

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: September 29, 2016

SUBJECT: BZA Case 19153 (1520 and 1524 Independence Avenue SE) for an area variance subject to § 3103.2 from the requirements of § 2101.1 to allow car share parking.

I. BACKGROUND

This application was last considered at the September 22, 2016 public hearing. OP was unable to provide a recommendation at that time, as the requested information was not received in a timely manner. The Board continued the public hearing to October 4, 2016, and requested a supplemental report from OP regarding the pre-hearing submission.

The applicant provided a pre-hearing submission on September 16, 2016, consisting of: 1) a proposed architectural site plan; 2) a revised burden of proof; 3) photographs of the site; and 4) an affidavit from the previous owner of the condominium building to the south certifying that parking was not provided for the condominium buildings when they were originally constructed in 1956.

Section 2117.2 of the Zoning Regulations specifies that “Required parking spaces shall not be reduced in total extent after their provision except upon approval of the Board of Zoning Adjustment...” The Zoning Administrator has determined that since eight parking spaces were historically provided for the use of the condominiums, those spaces are required to be maintained, regardless of when the building was constructed. However, the applicant continues to assert that parking was not historically provided on the property, and has established a car-sharing arrangement without permit approval.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) continues to be **unable to make a recommendation** regarding this request. While the applicant has provided requested information, there is a great deal of uncertainty regarding the site plan, requested relief, and involvement of property owners, as outlined below.

III. ANALYSIS

Proposed Site Plan

At the public hearing of February 23, 2016, the Board raised questions regarding the number of zoning compliant parking spaces that could be provided within the available area and requested a revised site plan. The provided revised plan alters the dimensions of the parking spaces, although they would still appear to be compliant with the dimensional requirements of either compact or

standard spaces, and shifts the boundaries for the parking spaces to the rear of lot 81 to the west so that space P4 is completely located on lot 81. It is unclear if this modification would require a modification to the condominium plat.

In discussing the proposed site plan with the applicant, it was indicated that flexibility to use spaces P1, P6, and P8 as parking for either the condominium or car share would be requested; however, the site plan does not provide this level of detail, and relief approved by the Board does not typically include use flexibility, which is difficult to enforce. The applicant has also indicated that the recycling bins, shown in space P2, would be relocated to common area owned by the condominium association, but has not identified where, or what the use of space P2 will be once the bins are removed. Finally, the driveway providing access to space P6 does not meet the minimum 20 feet required by the regulations, but the applicant has not provided sufficient information demonstrating that this space would still be accessible.

Requested Relief

According to the self-certification form, the applicant has requested relief from the following:

1. § 2115.1, Minimum dimensions of standard parking spaces (9 ft. by 19 ft. required, 9 ft. by 19 ft. provided);
2. § 2115.3, Minimum dimensions of compact parking spaces (8 ft. by 16 ft. required, 8 ft. by 18 ft. provided); and
3. § 2115.13, Sufficient access and maneuvering space for vehicles.

Given that the parking space dimensions comply with the Zoning Regulations, it does not appear that this relief is needed. Further, it appears that the more appropriate relief for access and maneuverability would be from the required driveway width.

The following relief appears to OP to be more appropriate for this request:

1. § 2101.1, Number of parking spaces (8 required, ? provided);
2. § 2115.2, Number of compact parking spaces (25 overall parking spaces required to provide 40% with compact dimensions);
3. § 2115.4, Contiguous compact spaces (minimum of five contiguous compact spaces required); and
4. § 2117.5, Driveway width (20 feet required, 13.08 provided).

However, the applicant has been encouraged to discuss and confirm the required relief with the Zoning Administrator.

Property Owners

This particular case is complicated by the fact that the parking spaces are accessory to two 12-unit condominium buildings. Capitol Square Condominium Unit Owners Association has provided a statement to the record indicating that the applicant does not have the authority to pursue the requested relief (Exhibit 54). Furthermore, it is unclear if the owners of spaces P3 and P4 have been notified of the proposed modifications to the parking spaces.

IV. CONCLUSION

Should the BZA wish to continue to consider this application, the applicant should, at a minimum, provide the following to the record:

1. A site plan that identifies all final conditions of the property, including:
 - the final use of each space without flexibility;
 - the final location of all trash/recycling bins; and
 - turning radius diagrams demonstrating the accessibility of space P6.
2. Confirmation, based on discussion with the Zoning Administrator, of the types and extent of relief needed.
3. Confirmation that:
 - The applicant may pursue the requested relief given the property ownership questions;
 - The owners of parking spaces P3 and P4 are aware of the application to modify their spaces; and
 - The applicant is working with the Condominium Association regarding the requested relief.