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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 11, 2014

SUBJECT: **BZA Case 18731** – special exception and variance relief requested for additions proposed to the existing apartment buildings on properties located at 1301-05 Savannah Street, 3232-3242 13th Street and 3310-3318 13th Street SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval of** the following relief for the properties listed (refer to Figure 1):

- Building 1 at 3232-3242 13th Street SE (Square 5914 lot 1): special exception from § 353.1 (to expand a multiple dwelling in an R-5-A District); and variance relief from § 2001.3 (extending a nonconforming parking lot); § 2101.1 (60 parking spaces are required, 32 spaces are proposed); § 2102.1 (a loading berth 55-feet deep, 200 square-foot loading platform and service/delivery space 20-feet deep required; a loading berth 30-feet deep, 180-square foot loading platform with 20 x 20-foot service/delivery “bay” is proposed); and
- Building 3 at 3310-3318 13th Street SE (Square 5915 lot 2): a special exception from § 353.1 (to expand a multiple dwelling) and variance relief from § 2117.5 (a two-way drive aisle width of 20 feet is required, a width as narrow as 16 feet is proposed).

Variances originally requested from § 406.1 (court width) and § 2102.1 (a service/delivery space 20-feet deep required, 20 x 20-foot space was proposed) were withdrawn because the relief was not necessary. OP also recommends that the Board of Zoning Adjustment (BZA) adopt the traffic demand management (TDM) measure referenced in the applicant’s transportation impact study as conditions of approval for both

Figure 1



BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18731

EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 18731
EXHIBIT NO. 27



3232-3242 13th Street and 3310-3318 13th Street SE

OP **cannot support** the additional relief requested from § 400 1 (a maximum height of 40 feet and 3 stories is allowed, 35 feet and four stories is proposed) Although OP is not opposed in concept, the applicant has not provided sufficient justification As of this date the requested additional rational has not been received The applicant also advised that they are having additional conversations with the Zoning Administrator, as they feel their proposal could be considered a three-story building under the current Zoning Regulations, not requiring this relief

Although 1301-1305 Savannah Street SE (Square 5914 lot 1) was included with this application, no zoning relief is required for renovations planned on this property

Initially OP inquired of the Zoning Administrator whether this single zoning application, which covered three separate lots requiring different types and degrees of zoning relief, should actually be three separate applications (one for each lot) No formal response to that inquiry has been received

II. LOCATION AND SITE DESCRIPTION:

Address	3232-3242 13th Street, 1301-1305 Savannah Street and 3310-3318 13th Street SE
Legal Description:	Square 5914, lot 001 and Square 5915 lots 0001 and 0002
Ward:	8E
Lot Characteristics	• Square 5914 lot 001(3232-3242 13th Street SE) is a corner lot generally shaped like a parallelogram with street frontages along Savanna Street to the south, 13th Street to the west and no alley frontage (refer to top lot in Figure 1) An east-west building restriction line extends across the 50,782 square-foot (1 17-acre) lot a distance of 15 feet from the Savannah Street right-of-way Vehicles access the property via an existing curb cut along the same street • Square 5915 lots 0001 (1301-1305 Savannah Street SE) is a corner lot immediate south and across the street from the property above It is also bounded by 13th Street to the west and a public alley 20 feet wide along the eastern property boundary that extends south from Savannah Street An east-west building restriction line extends across the property a distance of 15 feet back from the street right-of-way Although there is an adjacent alley, an existing curb cut in the northeast corner of the property provides vehicular access from Savannah Street onto this property and to the adjacent lot to the south • Square 5915 lot 0002 (3310-3318 13th Street SE) is the abutting interior lot to the south It is generally rectangular in shape with 38,956 square-feet (0.09-acre) and frontages along 13th Street and the same north-south alley Vehicles access this property from the curb cut referenced-above along Savannah Street and the adjacent property and another curb cut in the southwest corner of the property along 13th Street
Zoning	R-5-A – multiple dwellings are allowed with special exception approval in accordance with § 353 1

