GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: May 29, 2003

SUBJECT: BZA Application No. 17023
Chadwick LLC (Danbury Street, SW)

APPLICATION-IN-BRIEF

The Applicant,Chadwick LLC is requesting:

1) Special Exception relief for the construction of 119 single family row dwellings in an R-5-A Zone (§353);
2) Special Exception relief to consider multiple buildings as a single building (§410.12);
3) A variance from the minimum lot area requirements (§401.5), and
4) A variance from the floor area ratio requirements (§402.4).

RECOMMENDATION-IN-BRIEF

The Office of Planning **recommends approval** of the Danbury Street housing project having met the standards for:

- Special Exception relief to construct 119 single-family row dwellings in an R-5-A zone District and to consider multiple buildings as a single building;
- Variance relief from the minimum lot area and floor area ratio requirements.

SITE AND AREA DESCRIPTION

The proposed 193,221 square-foot development sites occur in Squares 6201 and 6223 in the southwest quadrant of the District. The portion of the subject property in Square 6201 is a narrow 161,133.5 square-foot rectangular shaped lot, which is bounded by Martin Luther King Jr. Avenue on the west, South Capitol Street on the east, Danbury Street on the south and private properties abutting the rear or north of the lot. The site is improved with a series of three-story (with basement) garden apartment buildings, which are currently vacant. The lot in Square 6223 measures 32,087.5 square feet and is improved with three garden style apartment buildings. The sloping topography of the larger lot from west to east is highest at Martin Luther King Jr. Avenue and lowest at South Capitol Street. Both properties are zoned R-5-A and the surrounding area is a mix of single and semi-detached residential flats and low-rise multi-family housing units, typical of the R-5-A zone in this area of the District. The R-2 zone District abuts the R-5-A zone of both squares and these areas are developed with some

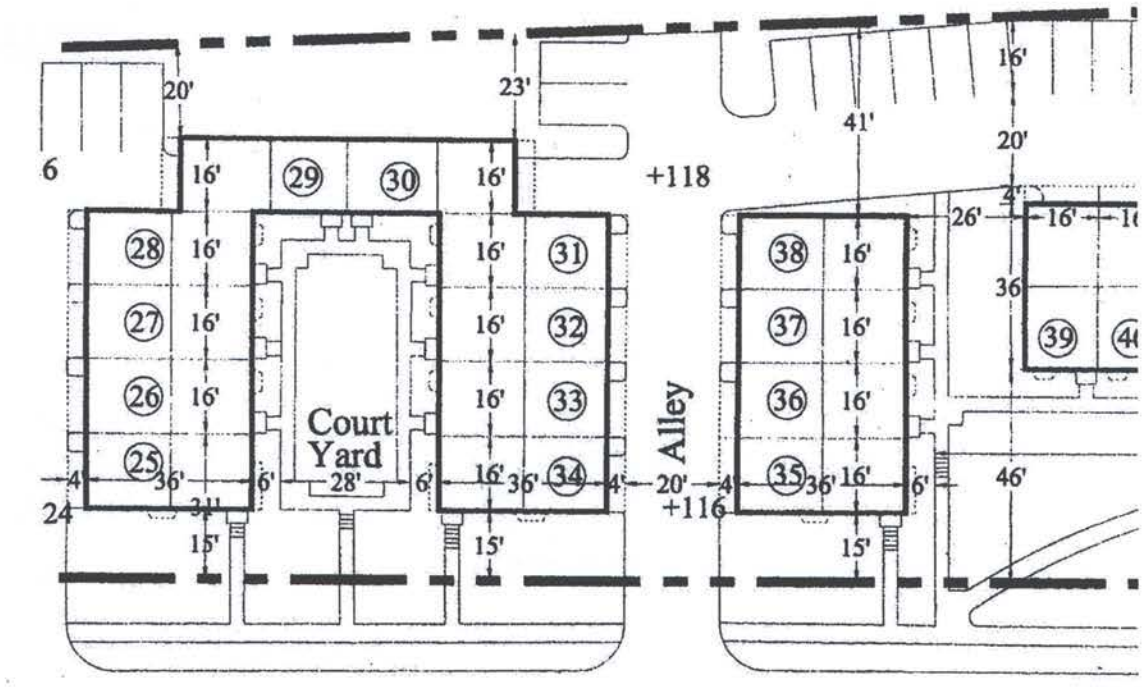
BZA
Case No. 17023
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17023
EXHIBIT NO. 29

