

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Anne Fothergill, Case Manager  
 Joel Lawson, Associate Director Development Review

**DATE:** July 14, 2015

**SUBJECT:** BZA Case 19035, 1325 D St S.E., Buchanan School site

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following relief for a proposed rowhouse development:

- § 401.3, § 2604.3 – lot width (18 feet required, 16 feet proposed);
- § 401.3, § 2604.3 – lot area (1,500 SF required, 1,310 SF feet proposed);
- § 403.2 – lot occupancy (60% required, 69% proposed); and
- § 3202.3 – two principal structures on a single record lot.

### **II. LOCATION AND SITE DESCRIPTION**

|                      |                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address              | 1325 D Street, S.E.                                                                                                                                                                                                                                                                                                                                                                                         |
| Legal Description    | 1042, 0827                                                                                                                                                                                                                                                                                                                                                                                                  |
| Ward                 | 6                                                                                                                                                                                                                                                                                                                                                                                                           |
| Lot Characteristics  | The subject parcel is approximately 37,500 SF of the entire 93,000 SF property. There are non-historic additions to the school building at the northwest corner of the parcel that will be razed. The remainder of the parcel is the open side yard of the former school building. There is a large canopy tree at the southern edge of the parcel, adjacent to the extant DPR site, which will be removed. |
| Zoning               | R-4 – row dwellings and flats                                                                                                                                                                                                                                                                                                                                                                               |
| Existing Development | Former educational use, permitted in this zone                                                                                                                                                                                                                                                                                                                                                              |
| Historic District    | N/A                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adjacent Properties                | <p>west: Watkins Elementary School's field is directly across 13<sup>th</sup> Street from the subject property</p> <p>east: the vacant former Buchanan School building is next to the proposed new construction and a grocery store is to the east of the school building</p> <p>north: a row of two-story residential rowhouses and a small apartment building are across D Street</p> <p>south: a DPR site is directly to the south of the proposed new buildings and a proposed residential PUD (currently zoned C-M-1) is across E Street from the school building</p> |
| Surrounding Neighborhood Character | <p>The neighborhood is primarily residential with some institutional, recreational, and industrial uses. In this area there are a few residential developments proposed or are expected to be proposed in the near future.</p>                                                                                                                                                                                                                                                                                                                                             |

### III. APPLICATION IN BRIEF

As part of an overall larger development plan, the applicants plan to parcel off the side and rear yards of the historic former Buchanan School, which fronts E Street SE.<sup>1</sup> They would remove two non-historic wings of the school and create new buildable lots that would front 13<sup>th</sup> Street SE and D Street SE. On Parcel A, which is the west side of the subject property, the applicants propose 22 single-family townhouses and six flats. They are proposing 17 new lots - 5 lots along D Street and 12 lots on 13<sup>th</sup> Street. As shown in the applicant's submission, the 1903 map shows that historically there were lots along 13<sup>th</sup> and D Streets (Exhibit 31A).

The proposed buildings are all three stories and approximately 37 feet tall and would have at least a 20 foot rear yard. All of the proposed buildings except the flats at Lots 9 and 21 would have internal garage parking at rear of the buildings, which would be accessed by a new alley connection at the interior of the development. Lots 9 and 21 would have surface parking for one car. The applicants propose a pedestrian thoroughfare located between the townhouses and the side of the school building, which they plan to convert to residential units in the future.

The applicant states they will meet the 10% IZ requirement and will offer 3 to 4 units with 3-4 bedrooms at 50% and 80% AMI.

In the future the applicants plan additional residential development on the subject property. On Parcel B they plan to convert the former school building into residential units and on Parcel C they plan to construct matter-of-right townhomes on new lots fronting D Street in the rear yard of the former school building (see Sheet A006 in Exhibit 31D1). This development would conform to zoning.

