GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director (JLS for)

DATE: June 15, 2004

SUBJECT: BZA Case #17173, Variance and Special Exception Request

RECEIVED
D.C. OFFICE OF ZONING
2004 JUN 15 PM 4:45

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

OP recommends that the requested variances be approved.

II. APPLICATION-IN-BRIEF

Location 2525 Minnesota Avenue SE, Washington DC
Square 5553, Lot 804, Ward 7; ANC 7A

Applicant: Greenstein DeLorme & Luchs, PC for 2525 Minnesota Avenue LLC, owner

Zoning: R-5-A

Proposal: Construction of a new ten unit rowhouse development.

Relief Sought: Special Exception for rowhouse use in the R-5-A zone, pursuant to §

Variances to Floor Area Ratio and lot occupancy for certain lots and parking space location are requested. OP feels that a side yard relaxation for one lot is also required.

III. EXECUTIVE SUMMARY

This application is for the development of a currently vacant lot in Ward 7 with a new 10 rowhouse affordable housing development. Due to the complex lot shape and topography, and the wish of the applicant to standardize lot and building layouts as much as possible, a number of minor variances are required, although, overall, the project's density, lot occupancy and height would be in keeping with the Comprehensive Plan Generalized Land Use map, and would be less than permitted under the zoning. OP feels that the proposal conforms to Comprehensive Plan objectives for the provision of housing on vacant sites. OP recommends approval of the proposal, but notes that the provision of conforming parking (with one space on each lot) may be possible, and has requested additional justification from the applicant for this requested variance.

IV. AREA AND SITE DESCRIPTION – Refer to Location Plan Attachment I, Site Plan Attachment II, and Context Photos Attachment III

The site is within Square 5553, a triangular square that is bound by Minnesota Avenue SE to the north-east, 27th Street SE to the east, and Pennsylvania Avenue to the south. The south half of the square, is zoned C-2-A and is generally developed with row dwellings converted to commercial uses, and a gas station, all facing Pennsylvania Avenue. There are also three rowhouses facing Minnesota Avenue, adjacent to the

BZA Case No. 17173 Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17173
EXHIBIT NO. 28

subject property. There is no through alley, although some properties have rear or side access from short alley segments from 27th Street SE and Minnesota Avenue SE.

The subject site – lot 804 – is located at the northern corner of the square with frontage on Minnesota Avenue SE and 27th Street SE. The site is currently vacant, as the former low rise apartment building has been demolished.

V. PROJECT DESCRIPTION

The owners wish to construct a new 10 unit affordable housing development. The units would be in 2 clusters of 5; one facing Minnesota Avenue SE and one facing 27th Street SE, would be 2 stories in height, and would be affordable, for sale housing. The rowhouses would be essentially identical three bedroom with partially finished basement homes. All would have private rear yards; the inner units would also have front porches. 13 parking spaces would be accessed via a common driveway with access from 27th Street SE.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated "**moderate density**" residential (row houses and garden apartments being the predominant uses) on the Comprehensive Plan Generalized Land Use Map. The proposed development is not inconsistent with this designation.

The proposal would further the following major themes of the Comprehensive Plan, as outlined in Chapter 1:

101.1 (a) Stabilizing and improving the District's neighborhoods;

(e) Respecting and improving the physical character of the District;

(i) Promoting enhanced public safety; and

(j) Providing for diversity and overall social responsibilities.

The proposal would further many Comprehensive Plan goal and objectives for the District, particularly ones related to the appropriate development of vacant properties and the provision of affordable families housing:

Chapter 3 Housing Element

301 Housing Goal

301.1 It is the goal of the District to have adequate affordable housing for all District residents in communities that have access to services and facilities to meet their needs.

302 Housing: General

302.2 The policies established in support of the general objectives for housing are as follows:

(a) Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives...