single-family residential structures (Attachment 1). The immediate area has two elementary schools, including M.V Leckie Elementary located at the north of the Danbury Street /Martin Luther King, Jr. Avenue and Patterson Elementary to the south of Danbury Street at South Capitol Terrace. Danbury Street crosses South Capitol Street to the east and ends at Oxon Run Park. Other uses within the general area include the Fort Greble Community Center, the Hadley Memorial Hospital Complex, and the D.C. Police and Fire Training Academies. This project area is located in the Bellevue neighborhood.

PROJECT DESCRIPTION

The applicant is proposing to demolish the existing abandoned 169 apartment unit buildings and construct 119 single-family row house dwellings, which would be grouped and contained as separate buildings on individual lots. The submitted plan shows eleven lots of varying sizes, each with a group of row houses, which are to be considered as single buildings pursuant to the requirements of §410.12. The row homes will vary in size and measure between 576 square feet for 16 foot-wide homes and 504 square feet for those at 14 feet in width. The homes are designed with three stories, some including walkout basement with garage. In standard units, garages are included in the ground floor plan. Each of the single buildings will be separated by 20 foot-wide alleys to allow for vehicular access to residents' garages, trash pick-up or access to parking areas at the rear of the lots. All buildings will be set back 15 feet from the street as required by the building restriction line on the property. Each building proposed as a single building will contain a 28 foot-wide U-shaped courtyard area, which will be maintained as landscaped garden areas for residents.



Section of Danbury Street Townhomes

Figure 1

ZONING REQUIREMENTS and ANALYSIS

Pursuant to § 3104.1, the applicant is requesting a Special Exception under 11 DCMR § 353, to construct a new residential development that is not one-family detached or semi-detached dwellings, in an R-5-A zone. The application also has to satisfy the tests of §410 for consideration of the groups of single-family dwellings to be deemed a single building. A variance from §401.3 pertaining to the minimum floor area ratio and the lot area is also requested.

The above-mentioned sections are reviewed as follows:
SECTION 353 specifies the following:

353 NEW RESIDENTIAL DEVELOPMENTS (R-5-A)

353.1 **In R-5-A districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment in accordance with the standards and requirements set forth in §410; the conditions specified in §3108 of chapter 31 of this title, and the requirements of this section.**

353.2 **The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.**

OP referred the application to D.C. Public Schools (DCPS) for comments on the impact of the proposed development on the public school system. To date OP has not received DCPS's analysis about the proposed development. However, some information was provided concerning the current capacity and utilization of the existing schools in the immediate area. Based on assumptions by DCPS that each household will have at least two school-aged children, the closest elementary schools (M.V.Leckie and Patterson Elementary) are currently and projected to be at capacity. Patterson Elementary is currently under renovation and no information concerning its projected capacity beyond 2004 was provided. However, other elementary schools within a five-mile radius including Ferebee-Hope, Simon, and Hendley Elementary schools are not expected to achieve full utilization by 2004.

OP does note that the garden style apartments held 169 residential units that were served by the DCPS and this project proposes 119 units.

