

CASE NO. 18037

EXHIBIT NO. 28

District of Columbia Office of Planning

D.C. OFFICE OF ZONING



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment **2009 FEB 23 PM 3:48**

FROM: Jennifer Steingasser, *JS* Deputy Director Development Review & Historic Preservation

DATE: February 23, 2009

SUBJECT: BZA Application # 18037– Eastern Avenue @ Dix Street, S.E.
Request for Special Exception and Variance Relief for Multi-Family Dwellings in the R-5-A Zone

I. SUMMARY RECOMMENDATION

The proposed project would bring sorely needed new housing for families to an unoccupied 1.8 acre tract in the Capitol View / Northeast Boundary neighborhood of the District. The three-bedroom townhouse units would provide owner-occupied residences for a range of low and moderate income households.

The applicant is requesting the following relief:

Special Exception Relief From:

- § 353.1 To permit a new multi-building, multi-family development for the R-5-A portion of the site; and
- § 2516.1 To permit building more than one building on a record lot for the entire site.

Area Variance Relief From

- § 2516.4 To permit greater or lesser development standards than otherwise permitted;
- § 2101.1 To permit fewer than the required number of parking spaces;
- § 2115.1 To permit lesser length width for the required parking spaces to allow more compact spaces;
- § 2115.10 To permit less than the required 285 square feet for each parking space - twenty-two spaces are proposed at 164 square foot spaces and three at 128 square foot spaces; and
- § 2115.4 To permit a compact car space grouping of fewer than five spaces - one of the groupings is proposed for two spaces.

The Office of Planning (OP) **recommends approval** of the requested relief, subject to the applicant's providing additional information about the following, as described further in this report:

- Landscaping and screening options for the proposed trash enclosures;
- The durability of the proposed vinyl siding;

II. PROJECT DESCRIPTION

The Dix Street Corridor Revitalization Partners (the "Applicant") seeks relief to construct 60 affordable three-bedroom townhouse- units within five existing and six new buildings. The property is split-zoned R-5-A and C-2-A. Twelve units would be reserved for households earning no more than 30% of the Area Median Income (AMI); four units would be for households earning up to 60% of AMI and forty-four would be targeted to households earning up to 120% of AMI. Each unit would be a fee-simple condominium townhouse.

The site would have access from several points: two pedestrian walkways from Eastern Avenue; an existing public alley off of Eastern Avenue; a new public alley off of 61st Street connecting to the retained portion of the existing alley and a driveway off of Dix Street. Many of the units would have entrances directly onto Eastern Avenue, Dix Street, or 61st Street, helping to integrate the development into the surrounding community..



As illustrated in Figure 1, the project would be constructed in two phases. Phase 1, in the R-5-A zone, would renovate three existing buildings into twelve 25' by 27' townhouses and construct three new buildings with fourteen 16' by 35' townhouses. Phase 2 would be five strings of new 16' by 35' townhouses in the C-2-A portion of the site. The units are clustered and the complex provides 19,800 square feet of common green space, including a dedicated playground space, grouped mailboxes, and landscaped and treed lawns.



Figure 1. Proposed Site Plan, and Numbering of Buildings Referred to In Applicant and OP Documents

There would be 57 parking spaces for 60 townhouses. 16 would be surface parking for Phase 1, on its record lot; 2 would be surface parking for Phase 2 on its record lot; 32 would be front-loaded garages within the townhouses of Phase 2, and 7 would be surface spaces located on the Phase 2 record lot available to Phase 1 units. The Applicant will request closure of a portion of the existing alley system to consolidate lots for the Phase 2 townhouses.

III. SITE AND AREA DESCRIPTION

The 78,989 square foot property (inclusive of future alleys) is currently occupied by five vacant structures on multiple lots that would be consolidated into two record lots.

