GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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Memorandum

TO: Board of Zoning Adjustments

FROM: JLS for Andrew Altman, Director
Office of Planning

DATE: December 13, 2004

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #17252

The attached report concerning BZA Application #17252 is being submitted less than 7 days prior to the Board of Zoning Adjustment consideration of the item scheduled for public hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment

AA/jem

BZA
Case No. 17252
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17252
EXHIBIT NO. 29

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 16, 2004

SUBJECT: BZA Application #17252

4922 – 4930 Call Place, S.E.4911 – 4927 C Street, S.E., and
301 and 305 50th Street, S.E.

APPLICATION

The applicant, AmeriDream Amber Overlook, LLC, requests pursuant to 11 DCMR 3104.1, a special exception for new development in the R-5-A § 353 District and for multiple buildings to be considered a single building under § 410.

SUMMARY RECOMMENDATION

The Office of Planning believes the application meets the standards of Section 3104 and the special exception request should be approved.

SITE AND AREA DESCRIPTION

The subject property is located in the Marshall Heights Neighborhood of Ward Seven. It consumes all of Square 5336, including Lots 30, 32, 33, 2001, and 2015 on Call Place, Lots 1, 27, 28, 29, and 34 on C Street; and Lots 31 and 35 on 50th Street. The property is approximately 101,500 square feet in land area, with approximately 588 feet of frontage along C Street, 200 feet along 50th Street, 427 feet along Call Place and 236 feet along St. Louis Street. The property is bounded by C Street on the north, Call Place to the south, 50th Street to the east and St. Louis Street to the west.

Fletcher-Johnson Educational Center is directly south east of the subject site and Nalle Elementary School is directly across C Street, north of the site. The nearest commercial area is approximately 5 blocks to the south at the intersection of East Capitol Street and Benning Road. There is a major commercial center (East River Park) approximately one mile west of the subject site.



South view of Fletch-Johnson Educational Center

The subject property is within walking distance of the Fort Circle Park System, with active recreation venues in Fort Dupont Park to the south and Anacostia Park/ Kenilworth Aquatic Gardens to the northwest.

BACKGROUND

The subject property includes all of Square 5336. It was improved between 1965 and 1967 with nine multi-family structures that contains approximately 143 units of housing. The property is in the R-5-A Zone District where moderate density row houses and garden apartments are the expected uses. All of the buildings are currently dilapidated, vacant, boarded, and slated for demolition.



North view of Nalle Elementary School, directly across from site

The area surrounding the subject site is predominantly moderate density residential in character and is mostly developed with garden apartments and some single-family houses. There are a significant number of other dilapidated, vacant and boarded residential buildings in the area. These buildings offer good opportunities for in-fill housing, which could contribute to revitalizing and stabilizing the Marshall Heights Community. The subject revitalization project hopefully represents the "vanguard" of community revitalization.

Many East of the Anacostia River communities have not benefited from the surge in development that the District has been experiencing for the past decade. Some of these communities are distressed and can be characterized as overburden with un-attractive garden apartments in poor to fair condition. These buildings were often constructed without design considerations for the end user; moderate income families with children. Further, many of these buildings exhibit evidence of insensitivity to the environment, privacy, safety and security.

PROPOSAL



The applicant proposes to replace the nine vacant structures on the property with a mixed residential project that will offer seventy-six units, including 24 row dwellings (11 4br, 13 3br row, 8 flats (all one bedroom), and 36 multi-family units (20 3br, 4 3br with loft, 10 2br, and 2 2br with loft). There will be 8 townhouses (3 bedrooms) stacked over the flats). The development will feature a Central Green, which will be an open space area approximately 55' x 55'that will be located in the middle of the interior of the site. The Green will be a passive recreation area for residents.

The property primarily fronts on C Street, but access will also be provided from Call Place. The entrance to the row dwellings and flats will be from St. Louis Street, C Street and 50th Street. The entrance to the multi-family dwellings will be from Call Place, close to the central Green. There will be sixty-five at-grade parking spaces and eleven individual garage parking spaces. All of the units in the proposed development will be affordable to families with incomes of eighty percent or less of the Area Median Income as identified by the U.S. Department of Housing and Urban Development.