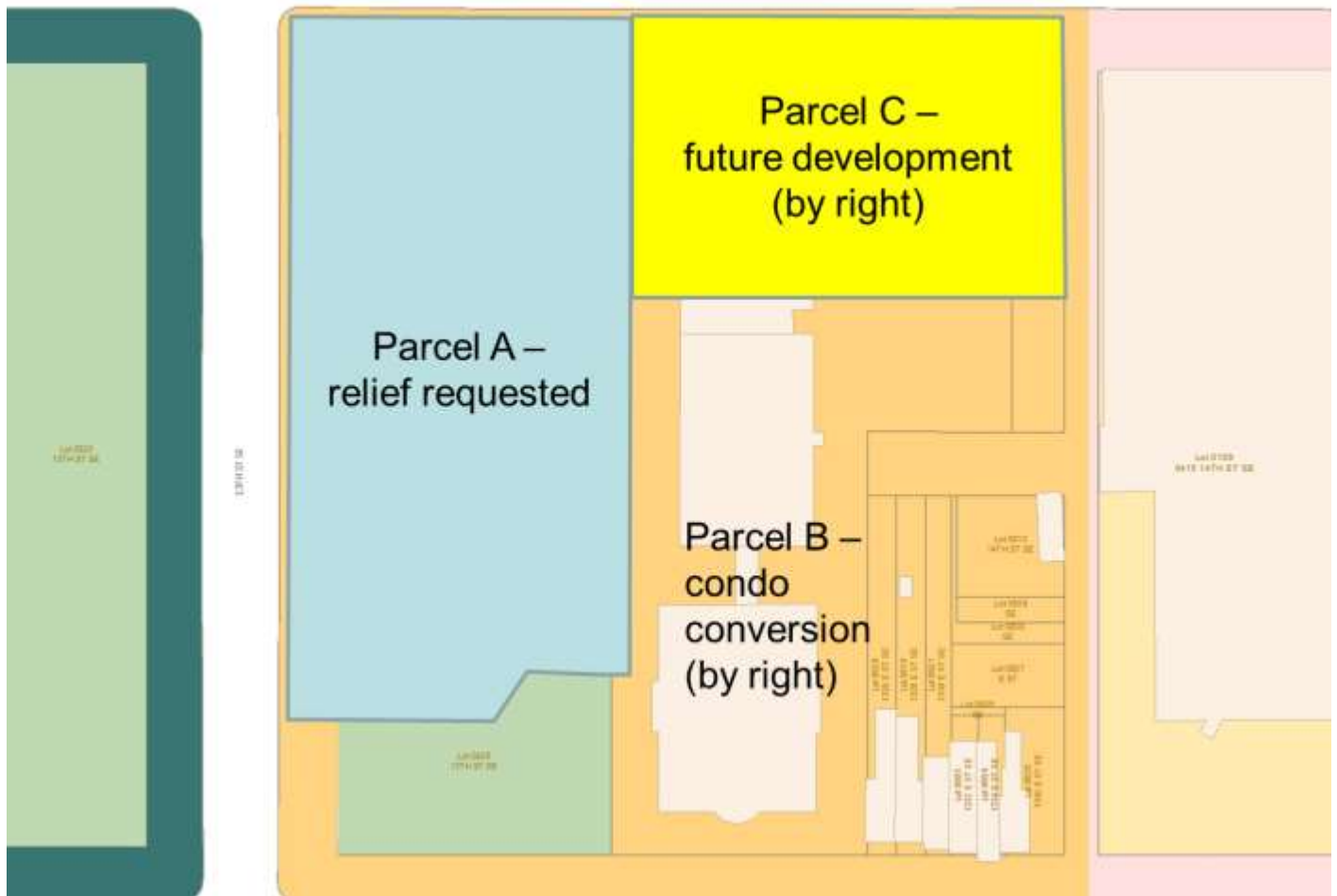
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<sup>1</sup> See Exhibit 31D1 –Sheets A004 & A005

existing conditions



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excerpted from applicant's submission (Exhibit 31D1, Sheet A006)



#### **1V. ZONING REQUIREMENTS and RELIEF REQUESTED (4 charts below<sup>2</sup>)**

Zoning regulations allow that inclusionary developments in the R-4 zone, like this proposal, can reduce the minimum lot area to 1,500 SF and lot width can be reduced to 16 feet by Special Exception (§ 2604.3).

The R-4 regulations were recently amended and the maximum permitted building height in this zone is now 35 feet. However, 40 feet in height is permissible for new construction of three of more adjacent row dwellings, which is proposed in this application.

