GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: April 18, 2002

SUBJECT: Waiver of Rules for Late Submittal of Report on Board of Zoning Adjustment Application No. 16860, Kentucky Courts

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The attached report concerning Board of Zoning Adjustment Application No. 16860, for variances and a special exception for new residential development for Kentucky Courts at 1368 C Street, S.E. (Square 1039, Lots 74 and 75) is being submitted less than seven days prior to the Board of Zoning Adjustment hearing on April 23. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

Attachment

AA/jf

BZA
Case No. 16860
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16860
EXHIBIT NO.28

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SUBJECT: BZA Application No. 16860, Kentucky Courts

APPLICATION

Application of District of Columbia Housing Authority, pursuant to 11 DCMR § 3104.1, for a special exception from the location of parking spaces requirement under section 2116, and pursuant to 11 DCMR § 3103.2, a variance from the lot width requirements under section 401, a variance from the lot area requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the off-street parking requirements under subsection 2101.1, for the construction of two single-family dwellings and 18 flats in an R-4 District at premises 1368 C Street, SE, 264-274 Kentucky Avenue, SE, 245-265 14th Street, SE, and 1360-1364 C Street, SE (Square 1039, Lots 74 & 75).

Note: The application notice above has been revised to indicate that the **District of Columbia Housing Authority (DCHA)**, the owner of the property, is the applicant.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the plan for this new residential development, which includes approval of a special exception from the location of parking spaces requirement under section 2116, and pursuant to 11 DCMR § 3103.2, a variance from the lot width requirements under section 401, a variance from the lot area requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the off-street parking requirements under subsection 2101.1.

BACKGROUND

This application involves a proposal to develop a new mixed-income residential project on the site of the former Kentucky Courts family housing project, a public housing project on Square 1039 in the Hill East neighborhood of Ward 6. Kentucky Courts was a public housing project, in two separate but nearby sections, built in the 1960s. The Kentucky Courts family housing project on Square 1039 had 45 family units in two garden apartment type buildings. By the 1980s, the Kentucky Courts family housing project had become a problem that persisted for many years. In 1997 the buildings were condemned for health reasons. The buildings have now been closed, boarded-up and fenced-off for over four years.

The Kentucky Courts senior housing consists of 118 units in five two-story buildings in the center of Square 1041, west of Kentucky Avenue and south of C Street, S.E. The Kentucky Courts senior housing on Square 1041 is not part of this application.

The District of Columbia Public Housing Authority (DCHA), the owner of the boarded-up Kentucky Courts family housing project on Square 1039, has undertaken a cooperative effort with the local community, public housing residents and the selected private developer, Innovative Development Solutions (IDS) to achieve a new residential development. DCHA's goal is create a market-rate housing development that creates a mixed-income community with housing opportunities for public housing eligible families.

Kentucky Courts is one of a number of new housing developments that have been built or are being planned in the primarily residential neighborhoods between the Capitol and the Anacostia River. Residential development in this large area over the past 50 years has been primarily in the form of renovation, additions and some infill development. In recent years, new residential developments on a larger scale are taking place. The new housing that replaced the Ellen Wilson Public Housing Project was the first major example. Other proposed residential developments, or developments that include new residences, in the area include Bryan School, Lovejoy School, Lenox School, the Arthur Capper/Carrollsburg Hope 6 project and the Reservation 13 proposal.

SITE AND AREA DESCRIPTION

The site consists of Lots 74 and 75 in Square 1039, totaling 44,148 square feet (slightly over an acre). The development site occupies approximately the southern half of Square 1039. The site is in the Hill East neighborhood of Ward 6. The site is conveniently located. The site is three blocks, along Kentucky Avenue, from Lincoln Park, approximately eight blocks to Eastern Market to the west, three blocks along 14th Street, S.E. to the south to the Potomac Avenue Metrorail Station and five blocks along C Street S.E. to the east to the Stadium-Armory Metrorail Station. Square 1039, in which the site is located, adjoins the Capitol Hill Historic District on the north along South Carolina Avenue. Though just outside the historic district, the urban fabric of the northern portion

of Square 1039 and part of adjacent squares are similar to nearby squares that are in the historic district. The two former public housing buildings (garden apartments) on the site were generally inconsistent with the surrounding urban fabric.