Square: 5260

Location: 400-414 Eastern Ave. **Phase 1 Lots:** 17-19, tax lot 806 [i.e., lots 21-24; part of 25]

Zone: R-5-A-
Ownership: Public

405-407 Dix Street

Phase 2 Lots: 2, 28, 800

Zone: Primarily C-2-A; however the land on which proposed “Building 9” is located (on the seam between the first and second phases) is split zoned C-2-A/R-5-A

Ownership: Private

Quadrant: Southeast **Current use:** Vacant land and unoccupied buildings
Area: 78,989 sq. ft. **ANC:** 7C **Historic District:** None

The site is bounded on the northeast by Eastern Avenue, on the south partially by Dix Street, and partially by adjacent commercial property, and on the west partially by 61st Street and partially by a public alley. It is in the Capitol View / Northeast Boundary neighborhood of Ward 7 in southeast Washington, DC. Approximately 85% of the land is publicly owned and the remaining 15%-- three lots fronting on 61st Street – is owned by one entity and has been incorporated into the proposal.

The location is 4 blocks from the Marvin Gaye (Watts Branch) Park and approximately 1/3 mile from the Capitol Heights Metro Station in Maryland. The property is bordered by single-family houses to the west and north, and on portions of the southern boundaries; by small-scale retail on a portion of the western and southern boundaries; and by multi-family housing to the east and north, in Maryland.

Figure 2. Site Context



IV. ZONING RELIEF REQUESTED

	Lot Area	Lot Width	Lot Occupancy	FAR	Rear Yard	Front Yard	Side Yards	Height	Parking Spaces
R-5-A Standards w/ IZ (Also applied to split-zoned property)	As prescribed by BZA	As prescribed by BZA	40%	1.08 per IZ	20 ft.	For theoretical lots, § 2516.5 requires front yards $\geq$ required rear yards, i.e., 20'	3" per ft. of bldg. height, but $\geq$ 8'.	40 ft max.	1 space per unit
Required Relief from R-5-A Standards	None	None	Relief for 3 theoretical lots @ 45%, 49%, & 52%. 0.04 FAR relief needed for overall R-5-A portion	Relief for 2 non-conforming theoretical lots of 1.3 and 1.3 FAR Overall R-5-A portion, meets FAR w/ IZ	Relief for 3 non-conforming yards of 18', 15.13', and 3.26'. Others conform	Complete relief requested for Building 6.	Relief for 6 non-conforming yards of 5.88' and 3.46' when 7.08' required; and 4', 4', 1' and 0' when 10' required	All conform	Relief from 10 of required 26 spaces
C-2-A Standards w/ IZ	N/A	N/A	75% per IZ	3.0 per IZ	15 ft.	For theoretical lots, § 2516.5 requires front yards $\geq$ required rear yards, i.e., 15'	None required, but if provided, 2" / ft of height, but $\geq$ 6 ft.	50' per IZ.	1 space per unit
Required Relief from C-2-A Standards			Relief for 1 theoretical lot @ 88% Overall C-2-A portion meets lot occupancy w/ IZ.	Relief required for one non-conforming lot occupancy of 88%. No relief needed overall, per IZ	Relief requested for 4 theoretical lot rear yards of 4', 4', 4' and 3.75'.	Relief for 5.84' front yard in Building 8, and for 6.14' front yard in Building 10.	Relief for 4 non-conforming side yards of 5', 2', 96' and .64	None required	None required

Table 1. Summary of Zoning Requirements and Relief Requested for "Eden Place" a Proposed New Inclusionary Zoning Development in the R-5-A and C-2-A Zones.

The relief requests listed in this table reflect the greater FAR and lot occupancy permitted a development subject to Inclusionary Zoning (IZ) requirements. As a result of IZ, the project requires less relief for the theoretical lots the applicant has requested. **The reduced relief requirements are noted in bold.**

V. ANALYSIS OF SPECIAL EXCEPTION RELIEF REQUEST

A. § 353: Special Exception for New Residential Developments in R-5-A Districts

Section 353.1 requires the Office of Planning to comment and make recommendations regarding:

“the site plan, arrangement of buildings and structures, and the provisions of light, air, parking, recreation, landscaping and grading, as they relate to future residents of the project and the surrounding neighborhood.”

