

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM:  Jennifer Steingasser
Deputy Director

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17837

EXHIBIT NO. 34

DATE: November 11, 2008

SUBJECT: BZA Application # 17837 – Request for variance relief under §§ 400.1, 401.3, 404.1, 405.9, and 2516.5 and special exception relief under § 2516.1 on Parcels 208/4, 208/61, 208/64, 208/65, and 215/27.

SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval**, subject to certain conditions, of the requested relief.

PROJECT DESCRIPTION AND CASE HISTORY

Hillcrest Homes Associations LP (the “Applicant”) proposes to construct 54 detached single family dwellings on an unimproved 12.6 acre site located along the District’s southeastern border with Prince George’s County, Maryland. To accommodate the Applicant’s development design that concentrates dwellings on a portion of the site, the Applicant is requesting a combination of area variances and special exception relief. In general, the dwellings would include between 1,700 and 2,300 square feet of floor area on lots that measure from 1,955 square feet up to 3,385 square feet. Of the 54 lots, 35 of them would be theoretical lots fronting onto a private street, whereas the remaining 19 lots would front a public street. The Applicant would construct new public and private roads, including a public extension of Southern Avenue that would dead-end prior to Naylor Road. The Applicant has committed to dedicate a right of way (ROW) to the District to permit a future connection of Southern Avenue between Branch Avenue and Naylor Road. The Applicant has also committed to preserving the expanse of undeveloped open space on the northern portion of the site.

The Applicant submitted the current application on or about June 2, 2008, and submitted a pre-hearing supplement on November 4, 2008. The site is also subject to subsequent review under the Large Tract Review (LTR) regulations.

SITE DESCRIPTION

The subject property consists of contiguous Parcels 208/4, 208/61, 208/64, 208/65, and 215/27 (hereinafter, the “Property” or “site”) and is located between Branch Avenue and Naylor Road along the District’s southeastern border with Maryland. The Property is characterized by severe topography, with an approximate rise of more than 100’ from the southeast to the northwest. An existing surface parking lot that services a large apartment building located in Maryland extends onto the Property. The site is also the location of a gap in Southern Avenue.

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Lots: Parcels 208/4, 208/61, 208/64, 208/65, and 215/27
Quadrant: Southeast
ANC: 7B

Current use: Unimproved
Historic District: N/A

Zone: R-1-B
Area: 547,592 sq. ft.
(12.6 acres)



Aerial view from the west looking toward the Maryland border



Site Map

AREA DESCRIPTION

The Property abuts to the east a high rise apartment building (the Marlboro House Apartments), which is located across the border in Maryland. At the Property's narrow southern tip, the Property borders Naylor Road SE. To the west are multi-family apartment buildings (Naylor Gardens, a cooperatively owned apartment complex) which are in an R-5-A zone, and woods. To the north are single family detached dwellings and the dead end roads of 32nd and 33rd Streets. To the northeast the Property connects to Branch Avenue. The Property is located approximately 1,500 feet from the Naylor Road Metro Station, which is in Maryland. Below is a map that places the Property in a broader context:



COMPREHENSIVE PLAN

The Property is designated as “residential low density” in the 2007 Comprehensive Plan (“Comp Plan”) Future Land Use Map. Single family detached and semi-detached housing units with front, back, and side yards typically characterize residential low density areas. The R-1-A, R-1-B, and R-2 zone districts are generally consistent with the low density residential land use category, although other zones may also apply. The proposal is not inconsistent with this designation.

The Comp Plan provides guidance regarding future development in the “Far Northeast & Southeast,” which includes the subject property. It suggests “Ensuring that the Comprehensive Plan and zoning designations for these neighborhoods reflect and protect the existing low density land use pattern while allowing for infill development that is compatible with neighborhood character.” (Policy FNS-1.1.1: Conservation of Low Density Neighborhoods). Additionally, the Comp Plan “Encourage[s] new housing for area residents on vacant lots and around Metro stations within the community ...” (Policy FNS-1.1.2: Development of New Housing). Finally, the Comp Plan provides the following design guidance in recommending that, where appropriate, “clustering of development should be considered as a way to protect natural resources.” (UD-1.2.1: Respecting Natural Features in Development).