The site is bordered on the west by Kentucky Avenue, S.E. (frontage of approximately 132 feet), on the south by C Street, S.E. (frontage of approximately 200 feet) and by 14th Street, S.E. on the east (frontage of approximately 206 feet). On the north the site is bordered by adjoining lots, with houses, which face on Kentucky Avenue and 14th Street, S.E., and by a section of a public alley that varies from 10 to 15 feet wide. The site has somewhat of an irregular shape, a result of the angle of Kentucky Avenue and the alignment of an existing public alley on part of the north side of the site. The alley does not extend through to 14th Street. It includes a turn-around area that has caused some difficulty with several proposed lots. The site has an overall difference in elevation of about 6 feet, from 85 feet on the north side at the alley to about 79 feet at C Street. However, much of this change in elevation is adjacent to the alley.

The entire site is zoned **R-4,** which is the predominant zoning for this neighborhood. One block east of the site is a three-block commercial area along 15th Street that is zoned C-2-A. One block south, at 14th and D streets, S.E. is a commercial area (C-2-A) where a Safeway supermarket is located.

Attachment 1 is an aerial photograph that shows Square 1039, including the Kentucky Courts site as it now appears, and portions of adjacent squares.

APPLICANT'S PROPOSAL

The District of Columbia Housing Authority, the owner of the property, is responsible for demolishing the existing two garden apartment buildings and delivering a clean site to the developer. Interior demolition is now underway and the site is scheduled to be delivered to the developer by summer 2002.

The Overall Site Design

Design of the development has emerged out of discussions involving the developer, the developer's architect (Sorg Architects) the Housing Authority and the community. The goal has been to create new dwellings on this site that relate to the existing pattern of the neighborhood on lots that meet the zoning requirements, including parking spaces.

The general urban design approach has been to place all the dwellings along the street line in a site and architectural design that is similar to the historical pattern in the surrounding community and to place the required parking spaces off-street in the center of the development, with an entrance from C Street. Kentucky Courts is being developed as a condominium project so there will be maintenance of the interior parking area and landscaping.

Arrangement of Residential Buildings

The developer, IDS, proposes to build 38 new housing units on the site in 20 residential buildings. All 20 buildings are three stories high, though there is some variation of height for different units in order to provide variety and design interest. Twelve of the units will be rental units for low-income residents, with supplemental rental assistance funds through the Housing Authority. These 12 units will be owned by IDS and rented to working families earning less than the Section 8 income limits. The other 26 units will be for sale at market rates.

There are 20 residential lots and one larger lot in the center of the development that is used for parking, access to parking and landscaping.

There are four types of residential buildings in this development, described as Types 1-4 in the applicant's site plan.

Type 1 is a two-unit row building with a first floor residential unit and a two-story residential unit above (described as a stacked townhome). Lots are 20 feet wide and 90 or 100 feet long. There are 12 of these Type 1 residential buildings with a total of 24 units. Four of these buildings are located along Kentucky Avenue (264-272 Kentucky Avenue, S.E.), three are located along C Street (1360-1364 C Street, S.E.), and four are located along 14th Street, intermixed with Type 2 buildings (249, 255, 257 and 263 14th Street, S.E.).

Type 2 is a two-unit building with a first floor residential unit and a two-story residential unit above (described as a stacked townhome). These are similar to the Type 1 buildings except that the lots are 18 feet wide and generally 100 feet long. There are six of these Type 2 residential buildings with a total of 12 units. All six type 2 buildings are located along 14th Street (245, 247, 251, 253, 259 and 261 14th Street, S.E.).

Type 3 is separate townhouse (row dwelling) at 274 Kentucky Avenue, S.E. This special dwelling occupies the angled corner lot at the northeast corner of Kentucky Avenue and C Street, S.E. (southwest corner of the site). This townhouse, three stories high, has a prominent location and design. It also includes a garage, the only garage in the development, with a roof terrace above. It also has a distinctive rear yard in area and shape (which requires a variance). There is only one Type 3 building.

Type 4 is a separate three-story townhouse at 265 14th Street, S.E. Since this is the end unit of the row of buildings on 14th Street, there are windows along the C street frontage. There is only one Type 4 building.

Parking

A total of 40 parking spaces are being provided. One parking space is located in the garage for 274 Kentucky Avenue, with the garage access coming off C Street, S.E. The

other 39 parking spaces are accessed from a north-south driveway that extends north into the site from C Street, approximately midway between Kentucky Avenue and 14th Street. Ideally, all parking spaces would be located on the dwelling lot, as required by the Zoning Regulations. However, because of the overall development parcel, and the configuration of part of the alley on the north side of the development, not all parking spaces can be on the building lot that they serve. Therefore, a special exception is needed for the location of the some parking spaces. There are 29 parking spaces (not counting the garage for 274 Kentucky Avenue) that are on the same lot as the dwelling they serve. The other 10 spaces are located in a parking lot arrangement in the center of the development.

The parking spaces for the dwelling units along 14th Street are all in a row. To provide adequate access to those spaces, and to the other parking spaces, the developer proposes to record a 10-foot easement along the rear of the lots along 14th Street, in order to have a 20-foot wide access drive.

