GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17360
EXHIBIT NO. 33

Office of the Director

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy for ES
Director

DATE: February 7, 2006

SUBJECT: **BZA Application No. 17360-** Revised Application filed by Stephen N. Gell, PC for a special exception to permit the construction of a 46-unit building at 1270-1280 Talbert Street, S.E., proposed by Yosief Maharai.

APPLICATION

The application requests special exception relief for the construction of one building consisting of 46 units in an R-4 Zone District pursuant to § 410. The application has been revised from two buildings with 48 units (24 units in each building) to 46 units in one building only.

SUMMARY RECOMMENDATION

The Office of Planning **cannot recommend approval** of the application until the following issues are satisfactorily addressed.

1. FEMS requires rear access for the adequate provision of emergency services. The Office of Planning understands that a redesign of the site may be necessary in order to provide access. However, it is necessary for both public safety and conformance with the provisions of § 410.15;
2. The application indicates that a private street is proposed. No details of its construction were provided to DDOT. Therefore, the applicant must submit to DDOT either a letter indicating that the private street will not be dedicated or copy of the application for dedication of the street; and
3. Any wetlands on the site must be clearly demarcated and coordinated with the Water Quality Division of the Bureau of Environmental Quality.

SITE AND AREA DESCRIPTION

Square: 5708	**Lot:** 962	**Quadrant:** South East
Area: 60,765 square feet	**Lot Width:** 134.94 feet	**Zone District:** R-4

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Building Restriction Line: None **Ward:** 8A05
Improvements: Unimproved and wooded.
Topography: Slopes downward from the southwest to the northwest.

Surrounding Properties:
All surrounding properties are located within the R-4 Zone District and improved residentially.

Northeast:	A one-family detached dwelling with a driveway that crosses a portion of the site; row dwellings with a private alley across their rear yards, and semi-detached dwellings.
Southeast:	Row dwellings
Southwest:	Row dwellings
Northwest:	One family detached dwellings

Zone District: "*The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.*" (§ 330.1)

Generalized Land Use Map: low density residential land use category- *"Row houses and garden apartments are the predominant uses; may also include low density housing."*

PROJECT DESCRIPTION

The applicant is proposing to construct 46 dwelling units designed in the appearance of 23 flats within one building along the northeastern side of the property and faced with brick and aluminum siding. The building will be three stories or 38 feet and 5 $^{3}/_{8}$ inches in height. Each unit will be 18 feet in width. A 26-foot wide private drive will provide vehicular access to the site from the intersection of Talbert Terrace and Talbert Street for a distance of approximately 185 feet along the southwest side of the subject property. The terminus of the private drive is designed as a 60-foot diameter cul-de-sac providing direct access to a 30-space parking lot that continues along the southwestern property line almost the entire length of the property. A sidewalk on the northeast side of the drive and parking lot provides pedestrian access to the dwellings. All front doors face the drive, the parking lot or Talbert Terrace. No vehicular rear access is provided.

Two dumpsters are proposed. One is to be located at the southeastern terminus of the parking lot and the other adjacent to the cul-de-sac. A fire hydrant is proposed to be located on the cul-de-sac, and the applicant has informed the Office of Planning that two other fire hydrants will also be provided.

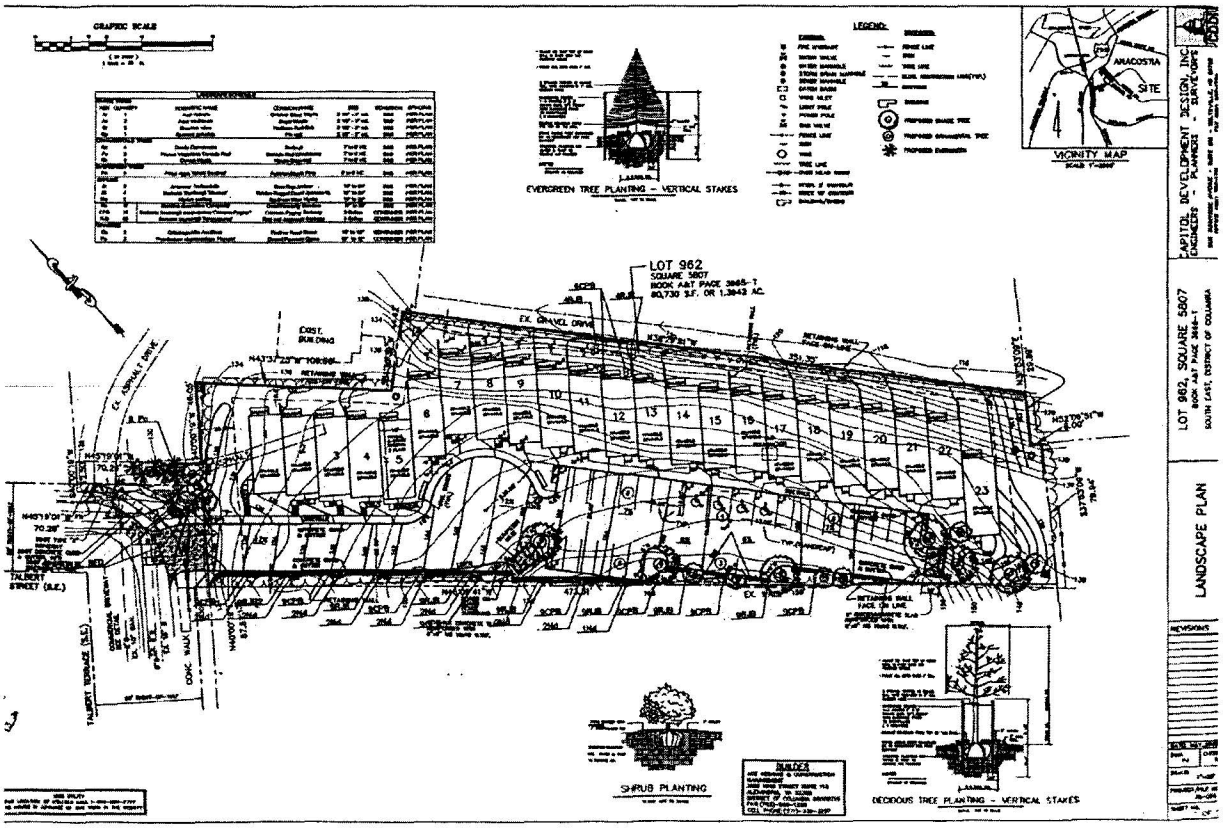
Landscaping proposed for the site is to be located primarily at the entrance and along a portion of the parking lot. Shrubbery is proposed within the area located to the rear of and between the two buildings. Shrubbery and grown cover are proposed as foundation plantings