In order to implement the project, the applicant seeks special exceptions pursuant to §353 for a new residential development in the R-5-A District and pursuant to §410 for multiple buildings to be considered single buildings.

ZONING REQUIREMENT AND ANALYSIS

The subject site is zoned R-5-A. The R-5 Zone Districts are general residence districts designed to permit flexibility of design by permitting in a single district, all types of urban residential development if they conform to height, density and area requirements established for these districts under chapter 4 of this title. In the R-5-A District, only low height and density shall be permitted.

The applicant seeks to construct multiple buildings on the site and requests that the project be considered as nine single buildings pursuant to Section 410.

353 New Residential Developments

353.1 In the R-5-A Districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards and requirements in § 410 and this section.

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 surrounding neighborhood.

The proposed development will be substantially less dense than the previous multi-family housing complex on the property. The original 1960's development was nine separate buildings that contained 143 multi-family housing units. The redevelopment proposal is to build nine separate buildings with only 76 units that will include row dwellings, flats and multi-family dwellings. The new project will occupy less than thirty-four percent of the total site. The site will be graded to meet all acceptable standards to prevent soil erosion and excessive drainage.

The proposed development will have adequate provisions of light and air. All of the proposed buildings will be along the perimeter of the site, and no building will exceed three-stories in height. The interior of the site will open, with the exception of parking areas. Landscaping will cover the entire site not devoted for buildings or parking lots. The interior will feature a "Public Green" which is anticipated to be an attractive passive recreation centerpiece.

The proposed development will include only two curb cuts, which will better control the flow of traffic to and from the interior parking areas. There will also be ample street parking around the entire site.

410 Groups of Residential Buildings In R-5 Districts

410.1 In an R-5 District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with divisions walls erected from the ground up or from the lower floor up, may be erected and deemed a single building for the purpose of this title: provided, that the requirements of §§ 410.2 through 410.11 shall be met.

410.2 All buildings in the group of buildings shall be erected simultaneously.

All of the group of building in the proposed development will have division walls erected from the ground up, and will be erected simultaneously.

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

The front entrance of all the row dwellings and flats will abut a street. However, three of the six multiple-family dwellings abut the site's interior, or the rear yards of the theoretical building lots. The applicant is requesting relief from this requirement, under § 410.12.

410.4 No rear or service entrance shall abut a street, front yard, or frontcourt.

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

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

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

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

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

All of the dwellings, group of dwellings and buildings (with the exception of three multiple-family buildings) directly abut a street and provide free access to a street.

(a) Easements, fee, alley, or streets shall provide adequate access for fire protection and other purposes.

The street system that surrounds the site and the two entrances to the site will provide adequate access for fire protection and other purposes.

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

Page 7 of 15 of the application shows the proposed theoretical building lots. Each dwelling, group of dwellings and group of buildings in the proposed development will have access to light and air and all yards will comply with the Zoning Regulations.

410.7 The height of an individual building in a group of buildings may be measured as follows:

(a) 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.

There will be no buildings in the proposed development that will have another building between it and a public street.

(b) Any building that has another building between it and the public street may have its height measured from the proposed finish grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwellings units within the building.

The height of the buildings in the proposed development will be measured from the curb at the center of the building.

410.8 The front entrance of neither not more than four (4) one-family dwellings, nor more than four (4) dwellings units per floor, shall face any street that abuts the lot.

With the exception of the units on Call Place, there are more than four entrances facing the street. The applicant is requesting relief from this requirement for the units facing Call Place, pursuant to § 410.12.

410.9 All front entrances of the group shall abut a street, front yard, or front court; provided, that the front entrance may abut a side yard if all one-family dwellings or 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.

The front entrance of all the row dwellings and flats will abut a street. However, three of the six multiple-family dwellings abut the site's interior, or the individual rear yards of the theoretical building lots. The applicant is requesting relief from this requirement, under § 410.12.

410.11 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.

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

410.12 1 In an R-5 District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with divisions walls erected from the ground up or from the lower floor up, may be erected and 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:

(a) The provisions of §§ 410.4 and 410.5 shall be complied with.

