

FLEXIBILITY TO PROVIDE MULTIPLE BUILDINGS ON A SINGLE RECORD LOT

I. The Project is Consistent with Section 2516

The Applicant proposes to locate eight townhomes (i.e., 2 semi-detached dwellings and 6 row dwellings) on a single record lot. Because some of the structures will have no public street frontage, the Applicant proposes dividing the lots into theoretical building sites, thus necessitating relief pursuant to 11 DCMR § 2516. The Project meets the standard set forth in 11 DCMR § 2516 as follows:

1. The Subject Property is Located within a Residence District (11 DCMR § 2516.2)

As described in the Statement, the Applicant is requesting a zoning map amendment to rezone the Subject Property from the R-4 and C-2-A Districts to the R-5-B and C-2-B Districts. The portion of the Site where the townhomes are located is currently in the R-4 District and will be located in the R-5-B District following a successful vote by the Commission.

2. The Applicant has Filed Copies of All Required Landscaping, Grading and Site Plans (11 DCMR § 2516.3)

The Applicant has submitted all of the plans required under 11 DCMR § 2516.3. The Plans included in this filing (Exhibit A) include typical floor plans and elevations, landscaping, and grading plans, and a site plan that illustrates all new rights-of-ways and easements within the proposed development.

3. The Applicant has Requested Flexibility from the Side Yard and Rear Yard Requirements in Order to Proceed with the Project (11 DCMR § 2516.4)

Section 2516.4 of the Zoning Regulations provides that the “number of principal buildings permitted by this section shall not be limited; provided that the applicant for a permit submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.” As discussed in the Statement, the Applicant is requesting relief from the side yard requirements for the two semi-detached dwellings on the proposed lot subject to § 2516. Although the Applicant is seeking this relief, side yards are not required, and the Applicant is only providing side yards to provide open space, light, air, and ventilation to the occupants of the building. Therefore, the Project is within the limits of the range of residential zones, and the Project will comply with all other requirements set forth in Chapter 25 of the Zoning Regulations.

4. Because Some of the Theoretical Building Sites within the Project will not have Street Frontage, the Project will Comply with the Specific Requirements of 11 DCMR § 2516.5(a), (c), and (d) (11 DCMR § 2516.5)

Section 2516.5 of the Zoning Regulations provides that “[i]f a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

- (a) The front of the building shall be the side upon which the principal entrance is located;
- (b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;
- (c) A rear yard shall be required; and
- (d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.

The eight townhomes (i.e., 2 semi-detached dwellings and 6 row dwellings) will be subdivided into eight theoretical building sites. Consistent with 11 DCMR § 2516.5(a), the front of each townhome will be the side upon which the primary entrance is located, and consistent with 11 DCMR § 2516.5(c), a compliant rear yard is provided for each structure. The Applicant requests relief from the open space requirement of 11 DCMR § 2516.5(b). Although relief is needed, all of the lots will have a rear yard and front yard and are located adjacent to a new private street having a width of 22 feet and a large new community park, thus resulting in significant light, air, ventilation, and open space that is consistent with the intent of 11 DCMR § 2516.5(b). Finally, none of the theoretical lots will share a common boundary with the rear lot line of the record lot of which they are a part.

5. The Project Complies with the Requirements of 11 DCMR § 2516.6(a), (c), and (d) (11 DCMR § 2516.6)

Section 2516.6 of the Zoning Regulations provides that the Board shall require the following in providing for net density pursuant to 11 DCMR § 2516.11:

- (a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;
- (b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;

- (c) If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and
- (d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

Consistent with 11 DCMR § 2516.6(a), the land devoted to the new private street that provides a means of ingress and egress to the townhomes is not included in the area of any of the theoretical lots or yards. The Applicant requests relief from 11 DCMR § 2516.6(b), since the new street that provides ingress and egress to the townhomes is only 22 feet wide rather than 25 feet wide. Although the street will not meet the minimum width requirement, the Applicant is creating a new point of access between Irving Street and Columbia Road that will create enhanced circulation through and to the Subject Property, decrease traffic congestion on the surrounding streets, and significantly improve the experience for pedestrians and bicyclists. Moreover, the 22-foot wide street will provide sufficient space for fire trucks and trash service. Thus, the Applicant requests that the Zoning Commission use its authority pursuant to 11 DCMR § 2516.6(d) to approve the site plan as proposed.

