BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of AmeriDream Amber Overlook, LLC
4922-4930 Call Place, SE; 4911-4927 C Street, SE; 301 and 305 50th Street, SE
Square 5336, Lots 1, 27, 28, 29, 30, 31, 32, 33, 34, 35, 2001-2015

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The Subject Property includes the entirety of Square 5336. Square 5336 is bounded on the north by C Street, on the south by Call Place, on the west by St. Louis Street, and on the east by 50th Street. The Subject Property is currently improved with nine multi-family residential buildings that are now vacant, contains approximately 101,500 square feet and is zoned R-5-A.

The Applicant proposes to develop the Subject Property with seventy-six units of row dwellings, flats, and multi-family dwellings. Sixty-five at-grade parking spaces and eleven individual garage parking spaces will be included in the development. All dwelling units in the proposed development will be affordable to families with incomes of eighty percent or less of the Area Median Income as defined by the U.S. Department of Housing and Urban Development.

In order to proceed with this project, the applicant seeks special exceptions pursuant to §353 for a new residential development in the R-5-A zone district and pursuant to §410 for multiple buildings to be considered a single building.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In that Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

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II. Special Exception for New Residential Development (§353)

The Applicant proposes to meet the criteria for new residential development as follows:

A. 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 number of students that can be expected to reside in the project. (§353.2)

The application will be referred to the D.C. Board of Education. There are existing D.C. public schools in the area, including Nalle Elementary School immediately north of the site. The proposed development – consisting of seventy-six dwelling units – is significantly less dense than the existing development, which includes 143 dwelling units. The theoretical burden on the surrounding public schools will therefore be approximately half of what it was when the existing units were occupied.

B. 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. (§353.3)

The application will be referred to the D.C. Departments of Transportation and Housing and Community Development. The property fronts primarily on C Street, but it runs from St. Louis Street on the west to 50th Street on the east, with Call Place to the south. Site access will be provided from both C Street and Call Place. The entrances to the row dwellings and flats will front on St. Louis Street, C Street, and 50th Street. The entrances to the multi-family dwellings will front on Call Place or on the site's interior, close to the central Green. The buildings will occupy less than thirty-four percent of the total site. All areas not devoted to the building or parking will be appropriately landscaped. Grading will meet all acceptable standards to prevent soil erosion. There will be a passive open space provided on the subject site, in the form of a public Green. As noted above, the proposed development includes substantially fewer dwelling units than the existing development. The trip generation of the proposed development will therefore be

significantly less than the previous use. The proposed development includes only two curb cuts, increasing the flow of traffic and allowing for ample street parking around the entirety of the site. There will be sidewalks accessing the site that allow for a high level of pedestrian accessibility. There are also several recreational opportunities in the vicinity, including portions of Fort Dupont Park.

C. 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. (§353.4)

See the comments on ¶B, above.

D. In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements. (§353.5)

Eight copies of all of the required plans are hereby submitted.

For all the above reasons, the Applicant satisfies its burden of proof for a special exception pursuant to §353 of the Zoning Regulations.

III. Special Exception for Multiple Building Considered as a Single Building (§410)

The Applicant proposes to meet the criteria for groups of row dwellings and flats to be considered a single building as follows:

A. All buildings in the group of buildings shall be erected simultaneously. (§410.2)

All buildings in the group of buildings will be erected simultaneously.

B. All front entrances of the group shall abut a street, front yard, or front court. (§410.3)

The front entrances of all of the row dwellings and flats will abut a street. Three of the six front entrances of the multiple-family dwellings abut the site's interior, or the individual rear yards of the theoretical building lots. Pursuant to §410.12, the applicant requests relief from this criterion.

C. No rear or service entrance shall abut a street, front yard or front court unless below the main floor. (§410.4)

None of the rear or service entrances abut a street, front yard or front court.

D. No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area. (§410.5)

No exterior stairways are above the level of the joists of the main floor.

E. No subdivision of the property shall be authorized until the Board has determined that the following requirements are met: (§410.6)

1. There shall be adequate free access to the street from each separate dwellings, group of dwellings, or buildings resulting from the subdivision.

All but three front entrances directly abut a street, providing adequate free access. The three entrances that do not abut a street abut the parking areas, which are directly connected to the surrounding streets by sidewalks and driveways.

2. Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

The development provides adequate access for fire protection and other purposes through the surrounding street system and the driveways that access the street system.

3. There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

The development includes adequate yards and light and air for each group of dwellings. Each dwelling unit has direct access to light and air and all yards comply with the Zoning Regulations.

F. The height of an individual building in a group of buildings may be measured as follows: Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building. (§410.7)

There is no building that has another building between it and a public street. The height of the buildings in the proposed development has been measured from the curb at the center of the front of the building.

G. The front entrances of not more than four one-family dwellings, nor more than four dwelling units per floor, shall face any street that abuts the lot. (§410.8)

With the exception of Call Place, each street is faced by more than four entrances. Pursuant to §410.12, the applicant requests relief from this criterion.

H. All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court. (§410.9)

The front entrances of all of the groups of row dwellings and flats will abut a street. Three of the six front entrances of the multiple-family dwellings abut the site's interior, or the individual rear yards of the theoretical building lots. Pursuant to §410.12, the applicant requests relief from this criterion.

I. No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group. (§410.11)

No exterior stairway will be constructed above the level of the joists of the main floor.

J. In an R-5-A District, if approved by the Board as a special exception under §3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.1 through 410.11, subject to the following conditions:

1. The provisions of §§410.4 and 410.5 shall be complied with; and

As noted above, these provisions will be complied with.

2. The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

The proposed development will replace a group of vacant and dilapidated structures built in the 1960s. The new development will significantly increase the vibrancy of the surrounding community and will be consistent with planned new development in the vicinity, including the Hope VI Eastgate project in close proximity to the site . The proposed development will be comprised entirely of for-sale dwelling units, providing a more stable occupancy for the surrounding neighborhood. The proposed development includes sidewalks, attractive landscaping, a public Green, and quality architecture. The number of curb cuts are limited to two and the buildings create a solid and visually appealing edge along each street. The redevelopment of the property will not adversely affect the present character and will have a positive effect on the future development of the area.

For all the above reasons, the Applicant satisfies its burden of proof for a special exception pursuant to §410 of the Zoning Regulations.