed addition to an existing nonconforming structure would not be contrary to the intent of the Zoning Regulations. The existing building pre-dates the 1958 Zoning Regulations and the Applicant is not proposing to expand the existing nonconformity.

**b. Special Exception Relief from C § 701.5, parking**

Special exception relief pursuant to X § 900.2 from the parking regulations at C § 701.5 is required.

*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 existing improvements on the lot, at 91% lot occupancy, do not allow sufficient space to provide the required parking onsite. The applicant should address whether options for off-site parking would be available.

- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

The subject property is approximately one mile from the Anacostia Metro Station and is well-served by Metro Bus on Good Hope Road and Minnesota Avenue.

- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*

The property has a Walk Score of 84, Transit Score of 70, and Bike Score of 53.

- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*

Not applicable.

- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building*

*or structure at one time would generate demand for less parking than the minimum parking standards;*

Not applicable.

- (f) *All or a significant proportion of dwelling units are dedicated as affordable housing units;*

Not applicable.

- (g) *Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*

The applicant should address whether there are reasonably accessible off-site parking spaces on other private property that could be utilized by residents of this proposed development.

- (h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*

- (1) *A curb cut permit for the property has been denied by the District Department of Transportation; or Subtitle C-40*
- (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

Not applicable.

- (i) *The presence of healthy and mature canopy trees on or directly adjacent to the property; or*

Not applicable.

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

Not applicable.

*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 existing building does not provide parking and the existing improvements on the property preclude the provision of parking onsite.

*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 should provide a Transportation Demand Management Plan (TDMP) for review and approval by the District Department of Transportation (DDOT).

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

DDOT has no objection to the approval of the requested relief subject to the following condition (Exhibit 34).

- Implement the TDM package with the following elements:
  - o Identify a staff member on-site to be the TDM Coordinator to work with goDCgo on implementation;
  - o Provide TDM materials to new residents in the Residential Welcome Package to notify them of non-automotive options for travel;
  - o Provide two (2) additional short-term bicycle parking spaces (one inverted u-rack) on the “furniture zone” in public space on private property; and
  - o Provide website links to CommuterConnections.com and goDCgo.com on developer and property management websites.

The applicant has not yet agreed to these measures.

## **VI. COMMUNITY COMMENTS**

Comments from adjacent neighbors had not been received at the time this report was written. ANC 8A requested a further postponement to allow additional time to work with the applicant (Exhibit 31) and had not provided comment at the time this memo was written.

JL/EMV

Attachment: Location Map

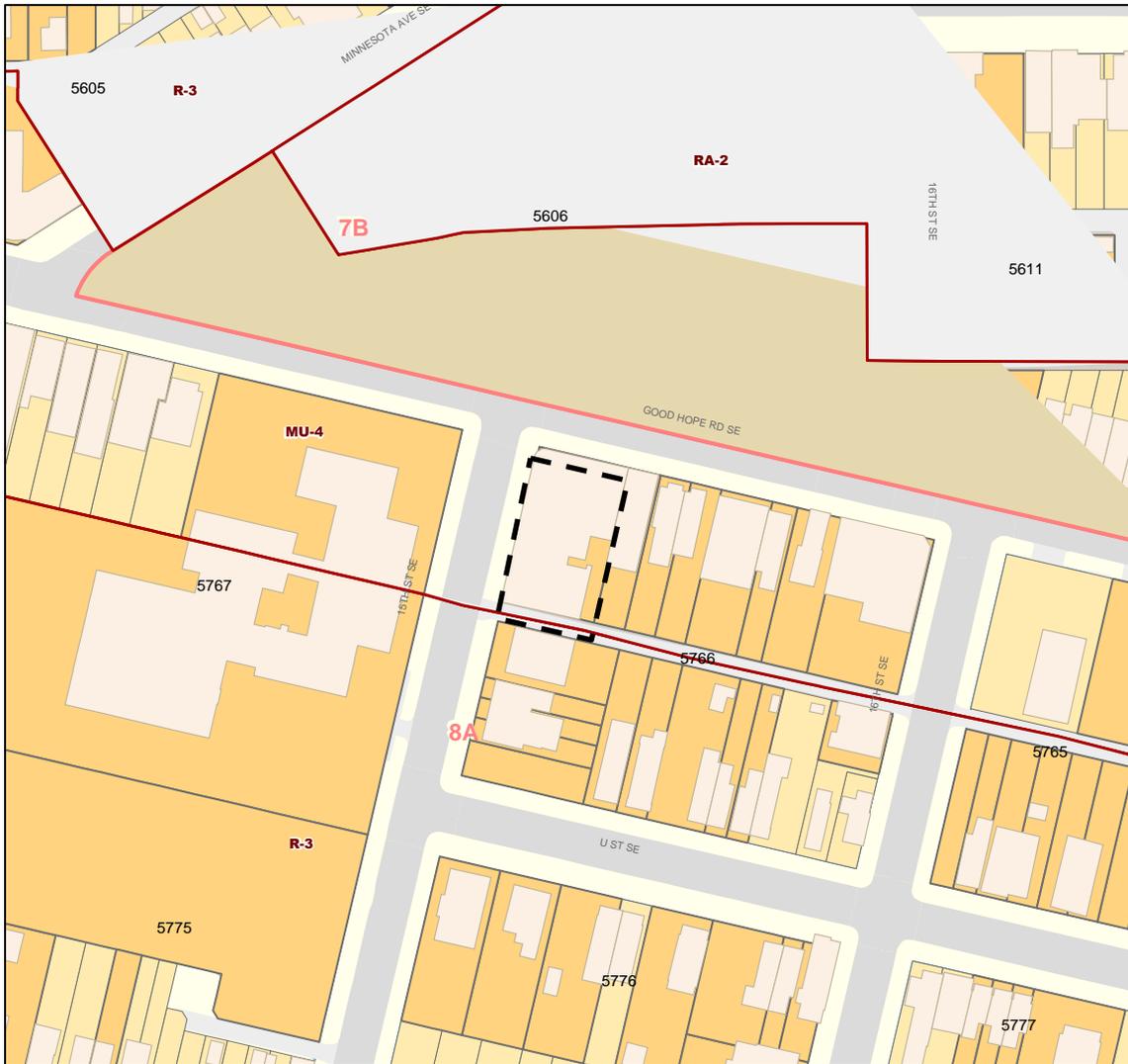


Figure 1: Location Map 1916 15th Street SE