ZONING RELIEF REQUESTED

The Applicant requests several variances and special exception relief to subdivide the Property into 54 buildable lots to accommodate single family detached dwellings. The Applicant seeks the following relief:

Variances

Section 400.1	Maximum number of stories
Section 401.3	Minimum lot dimensions (lot area and width)
Section 404.1	Minimum rear yard depth
Section 405.9	Minimum side yard width
Section 2516.5	Exception to required open space in front of a principal building with no street frontage

Special Exception

Section 2516.1	Exception to building lot control
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Although not requested, OP believes that relief could be needed from the minimum parking requirements under § 2101.1 for 4 of the lots.

R-1-B Zoning

The following chart summarizes specifications provided in the Applicant's pre-hearing submission (Exhibit S, Sheet C6.10):

Zoning Standards	Restriction	Proposed*	Relief
Number of stories § 400	3 max.	Range from 3 to 4 stories	23 lots need relief
Lot area (sq. ft.) § 401	5,000 sq. ft. min.	Range from 1,955 sq. ft. to 3,385 sq. ft.	54 lots need relief
Lot Width (ft.) § 401	50' min.	Range from 33.8' to 54.6'	50 lots need relief
Rear Yard (ft.) § 404	25 ft. min.	Range from 5' to 27.79'	26 lots need relief
Side Yard (ft.) § 405	8' min.	Range from 4.92' to 6.17'	54 lots need relief
Front Yard (ft.) § 2516.5	25 ft. min.	Range from 15.1' to 24.5'	39 lots need relief
Parking Spaces § 2101	1 space per unit	Range from 67 to 105 parking spaces	Generally conforms, although 4 lots which do not have dedicated off-street spaces on their respective lots may need relief
Building Height (ft.) § 400	40 ft. max.	Range from 28.6' to 38.7'	Conforms
Lot Occupancy (building area/lot) § 403	40% max.	Range from 25% to 39%	Conforms

* Numbers provided by Applicant. See Applicant's more detailed submission (Sheet C6.10).

VARIANCE

The Applicant is requesting variance relief under §§ 400, 401, 404, 405, and 2516.5.

Variance Test

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

The Property is unique for several reasons. First, the Property contains substantial topographic conditions with an approximate rise of more than 100' from the southeast to the northwest. Second, the

Property is an unusually irregularly shaped vacant site. Third, the lack of any existing street infrastructure on site, coupled with commitments made to the District Department of Transportation (DDOT) to dedicate Southern Avenue ROW, require the allocation of a substantial portion of the site to public and private streets. Fourth, an existing surface parking lot that services an apartment building located in Maryland extends into the Property pursuant to an easement. Finally, the Applicant has committed to preserve a substantial portion of the site as open space. These factors – slope, size and shape, lack of road infrastructure, a parking lot easement, and preserving open space – make the Property unique.

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 Property's uniqueness creates a practical difficulty for the proposal to meet the requirements of §§ 400, 401, 404, 405, and 2516.5. The site plan responds to the site's challenging slope by clustering the development on a portion of the site, thereby leaving a significant piece of the Property undeveloped and minimizing environmental disturbance. Due to topographic conditions, extending existing streets from the north onto the site is not feasible. This cluster design choice drives the need for variance relief. Additionally, as part of the proposal, a portion of the site would be occupied by the dedication of land to DDOT for the purpose of extending Southern Avenue. For the building lots to strictly comply with the zoning requirements would result in practical difficulties for the Applicant and likely produce a proposal that reflects a less efficient and less environmentally sound use of land.

The Applicant indicates that an alternate site plan could actually result in more lots meeting the required lot area (5,000 square feet) and lot width (50') under R-1-B zoning than are presently proposed. (See Applicant's Pre-hearing Statement, Exhibit Q). Such a design would spread the coverage of the development across most of the Property, resulting in significantly greater site impacts, as well as the possibility of much larger houses on each of the larger lots. Reducing the development footprint by clustering the homes on smaller lots results in the need for relief from number of stories, lot area, lot width, rear yard, side yard, and front yard. A discussion of each component follows below:

- § 400 Number of building stories: The Applicant is proposing that 23 of the dwellings would have 4 stories rather than the permitted 3 stories under R-1-B zoning.¹ The top story, however, would be within the roof line and below the maximum permitted height of 40'. According to the Applicant, the slope of the site presents a practical difficulty to creating enough habitable space for units that already have relatively small building footprints. Additionally, the front loaded parking design, which aims to accommodate parking on lots that do not have alley access, shrinks the amount of habitable ground floor space, since regulations require that front loaded parking be contained in the building.
- § 401 Minimum lot area and width: The Applicant is proposing lots measuring between 1,955 square feet to 3,385 square feet, which is below the minimum required in R-1-B zones (5,000 square feet). The majority of the lots would also be narrower than permitted in this zone (50' minimum), the narrowest being 34' wide. In doing so, the Applicant aims to cluster developable lots and preserve a substantial amount of open space. Strict compliance with the lot area and lot