1. Site plan, building arrangement, light and air. In furtherance of the Comprehensive Plan OP supports replacement and infill residential development, especially when it provides the needed affordable housing proposed by the applicant. The site plan incorporates three existing vacant buildings, transforming them from walk-up apartments to individual ground-level entry townhouses. The project would enlarge the existing site in order to add six more rows of townhouse units, most of which would have individual garaged parking spaces.

Each of the units would have light and air coming from two to three sides of the townhouse. The cluster of townhouse groups would enable the applicant to provide 19,800 square feet of common green space, including a dedicated playground, and another 6,643 square feet of private alley space that could be used for both access to individual garages and for occasional hard-surface play. The 26,443 square feet of open space would comprise 33% of the site.

The site is designed to foster community interaction, with residents passing each other on their way to the central playground or the adjacent grouped mail boxes, or while using green landscaped areas located in the first phase of the project. Townhouse doors would open onto the common areas to provide for the type of activity that promotes a safe neighborhood, without its being a gated community. Two walkways would provide access from Eastern Avenue. Several townhouses would have entrances directly on the streets bordering the property.

The site would have vehicular access by way of:

- the existing 15 foot wide north-south public alley entered from Eastern Avenue. The applicant would also dedicate three feet of private property to effectively widen this alley to 18 feet;
- from a relocated 20 foot wide east-west public alley opening onto 61st Street and connecting with the north-south alley;
- from a private driveway entered from Dix Street, which would connect to the public alley system via a new east-west private alley north of Dix Street.

2. Recreation. A playground is planned for the central green space. There are also three other grassy courtyards, and the possibility of using the private alley use as a hard-surface play area. The District’s extensive Marvin Gaye (Watts Branch) Park is four blocks south of the site.

3. Landscaping. The Applicant provided a revised landscaping plan with its pre-hearing statement. . Plantings would soften the grade transition between Phases I and II. An additional row of trees would help to buffer the townhouses at the Eastern Avenue edge. A 42” wrought-iron-like fence would help protect the planting’s at the property edge and along the principal walkways of the central area. Six-foot high fences would screen some of the townhouses’ rear yards. *The Office of Planning has asked the applicant to provide additional information about screening and landscaping options for all trash enclosures, particularly those adjacent to Eastern Avenue to mitigate their appearance from public streets.*

4. Grading. The site slopes 24 feet downward from northeast to southwest, making the Phase 1 portion of the site higher than the Phase 2 portion. The applicant has indicated that the project would “meet or exceed” the minimum requirements for erosion and sediment control. The Applicant has submitted a grading plan that would accommodate the slope with

retaining walls. Because of the grade change two Phase 2 townhouse units cannot accommodate a garage. However, they have been provided with surface parking.

§ 353.2: Board of Education comments and recommendations regarding adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project.

There were no comments from the D.C. Board of Education about this as OP filed this report.

§ 353.3: Department of Transportation (DDOT) and the Department of Housing and Community Development (DHCD) comments and recommendations as to the adequacy of the public streets, recreation, and other services to accommodate the residents and the relationship of the proposed project to public plans and projects.

The applicant has had several meetings with DDOT and one joint meeting with DDOT and OP. DDOT staff has informed OP that the Department will be filing comments with the Board separately.

As of this filing, DHCD had not filed comments.

B. § 2516 Special Exceptions to Building Lot Control (Residence Districts)

§ 2516.1: 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 in, or within 25 feet of, an R-5-A district.

§ 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 and elevation plans.

§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 11 principal buildings. The applicant has submitted evidence that the applicable requirements of this chapter have been met or that the appropriate zoning relief will be achieved if granted by the Board.

Table 2 provides more detail on the theoretical lots and the relief requested by the applicant.