to the front of units. Landscaping materials proposed include 6 shade trees, 8 ornamental trees and 8 evergreens, shrubbery and a variety of ground covers.

An existing private drive at the far northwestern edge of the site and serving an adjacent dwelling is proposed to remain.

ZONING REQUIREMENTS and ANALYSIS

Pursuant to § 3104.1, the application requests a special exception under 11 DCMR § 410 to construct a residential building consisting of 46 units on one lot within the R-4 Zone District.



LANDSCAPE PLAN

410 GROUPS OF RESIDENTIAL BUILDINGS IN R-4 AND R-5 DISTRICTS

410.1 In an R-5 District, if approved by the Board of Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest 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.

The application proposes the erection of a group of flats erected from the lowest floor up to be deemed a single building on a single lot within an R-4 Zone District.

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

The application indicates that all buildings will be erected simultaneously.

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

Two front entrances will abut Talbert Terrace. The remaining 44 will face a side yard, in conformance with Section 410.9.

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

No rear or service entrances abut a street, front yard or front 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 staircases are proposed.

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

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

(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street: and

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

The applicant is not proposing subdivision of the property.

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; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished 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 dwelling units within the building.

The maximum permitted height of buildings in the R-4 Zone District is 40 feet and the application proposes a maximum building height of 38 feet, 5 $^{3}/_{8}$ inches.

410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

Only two front entrances face Talbert Terrace, the only street that abuts the lot.

410.9 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.

Only two of the front entrances will abut a street. The remaining 44 will abut a side yard that is located no nearer a street than the rear of any part of the units facing Talbert Street.

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 stairways are proposed.

410.12 In the R-5-A and R-4 Districts, if approved by the Board of Zoning Adjustment, 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:

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

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

The application is not in conformance with all of the provisions of §§ 410.1 though 410.11, specifically §§ 410.3 and 410.9, but is in conformance with §§ 410.4 and 410.5, as noted above. The character of the surrounding area is primarily that of rows of row houses, but also includes some apartment buildings and single-family detached houses. The proposed development will appear from the outside to be a row of 23 row houses, in character with the neighborhood. The erection of this building will, therefore, not adversely affect the present or future development of the neighborhood.

410.15 Vehicular access to all or part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety.

Vehicular access is proposed only to the front of the structures and none proposed to the rear. The existing alley adjacent to rear of flats 6 through 23 is private and not a part of the subject property. FEMS informed the Office of Planning by telephone on February 3, 2006 that rear access is necessary for emergency access and none is provided. Therefore, in the interest of public safety, the Office of Planning recommends rear access be provided.

DDOT has informed the Office of Planning on February 2, 2006 that they have concerns regarding the private drive. DDOT has requested that the applicant either submit a letter to them indicating that the road will not be dedicated, or if the applicant intends to dedicate, that DDOT requires a copy of the application to dedicate.

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

The erection of one building designed to appear as a row of flats will be similar in appearance to the surrounding brick row houses provided brick facing is provided along the sides of buildings. This will allow the proposed buildings to appear as brick from the front, in character with the present character of the neighborhood.

COMMUNITY COMMENTS

ANC 8A informed the Office of Planning by telephone on January 26, 2006 that they are opposed to the application.

AGENCY COMMENTS

The **Fire and Emergency Medical Services Department** informed the Office of Planning by telephone on February 3, 2006 that rear access to the proposed units is necessary.

The **Department of Health** notes that the plans indicate the presence of wetlands on the site, and that if wetlands are located on the site they must be clearly demarcated. DOH recommends that the applicant coordinate any wetlands issues with the Water Quality Division of the Bureau of Environmental Quality.