¹ The Applicant indicated to OP that the word "approximately," as found in the Applicant's pre-hearing statement, is not accurate; rather, exactly 23 of the dwellings would need relief from § 400.

width requirements would result in a less efficient use of land by requiring that larger lots cover more of the Property. The Applicant has shown that as many as 66 conforming lots could be possible on this site, so the requested relief is not to provide additional lots, but rather to allow development to be concentrated so a large portion of the site can remain undisturbed.

- § 404 Minimum rear yard: The Applicant is proposing to reduce the size of the rear yards for 26 of the dwellings. Overall, the proposed rear yards would range from 5' to 28' in a zone that requires a 25' minimum. Strict compliance with the rear yard requirement would result in a less efficient use of land and the loss of undisturbed open space.
- § 405 Minimum side yard: According to the pre-hearing submission, the Applicant is proposing to reduce the size of the side yards for 53 the buildable lots. OP believes that relief would actually be needed for all 54 lots.² Proposed side yards would range from 4.9' to 6.2' in a zone that requires an 8' minimum. However, adjacent dwellings would be separated by approximately 10' or more. Strict compliance with the side yard requirement would result in narrower homes, a less efficient use of land, and the likely loss of undisturbed open space.
- § 2516.5 Minimum front yard: Under § 2516.5, the open space in front of the entrance to the 35 residences on theoretical lots must be at least the equivalent of the required rear yard in the zone district, which is 25' in an R-1-B zone.³ These dwellings would have front yards ranging from 15' to 20'. Strict compliance with the front yard requirement would result in a less efficient use of land and the likely loss of undisturbed open space.
- § 2116.1 Location of parking spaces: The Applicant indicates that the proposal provides more than the required minimum of parking spaces through a combination of off-street parking and spaces available along the private street. Four of the dwellings (on Lots 51-54) would not have dedicated off-street parking spaces. Although there may be some precedent for examining the aggregate number of parking spots for a theoretical lot subdivision as a whole (per § 2516.9), OP questions whether it may be necessary to have relief either from the location of parking spaces or from the requirement that each lot have a dedicated parking space (per §§ 2116.1 et. seq) for these 4 lots. This is particularly the case in this instance, since the 4 lots without parking would front a public street rather than a private one, so are actually not theoretical lots. If relief is required, OP would support such relief in this case due to the ample amount of parking supplied and the preference to minimize curb cuts from Southern Avenue.

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.

OP understands that there is community opposition to the proposal. Concerns have been raised regarding the density, building type, traffic, and environmental impact, among other issues. The proposed lots would be smaller than neighboring lots in the R-1-B zone to the north. A cursory OP review of the blocks in the R-1-B zone to the north reveals that the average lot size is approximately 8,000 square feet, although many of these are currently multiple lots or capable of being subdivided.

² OP believes that there is a typographical in the Applicant's zoning chart (Exhibit S, Sheet C6.10).

³ The lots would not have a building restriction line.

The overall current building density, including roads, is about 3.9 units per acre. The Applicant is proposing 54 lots on 12.6 acres, or 4.3 units per acre. The R-1-B zone permits as many as 8.7 units per acre.

The development of the site should not cause substantial detriment to the public good. First, the proposal would bring vacant property 1,500 feet from a metro station and along two metro bus routes into productive use. That new housing would be located near public transportation is consistent with smart growth principals, and the Comp Plan also contemplates that low density residential uses would be appropriate for the site. Second, the development intensity should not be harmful to nearby properties. To the south and west of the Property there are already existing apartment buildings. With regards to the residential properties to the north, the proposed use for the site, single family detached dwellings, is a consistent building type. And while the proposed lot sizes are smaller than permitted by right in an R-1-B zone, the technical lot sizes do not reflect the acres of the site that would be left undisturbed. The open space would also provide a buffer between the new development and the abutting neighborhood to the north and minimize or eliminate any potential shading or view impacts. Lastly, the Applicant indicates that the 54 units would actually under utilize the site compared to what may be permitted by right.

The proposal also should not impair the intent, purpose and integrity of the zone plan. The Applicant is proposing single family detached dwellings, which is a permitted dwelling type under R-1-B zoning. The Applicant's clustered development design would cause less site disturbance than could otherwise be proposed. The theoretical lot subdivision regulations are also intended to provide applicants with a measure of flexibility in site plan design.