Existing Development	According to DC land records and the application 3232-3242 13th Street SE is developed with a 2-3 story masonry building with 60 apartments (hereafter referred to as Building 1) and an 18-space parking lot
	- Across the street, 1301-1305 Savannah Street SE is developed with a 2-story masonry building with 8 apartments (hereafter referred to a Building 2) and no onsite parking - The abutting property to the south at 3310-3318 13th Street SE is developed with another 2-3 story masonry building with 42 apartments (Building 3) and a 23-space parking lot Apartment Certificates of Occupancy (CO) were issued to Savannah Apartments, Inc , for the buildings at 1301-1305 Savannah Street SE and 3310-3318 13th Street SE in 1947. No CO is on file for the building at 3232-3242 13th Street SE
Historic District	None
Adjacent Properties	Predominantly three-story apartment buildings on the abutting properties to the north and south; The Malcolm X Recreation Center and three-story apartment buildings to the east on the north and south sides of Savannah Street, respectively, and two-story semi-detached dwellings across 13th Street SE on both sides of streets that extend further west

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Savannah Street Associates, owner of record
Proposal:	Horizon Hill Ventures, contract purchaser of the three lots, plans extensive renovation of Buildings 1, 2, and 3, third-floor additions to Buildings 1 and 3, increased onsite parking around both these buildings and new loading facilities around Building 1. Additions to Buildings 1 and 3 would consist of 2-story “duplex” units (flats) that would increase the unit counts in Building 1 by 29 units from 31 to 60, and in Building 3 by 16 units from 26 to 42 units. The 8 apartments in Building 2 would remain unchanged, resulting in a total overall increase on all three lots from 65 to 110 apartments. The subject properties are located in an R-5-A District. All three apartment buildings appear to predate the current Zoning Regulations making them legally nonconforming. However, the proposed additions to Buildings 1 and 3 that would increase the unit count require special exception approval in accordance with § 353.1 in this district. In addition Variance relief was requested from § 406.1 because it was thought the existing open court on the rear façade of Building 1 would become nonconforming (although the proposed addition would require a minimum width of 11 ft 7 in , the existing width was thought to be 8 ft 7 in)

	• The increase to 60 apartments (i.e., greater than 50 units) would trigger the requirement under § 2201.1 for a 55-foot loading berth, 200 square-foot loading berth and a 20-foot deep service/delivery space on this property. The application indicated only a 30-foot loading berth and 160 square-foot loading platform were originally • Variance relief from the § 2101.1 (60 spaces required for the proposed 60 apartments in Building 1, 32 spaces are proposed) • Variance relief from § 2117.5 (a width of 20 feet is required for a two-way drive aisle, widths as narrow as 16-18 feet are proposed behind Building 3) Variance relief was also requested from § 2001.3 to extend the referenced nonconforming open court on Building 1 to the upper floors and expand the nonconforming parking lot that would still not provide the required parking The Pre-Hearing Statement and Amended Application dated March 4, 2014, added variance relief from § 400.1. The Zoning Administrator noted that <i>the proposed third floor flats would create a four-story building</i> which would exceed the three stories allowed in this zone.¹ The applicant also introduced an economic basis to explain the need for this relief, but OP requested additional information and documentation to support this claim Plans in the original submission showed a 20 x 20 service delivery/space behind Building 1 which would eliminate the relief requested in the application.² Although plans submitted in the Pre-hearing Statement no longer show this this loading/delivery “bay” at the end of the drive aisle, the applicant indicated it was eliminated in error. The applicant also confirmed that: • The existing open court on Building 1 would <i>not</i> be made nonconforming by the proposed addition. • No zoning relief would be required for the Building 2 renovation as proposed
Relief Sought	• <u>Building 1</u> special exception from § 353.1 (multiple dwellings in an R-5-A District), and variance relief from § 400.1 (allowable building height in stories), § 2001.3 (extending existing nonconformities), § 2101.1 (required parking) and § 2102.1 (loading) • <u>Building 3</u> special exception from § 353.1 (multiple dwellings), and variance relief from § 400.1 (allowable building height in stories) and § 2117.5 (drive aisle width)

¹ The applicant does not agree with this interpretation

² Refer to Overall Proposed Parking Plan and Parking Plan Building 1 in the application (sheets C3.00 and C3.01)