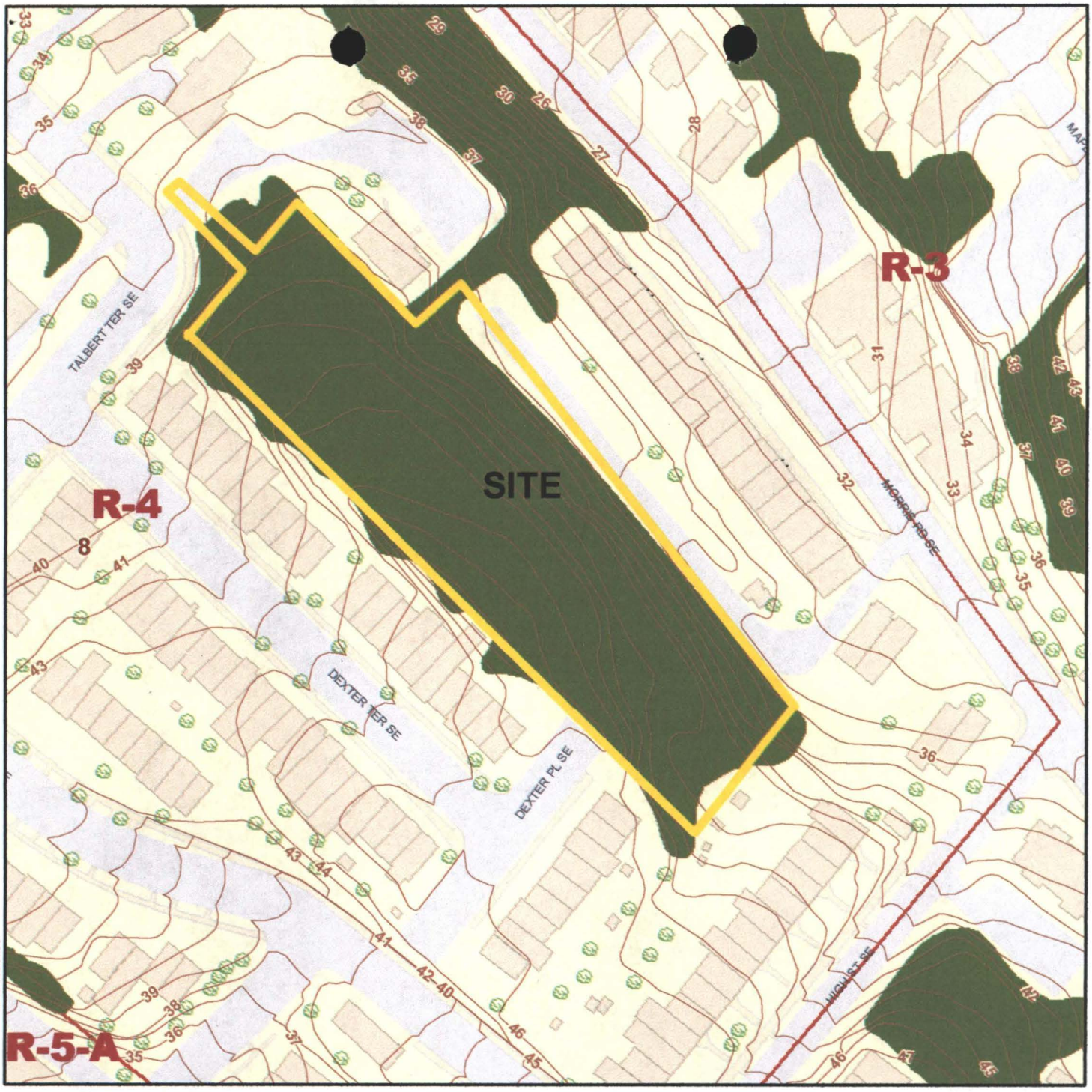
The **District Department of Transportation** informed the Office of Planning by telephone on February 1, 2006 that they have concerns with the proposed private drive. Details of its construction were not provided to DDOT. Should the residents request dedication of the private drive in the future as a public street, DDOT would have no guarantees that it was constructed in conformance with their standards. Therefore, the applicant must submit to DDOT either a letter indicating that the private street will not be dedicated or copy of the application for dedication of the street.

RECOMMENDATION

The Office of Planning is in favor of the construction of new housing in Ward 8, the development of long vacant parcels and the efficient use of land within the District. However, the Office of Planning **cannot recommend approval** until the following issues are adequately addressed:

1. FEMS requires rear access for the adequate provision of emergency services. The Office of Planning understands that a redesign of the site may be necessary in order to provide access. However, it is necessary for both public safety and conformance with the provisions of § 410.15
2. The application indicates that a private street is proposed. No details of its construction were provided to DDOT. Therefore, the applicant must submit to DDOT either a letter indicating that the private street will not be dedicated or copy of the application for dedication of the street.
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BZA APPLICATION NO. 17360

Talbert Street, S.E.



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

Office of Planning ~ July 18, 2005

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.