§ 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:

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

- (c) A rear yard shall be required; and
- (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 Property would be subdivided into two record lots with a total of 11 principal buildings. Not all of the buildings on the theoretical lots meet the requirements of § 2516.5. The relief requested for non-compliant buildings on the theoretical lots is discussed on page 4.

§ 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 public alleys, private alley and private driveway have not been included in any yard or theoretical lot calculations.

- (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 proposed new driveway entrance would be 18 feet paved, and 24.10 feet total from building line to building line. The width of the paved private alley would be 20 feet at its narrowest and 26 feet at its widest. The applicant has not requested relief from the width requirements, and DDOT has not expressed any objection to the proposed widths in meetings with OP. OP recommends approval of the narrow alley and drive pursuant to (d) below.

- (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.);

All means of ingress or egress have two entrances or exits.

- (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.

DDOT has raised no concerns about these items and the Office of Planning recommends the Board approve the requested modifications. The narrow lanes are sufficient for two vehicles to pass at speeds appropriate to a residential community and they enable an efficient use of land that results in approximately 25% green space and 33% open space. Should the lanes be wider, the buildings would be moved nearer each other and appear more crowded, especially between buildings 8, 9 and 6. There is ample on-street parking along 61st Street and Dix Street to accommodate visitors and service vehicles.

§ 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-5-A zone is 40'. The height limit in a C-2-A zone is 50'. The building heights would all be below the maximum height allowed.

§ 2516.8: Section Deleted

§ 2516.9: 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 special exceptions from the R-5-A and C-2-A zoning and variances from the size, location, and grouping of parking spaces in order to accommodate the proposed development. The dimensions of the subdivided lots and the height and square footage of the dwellings would be of an appropriate size and scale for the neighborhood. The fee-simple condominium nature of the project would reinforce neighborhood character and stability. The Property would have vehicular connection to the adjacent streets and the buildings on the edge of the project would have doors opening towards the street. In general, OP believes that the development of this site would have a positive impact on the surrounding community by replacing vacant land with homeowner-occupied, affordable residential use.

§ 2516.10: 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;

No written responses have been received to date from the Metropolitan Police Department (MPD) or the Fire and Emergency Medical Services Department (FEMS). FEMS has told OP that it would require sprinklering at least for interior units not directly reachable from public roadways or public or private alleys less than twenty feet wide, and possibly for the entire complex.

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

OP is not aware of any issues regarding water supply or water pollution. The Applicant has indicated that the project would “meet or exceed” the minimum requirements for erosion and sediment control and storm water management systems prescribed by municipal regulations; DDOE will review the details of the plan as part of the building permit process. The Applicant has indicated that trash pick-up would be privately managed. As noted above, OP retains some concern about the location and screening of trash collection points.

- (3) Public education;

No response was received 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 would provide a central play area and has indicated that portions of nearby Marvin Gaye Park could provide recreational opportunities.

- (5) Parking, loading, and traffic;

The Applicant is requesting variance relief from the number of parking spaces and the size of parking spaces. These items are addressed in Section V.B of this report. The proposal has no loading requirements. DDOT will provide its comments in a separate memorandum.

“(6) Urban design;”

The proposal would develop a vacant property to provide needed affordable, homeowner-occupied housing. The development would be of a restrained scale and of a density that would not be inconsistent with the neighborhood. Landscaping would help to integrate the project into the adjacent residential neighborhood. The fronts of many of the townhouse units would face public streets and no parking would be visible from the streets. There would be ample recreation and open space both on the site and nearby at public parks.