IV. ZONING REQUIREMENTS

R-5-A District	Regulation	BUILDING 1 – 3232-3242 13 th Street SE			BUILDING 2 – 1301-1305 Savannah Street SE			BUILDING 3 – 3310-3318 13 th Street SE		
		Existing	Planned	Relief?	Existing	Planned	Relief?	Existing	Planned	Relief?
Height (ft) § 400 1	40 ft max , 3 floors	27 ft., 2-3 floors	35 ft., 4 floors ³	Yes	19 ft , 2 stories ⁴	SAME	No	35 ft., 2-3 floors	35 ft., 4 floors ⁵	Yes
Lot Area § 401 3	None Prescribed	50,782 s f	SAME	No	17,425 s f	SAME	No	38,956 s f	SAME	No
Unit Count	--	31	60	--	8	8	--	26	42	--
Floor Area Ratio § 402 4	0 9	Unknown	0 87	No	0 53	SAME	No	86	86	No
Lot Occupancy § 403.2	40%	23%	SAME	No	23%	27%	No	23%	23%	No
Rear Yard § 404 1	20 ft min	42 8 ft	SAME	No	26 7 ft.	SAME	No	41 3 ft.	SAME	No
Side Yard § 405 9	3 in /vert ft , 8 ft min	17 8 ft	SAME (11 7 ft min)	No	13 3 ft	SAME (8 ft min)	No	31 8 ft	SAME (10 5 ft min.)	No
Open Court § 406 1	4 in /vert ft , 10 ft min width	8 6 ft (11 7 ft required)	SAME	Yes	N/A	N/A	No	N/A	N/A	No
Parking (vehicle) § 2101 1	1 space / unit	18 spaces	32 spaces (60 spaces required)	Yes	8	0	No	23 spaces	44 spaces (42 required)	No
Parking (bicycle) § 2119 2	1/3 dwellings (long term), 1/20 dwellings (short term)	None	20/8 (20/3 required)	No	None	8/0 (3/0)	No	None	16/8 (14/3)	No
Loading § 2201 1	1-55 ft. berth, 1-200 s f platform	None	1-30 ft berth, 1-150 s f platform	Yes	N/A	N/A	No	N/A	N/A	No
Green Area Ratio § 3401.2	0 40	0 87	SAME	No	0 56	SAME	No	0 42	0 42	No

Based on the information submitted, the relief requested appears to be what is required in this case

V. OP ANALYSIS:

Special exception in accordance with § 353 1 (expansion of apartment Buildings 1 and 3)

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 as special exceptions under § 3104 in accordance with the standards and requirements in this section

³ Dimension from mean grade to 4th floor ceiling height on the submitted Building 1 elevation (sheet A2 01)

⁴ Height dimension indicated on the submitted Code Analysis plan sheet (sheet G0 010)

⁵ Dimension from mean grade to 4th floor ceiling height shown on submitted Building 3 elevation (sheet A2 01)

⁶ These bicycle parking standards are pending approval as part of the Zoning Regulations Review (ZRR)

- 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*

The subject properties are proximate to the Malcolm X Elementary School (on the same Square 5914), Charles Hart Middle School and Ballou Senior High School. Although the proposed renovation would *increase* the total number of dwelling units, the overall number of two- and three-bedroom units would be *lower* which is anticipated to reduce the potential number of school-aged children that would reside on these properties. Based on this information, and pending comments from the Office of the State Board of Education, this proposal is not expected to negatively impact the capacity of public schools in the area.

- 353 3 *The Board shall refer the application to the D C Departments of Transportation 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*

Any comments from these agencies shall be provided under separate cover

- 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, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood*

The existing building footprints would remain substantially the same which would preserve the existing open space within the courtyards of Buildings 1 and 3, and continue significant setbacks that exist from the property boundaries. The proposal would exceed the current minimum green area ratio standard and add modest landscape improvements while increasing the available onsite parking. Based on the submitted plans, the proposed changes would not be detrimental to the surrounding neighborhood.

- 353 5 *In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) 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*

Required plans have been submitted to the case record file

Variances from §§ 2101.1, 2001.3 and 2201.1 (nonconforming parking and loading for Building 1).

- **Uniqueness Resulting in a Practical Difficulty**

The application essentially stated that the uniqueness in this case involves the size and shape of the property, building configuration and the building restriction line along the Savannah Street frontage. The “u”-shaped building occupies the majority of the site leaving only the side and rear yards for parking facilities. The building restriction line along the Savannah Street frontage eliminates the possible use of the southern side yard for parking and loading, and angled northern property boundary limits the opportunity for additional parking spaces and loading facilities of the required dimensions north of the building. Based on current District Department of Transportation policies, securing an additional curb cut along 13th Street to allow parking to be located in the open court along that frontage is not an option.

Based on the submitted plans, OP concurs that the identified property limitations present a practical difficulty to providing the required additional parking and larger loading facilities onsite. These limitations also result in the proposed parking lot expansion *not* conforming to the minimum parking required under this proposal.