6. The Height of Each Building in the Project has been Measured from the Finished Grade at the Front of the Building (11 DCMR § 2516.7)

As shown on the Plans (Exhibit A), the height of each townhome has been measured in accordance with the Zoning Regulations, and each structure will have a maximum height not exceeding 40 feet, as permitted in the R-5-B District.

7. The Project Will Comply with the Substantive Provisions of the Zoning Regulations and will have no Adverse Effects on the Character or Future Development of the Surrounding Neighborhood (11 DCMR § 2516.9)

With the exception of the specific areas of flexibility requested by the Applicant, the Project will comply with all substantive provisions of the Zoning Regulations. In addition, the Project will have no adverse effects on the present character or future development of the surrounding neighborhood. The Applicant has designed an attractive new development that respects the character of the surrounding area.

8. This Application has been Referred to the Office of Planning for Review and is Consistent with the Requirements and Standards set forth in 11 DCMR § 2516.10(a) (11 DCMR § 2516.10)

This application will be referred to the Office of Planning, DDOT, and a number of other District agencies for review. The Applicant is working closely with those agencies in the

development of this Project. As discussed below, each of the considerations set forth in 11 DCMR § 2516.10 provides further support for the application.

a. *The Relationship of the Project to the Overall Purpose and Intent of the Zoning Regulations and Other District Policies (11 DCMR § 2516.10(a))*

The Project is consistent with the purpose and intent of the Zoning Regulations and Zoning Map and with a number of the policies and objectives set forth in the District's Comprehensive Plan.

i. *Public Safety Relating to Police and Fire Concerns (11 DCMR § 2516.10(a)(1))*

The Project will have no adverse impacts on public safety. Rather, development of the Subject Property is likely to increase public safety by establishing a stable residential community and putting additional "eyes and ears" on the street.

ii. *The environment, relating to water supply, water pollution, soil erosion, and solid waste management (11 DCMR § 2516.10(a)(2))*

The new water and sanitary sewer systems for the Project will be constructed to DC Water standards and specifications, and the proposed storm drainage and stormwater management systems will be constructed in accordance with applicable standards and specifications.

iii. *Public education (11 DCMR § 2516.10(a)(3))*

The Subject Property is located within close proximity to a number of public schools. Given the long-term decline in student enrollment in the District's public school system, the Project is unlikely to impose an unreasonable burden on that system.

iv. *Recreation (11 DCMR § 2516.10(a)(4))*

The Subject Property is located in close proximity to a number of public recreation facilities. Most notably, the Subject Property is located directly adjacent to a proposed new public park, which will include community gathering spaces, a playground, basketball court, dog park, and a community garden.

v. *Parking, loading, and traffic (11 DCMR § 2516.10(a)(5))*

The Project complies with the off-street parking requirements of 11 DCMR § 2101.1 and will have no significant adverse impacts on traffic congestion in the surrounding area. The Project will provide 99 parking spaces in a garage under the senior building and apartment house, plus additional street parking on the new private street for the townhomes. Thus, no spillover parking is anticipated to occur on the surrounding streets. Moreover, given that the Applicant is incorporating a new private street, circulation in the surrounding area will be significantly improved.