OP’s concern about the landscaping and screening of the proposed trash enclosures was noted above. OP has also encouraged the applicant to supply additional information about the durability of the vinyl siding proposed for sections of the townhouse facades. Long term maintenance costs are particularly important in a project intended as affordable fee-simple condominiums

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

The Property is not located in a historic district nor is it immediately adjacent to parkland. . The project should not introduce any negative visual impacts on adjacent 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;

The development should not be incompatible with neighboring properties, in terms of overall density, open space, the provision of front yards, and on-site parking. DDOT has not expressed concerns about the site plan for the driveways, private alleys, or space for deliveries. The proposed bearing capacity of the driveway and private alley will be analyzed by DDOT at the time of the Building Permit. OP has expressed concern about the two trash enclosures near Eastern Avenue. Both OP and DDOT have expressed concern about the screening and landscaping for the enclosures, wherever they are located.

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

DDOT has told OP that it is satisfied that the combination of 0.95 parking spaces per unit within the project, the availability of nearby street parking, and the proximity to the Capitol Heights metro station will provide adequate parking and accessibility for the site, and will prevent the generation of significant traffic impacts. The parking would be hidden from public view.

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

Development of the site would bring a largely vacant property into productive use. The design of the dwellings is compatible with the surrounding community and would contribute to the vitality of the area. The layout of the development would provide parking to serve residents, pedestrian access, and ample open space. DDOT has stated that visitor parking will be available on adjacent streets.

New housing opportunities would be created as well as additional stability and security for neighboring properties by the reinvigoration of the vacant property as homeowner-occupied townhouses.

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

DDOT has indicated that in addition to comments provided to the applicant in individual meetings and in meetings with OP, it will submit written comments under separate cover. The Department of the Environment would be required to provide a detailed review at the time of Building Permit for the proposed grading and storm water management.

§ 2516.11: 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.

The suitability of the proposed size of driveways was discussed under §2516.6,
Net density, height, screen, and location of structures were discussed as part of § 353 considerations.

OP has asked the applicant to provide additional information for review by the Board about the landscaping and screening of trash enclosures and about the durability of the proposed vinyl siding.

VI. ANALYSIS OF VARIANCE RELIEF REQUESTS

1. Overview

Test 1, Uniqueness. The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

On pages 15-18 of the Applicant's pre-hearing statement, the applicant has demonstrated that the Property is unique because of:

- Its 24 foot topographical drop from the northeast to the southwest;
- Its oddly-shaped split-zoned lots – shapes that would persist even after the consolidation of the lots with common zoning into two record lots;
- The entity offering the property strongly desires the construction of larger, family-sized units that reinforce neighborhood character;.
- The presence and intended renovation of 3 existing structures within the proposed project's first phase; the exceptional topography of the lots.

Test 2, Practical Difficulties. 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 exceptional topography creates a practical difficulty for the Property to meet § 2516.4's lot occupancy and yard requirements for several of the theoretical lots while satisfying the terms of the public offering that requires larger affordable housing on the site.

The combination of the topography, oddly shaped lots and location of existing structures results in a practical difficulty in meeting the number, size, location and grouping of parking spaces overall and within individual record lots.

Test 3 Substantial Harm to the Public Good or the Intent of the Zoning Regulations: 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.

As discussed in the Special Exceptions sections above, the project would be of considerable benefit to the neighborhood and the District. As discussed under the specific Variance requests below, granting the requested relief would not cause substantial harm to the zone plan, zoning regulations or map.

The R-5-A Districts and projects regulated by § 353 of the Zoning Regulations are intended to permit flexibility of residential design. The requested variances would not cause substantial detriment to the neighborhood or to the Zoning Regulations and Map. The proposed location minimizes site disturbance, and the parking would be located so that it would be largely screened from the street. The proposed lots conform to height requirements, and the overall density is less than would be permitted to individual Inclusionary Zoning projects in R-5-A and C-2-A zones.

