

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: October 13, 2015
SUBJECT: BZA Case #19082, 37 and 39 Missouri Avenue NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of a special exception in accordance with § 353 New Residential Development (R-5-A) to allow the development of a sixteen (16) unit apartment building, subject to the following:

- Submission of acceptable landscaping and grading plans as required per §353.4.

II. LOCATION AND PROPERTY DESCRIPTION

Applicant	Chichest LLC by Martin P. Sullivan
Address	37 and 39 Missouri Avenue, NW
Legal Description	Square 3393, Lots 39 and 40
Ward/ANC	4/4B
Lot Characteristics	The existing, vacant lots are generally rectangular and are abutted by 15'-wide alleys to the north and to the east. As such, there is direct alley access to each lot from the north and Lot 39 enjoys direct access to an alley to the east. A Building Restriction Line ("BRL") encumbers 15' of the property fronting Missouri Avenue NW. The property is relatively flat topographically.
Zoning	R-5-A – lower density urban development consisting of detached and semi-detached single family dwellings, and multi-family buildings
Existing Development	Vacant land
Historic District	None
Adjacent Properties	To the west lies a three (3) story brick apartment building and to the east, a 15'-wide alley and rear yards of several two (2) to three (3) story small apartment buildings that front on to New Hampshire Ave. NW and 1 st Place NW. Directly to the north lay a 15' alley and church uses (including a surface parking lot) that front on Kennedy Street NW.

Surrounding Neighborhood Character	The immediately surrounding area is a mix of three (3) to four (4) story brick apartment buildings built in the first part of the 20 th Century, row dwellings and single-family homes zoned to the R-3 and R-1-B Districts. The C-2-A-zoned Kennedy Street NW corridor is to the north approximately one block. The Fort Totten Metro Station is a distance of .7 miles.
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III. APPLICATION IN BRIEF

The Applicant proposes to develop the Property with a 16-unit multi-family building on two existing vacant lots. The Applicant requests Board of Zoning Adjustment (“BZA”) approval of a special exception pursuant to § 353 New Residential Development (R-5-A). The development otherwise conforms to the applicable zoning regulations.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-5-A Zone	Regulation	Proposed Project	Relief
Height § 400	40 ft. max./3-stories	31.75’/3 stories	None required
Side Yard §405	3” per bldg. height (7.9’) or $\geq 8'$	8’ west; 9’ east	None required
Parking §2101	1 space: 1 unit	16 spaces	None required
Floor Area Ratio § 402	0.9	0.9	None required
Lot Occupancy § 403	40% max.	37.61%	None required
Rear Yard § 404	20 ft. min.	53 ft.	None required

V. OFFICE OF PLANNING ANALYSIS

The following is OP’s analysis of the Applicant’s request pursuant to a special exception.

Special Exception Relief pursuant to § 353

Under § 353.1, all residential developments, except those composed entirely of one-family detached or semi-detached dwellings, are subject to special exception review by the BZA in accordance with § 3104 Special Exceptions and the requirements of 353.2 through 353.5, which are listed below:

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 application has been referred to the D.C. Board of Education. OP has not received comments from the Board of Education at the time of the writing of this report.

- 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.*

The application has been referred to the D.C. Department of Transportation, which has filed a report under separate cover.

The application has been referred to the D.C. Housing and Community Development.

- 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.*

Site Plan, Arrangement of Buildings and Structures: The proposed multifamily building is sited to respect the limits of the 15' BRL and appears appropriate. The Applicant met with OP's public space staff and will adjust the plans to conform to the public space requirements for steps within the private property bounds and permitted grade (must be flat) within the BRL area. The outdoor trash receptacle will provide enclosure and screening of trash and placed along the western side of the building, which could be wheeled to the rear parking area for pick up by trash collectors.

Provisions of Light and Air: The overall proposal would meet or exceed the R-5-A rear yard, side yard requirement, and height limits. Additionally, the 15' BRL provides additional setback from Missouri Avenue NW, for a 90' separation between the Applicant's proposed building face and row dwellings to the south. The property is also separated from other properties by 15'-wide alleys on the east and north sides. As such, the development should not cause a significant undue impact on light and air to the adjacent neighbors.

Parking: Sixteen parking spaces are required and sixteen spaces are proposed, located at the rear and along the eastern adjacent alley of the property, within the side yard setback. The direct alley access from two alleys onto the property is beneficial in the access and servicing of the Property.

Landscaping and Grading: At the time of the writing of this report, the landscaping or grading plans have not been submitted; however the Applicant met with OP to discuss the grading, landscaping and GAR for the proposed development. OP stated support for the development is contingent on the submission of the complete requirements of § 353.4 in time for proper analysis; OP expects to provide site design comments at the hearing, regarding the adequacy of the landscape plan. The required landscape and grading plans should also be provided to the ANC for its review.

- 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.*

The developer has submitted a site plan, floor plans, elevations, but has not submitted existing and proposed grading plans or landscape plans at the time of writing of this report, as required.

3104.1 The Board is authorized...to grant special exceptions...where, in the judgment of the Board, the special exceptions 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

Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is generally in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The R-5-A zoning of the Property is a low-density residential district permitting one-family, semi-detached, row home dwellings and by special exception, multi-family dwellings. The proposed development would be consistent with the permitted housing type and residential use, and in that way should not adversely affect neighboring properties.

Will the proposal appear to affect adversely the use of neighboring property?

Generally, the proposal does not appear to adversely affect the adjacent properties in all directions, as either multifamily or commercial buildings surround the property to the east, north and west. To the south the 60'-wide Missouri Avenue NW (plus 30' of BRL) separates the proposed building from the closest single-family dwellings to the south.

VI. COMMUNITY COMMENTS

Adjacent Neighbors: At the time of the writing of this report, letters from adjacent neighbors have not been submitted to the record.

Ward/ANC: 4/4B. The Applicant intends to meet with the ANC on Tuesday, October 6th.

Attachment: Location Map