303 Low- And Moderate-Income Housing

303.1 The objectives of the District for low- and moderate-income housing are as follows:

(a) To provide for the housing needs of low- and moderate-income residents;

(d) To provide opportunities for residents of District-owned and District-assisted housing to achieve self-sufficiency and upward mobility;

(e) To encourage home ownership;

Chapter 7 Urban Design

712 Areas In Need Of New And Improved Character

712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

(a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

Chapter 11 Land Use

1104 Policies In Support Of The Residential Neighborhood Objectives

1104 (a) Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses;

The proposal would also further Ward 7 goals and objectives related to housing and urban design:

Chapter 18 Ward 7 Plan

1807 Ward 7 Housing

1807.3 The overall housing objective in Ward 7 is to stimulate development of new and rehabilitated housing at affordable rates to meet the needs of all income levels, particularly good housing at affordable rates for low and moderate incomes. ....

1808 Ward 7 Objectives For Housing

1808.1 (b) Stimulate the production of new and rehabilitated housing to meet all levels of need and to provide incentives for all types of housing at desired locations;

1820 Ward 7 Objectives For Urban Design

1820.1 (c) Encourage the design of development that is sensitive to the existing scale and character of Ward 7's established residential areas;

VII. AREA ZONING

The site and lands to the north, east and west are zoned R-5-A, low rise apartment, garden apartment and row dwellings being the predominant land use type. Directly to the south, along Pennsylvania Avenue, is C-2-A zoning, low to moderate density community business center.

VIII. ZONING REGULATION ANALYSIS – see also Project Profile, Attachment IV

In accordance with §401.3 of the Zoning Regulations, the minimum area and minimum width for each lot on the site shall be "*as prescribed by the Board* (of Zoning Adjustment) *pursuant to §3104* (Special Exception provisions)":

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

The proposed row house development would be in harmony with the general purpose and intent of the Zoning regulations and Maps. The proposed use is permitted in the R-5-A zone, and the proposed lot sizes and lots widths are in keeping with – or exceed – what would be expected for this form of development. As noted above, the proposal is not inconsistent with the Comprehensive Plan Generalized Land Use Map, and would further many Comprehensive Plan goals and objectives.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

The proposed development would not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. Rather, the proposal would result in the development of a currently vacant lot with a form of housing that is in keeping with that of adjacent residential lots and the surrounding streetscape and development patterns.

The applicant has also requested variance relief from floor area ratio, lot occupancy, side yard and parking location provisions of the zoning regulations pursuant to §3103. OP notes that the first three are partially the result of the exact form of the proposed subdivision. Alternative, more "creative" and less logical subdivision layouts may be possible, but it appears that a logical subdivision that would eliminate all variances (and not create new ones) may not be possible. As such, the applicant has decided to proceed with the proposed subdivision that creates lots that are as regular as possible, even though this contributes to non-conformities on some lots.

1. **Floor Area Ratio (§402.5) for 3 of the 10 lots - #6, 7, and 8 and**

2. **Lot Occupancy (§403.2) for 3 of the 10 lots, #7, 8 and 9:**

The zone permits a maximum FAR of .9, whereas the development on the 10 lots would have FAR's of .57 – 1.01, due to varying lot size and varying amounts of basement area that is counted towards FAR (the units have identical gross square footage, but varying grades and basement elevations require portions of the basement space in some units to be counted in FAR). Overall, the combined project has an FAR of about .76.

The zone permits a maximum lot occupancy of 40%, whereas the 10 lots would have lot occupancies varying from 27.1 – 43.1%, due to varying lot size (the units have identical footprints, other than that interior units have a front porch). Overall, the combined project has a lot occupancy of about 35.1%.

The analysis for individual lots requiring FAR and/or lot occupancy variances is identical.

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

The property has a highly unique "M" shape, which creates exceptional conditions in terms of the ability to create conforming lots. The terrain, which slopes somewhat from 27th Street down to Minnesota Avenue, adds additional difficulty in the provision of units standardized to reduce costs and increase affordability. Another exceptional situation is that the purchase of the property from the DC Department of Housing and Community Development (DHCD) made the development subject to DHCD affordable housing guidelines for home ownership, which again relates to the applicant's need for some standardization to reduce costs.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

While it may be possible to increase the size of the relevant lots (and therefore reduce or eliminate FAR and lot occupancy variances) this would result in a less logical subdivision, and would almost certainly create other additional non-conformities. Reducing the number of units or the size of some units would, according to the applicant, impinge upon their ability to economically provide affordable units. The topography contributes to the FAR non-conformity in that it results in portions of the otherwise below grade basements to be counted in FAR.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

As noted above, the most likely way to address these two areas of non-conformity would be a realignment of the subdivision lines to eliminate the variances, but this would have no impact on the streetscape appearance of the development. Rather, the proposed lot width and configuration and the proposed building form and bulk are in keeping with zoning and with area streetscape conditions, so the lots and the buildings would not look out of character. The elimination of basement square footage in some units, to address the FAR non-conformities, would have little or no impact on building bulk; neither would a minor reduction in building size to address the lot occupancy non-conformities. Overall, the project is well below the permitted FAR and lot occupancy for row house development in this zone.