#### **ZONING REQUIREMENTS and RELIEF REQUESTED for Lots 1, 3, 5, 7**

| <b>R-4 Zone</b>           | <b>Regulation</b>                  | <b>Proposed</b>                                 | <b>Relief</b>              |
|---------------------------|------------------------------------|-------------------------------------------------|----------------------------|
| Height § 400.1            | 40 ft. max.                        | 37 ft.                                          | None required              |
| Lot Width § 401, § 2604.3 | 18 ft. min.                        | 32.5 feet (Lot 1) and<br>32 feet (Lots 3, 5, 7) | None required              |
| Lot Area § 401, § 2604.3  | 1,800 SF min., 1,500<br>SF with IZ | 2,128 SF (Lot 1) and<br>2,096 SF (Lots 3, 5, 7) | None required              |
| Lot Occupancy § 403       | 60% max.                           | 61%                                             | None required <sup>3</sup> |
| Rear Yard § 404           | 20 ft. min.                        | 26.75 ft.                                       | None required              |
| Parking spaces § 2101.1   | 1 per 2 dwelling units             | 2                                               | None required              |

#### **ZONING REQUIREMENTS and RELIEF REQUESTED for Lot 9 (a flat)**

| <b>R-4 Zone</b>           | <b>Regulation</b>                  | <b>Proposed</b> | <b>Relief</b> |
|---------------------------|------------------------------------|-----------------|---------------|
| Height § 400.1            | 40 ft. max.                        | 37 ft.          | None required |
| Lot Width § 401, § 2604.3 | 18 ft. min.                        | 20 ft.          | None required |
| Lot Area § 401, § 2604.3  | 1,800 SF min., 1,500 SF<br>with IZ | 1,310 SF        | Required      |
| Lot Occupancy § 403       | 60% max.                           | 69 %            | Required      |
| Rear Yard § 404           | 20 ft. min.                        | 21.75 ft.       | None required |
| Parking spaces § 2101.1   | 1 per 2 dwelling units             | 1               | None required |

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<sup>2</sup> Information provided by the applicant.

<sup>3</sup> Within the parameters of Zoning Administrator flexibility pursuant to Section 407 of the zoning regulations

**ZONING REQUIREMENTS and RELIEF REQUESTED for Lots 10 & 20**

| <b>R-4 Zone</b>               | <b>Regulation</b>               | <b>Proposed</b> | <b>Relief</b> |
|-------------------------------|---------------------------------|-----------------|---------------|
| Height § 400.1                | 40 ft. max.                     | 37 ft.          | None required |
| Lot Width § 401, § 2604.3     | 18 ft. min.                     | 16.5 ft.        | Required      |
| Lot Area § 401, § 2604.3      | 1,800 SF min., 1,500 SF with IZ | 2,235.75 SF     | None required |
| Lot Occupancy § 403           | 60% max.                        | 60 %            | None required |
| Rear Yard § 404               | 20 ft. min.                     | 21.5 ft.        | None required |
| Parking spaces § 2101.1       | 1 per 2 dwelling units          | 2               | None required |
| Principal Structures § 3202.3 | 1 per lot                       | 2               | Required      |

**ZONING REQUIREMENTS and RELIEF REQUESTED for Lots 11, 12, 13, 14, 17, 18, 19**

| <b>R-4 Zone</b>               | <b>Regulation</b>               | <b>Proposed</b> | <b>Relief</b> |
|-------------------------------|---------------------------------|-----------------|---------------|
| Height § 400.1                | 40 ft. max.                     | 37 ft.          | None required |
| Lot Width § 401, § 2604.3     | 18 ft. min.                     | 16 ft.          | Required      |
| Lot Area § 401, § 2604.3      | 1,800 SF min., 1,500 SF with IZ | 2,168 SF        | None required |
| Lot Occupancy § 403           | 60% max.                        | 59 %            | None required |
| Rear Yard § 404               | 20 ft. min.                     | 24.5 ft.        | None required |
| Parking spaces § 2101.1       | 1 per 2 dwelling units          | 2               | None required |
| Principal Structures § 3202.3 | 1 per lot                       | 2               | Required      |