SPECIAL EXCEPTION RELIEF

SECTION 2516 EXCEPTIONS TO BUILDING LOT CONTROL (Residence Districts)

"If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section."

2516.2 ***This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.***

The Property is within an R-1-B zone.

2516.3 ***In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:***

- (a)** ***The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and***
- (b)** ***If the applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.***

The Applicant has provided a site plan of the overall site development, landscaping plan, grading plan, and typical floor plans and elevations. The Applicant has also submitted site plans for all new rights-of-way.

2516.4 *The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.*

The proposed development would have 54 principal buildings. The Applicant has submitted evidence that the applicable requirements of this chapter have been met or will achieve the appropriate zoning relief.

2516.5 *If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:*

The proposed development would create one new public right-of-way in an extension of Southern Avenue, as well as a private looping road and private alley. As a result, 19 principal buildings would have street frontage on the public road, while 35 principal buildings would have no street frontage on a public street (but would front a private street) and therefore are subject to the provisions of § 2516.5.

(a) *The front of the building shall be the side upon which the principal entrance is located;*

The front of each of the buildings would face the street.

(b) *Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;*

The required rear yard in an R-1-B zone is 25'. The theoretical building sites provide open space in front of their respective entrances, but less than the amount required. Thus, the Applicant is applying for a variance for relief from this provision.

(b) *A rear yard shall be required; and*

The proposal provides for rear yards, although relief has been requested for the proposed extent of the rear yard to be provided.

(d) *If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.*

The rear yard would be provided along the boundary of the theoretical lots.

2516.6 *In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*

(a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;

The area of land that forms the means of ingress and egress would not be included in any area or yard of other lots. The Applicant anticipates that the proposed private roads would be owned by a homeowners association.

(b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;

The public and private roads (not including the alley), which would provide ingress and egress to the principal buildings, would measure a minimum of 25' in width.

(c) If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and

The proposal provides for two entrances or exits from the means of ingress or egress from the Southern Avenue extension.

(d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

The proposal does not require modification from §§ 2516.6 (b) or (c).

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The height limit in an R-1-B zone is 40'. The building heights would all be below the maximum height allowed.

2516.8 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

The Applicant has requested a special exception from the R-1-B zoning and several variances in order to accommodate the proposed development. The development is designed to cluster single family detached homes on the southern and eastern portion of a topographically challenging site. This concentration leaves undisturbed a substantial portion of the site and provides a buffer between the proposed dwellings and the neighboring single family detached dwellings to the north. The dimensions of the subdivided lots, which are smaller than permitted by right, should not adversely affect the present character or future development of the neighborhood.

2516.9 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

(a) *The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*

(1) *Public safety relating to police and fire concerns;*

Fire and Emergency Medical Services Department has expressed no objections to the proposal so long as the construction complies with applicable International Fire Code and D.C. laws. At the date of this report, OP has not received a response from the Metropolitan Police Department.

(2) *The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*

The various forms of relief requested largely result from leaving a large portion of the site undeveloped, minimizing disturbance, tree loss, and erosion issues. The Applicant has submitted an erosion and sediment control plan as part of the application. The Department of the Environment (DDOE) has encouraged the Applicant to address stormwater runoff, erosion, and sediment control practices, but has not objected to the concept of the proposal. Additional environmental review would be conducted by DDOE at the permitting stage. The Applicant has also indicated that trash pick-up would likely be privately managed. At the date of this report, OP has not received a response from the District Department of Public Works.

(3) *Public education;*

OP has not received a response from the District of Columbia Public Schools. However, it is not anticipated that the development of the site would generate such a significant number of students that the increase could not be accommodated by existing schools.

(4) *Recreation;*

The Applicant has indicated that recreational opportunities would be satisfied through the passive open space preserved on the site, as well as in front and rear yards provided on each lot. Hillcrest Recreation Center is located under a half mile walk from the site.

(5) Parking, loading, and traffic;

The Applicant would provide between 67 and 105 parking spaces, consisting of a mix of internally garaged spaces and parking pads as well as on-street parking on private roads.⁴ The Applicant has expressed a willingness to offer future home buyers the option of reducing a unit's parking capacity, where applicable, from two to one. The reduction would occur through the removal of a parking pad space or the replacement of a garage space with additional living space. Irrespective of future reductions, the Applicant satisfies the aggregate minimum number of required parking spaces. OP is generally supportive of efforts to reduce undue parking.