3. Side Yard (§405.2) for 1 lot, #1:

The zone requires the provision of a side yard of 8 feet minimum for each semi-detached end unit that is not located at the intersection of two streets. The only lot that does not conform to this requirement is Lot 1, which would provide a side yard of 5.71 feet.

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

The shape of Lot 1, the subject lot, presents an exceptional condition in terms of lot shape. Its lot line along is not perpendicular to 27th Street, and angles in towards the lot at considerably less than 90°, so the site narrows in from the street.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

While it may be possible to eliminate this non-conformity by reducing the size of the end unit, this could unnecessarily impact affordability due to a loss of standardized construction, particularly since Lot 1 provides a side yard of 22 feet at the street and is well set back from any adjacent building. Shifting the entire cluster over to increase the side yard would impact the

common driveway as well as the size of the lots facing Minnesota Avenue, already the smallest lots in the proposed development.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Because the subject property line is at an odd angle to the street frontage, the side yard for Lot 1 narrows from about 22 feet at the front of the lot to 5.7 feet at the rear of the house, so the average is well over what is required (8 feet). As such, the side yard as proposed provides for the separation for light, air and privacy intended in the zoning regulations. In addition, this side is adjacent to the rear of properties facing Pennsylvania Avenue, so there is a considerable amount of open space between the proposed building on Lot 1 and the existing buildings to the south.

4. Parking Location (§2116.1):

Although the project would provide 13 on-site parking spaces (one per unit plus three additional spaces), they are generally not located to be on individual lots, but are instead grouped around a common driveway accessed from 27th Street SE. 8 of the 10 lots would not provide on-site parking. The applicant advises that this parking solution is the result of the community's desire to maximize parking on the site (off street). The following analysis would be similar for each of those non-conforming lots.

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

The site's difficult "M" shape creates exceptional conditions in terms of the ability to create more standard lot and parking configurations. The slope of the terrain down from 27th Street – from which parking for all units would be provided – may compound the problem. However, OP has requested that the applicant provide additional information and justification for the parking variances for the individual lots, as it appears to OP that the provision of on-site parking may be possible.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

The lot configuration would complicate the provision of convenient parking on each lot plus adequate desirable rear yard area, where parking would normally be located. By "clustering" the parking, accessibility may be improved, and rear yard are allowed to be a more standard size and shape than would otherwise likely be the case. However, OP also feels that this may increase the amount of pavement on the site, and may make the control of parking, more difficult. Normally, homeowners would prefer to have a parking space entirely on their property, for security and control reasons.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The provision of parking accessed from a common driveway and a single entry point minimizes impacts on the streetscape and traffic patterns. Common parking areas such as proposed would not be considered by OP to impair the integrity of the Zoning Regulations, but would appear to be contrary to the intent of parking regulations, which encourage on site parking for houses. While

OP has no major concerns with the parking layout proposed, OP has requested additional analysis and justification from the applicant.

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 7A reviewed this request at its meeting of May 19, 2004. The applicant advised OP that the ANC voted to support the application, subject to the satisfaction of the security concerns of two adjacent neighbors being met. The applicant has further advised OP that they have had additional discussions with these neighbors, and have addressed those concerns.