Table 1 - School Capacity (Current and Projected - DCPS)

School	10/08/2002 2002-03 Enrollment	Projected 2003-04 Enrollment	Capacity	2002-03 Surplus/Deficit	2003-04 Surplus/Deficit	2002-03 % utilization	2003-04 % utilization
Birney	529	499	590	61	91	89.66%	84.58%
Draper	312	285	364	52	79	85.71%	78.30%
Ferebee-Hope	314	315	512	198	197	61.33%	61.52%
Green	411	401	466	55	65	88.20%	86.05%
Hendley	405	379	564	159	185	71.81%	67.20%
King, M.L.	464	462	774	310	312	59.95%	59.69%
Leckie	377	359	386	9	27	97.67%	93.01%
Malcolm X	562	458	598	36	140	93.98%	76.59%
McGogney	434	403	454	20	51	95.59%	88.77%
Moten	348	329	370	22	41	94.05%	88.92%
Moten Center	87	95	100	13	5	87.00%	95.00%
Patterson @PR Harris	324	316	316	-8	0	102.53%	100.00%
Savoy	385	381	402	17	21	95.77%	94.78%
Simon	406	377	506	100	129	80.24%	74.51%
Terrell, MC	247	233	366	119	133	67.49%	63.66%
Turner	513	477	520	7	43	98.65%	91.73%
Wilkinson	508	499	486	-22	-13	104.53%	102.67%
	6626	**6268**	**7774**	**1148**	**1506**	**85.23%**	**80.63%**
Johnson JHS	646	737	760	114	23	85.00%	96.97%
Harris, PR	917	992	1142	225	150	80.30%	86.87%
Hart MS	578	593	902	324	309	64.08%	65.74%
	2141	**2322**	**2804**	**663**	**482**	**76.36%**	**82.81%**
Ballou HS	964	986	1307	343	321	73.76%	75.44%
Ballou Stay	538	465					
Total	8767	8590	10578	1811	1988	82.88%	81.21%

The main high school in this Ward (Ballou HS) is currently under capacity. OP cannot predict distribution of attendance at these neighborhood schools beyond information provided in the above table, since there is no basis for assumptions concerning the number of children per household or the age ranges of children who would actually reside in the neighborhood or the percentage of children who may attend private and public schools.

353.3 **The Board shall refer the application to the D.C. Departments of Public Works and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.**

The Office of Zoning forwarded the application to the above-mentioned departments. The applicant reports that the Department of Housing and Community Development registered no objection to the project but is negotiating the number of affordable units and the workforce development

issues arising from this project. The applicant assured OP that DHCD would be contacted for written comments. OP has not received comments from the Department of Public Works (DPW) concerning this application. OP was concerned about the trash pick-up on the site. However, based on discussion with the District Department of Transportation regarding residential developments in the city, OP was informed that the minimum width of an alley is 20 feet, which is sufficient for truck ingress and egress. OP believes the project to be worthwhile in light of the current development initiatives projected by the District for this area and in conformance with aspects of the Ward 8 elements of the Comprehensive Plan, as described later in the report.

353.4 **The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking; recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood.**

Site Plan Review

OP is satisfied that the applicant considered light and air access to the units. Existing site plans include windows to allow residents the benefits of sufficient light and air to their residences. In addition, the presence of bay windows on end units creates defensible space in areas not easily visible by residents, including parking areas to the sides and rear of buildings. The 28-foot wide landscaped courtyard area located at the front entrances of the units would provide adequate, light, air and open space for residents of each building group, including units facing each other.

Traffic

OP and the applicant contacted DDOT regarding the impact of the development on neighborhood traffic patterns. At the time of this report, OP had not received DDOT's comments on the proposed project. The applicant submitted its traffic study to OP and DDOT. The report determined that the homes will be "supported by two hundred and four (204) off-street parking spaces..." OP's site plan review concluded that the applicant has met its required 1:1 parking for residential units in the R-5-A residential zone district by the provision of covered garages, with approximately 54 guest and over-flow spaces available on-site.

OP observed no posted parking restrictions on Danbury Street. The District's Functional Classification of Streets classifies Danbury Street as a Local Street. While there were no posted vehicular speed limits, the traffic study statea that 25MPH is standard for local streets.

