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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation *JLS*

DATE: July 8, 2009

SUBJECT: 3rd Supplemental Report – ZC # 08-21 (Canal Parc)
4460 MacArthur Boulevard, NW

The Zoning Commission requested that the Office of Planning submit an analysis of how the Canal Parc proposal meets the requirements of Section 2516. Since the original submission, the applicant has made a number of changes to the proposal. The analysis below is based on the June 25, 2009 submission which highlights the main changes as being:

- Reduction in the number of units from 36 units to 34 units.
- Increase in the width and height of the two affordable units from 14 feet to 16 feet and from two stories to three stories to make them indistinguishable from the market rate units.
- Elimination of the 4th floor on Building 4.
- Dividing Building 6 into two buildings and thereby increasing the number of buildings to eight.

Section 2516, **EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts).**

2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

The proposal is to subdivide the existing property into eight building lots each with a principal building and one lot dedicated to private right-of-way. Section 2516.1 states: ***"If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section."***

2516.2 ***This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.***

The subject property is currently within a residence district and the proposed map amendment would retain the property in a residence strict.

2516.3 ***In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:***

- (a) The applicant shall also submit, either with the original application or at a Later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and***

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- (b) If the applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.***

The applicant has provided the required site plans showing the existing and proposed right-of-ways, landscaping, building locations and footprints.

- 2516.4 The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build 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.***

The proposed development would have eight principal buildings. The proposed single-family attached use is consistent with the uses allowed in the R-5-A district and the overall FAR of 0.90 and height of 42 feet maximum are below that allowed under the R-5-A/PUD. The applicant has requested flexibility to reduce the required front, side and rear yards setbacks for each building as well as on individual lots. The application includes plans showing the delineation of each building and lot as well as tables showing how each lot addresses the zoning requirements.

- 2516.5 If 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 property would be re-subdivided into eight theoretical lots each having a principal multifamily building. Building 1 would front on a public right-of-way, MacArthur Boulevard, and therefore no front yard setback is required. All other buildings would front on private streets. The rear yard setback required is 20 feet and therefore a front yard setback of 20 feet is required for all other buildings. The applicant has requested a reduction in the front yard setback for Buildings 2A, 2B, 3, 4, 6A and 6B while Building 5 meets the requirement.

- 2516.6 In providing for net density pursuant to § 2516.11, the Board shall require at least the following:***

- (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;***

The layout of the proposed development shows that the area of the private streets has not been included in the area of the lots. However, the alley behind Buildings 1, 2A and 2B would be included in the building area with covenants to create the alley. However, in calculating the overall FAR of the PUD the applicant included the rights-of-way. OP has requested that net density figures without the rights-of-way be provided.

- (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;***

The proposed development would have one means of ingress/egress from MacArthur Boulevard with internal circulation provided by private streets and an alley. The private streets and alley have been reduced to 20 feet wide. The proposed reductions in the width of the streets and alley have been reviewed by DDOT and Fire and Emergency Services (FEMS). DDOT has concluded that this reduction in width would not negatively affect traffic movements and would accommodate on-street parking. FEMS has also stated that the reduction in width would not be detrimental to the access of their vehicles and equipment in an emergency.

- (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***

The proposal has only one means of ingress/egress from MacArthur Boulevard and the applicant has requested flexibility from the 60-foot turnaround area requirement at the end of Street B. As seen on the submitted plans, the applicant has demonstrated how vehicles accessing the site will turn around in a smaller area. FEMS has worked with the applicant to design an appropriate turnaround area that would accommodate emergency vehicles.

- (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.***

As stated above, the applicant has requested flexibility to reduce the street width and the diameter of the turnaround area. Both DDOT and FEMS have reviewed the proposal and have stated that the proposed reductions would not have an adverse impact on the present character of the neighborhood as traffic access and movements within the development would not cause congestion or overflow onto neighborhood streets. The proposal would provide the required one parking space per unit and

in some cases units would have two parking spaces. With the reduction in width, the streets would still be able to accommodate 12 on-street spaces for guest and service parking.

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The height limit for the proposed R-5-A/PUD is 60 feet. The heights of the buildings would range between 29 feet and 42 feet when measured from the finished grade at the middle of the front of the buildings and would therefore meet the requirement.

2516.8 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

Overall, the proposed development would meet the density, lot occupancy, height, and parking requirements of an R-5-A PUD but flexibility has been requested from the requirements of this section for individual buildings and lots. The applicant has requested flexibility to reduce the lot occupancy, side, rear and front yard setbacks on individual buildings and lots. These reductions would allow the applicant to combine some of the private space and provide larger public open space which would be available to all the residents. For example, the buildings on the western side of the development have reduced side yards but they are adjacent to an open space area. Some units on the south would have reduced rear yards as they are adjacent to the wetlands area which would require a large building setback. Building 2 has a reduced front yard as it is adjacent to the central plaza open space in front of the building. Generally, setbacks are required to provide light and air into buildings. The proposed reduced setbacks would not compromise the light and air of the proposed buildings because of the adjacent open space areas.

2516.9 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

(a) *The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*

- (1) *Public safety relating to police and fire concerns;***
- (2) *The environment, relating to water supply, water pollution, soil erosion, and solid waste management;***
- (3) *Public education;***
- (4) *Recreation;***

- (5) Parking, loading, and traffic;*
- (6) Urban design;*
- (7) As appropriate, historic preservation and visual impacts on adjacent parkland;*
- (b) Considerations of site planning; the size, location, and bearing capacity of driveways, deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;*
- (c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;*
- (d) The impact of the proposed development on neighboring properties; and*
- (e) The findings, considerations, and recommendations of other District government agencies.*

The proposal was reviewed by the relevant agencies and their reports submitted under separate cover.

2516.10 *The 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.*

OP does not recommend any conditions regarding the issues outlined above.