X. OTHER AGENCY COMMENTS – refer to Attachment V for complete comments.

In response to OP standard referral, OP received the following comments from other District agencies and departments:

- The **DC Fire and Emergency Medical Services Department** (memo attached) noted no objection with this proposal, provided fire codes are complied with.
- The **Department of Employment Services** (memo attached) notes that a First Source Agreement is required prior to DOES review of the proposal. The applicant advised OP that they entered into a First Source Agreement in 2001 prior to closing DC DHCD financing.
- The **Department of Housing and Community Affairs** (memo attached) notes support for the proposal, and that the provision of 10 affordable homeownership units is in direct response to the DHCD funding conditions for the development. The scale, massing and exterior materials of the 10 proposed townhouses are in character with the residential character of the surrounding neighborhood.
- The **Department of Parks and Recreation** (via email) noted "*as our closest property is a small triangle park located more than a block from the site, we do not have any comments regarding this application. The site is within a block of a cluster of NPS green spaces (intersection of Minnesota & Pennsylvania Aves, SE) so NPS should be included in this review.*"

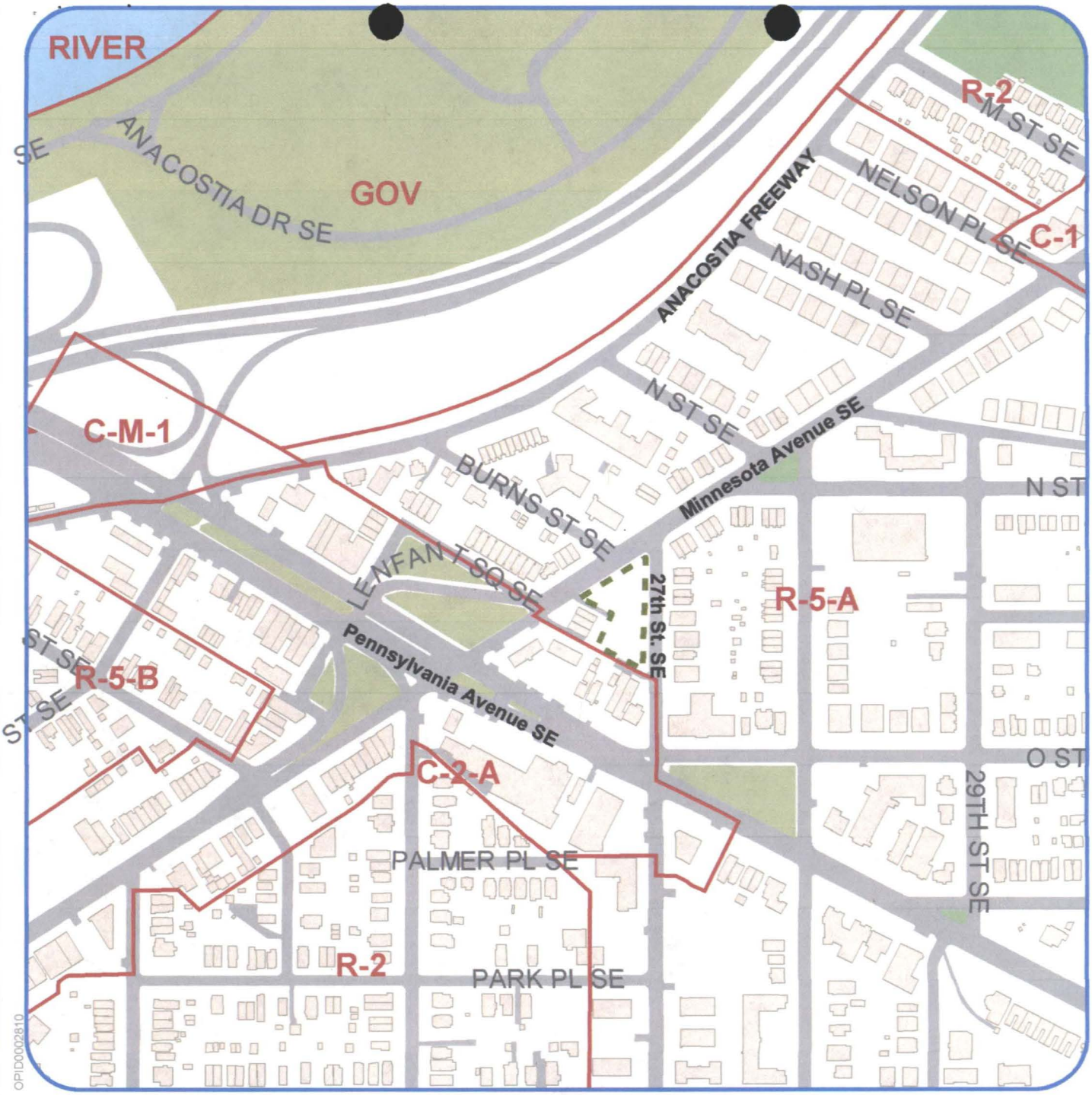
XI. OP SUMMARY RECOMMENDATION

OP feels that the proposal generally meets the various tests for the requested relief, as well as meeting Comprehensive Plan goals and objectives related to the provision of new affordable housing in Ward 7. OP's only concern relates to the form of parking proposed, and additional justification for the parking location variances for 8 of the 10 lots has been requested of the applicant. Otherwise, OP has no concerns with this proposal to provide much needed affordable, attractive housing in Ward 7, and recommends approval.

AA/jl

ATTACHMENTS:

I. Context Plan
II. Site Plan
III. Context Photos
IV. Project Profile
V. Agency comments



Legend

- Property Squares
- Zoning Districts
- Parks
- Site

BZA Case 17173
2525 Minnesota Avenue

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

N

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LOCATION PLAN

ATTACHMENT I



Legend

- Non-conforming SF Use
- Rowhouse
- Single-Family Semi-Detached
- Store
- Educational
- Vacant
- Vehicle Service Station
- Property Squares
- Zoning Districts
- Site
- Proposed building