Landscaping

The area around the central parking spaces and along the alley will be landscaped and maintained by the condominium association. Retaining walls are placed near the alley to deal with the change in grade in those areas. The development will also include initial landscaping for the rear yards and for the area in front of the houses (public space).

For general orientation, a colored site plan from the developer's web site is attached to this report. Note that some details of the parking area and related landscaping shown in this site plan have been revised.

Market Reception

These proposed new houses have had a very good market reception. There has not been any major advertising campaign except for information on the developer's web site. Information has also obviously circulated in and outside the neighborhood by word of mouth. Despite limited advertising, 24 of the 26 residential units that are for sale have already been sold. The two units that have not been sold are being held out initially for use as the project office and the model unit.

Variances and Special Exceptions Required

In order to obtain this site plan, the developer is requesting special exceptions under Section 2116 of the Zoning Regulations, which deals with the location of parking, and variances from the Schedule of Off-Street Parking (Section 2101.1), variances from Section 403.2 dealing with maximum allowable lot occupancy, variances from Section 401.3, the minimum lot area and lot width requirements in the R-4 District, and variances from Section 404.1, the minimum rear yard setback in the R-4 District.

The reason for the special exceptions and variances result from four main factors:

1) Zoning relief is required due to the alley turnaround at the north end of the development site. The alley, which runs along the north side of the site, is somewhat unusual in that it does not extend through the square to 14th Street. There is a small turn around area near the end of the alley that in effect sticks into the development site. Though it may be possible in theory to close this alley stub, in fact it is desirable to have that turnaround available.

2) Zoning relief is also requested due to the angle of the intersection of Kentucky Avenue and C Street, S.E. This angle, a legacy of the L'Enfant Plan, makes it impossible to meet certain zoning requirements while still retaining the street wall of the buildings.

3) The overall unusual shape of the site, a result of the angle of Kentucky Avenue and the alley alignment.

4) Maintaining the buildings on the street lot lines.

This description tends to make the special exceptions and variances requested sound more complicated than they are in reality. In fact, only seven lots need some kind of variance relief, as described below.

Requested Zoning Relief Due to Alley Turn Around Stub on North Side of Development

The applicant has identified three lots that need zoning relief related to Sections 2116, 2101.1 and 401.3 of the Zoning Regulations because of the impact of the alley turn around stub near the northeast corner of the property. These lots are located at 245 and 247 14th Street, S.E. (Lots 96 and 95) and Lot 85 (the large lot in the center of the development which is used for parking and some landscaping).

There are 11 lots and buildings along 14th Street, S.E., with a lot width of 18 feet or 20 feet. The nine southern lots are 100 feet long. However, because of the protrusion of the alley turnaround, the two northernmost lots cannot have the full lot depth and therefore their lot areas are reduced: 1,524 square feet for lot 95 (247 14th Street) and 1,508 square feet for Lot 96 (245 14th Street). These areas are less than the 1,800 square feet required for a flat in a R-4 District (Section 401.3) so a variance is required. In addition, lack of space and lack of access (because of the alley turnaround) preclude locating the parking spaces for those buildings on the building lot. The parking spaces are therefore located nearby on lot 85, the lot in the center of the development site that is used for parking and landscaping, identified as Lot 85 and 1368 C Street, S.E. This arrangement of parking spaces requires a special exception under Section 2116 and a variance from Section 2101.1.

Requested Zoning Relief Due to Angle of Intersection of Kentucky Avenue and C Street

The angled intersection of Kentucky Avenue and C Street, S.E. results in some issues with respect to four lots. Lot 81, 274 Kentucky Avenue, S.E. is a large townhouse with a prominent corner location, a distinctive design and its own garage. However, because of the shape of the back of the lot due to the angle of the corner, the lot is 1,783 square feet in area, less than the 1,800 square feet required. A variance is needed from the minimum lot area requirements of Section 401.3. The lot occupancy of 65.7 percent exceeds the lot occupancy requirement of 60 percent required under Section 403.2 so a variance is required. Three lots along C Street (Lots 82, 83 and 84) have lot sizes that are smaller than the required 1,800 square feet and require variances in terms of lot size and lot width (dealing with the back portion of the lot).

ANALYSIS

Standards for Special Exception for Accessory Parking Spaces

Section 2116.1 provides that all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve, but Section 2116.5 provides that the Board of Zoning Adjustment may allow accessory parking spaces elsewhere. Section 2116.6 indicates that the Board shall find it is not practical to locate parking spaces on the same lot for various reasons, including "unusual topography, grades, shape, size, or dimensions of the lot"(Section 2116.1(a). Another reason is cited in Section 2116.6(d): "The location of required parking spaces elsewhere on the same lot or another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties."