It is important that the development not impede the free-flow of traffic. The site plan indicates at least 8 alleys, which allow for entrance to and exit from each building group. However, there is no through access from end to end among the buildings in Part I of the project, since the parking areas to the rear are separated by common areas which may be landscaped or used as tot lots or

recreational areas for tenants. Several bus routes along Martin Luther King Jr. Avenue and South Capitol Street serve the immediate area. The applicant's traffic study concluded that the proposed development should not result in objectionable conditions arising from traffic, access, circulation and parking.

Recreation

While no specific recreation area was designated on-site, the project is located within walking distance of the Oxon Run Park, as well as the Fort Greble Community Center. Patterson Elementary is also being remodeled and upgraded with improved facilities, which may be made available for public use. OP is satisfied that in this instance, this project would be well served by existing neighborhood features.

Grading

The General Soils Map provided by the District of Columbia's Environmental Health Department indicates that the general soil type in this area is classified as Urban Land-Christiana-Sunnyside; characteristic of urban land with deep, nearly level to steep, well drained soils that are underlain by unstable clayey sediment. The Department's Erosion Control Principles outline erosion and sediment control measures. Slopes flatter than 3:1 may require the application of critical area stabilization depending on soil characteristics. The applicant informed OP that some retaining walls at the rear of the buildings in Part I would be included in the grading plans. The Department of Health informed OP that they would review the proposal as part of the building permit phase, which is initiated after BZA approval. In addition, if proposed on-site parking lots are over 5,000 square feet, the applicant must follow the Health Department guidelines for storm water management on site.

Landscaping

The applicant submitted a conceptual landscape plan. However, OP requests a landscaping detail from the applicants, including the number and types of trees and when they will be planted, and well as ground cover. OP observed that the site is located on hilly terrain with Danbury Street being a canopied tree-lined street. OP recommends that the applicant protect the off-site trees during construction to ensure the viability of the trees in the future.

353.5 **In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.**

The Office of Zoning informed OP that the applicant submitted twenty sets (20) of plans, including floor plans, elevations, grading and landscaping plans, to the Board on April 21st, 2003.

SECTION 410:

410 EXCEPTIONS **FOR R-5 DISTRICTS**

410.1 In an R-5 district, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; Provided, that the requirements of §§410.2 through 410.11 shall be met.

410.2 All buildings in the group of buildings shall be erected simultaneously.

According to the proposal presented to OP, all the buildings will be erected at the same time.

410.3 All front entrances of the group shall abut a street, front yard, or front court

All front entrances abut a street or front court.

410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.

The proposed design shows rear entrances as garage entrances, which are accessed from side and rear alleys and do not abut a street, front yard or front court.

410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

According to the site plan, there are no exterior staircases.

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

- **(a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;**
- **(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street: and**
- **(c) There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.**

Based on the submitted plans, OP observed that there would be adequate unobstructed access to the adjacent streets from each of the dwellings. The design allows access to and from each dwelling via paved walkways for pedestrians and via paved alleys for motorists.

The Fire Department has indicated no objection to the proposal. The applicant has assured OP that the development will meet the District's standards that are designed to ensure adequate access for fire protection and other purposes. As previously discussed under §353.4, OP believes the proposed design provides adequate yards, courts, light and air for each dwelling.

410.7 The height of an individual building in a group of buildings may be measured as follows:

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.

The permitted height of buildings in an R-5-A zone is 40 feet. According to the submitted site plans, the buildings are three-stories and approximately 30 feet high. All buildings on the lots front a public street.

410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

Since the buildings are defined as single buildings per §§ 410.1 and 410.12, and the submitted design shows the front entrances of more than four (4) one-family dwellings face the streets abutting the lot, the proposal does not meet this criterion. However, this requirement may be waived by the Board, pursuant to §410.12, since the design meets the requirements of §§410.4 and 410.5.

410.9 All front entrances of the group shall abut a street, front yard, or front court; Provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.