- Proposed parking

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BZA Case 17173
2525 Minnesota Avenue

Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May, 2004

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SITE PLAN
ATTACHMENT II


Pennsylvania Ave. SE
Gas Station
Minnesota Ave. SE
Row Houses
SITE
27th Street SE
School
Facing West


Q Street SE
School
Pennsylvania Ave. SE
27th Street SE
Gas Station
SITE
Row Houses
Minnesota Ave. SE
Facing South

Standard	R-5-A Zone Regulations	Proposed	Variance
Dwelling Type:	Row dwellings, low rise apartment	10 dwelling units; 6 internal rowhouses and 4 semi-detached units.	Conforming
Height (§400.1)	40 feet max.	18.2 – 22.9 feet[1]	Conforming
Stories (§400.1)	3 stories max.	2 + basement / cellar	Conforming
Lot Area (§401.3)	As prescribed by BZA	1,976 to 2,048 sq.ft. (average = 1,984 sq.ft.)[2]	**BZA review required**
Lot Width (§401.3)	As prescribed by BZA	24 – 29.5 feet (average = 26 feet)	**BZA review required**
Floor Area Ratio: (§402.5)	0.90 max	.57 – 1.01[3] (average = .73)	**Variance required for lots 6, 7 and 8**
Defined Square Footage:	Varies with lot size	1,397 – 1644.9 sq.ft. (average = 1,456 sq.ft.)	
Lot Occupancy: (§403.2)	40% max.	27.1 – 43.1[4] (average = 35.1%)	**Variance required for lots 7, 8 and 9**
Rear Yard: (§404.1)	20 feet min.	20.89 – 75 feet (average = 39.2 feet	**Conforming**
Side Yard: (§405.2)	0' for internal units; 8' min. for end units	Lot 1 = 5.71'; lot 5 = ±10'; lot 6 = n/a[5]; lot 10 = 8.43'	**Variance required for lot 1**
Parking: (§2101.1)	1/unit min.	13	**Conforming**
Location (§2116.1)	on-site	off-site[6]	**Variance required**

1 Although unit designs are identical, height varies with grade level.
2 Total site area = 19,840.2 sq.ft.
3 Although unit designs for are identical, FAR varies with lot size and due to grade level (portions of the lowest level of some units is considered "basement" and therefore counting in FAR).
4 Although footprint is identical for all units, lot occupancy varies with lot size.
5 Side yard is not required when at the intersection of two streets, as per §405.5.
6 Parking proposed to be collectively located on the lot, but not on the individual rowhouse lots, accessed by a common driveway.

ATTACHMENT V

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001



MEMORANDUM

TO: Joel Lawson
Development Review Specialist

FROM: Kenneth L. Watts KLW
Acting Fire Marshal

DATE: May 17, 2004

SUBJECT: BZA Case No. 17173 – 2525 Minnesota Avenue, N.E.