The breakdown of off-street spaces would be as follows: twenty-three units would have front-loaded garages with one or two parking spaces; fifteen units would have parking pads with one or two parking spaces; twelve units would have rear-loaded garages with two parking spaces; and four units would have no off-street parking spaces. Seventeen parking spaces would be located along the private road.

(6) Urban design;

The proposal aims to develop a vacant property that is proximate to public transportation. The proposal includes sidewalks for pedestrian circulation and an alley to permit parking from the rear of dwellings where possible. The Applicant's proposal clusters homes and, in so doing, preserves a significant amount of undeveloped open space on the site. The front loaded four story dwellings would ring the outer arc of the private road (Lots 1-20, 48-50), namely dwellings lacking a rear alley.

The Applicant has advised OP that the overall site and building design is intended to reflect and address the topography in order to lessen the amount of site disturbance and the need for extensive retaining walls. However, to date, the exact form and nature of the proposed retaining walls have not been made clear to OP. As such, OP has recommended some basic conditions pertaining to this issue, to be included in the Order, principally related to the height and treatment of retaining walls adjacent to public ways.

(7) As appropriate, historic preservation and visual impacts on adjacent parkland;

The Property is not located in a historic district. There is no adjacent public parkland.

(b) Considerations of site planning; the size, location, and bearing capacity of driveways, deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;

⁴ These figures were clarified to the Office of Planning after the submission of the Applicant's pre-hearing statement on November 4, 2008.

The proposed development bearing capacity of driveways would be analyzed by DDOT at the time of the building permit. Although the proposal seeks modifications to certain standards, the development should not be incompatible with neighboring properties in terms of density of the site as a whole, lot occupancy on individual lots, open space, the provision of front yards, and on-site parking.

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

Allocating between 67 and 105 parking spaces, the proposal would provide more than the required number of parking spaces in aggregate. Additional parking would also be available along Southern Avenue. Due to the ample parking available and proximity to public transportation, OP is supportive of the Applicant's commitment to allow future purchasers to choose to have fewer parking spaces. According to the Applicant's traffic study, the proposed development "would have negligible effect on the traffic operations of the Branch Avenue/Southern Avenue intersection." DDOT has been requested to comment on parking and traffic issues, but OP understands from discussions that DDOT does not object to the proposal based on traffic generated.

(d) The impact of the proposed development on neighboring properties; and

The development of the site should not be incompatible with the surrounding community. On two sides of the site are intensive apartment uses. Neighboring single family dwellings to the north would be buffered from the proposed development by preserved open space. The Comp Plan Future Land Use map designated the site as appropriate for single family detached development.

(e) The findings, considerations, and recommendations of other District government agencies.

DDOE would provide a more detailed review at the time of Building Permit for the proposed grading and stormwater management, but DDOE has generally expressed no objection to the development concept. The Fire and Emergency Medical Services Department does not object to the proposal. The recommendation of DDOT will be submitted under separate cover.

2516.10 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

OP recommends three conditions. First, that the Board provide that no gating or fencing would be permitted to restrict entry to the private road or alley. Second, based on a clarification made by the Applicant to OP, 5.11 acres would be preserved as undeveloped open space as reflected in Exhibit S, Sheet C:10, but the management of this space requires clarification. Third, any retaining walls that show an exposed front to a public or private street should adhere to certain design standards to minimize visual impact on public ways. Suggested standards include that: 1) no retaining walls shall exceed 4'; 2) no retaining walls shall be closer than 4' to another parallel retaining wall; and 3) retaining walls should be of stone construction or faced in stone.

COMMUNITY COMMENTS

OP has received many letters in opposition to the proposal from neighbors and community members as part of both the LTR and BZA processes. OP also understands that the ANC has scheduled a special meeting to consider the proposal prior to the BZA hearing.

RECOMMENDATION

As demonstrated in the analysis above, OP **recommends approval** of the requested variance and special exception relief. OP does, however, condition the approval as follows:

1. No gating would be permitted to restrict entry to the private road or alley.
2. That a large portion of the site be preserve as undeveloped open space, generally as shown in the submitted plans, with the ownership and management structure to be clarified prior to the issuance of any Order.
3. Any retaining walls that show an exposed front to a public or private street must adhere to certain design standards including: 1) no retaining walls shall exceed 4'; 2) no retaining walls shall be closer than 4' to another parallel retaining wall; and 3) the retaining walls should be of stone construction or faced in stone.

JS/pg
Paul Goldstein, Case Manager