The front entrances of each group of buildings in Part I, which faces Danbury Street, abut a 28-feet wide front court area. The building unit at the eastern-most lot face South Capitol Street and all front entrances of this building abut South Capitol Street. Front entrances for the western lot abut Martin Luther King Avenue and front entrances for Part II of the development abut Danbury Street.

410.10 No rear or service entrance shall abut a street, front yard, or front court, unless located below the main floor.

No rear entrances abut a street, front yard, or front court.

410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.

There are no exterior stairways in this design; therefore, this provision is not applicable.

410.12 In the R-5-A and R-4 districts, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.1 through 410.11, subject to the following conditions:

(a) The provisions of §§410.4 and 410.5 shall be complied with; and

(b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

OP concludes that the proposal complies with the provisions of §§410.4 and 410.5. The proposed development will replace a group of old abandoned apartment buildings. Single-family homes with on-site parking are proposed that were not original to the site. The architectural design is typical of row-style dwellings and is compatible with some of the recent redevelopment in this area of the District. The redevelopment of the site will contribute to and continue the revitalization of this neighborhood.

VARIANCE RELIEF

The applicant is also requesting variance relief from the floor area ratio and the minimum lot area provisions, pursuant to §3103 by demonstrating:

1) The subject property is subject to an extraordinary or special condition;
2) That a strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty for the applicant; and
3) The relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zone Plan.

Section	Item	Required	Provided	Deviation
401.5	Lot Area	214,200	193,221	-9.79%
402.4	Floor Area Ratio	0.9	1.06	+0.16 or 18%

The subject property is subject to an extraordinary or special condition
The applicant contends that the subject property is unusually proportioned as a long and shallow lot with a varying width of 100 feet at the west and 150 feet at the eastern end of the main lot in Part I. The lot is approximately 1,300 feet long. The topography of the lot is also a factor contributing to the special condition of the lot, with the highest gradient to the west at 146 feet, to the lowest at 62 feet at the eastern end of the lot. In addition, the existence of a 15-feet building restriction line limits the buildable depth of the site by 10%. OP's observation of the site concurs with the applicant's position that the site is extraordinary due to its' shallowness, narrow depth and steep gradient.

A strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulty for the applicant
Based on the extraordinary condition of the site, the applicant's proposed site plan would not conform to the bulk requirements of the Zoning Regulations for this zone, if strictly interpreted. Firstly, the maximum floor area ratio for any structure in the R-5-A zone is 0.9, which represents a total buildable area of 173,899 square feet of gross floor area for the entire project site. §401.5 determines that each row dwelling in an R-5-A zone District should have at least 1,800 square feet of gross land area, exclusive of any land area in the project used as a basis for determining the floor area ratio of multi-family buildings. As proposed, each unit occupies a building footprint of approximately 576 square feet for larger units (16 feet wide) and 504 square feet for the 14-feet wide units. The size of the units were deemed adequate to maintain other bulk and setback requirements prescribed by the zone regulations, including the lot occupancy, depth of rear yard, court yard dimensions, as well as the dimensions of other site amenities such as alley widths, and on-site parking spaces. OP believes the variance request is minimal at 9.79% for the entire project involving Squares 6021 and 6223, since other requirements have been met. There is no objection to the applicant maximizing the use of the property, given the shallow width of the property and at least 10 percent of the buildable area was lost due to the 15 feet building restriction line.

The applicant would have to significantly alter the design to accommodate 1:1 on-site parking if enclosed garage spaces were precluded from the design. §402.5 allows parking areas within a building to be excluded from FAR, if not more than 50% of the perimeter of the space is enclosed. Part of the FAR variance results from the enclosure of the parking spaces as garages. Open parking would result in inefficient energy consumption for the residences. Further, existing site improvements do not supply 1:1 parking on-site for the 169 units. Given the site's capacity as previously described, the same number of housing units could not be constructed with the provision of 1:1 on-site parking. The extra 0.16 FAR is required to allow 100 percent coverage of the proposed garages.

Given the gradient and poor soil that exists on the site, construction of underground parking is prohibitive, creating a practical difficulty for the applicant.

The relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zone Plan
OP concurs that the relief can be granted without substantial detriment to the public good, and without substantially impairing the intent, purpose, and integrity of the Zone Plan. The R-5-A

zone anticipates a variety of housing including " a group of one-family dwellings (§410.1). The variances allow the one-family dwellings. §401.5 would require at least 181,800 square feet of gross floor area for the 101 units of Part I. If all units were to meet the 1,800 gross square feet standard then only 80 units could be built at a higher rate than can be supported by current market conditions for the area. This is detrimental to the public good, since it would not allow the units to be constructed at affordable market rate, which is a policy initiative for affordable housing in this area of the District.

The proposed design represents an improvement to the site with respect to parking, as 1:1 on-site parking is provided, with additional parking for visitors on and off-site, unlike what currently exists. OP believes that the increase in the FAR from 0.9 to 1.06 results from an attempt to meet other zone requirements, such as parking, as well as to provide efficient residential heating and insulation.

OP believes that the applicant has attempted to create a design that required minimum relief from the regulations, and as such avoided any impairment to the intent and purpose of the Zone Plan and Regulations.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The District of Columbia Generalized Land Use Map designates the squares for Medium Density Housing. The provision of new housing at this site is entirely consistent with objectives of the Ward 8 element of the Comprehensive Plan. Section 1909.1 (b) encourages the "rehabilitation of abandoned ...apartment buildings within Ward 8 or replace them with new and more appropriate residential uses..." Danbury Street between South Capitol Street and Martin Luther King, Jr. Avenue is specifically mentioned in §1909.1(b)(1) as one location of blighted and abandoned apartments to be replaced.

The Land Use section of the Ward 8 Plan encourages the replacement of blighted unused or abandoned residential properties and the change in the ward's housing mix to include a greater amount and proportion of single-family housing. (§1928.14) The Ward 8 Plan specifically calls for encouragement of single-family housing (§1930.1(a)(2)).

The Ward 8 Element supports the R-5-A review guidelines, as it relates to protection of the highly erodible soils and steep slopes in the Ward, including the objectives for Environmental Protection as follows:

1911.1 The objectives for environmental protection:

(a) Protect the overall environmental quality of the District's land areas by preventing further soil erosion, promoting the restoration of eroded areas and enforcing prohibitions against illegal dumping and other destructive practices;

The proposal does not indicate any severe grading changes to the site. The intended locations of the new buildings do not vary significantly from locations of the previous buildings. Site visits by OP did not indicate any appreciable erosion in its present state. As previously stated in reference to § 353.4, the applicant must comply with the Department of Health's Soil Erosion guidelines at the building permit phase.

The submitted proposal is consistent with the goals and policies of the Ward 8 element of the Comprehensive Plan.