The applicant will comply with the provisions of §§ 410.4 and 410.5.

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

The erection of 76 units of new housing on the subject site will not affect adversely the present character or future development of the neighborhood. To the contrary, the proposed development is strongly endorsed by members of the community. It is anticipated by the community that this proposed development would trigger a housing revitalization initiative that will spread over to other adjacent and nearby vacant and boarded buildings, with the hope that they too will come back on line in the near future.

Special Exception

The standard by which the BZA should approve a special exception is set forth in Section 3104

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

Yes. The applicant's proposal for new construction in the R-5-A District and for groups of dwellings to be considered as single buildings is consistent with the purpose and intent of the Zoning Regulations for the property. The lot is in the R-5-A residence zone, which permits multiple dwellings to be considered as a single structure, if approved by the Board. The area surrounding the subject site is predominantly moderate density residential in character and is mostly developed with garden apartments and some single-family houses. The proposed new dwellings lot will be consistent with the character, of other houses in the Marshall Heights Neighborhood.

The proposed use is consistent with the Comprehensive Plan Generalized Land Use Map, which depicts the subject site as being in the ***Moderate-Density Residential Land Use Category.*** Row houses and garden apartments are the predominant uses, but single-family detached houses are also included in the moderate density category. The following excerpts from the Ward 7 Housing Element are applicable to this application:

1807 Ward 7 Housing

§1807.3 The overall housing objectives 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.

1807.4 Increased homeownership opportunities, such as the program instituted at keniworth/Parkside, are important to the ward and city.

1808 Ward 7 Objectives for Housing

1808.1 The objectives for housing are as follows:

(a) Encourage the maintenance of homes that are in good condition and encourage the rehabilitation of housing units in disrepair;
(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; and
(c) Provide for the housing needs of low and moderate-income households, to improve the District's Low Rent Housing Program, to encourage ownership and to reduce the overall cost of housing for low and moderate-income households in the ward.

1809 Ward 7 Actions in Support of Housing

1809.1 The policies in support of housing are as follows:

(c) Encourage the rehabilitation of vacant deteriorating apartments units:
(1) The Marshall Heights have a high number of units in disrepair that contributes to the blight of the community; and
(2) Recommended actions:
(A) Identify vacant apartments units suitable for rehabilitation and restoration or redevelopment for recreational usage.

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

No. The new mixed housing development proposed by the applicant will not adversely affect the use of neighboring property. On the contrary, there is wide support in the community for the elimination of the nine blighted, dilapidated, vacant buildings that are currently on the site. The community believes these buildings are eyesores on the landscape, and serve as havens for negative activities. Removal of these buildings will boost morale and reestablish community pride. Some long time community residents are excited about the prospects of owning their own home in this area. The proposal to replace these buildings with a new residential project, consisting of row dwellings, flats and multi-family dwellings will have a positive affect on the community. The proposed development is especially inspiring because all of the units in the proposed development will be affordable to families with incomes of eighty percent or less of the Area Median Income. Further, neighboring property owners support the proposed development because it will contribute towards stabilization of the community.

COMMUNITY COMMENTS

On November 9, 2004, ANC 7E voted to support The Amber Overlook Development Project.

There is a letter in the file, dated November 23, 2004, from Tracy L. Wright, Principal of JC Nalle Elementary School, expressing support for the project.

RECOMMENDATION

The Office of Planning finds that the applicant satisfactorily meets the requirements specified in Section 3104.1, § 353 and 410. The proposed new construction will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the use of neighboring property. The granting of the requested special exceptions for the proposed development to be considered as single structures is consistent with the housing objectives of the Comprehensive Plan for Ward 7. Therefore, OP recommends approval of the special exception request.

AA/jem



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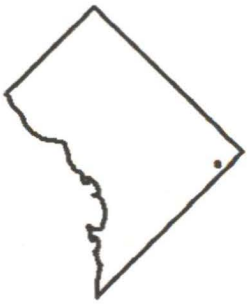
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Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November 23, 2004

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BZA Application - 17252
Special Exception
4922 Call Place, SE



Attachment 3