The D.C. Fire and EMS Department has reviewed the above request.

The applicant is proposing to subdivide the site into ten individual record lots for the construction of row houses configured into two separate, five-unit buildings. Ingress and egress to the site will be through a common driveway located off 27th Street, S.E.

We have no objections to this request, provided the International Fire Code and D.C. Law 2-90 are complied with.

If you have any questions concerning this review, please contact my office at 727-3659.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services

Office of Employer Services

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Margaret V. Wright
Acting Associate Director
Office of Employer Services

DATE: MAY 26 2004

SUBJECT: Review of BZA Case # 17173- 2525 Minnesota Avenue SE

As requested, the Department of Employment Services (DOES) has reviewed the BZA Application Case Number 17173- 2525 Minnesota Avenue, SE.

The Applicant, 2525 Minnesota Avenue, LLC, is the owner of the property located at 2525 Minnesota Avenue, SE, Washington, DC. The owner proposes to construct a 10 unit rowhouse development with 13 parking spaces on this property. Each of the ten (10) units will have three bedrooms with two and a half baths on two levels with an unfinished lower level.

In evaluating the application, 2525 Minnesota Avenue, LLC did not sign a First Source Employment Agreement to ensure that District residents receive 51% of the new jobs created by this project. This employer must enter into a First Source Employment Agreement with DOES in order for the application request to be considered.

It is advised that 2525 Minnesota Avenue, LLC contact Vernell Jordan at (202) 698-5774 or vernell.jordan@dc.gov for assistance in acquiring and completing the First Source Employment Agreement.

Office of the Director

MEMORANDUM

TO: Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment

FROM: Stanley Jackson
Director

DATE:

SUBJECT: BZA Application No. 17173 – Application for a Special Exception and Three Variances to Allow Construction of Ten Townhouses and 13 Off-Street Parking Spaces at 2525 Minnesota Avenue SE (Lot 804 in Square 5553)

As requested in an Board of Zoning Adjustment memorandum of April 2, 2004, the Department of Housing and Community Development (DHCD) has reviewed the above referenced BZA Application, supports approval of the requested Special Exception under Subsection 353.1, the variance from off-street parking requirements under Section2116.1, the variance from FAR requirements under Section 402.4 and the variance from lot occupancy requirements under Section 403.2, and offers the following reasons in support based upon the specific information presented in the application:

1. DHCD has contributed funding to the Applicant's project for the purpose of creating ten (10) units of much needed affordable homeownership housing in this East of the River neighborhood. The 10 proposed townhouses units are in direct response to the DHCD funding conditions for the development of affordable homeownership units.
2. The site is an awkwardly shaped trapezoidal lot that fronts on 27th Street SE and Minnesota Avenue SE. In order to have a site plan where the 10 townhouse units front on 27th Street and Minnesota Avenue, it was necessary to develop a vehicle circulation and parking plan that has access from 27th Street. This circulation/parking plan makes it possible to place only two of the parking spaces on the townhouse lots they serve. The other eight townhouses will be served by assigned parking spaces located on the project property but not located on their own townhouse lot.
3. Thirteen off-street parking spaces are provided on the property – three more than the ten parking spaces required.

4. The awkward shape of the property has resulted in the creation of 10 record lots of varying sizes with an overall lot occupancy of 34.1%. Five of the individual lots face 27th Street and five of the lots face Minnesota Avenue. Three of the lots on Minnesota Avenue (Lots 7,8, and 9) have a lot occupancy of 43.1% which requires a modest variance of 3.1% to exceed the maximum 40% individual lot occupancy allowed
5. The sloping topography of the site, with the slope falling across the site from 27th Street to Minnesota Avenue, results in a situation where three of the townhouses fronting on Minnesota Avenue (Lots 6, 7, and 8) will have a portion of their basements out of grade that must be counted in the FAR. The FAR for these three townhouses is modestly above the maximum .90 FAR permitted for the individual record lots. The overall FAR for the whole property is approximately .71 – well below the maximum .90 allowed.
6. The scale, massing and exterior materials of the 10 proposed townhouses are in character with the residential character of the surrounding neighborhood. The proposed townhouses will be in harmony with the intent and requirements of the R-5-A Zoning District in which the project property is located.