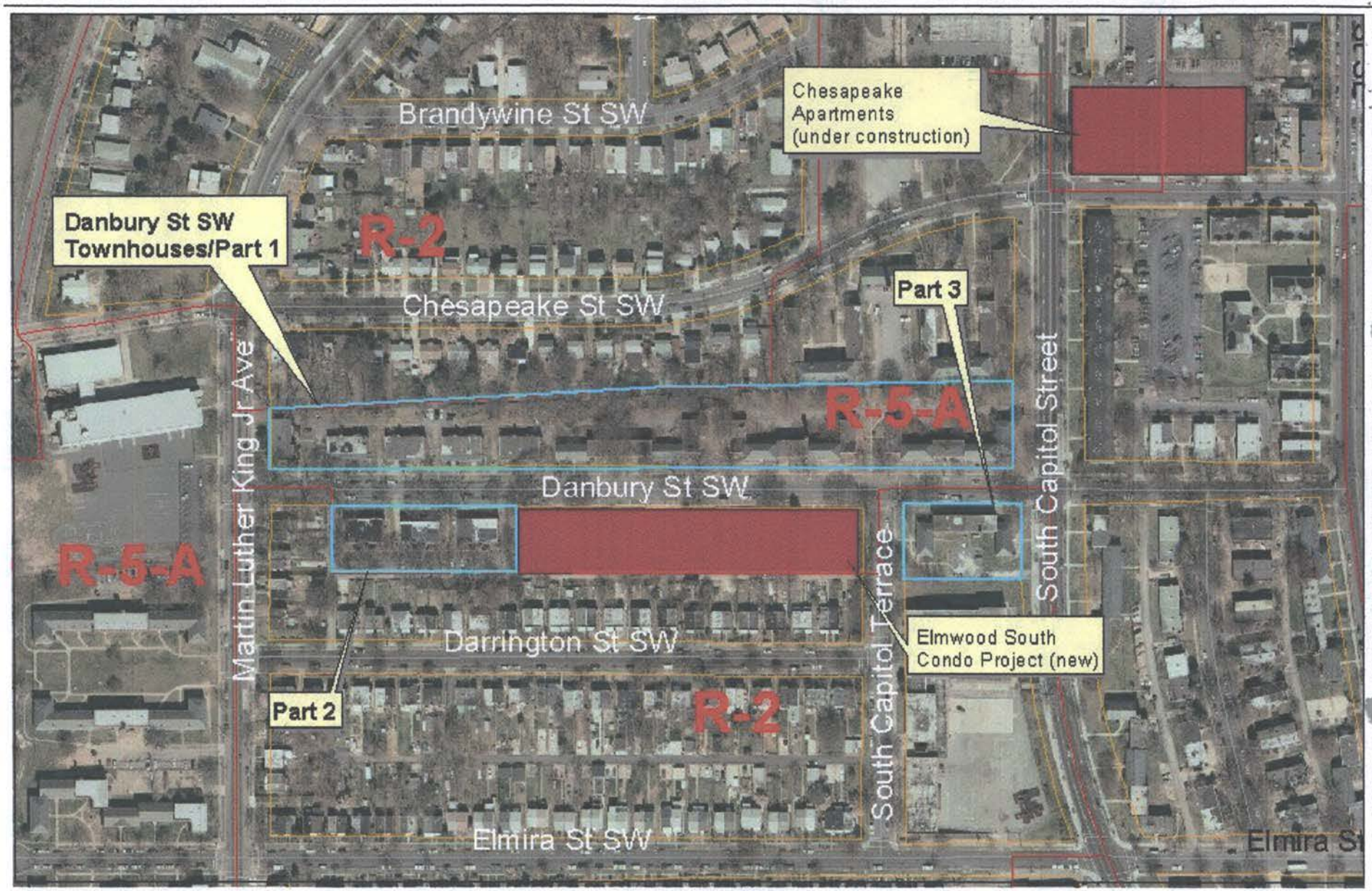
COMMUNITY COMMENTS

The applicant has indicated that ANC 8D reviewed the proposal but no vote on the project was recorded at the time of this report. The proposal was also presented at other community meetings.

OP SUMMARY RECOMMENDATION

OP believes that the application meets the intent of the Zoning Regulations and Map, and compliments Ward 8's Comprehensive Plan elements for the environment and urban design. The proposed development would not adversely affect the use of the neighboring properties, within the context of the Zoning Regulations or Map. The development would act as a catalyst for improvement of the neighboring property's surroundings, by ridding the site of trash and the current visual blight of abandoned and boarded up apartment dwellings. The project would enhance the present character and future development of the neighborhood.

OP recommends **APPROVAL** of the proposal to develop 119 row dwellings in Squares 6021 and 6023 as being in conformance with the requirements of §353, as well as the request for variance relief from the floor area ratio requirements of §402.4 and the minimum lot area requirements §401.5.



Board of Zoning Adjustment

Application No. #17023

DC Office of Planning

April 24, 2013

Feature Key

- Zoning Boundaries
- Zoning Leader Lines
- Street Centerlines

Scale 1:4000

100 0 100 200 300 Feet