2. Variances Requested from § 2616.4

Table 2. Summary of Building and Site-Related Variance Requests

Eden Place																			
Building Tabulations for Variance Purposes																			
Building #	Zoning	Theoretical Lot Area (sf)	Side Yard Setback (ft)	Min Side Yard Req'd (ft)	Variance (ft)	Ave. Rear Yard Setback (ft)	Ave. Rear Yard Req'd (ft)	Variance (ft)	Front Yard Setback (ft)	Min. Front Yard Req'd (ft)	Variance (ft)	Bldg Area (sf)	FAR	FAR Req'd	Variance	Bldg Footprint (sf)	Lot Occupancy (%)	Max. Lot Occupancy (%)	Variance (%)
1	R-5-A	8268	4	10	6.00	47.65	20	0	-	-	-	7,460	0.9	0.9	0.0	2824	34%	40%	0%
2	R-5-A	6626	5.88	7.08	1.20	33.97	20	0	-	-	-	5,980	0.9	0.9	0.0	3000	45%	40%	5%
3	R-5-A	4656	10	10	0.00	20	20	0	-	-	-	5,968	1.3	0.9	0.4	2264	48%	40%	9%
4	R-5-A	5825	3.46	7.08	3.62	15.13	20	5	-	-	-	5,980	1.0	0.9	0.1	3000	52%	40%	12%
5	R-5-A	7998	3.99	10	6.01	48.42	20	0	-	-	-	7,460	0.9	0.9	0.0	2824	35%	40%	0%
6	R-5-A	7815	0	7.08	7.08	18	20	2	0	20	20	5,980	0.8	0.9	0.0	3000	38%	40%	0%
7	C-2-A	6355	0	6.7	6.70	4	15	11	-	-	-	20,840	3.3	2.5	0.8	5589	88%	60%	28%
8	C-2-A	4666	2	6.7	4.70	4	15	11	5.84	15	9	10,420	2.2	2.5	0.0	2824	61%	60%	1%
9	C-2-A	9686	0.99	6.7	5.71	3.26	15	12	49.57	15	0	12,504	1.3	2.5	0.0	3384	35%	60%	0%
10	C-2-A	2956	5	6.7	1.70	3.75	15	11	6.14	15	9	6,252	2.1	2.5	0.0	1896	64%	60%	4%
11	C-2-A	7621	0.96	6.7	5.74	4	15	11	-	-	-	20,840	2.7	2.5	0.2	5624	74%	60%	14%
Total Square Footage												109,684							

(A clearer version of this table can be found in the applicant's pre-hearing statement)

Theoretical lots are required to meet the same site development standards as record lots. Table 1 had presented an overview analysis of compliance. Table 2, which was supplied by the applicant, presents a more detailed analysis of the compliance and indicates the theoretical lots for which the applicant is requesting relief. The applicant will provide an updated table at the hearing to reflect the lesser variances required due to the greater FAR and/or lot occupancy permitted for projects with Inclusionary Zoning units in the R-5-A or C-2-A zones. The revised requirements are summarized below:

IZ change in R-5-A Lot Occupancy: None. Remains at 40%
IZ change in R-5-A FAR: Increase from 0.9 to 1.08

IZ change in C-2-A Lot Occupancy: Increase from 60% to 75%
IZ change in C-2-A FAR: Increase from 2.5 to 3.0

The revised relief would be:

Lot Occupancy Relief Needed for Buildings:	2,3,4,5 and 7
Lot Occupancy Relief Requested but No Longer Needed for Buildings:	8,10 and 11
FAR Relief Needed for Buildings:	3 and 7
FAR Relief Requested but No Longer Needed for Buildings:	4 and 11

The neighborhood benefits of the individual townhouse site plan have been discussed above.

The relief being requested by the applicant is intended to create a development appropriate to the scale of the Capitol View/ Northeast Boundary neighborhood, which is striving to have infill construction be moderately scaled structures that place “eyes on the street” and are in keeping with the single family nature of much of the neighborhood.

Permitting the requested relief is consistent with the intent of the Regulations, particularly Section 353.

3. Variances from §§ 2101.1, 2115.1, 2115.10, and 2115.4, Requirements for Number and Size of Parking Spaces, and the Minimum Grouping of Compact Car Spaces

The topography of the site, and the density needed to make the affordable housing project feasible combine to make it practically difficult to accommodate all of the required 60 parking spaces with the permitted ratio of full-sized to compact sized parking spaces.