**ZONING REQUIREMENTS and RELIEF REQUESTED for Lots 15 & 16**

| <b>R-4 Zone</b>               | <b>Regulation</b>               | <b>Proposed</b> | <b>Relief</b> |
|-------------------------------|---------------------------------|-----------------|---------------|
| Height § 400.1                | 40 ft. max.                     | 37 ft.          | None required |
| Lot Width § 401, § 2604.3     | 18 ft. min.                     | 23 ft.          | None required |
| Lot Area § 401, § 2604.3      | 1,800 SF min., 1,500 SF with IZ | 3,107.44 SF     | None required |
| Lot Occupancy § 403           | 60% max.                        | 43 %            | None required |
| Rear Yard § 404               | 20 ft. min.                     | 21.5 ft.        | None required |
| Parking spaces § 2101.1       | 1 per 2 dwelling units          | 2               | None required |
| Principal Structures § 3202.3 | 1 per lot                       | 2               | Required      |

**ZONING REQUIREMENTS and RELIEF REQUESTED for Lot 21 (a flat)**

| <b>R-4 Zone</b>           | <b>Regulation</b>               | <b>Proposed</b> | <b>Relief</b> |
|---------------------------|---------------------------------|-----------------|---------------|
| Height § 400.1            | 40 ft. max.                     | 37 ft.          | None required |
| Lot Width § 401, § 2604.3 | 18 ft. min.                     | 20.44           | None required |
| Lot Area § 401, § 2604.3  | 1,800 SF min., 1,500 SF with IZ | 1,805 SF        | None required |
| Lot Occupancy § 403       | 60% max.                        | 50 %            | None required |
| Rear Yard § 404           | 20 ft. min.                     | 43.3 ft.        | None required |
| Parking spaces § 2101.1   | 1 per 2 dwelling units          | 1               | None required |

**IV. OFFICE OF PLANNING ANALYSIS**

**Special Exception Relief pursuant to § 2604.3**

Zoning regulations allow Inclusionary Zoning developments within the R-4 zone to request relief to reduce the minimum lot width requirement to 16 feet with a Special Exception. This proposal is an IZ development and the applicants are requesting relief to allow a lot width of 16 feet for Lots 10-14 and Lots 17-20, which are 9 lots out of the 17 total lots proposed on this site.

The proposal is in keeping with the general purpose and intent of the Zoning Regulations and Maps. The proposed lot width would be appropriate for this area and would be compatible in scale and character with the surrounding neighborhood and R-4 zone.

The proposed lots would not have an adverse effect on neighboring properties and would be in keeping with the Capitol Hill streetscape. The proposed widths would be consistent with that of many lots on Capitol Hill, and within this square.

**Area Variance Relief**

**Lot 9:**

- § 403.2 – lot occupancy greater than 60% (69% proposed); and
- § 2604.3 – lot area less than 1500 SF (1,310 SF proposed)

**Lots 10-20:**

- § 3202.3 – two principal buildings on a single record lot

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?***

There are practical difficulties for the applicant to efficiently subdivide the site caused by the configuration and depth of the site, the limited amount of street frontage relative to land area, and unique access considerations specific to this site.

The 37,500 SF subject site is exceptionally large compared to typical R-4 properties in this area. The site is also exceptionally deep and, with the adjacent school building on the property, it would be challenging to efficiently subdivide. The site lacks public alley access and has limited street frontage which cause site and vehicular access issues when trying to create new buildable lots.

The applicants are requesting a variance for Lot 9 for approximately 190 SF of lot area from the minimum lot area requirements. Because of the limited street frontage and exceptional size and depth of the subject property, in order to create lots along D Street, there would be limited area for Lot 9. Lot 9 with the slightly smaller lot area would not be incompatible as more than half of the lots within the blocks around the site have a lot area less than 1,500 SF.

Additionally for Lot 9, because of the exceptional conditions of this site, the applicants are requesting a variance for lot occupancy due to the constraints of the site and the location of this lot. Lot 9 would be the prominent corner lot constructed with a flat with a larger footprint. With its proposed slightly larger footprint on a slightly smaller lot, this building helps to define the corner of 13<sup>th</sup> and D Streets, maintaining the continued streetscape pattern of rowhouses and screening the rear parking and vehicles behind the proposed D Street buildings, which is an important component of the overall site plan.