As described in the Statement, the Applicant is requesting flexibility from the loading requirements of 11 DCMR § 2201.1 for the senior building and apartment house. However, the proposed loading facilities are appropriate for the type of residential development provided, and the requested flexibility is consistent with the Comprehensive Plan's recommendations to consolidate loading areas within new developments, minimize curb cuts on streets to the greatest extent possible, and provide shared loading spaces. As shown on the Plans, the Applicant proposes to provide shared loading facilities for the residential uses, which will limit the amount of space dedicated to loading and minimize the number and extent of curb cuts. Given the nature and size of the residential units, it is unlikely that residents will need a 55 foot berth to move in and out of the buildings.

vi. *Urban design (11 DCMR § 2516.10(a)(6))*

The Project has been carefully designed to complement the natural topography of the Subject Property and the architecture of the surrounding community. The Project will implement a number of best planning practices, including creating density within the Subject Property to establish a renewed neighborhood, incorporating a variety of building heights and residential unit types, introducing a new private street, and establishing new open green spaces that are adequately lit and easily surveyed. The proposed architecture is appropriately scaled to match the existing character of the surrounding neighborhood, and the buildings will be made of high quality materials that will blend well with the surrounding urban context.

vii. *As appropriate, historic preservation and visual impacts on adjacent parkland (11 DCMR § 2516.10(a)(7))*

Historic preservation is not applicable in this case since the site does not include any historic landmarks and is not within a historic district. However, the buildings that front the park are adequately separated such that no visual impacts will be created.

b. *Site Planning Considerations (11 DCMR § 2516.10(b))*

The new private street on the Subject Property is appropriately designed and located and will adequately accommodate the needs of the Project's residents. The site plan for the Project represents a creative response to the Subject Property's topographic constraints as well as the need for open green space in the neighborhood.

c. *Traffic Considerations (11 DCMR § 2516.10(c))*

As described above, the Project is anticipated to add minimal traffic to the existing neighborhood streets. Rather, the new private street will enhance circulation in the area by creating a new point of access between Irving Street and Columbia Road that will decrease traffic congestion and improve the experience for pedestrians and bicyclists. In addition, the proposed parking for the Project will adequately serve Project residents, such that on-street parking will not spill over onto adjacent streets within the neighborhood.

d. *Impact on Neighboring Properties (11 DCMR § 2516.10(d))*

The Project will not have any adverse impact on the use or enjoyment of neighboring properties. The Project is surrounded by a variety of residential developments, including row dwellings and larger apartment houses. The Project steps down in height where it is closest to existing low-scale residential row dwellings, and increases in height along the commercial corridor of Georgia Avenue. Thus, the Project will not have any significant impact on other properties in the surrounding area.

e. *Recommendations of District Agencies (11 DCMR § 2516.10(e))*

The Project will be reviewed by a variety of District agencies, including the Office of Planning and DDOT, and the Applicant will work with these Agencies throughout the PUD process to ensure that the Project complies with their findings, considerations, and recommendations.

9. Conditions Necessary to Protect the Overall Purpose and Intent of the Zoning Regulations (11 DCMR § 2516.11)

Section 2516.11 of the Zoning Regulations provides that “[t]he Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.” The Applicant does not believe that any additional conditions or safeguards are necessary to protect the overall purpose and intent of the Zoning Regulations in this case.

II. The Project is Consistent with Sections 3104.1

In addition to satisfying the specific requirements set forth in 11 DCMR § 2516, the requested flexibility will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps. *See* 11 DCMR § 3104.1.

The Project is consistent with each of the general purposes described in Section 6-641.02 of the D.C. Code and Section 101 of the Zoning Regulations, as well as the more specific purposes of the R-5-B and C-2-B Districts. As described in the Statement, the proposed zone districts are consistent with the Comprehensive Plan Future Land Use and Generalized Policy Maps’ designations for the Subject Property.

Moreover, the Project will have no adverse impacts on the use or enjoyment of neighboring property. The proposed new residential units will provide much needed new housing for District residents, including significant new affordable and replacement public housing units. The Project incorporates significant new green open spaces, new public infrastructure and amenities, and also includes a new north-south private street that will enhance circulation in the neighborhood. Thus, the proposed development for the Subject Property will not create any adverse impacts.