The applicant is proposing to construct 57 of the required 60 spaces (i.e., 0.95 space for each unit) on site and to make each of the spaces no smaller than the size of a compact car space. The spaces would be allocated as follows:

Zone	Requirement	Number of Units	Proposed Spaces on record lot	Relief
R-5-A (essentially, Phase 1)	1 space per single family unit = 26	26 rowhouses;	23: 23 surface spaces	Variance from minimum size requirements of §§ 2115.1 & 2115.10 Variance from 10 of required 26 spaces.
C-2-A (essentially, Phase 2)	1 space per single family unit = 34	34 rowhouses; 2 w/o garages 32 w/garages	32 in garages 2 surface spaces	Variance from § 2115.4 requirement for minimum grouping of compact spaces
Total Site	60		57 on both lots	

Although the applicant would eventually be providing a total of 23 spaces for Phase 1, 7 of those spaces would be located on the record lot for Phase 2. Accordingly, the applicant has chosen to ask for relief 10 spaces, rather than relief for 3 spaces coupled with a request to permit 7 spaces to be located off the record lot.

To provide 60 full-sized, properly-grouped spaces, the applicant would likely need to eliminate the proposed playground, significantly reduce the size of the two open spaces behind Buildings 1 and 5, and undertake additional excavation to add garages to two Phase 2 units.

OP recommends approval of the requested relief. The unusual topography, grade and shape of the lot impacts the ability to provide all the required R-5-A parking on the R-5-A lot. The requested relief would better enable the re-use of existing buildings “would result in more efficient use of land, better design”, improved green space and safe play areas. It would

not adversely impact neighboring properties and would help the project achieve its goal of creating decent family-oriented affordable housing,

OP understands that DDOT has no objections to the parking proposal or any resulting traffic impacts.

VII. COMPREHENSIVE PLAN

The R-5-A portion of the Property is designated for moderate density residential uses on the 2006 Comprehensive Plan's Future Land Use Map. Row houses and low-rise garden apartments usually characterize moderate density areas, but the areas can include a mix of single family homes, 2-4 unit buildings, row houses, and low rise apartment buildings. The C-2-A portion along Dix Street is designated mixed use, low-density commercial/ moderate density residential.

The Comprehensive Plan and other District policies strongly support infill development and affordable housing. (§ 307.5). "In residential areas, infill sites present some of the best opportunities in the city for 'family' housing and low-to moderate density development." (§ 307.2). Additionally, the Comprehensive Plan provides that "the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city." (Policy H-1.2.1, § 504.6). For new housing on publicly owned sites, the Comp Plan advises that "a substantial percentage of the housing units ... [be] reserved for low and moderate income households." (Policy H-1.2.4, § 504.11).

The Far Northeast and Southeast Area Element of the Plan includes the property within the Capitol View/Northeast Boundary Policy Focus Area (Map 17.1). Policy FNS 2.3.1 emphasizes the "rehabilitation of existing housing and the development of new mixed income family housing on vacant lots". The proposed project would directly assist in achieving that policy objective. For 61sts and Dix, Policy FHS 2.3.2 encourages "new retail businesses and services that benefit the adjacent community". The proposed project would indirectly assist in achieving that policy objective by returning vacant properties and land to productive residential units at a density that would increase demand for nearby businesses and services.

VIII. COMMUNITY COMMENTS

ANC-7C submitted a letter of support for the project on February 18, 2010.

OP is not aware of any written opposition to the proposed project or the requested relief.

IX. RECOMMENDATION

OP **recommends approval** of the requested special exception and variance relief **subject to:**

- **The provision of additional information about landscaping and screening options for the proposed trash enclosures;**
- **The provision of additional information about the durability of the proposed vinyl siding;**

JS/Steve Cochran, project manager