- **No Substantial Detriment to the Public Good**

The Pre-Hearing Statement and Amended Application included a traffic impact study of this proposal dated February 25, 2014. It concluded the requested parking and loading variances would not cause any adverse impacts on-or-off site. The study indicated applicant agreement to provide the transportation demand management (TDM) measures outlined in the 2010 District Department of Transportation (DDOT) "Incorporation of Transportation Demand Management into the Development Review Process" report for developments generating 50 vehicle trips /day or less. These measures include the following:

- During construction, maintain or coordinate relocation of any existing bus stops at the developer's expense,
- Comply with zoning requirements to provide bicycle parking/storage facilities,
- Require all parking costs be unbundled from the cost of lease or purchase (set at no less than the charges of the lowest fee garage, located within ¼ mile), and
- Post all TDM commitments on-line, publicize availability, and allow the public to see what commitments have been promised

This proposal would not only *supplement* onsite parking than currently exists around Buildings 1 and 2, but *provide more* than the bicycle parking required on all three properties (refer to the Zoning Requirements table above). In addition, the subject properties continue to have immediate access to Washington Metropolitan Transit Authority (WMATA) routes along 13th Street (refer to Exhibit 1) and Alabama Avenue NE, and be approximately one-block from the Congress Height Metro rail station.

Therefore, it does not appear that granting the requested parking relief would negatively impact the surrounding neighborhood. It also appears that loading facilities larger than the proposed 30-foot loading berth and 160-square foot loading platform would not function effectively within the proposed drive aisle and parking configuration, based on the submitted plans.

- **No Substantial Harm to the Zoning Regulations**

Given these unique circumstances, proposed TDM measures, available public transit options and pending comments from the DDOT, granting the requested parking and loading relief would not be contrary to the intent and integrity of the Zoning Regulations. Adoption of the referenced TDM measures as conditions of approval is also recommended.

Variance from § 400 1 (increase the allowable height from 3 stories to 4 for Buildings 1 and 3)

- **Uniqueness Resulting in a Practical Difficulty**

The applicant desires to change the unit-mix in these two buildings in response to the current housing market. One bedroom units that existed in Buildings 1 and 3 prior to the 1980's were replaced with 2-3 bedroom units. The plan is to re-introduce one-bedroom units in two-story flats; however, the Zoning Administrator determined this would result in four-story buildings that would exceed the maximum three floors allowed in this zone.

OP notes the applicant has the option to pursue the same design solution at the *second floor* level. The resulting *three-story* apartment building would not be inconsistent with § 400 1. In light of this option, the referenced requirement does not present a practical difficulty.

- **No Substantial Detriment to the Public Good**

Since the proposed two-floor addition would not exceed the maximum allowable height of 40 feet, it does not appear this proposal would be detrimental to the public good.

- **No Substantial Harm to the Zoning Regulations**

Since the practical difficulty has not been sufficiently established, granting the requested height variance *would be* contrary to the intent and integrity of the Zoning Regulations

Variance from § 2117 5 (two-way drive aisle width for Building 3)

- **Uniqueness Resulting in a Practical Difficulty**

The size and shape of the property, the footprint of Building 3 and the location of existing driveways and curb cuts, restrict where parking can be located onsite. While adequate parking is provided under this proposal, the required 20-foot dimension for the two-way drive aisle is not maintained throughout the site. In fact, the aisle dimension narrows to 16 feet in one spot. The applicant is therefore faced with meeting conflicting parking and aisle width requirements which does present practical difficulty.

- **No Substantial Detriment to the Public Good**

The traffic impact study concluded this relief would not cause any adverse impacts on or off site. Changes in the travel aisle width would also be less of a concern for residents of this property because they would become familiar and learn to work with the width variations.

- **No Substantial Harm to the Zoning Regulations**

Based on this analysis, the requested reduction in the minimum width along some sections of drive aisle would not be contrary to the intent and integrity of the Zoning Regulations.

VI. COMMUNITY COMMENTS

So far, Advisory Neighborhood Commission (ANC) 8E has been unable to discuss this proposal at a regularly scheduled meeting because of the weather.

Attachment. Exhibit 1 Building 1 - 3232-3242 13th Street SE
 Exhibit 2 Building 2 - 1301-1305 Savannah Street SE
 Exhibit 3 Building 3 - 3310-3318 13th Street SE



BUILDING 1 – 3232-3242 13th Street SE



Government of the District of Columbia
Office of Planning ~ October 28, 2013

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- Owner Points
- Metro Bus Routes
- Metro Stations
- Property Squares
- Street Centerlines
- Water