Standards for a Variance

Section 3103.2 provides three standards for a variance.

- The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

- By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

- The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Analysis of Development Project

As noted previously, this development site has a somewhat unusual shape and a problem caused by the alley turnaround near the northeast corner of the site. The overall site plan seeks to have the buildings facing the adjacent streets in harmony with the general pattern of development in the neighborhood. These conditions cause some problems in meeting the regulations for seven of the 21 lots in the development. One of these lots is, in fact, the space in the center of the development where accessory parking is located.

OP believes that it is clear that the alley turnaround limits the size of the lots for lots 95 and 96, cutting off the rear portion of the lot that would be used for parking. Those parking spaces are provided very nearby on the interior parking lot (Lot 85). OP believes that the reduced lot size does meet the variance test, i.e. the situation with the shape of the lot and the alley turnaround is unique and that the strict application of the Regulations would result in peculiar and exceptional practical difficulties upon the owner (developer) of the property. OP believes the variance of lot size for these two lots will not cause substantial detriment to public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The portion of the lot being "lost" is the portion being used for parking on similar lots along 14th Street that are not impacted by the alley turnaround. The parking spaces are provided nearby. This requires permission of the Board as a special exception under Section 2116.5. OP believes that allowing the parking spaces to be located off the residential lot, but nearby, results in more efficient land use and better design of the development. OP notes that parking spaces are also being provided on Lot 85 that are associated with Lots 82, 83 and 84 on C Street.

OP also believes that the angle of Kentucky Avenue and C Street produces an unusual situation with respect to the corner lot (Lot 81) and the three adjacent lots (82, 83 and 84), especially when the developer is trying to maintain the street wall. OP believes that the reduced lot size does meet the variance test, i.e. the situation with the shape of the lot and the intersection of Kentucky Avenue and C Street is unique and that the strict application of the Regulations would result in peculiar and exceptional practical difficulties upon the owner (developer) of the property. OP believes the variance of lot size for these four lots will not cause substantial detriment to public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Indeed, the special exception and the variances provide an improved site plan, considering the problems of the alley turnaround and the angle of Kentucky Avenue.

Consistency with the Comprehensive Plan

The proposed development is consistent with the Generalized Land Use Map of the Comprehensive Plan that designates the site for moderate density residential use. The development is also consistent with a number of sections in the Ward 6 Plan dealing with

Housing (Sections 1705 and 1706), Urban Design (Section 1721), Preservation and Historic Features (Section 1725) and Land Use (Section 1733).

ANC AND COMMUNITY GROUPS

There is strong community support for this project, since the boarded-up former public housing project has been an eyesore for several years and was a problem before being closed.

On Tuesday, April 9, 2002, at the regular ANC meeting, ANC-6B voted unanimously to recommend approval of the special exceptions and the variances needed for this case, Application No. 16860. This support by ANC-6B is indicated in a letter to the Board.

There has been a long process of community involvement in helping shape the present plan to replace the boarded-up public housing project with a mixed-income development designed to relate to the surrounding neighborhood. This has involved various organizations and individuals, many of whom have worked through the Kentucky Courts Neighborhood Task Force (KCNTF).

OTHER AGENCY COMMENTS

The Office of Zoning referred this application to the D.C. Division of Transportation (DDOT). The DDOT report, dated April 17, 2002, addresses the applicant's proposal to locate some parking spaces away from the residential units they serve and the proposal to provide a ten feet wide driveway into the parking area (a wider driveway will be provided by recording an easement that will provide passage over a portion of the rear yards of the lots along 14th Street). The report concludes that from a transportation standpoint, the proposed development will not have an adverse traffic or parking impact on the neighboring residential area and that DDOT has no objection to the proposal.

RECOMMENDATION

The Office of Planning recommends approval of the plan for this new residential development, which includes approval of a special exception from the location of parking spaces requirement under section 2116, and pursuant to 11 DCMR § 3103.2, a variance from the lot width requirements under section 401, a variance from the lot area requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the off-street parking requirements under subsection 2101.1. OP recommends that the Order reference the condominium arrangement for the development and require the proposed easement for the driveway access.

Attachments

AA/jf



Feature Key

- Zoning Boundaries
- Square Index
- Site Boundary

Board of Zoning Adjustment
Application No. 16860

DC Office of Planning
April 16, 2002

Scale 1:1048

25 0 25 50 Feet

Attachment 1



Financing Info

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IDS

202-635-7117 Fax 202-318-3214

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Partners

Kentucky Courts - Site Plan

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