The proposed Lots 10-20 along 13<sup>th</sup> Street are 136 feet deep. The applicants propose to have two dwelling units on one lot, which is allowed as a matter of right, but because of the depth and configuration of the site, they are requesting relief to split the two units into two separate principal structures to create an overall site plan that has better access and use of the site. The applicants considered many options for the layout of flats along 13<sup>th</sup> Street. Because the site is so deep, a single building with a flat on each lot would result in a substantial amount of underutilized land within the site as well as very long and narrow building footprints. Back-to-back units wouldn't allow for the rear garages and the central alley, which is needed for vehicular circulation with the large depth of this site. While the applicants could theoretically construct a connection between the two buildings in order to conform to the zoning regulations, that would be an unnecessary and unneeded connection and the proposal is better suited to the overall development of this site.

It is important for site circulation and layout to locate the alley between the two rear elevations and create a rear alley space on this site. It is also important to have the front façade of the rear building facing the pedestrian thoroughfare to create a useable space next to the historic school building. The proposed front of the rear flat facing onto the pedestrian thoroughfare and providing a connection to the residences in the historic school building is a key part of the site plan and is a creative and innovative approach to the development of this site and connection with the renovated school building.

**2. *Can the relief be granted without substantial detriment to the public good?***

The area variance relief requested for Lots 9 and Lots 10-20 would not be detrimental to the public good. The corner lot (Lot 9) would be compatible with the Capitol Hill streetscapes and the building would help to provide desired screening of the alley and vehicles behind the buildings.

For Lots 10-20, the requested relief would not be detrimental to the public good and would help to create a better site plan for the development and the overall streetscape and area. The proposed rear garages with alley circulation will take cars off the street and out of sight. The proposed pedestrian thoroughfare will allow pedestrians to get off the street and away from cars and cut through the block between E and D Streets. The applicants could comply with zoning and construct a second building on the lot that is subordinate like a small garage for the cars, but because this site is unique and exceptional for its size and depth and limited street frontage, the applicants are requesting relief to allow for a superior site plan in terms of vehicular circulation and location and pedestrian connections that would serve to enhance the public good.

**3. *Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?***

For Lot 9, the relief requested is relatively small and overall would not create excess density on the site. For Lots 10-20, two units are allowed in the R-4 zone and this relief would allow them to be split apart on one large lot without an unnecessary connection and without an increase to the density or lot occupancy on the site. Overall, the density and number of dwelling units proposed is less than what is permitted by right in the R-4 district. Across the entire site, there would be an average lot area of 2,212 SF and lot occupancy of 57%, which is within the matter of right limits in R-4. As such, this requested relief will not harm the zoning regulations.

Finally, while OP recommends approval of the zoning relief requested, there are improvements that the applicant should consider as they refine their plans. Since one of the applicant's goals is to establish compelling viewsheds, OP would support adjusting the layout/number of the D Street lots to allow for the mews to maintain a consistent width and create open sightlines straight through from E to D Street. The applicants have provided examples of other pathways that jog, but in this case the importance of pedestrian activation and viewsheds could warrant a reconsideration of the design of this feature. This change should not impact any of the relief requested or result in any new relief. Additionally, the applicants should attempt to use pervious pavement wherever possible since this will be a substantial amount of new development on what is currently green, open space. While the District cannot require the applicants to retain the large canopy tree at the southern end of the site, which shades both this site and the adjacent DPR site, it is also worth reconsideration of the site layout to see if it is possible to retain and protect the tree. Ultimately, OP suggests that if the developer could create a more green, open and sustainable development, that would create an improved and superior site plan.

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

At the time of the staff report the District Department of Transportation had not yet submitted a report.

The Public Space Committee will review the proposed width and location of the proposed curb cut on 13<sup>th</sup> Street on July 23<sup>rd</sup>.

## **VI. COMMUNITY COMMENTS**

The adjacent property owner at 1326 E Street submitted a letter in support of the application (Exhibit 25).

ANC 6B, at its regularly scheduled meeting on June 9, 2015, voted to support the application (Exhibit 26).