



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment *9/14/10 3:52*

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

DATE: September 14, 2010

SUBJECT: BZA # 18037 A: §3129 Modification Request to BZA Order 18037 --Eastern Avenue @ Dix Street, S.E. §§ 353.1 and 2516.1 Approved Special Exception Relief to Construct Multi-Family Dwellings with More Than One Structure on a Lot; § 2516.4 Variance Relief from Open Area and Setback Requirements; and § 2100 from Various Parking Requirements

I. RECOMMENDATION

The Office of Planning (OP) recommends the Board approve the following requested modifications to the relief the Board granted in March 16, 2010's Order 18037.

II. APPLICATION SUMMARY

The approved project is for mixed-income housing in far-southeast Washington, DC. The site is split between the R-5-A and C-2-A zones. The applicant has requested the following modifications to the relief the Board granted for the Phase 1, R-5-A-zoned portion of the development:

- Additional § 353 special exception relief for the construction of 29 residential units, rather than the approved 26 units. The additional 3 units would be for households earning up to 80% of the Area Median Income (AMI).
- Alterations to the approved § 2516.4 variance relief for density, physical configuration, open space and parking relief for theoretical lots, due to the reconfiguration of the proposed Buildings 2, 4, and 6.
 - Less relief for five non-conforming side yards;
 - Less relief for one non-conforming rear yards;
 - Less relief for one front yard that would no longer be non-conforming;
 - Increased FAR relief for three buildings;
 - New lot occupancy relief for one non-conforming building and less lot occupancy relief for two non-conforming buildings.
- Additional § 2101.1 variance relief for a 3-space further parking reduction.

The applicant has requested this case be heard as a minor modification under 11 DCMR § 3129. The number of dwelling units would increase by three, from 60 to 63, resulting in a net increase in of the project's habitable square footage of 5,380 gross square feet (gsf), a three-space increase in parking non-conformity, and both increases and decreases in non-conformities for yard, lot occupancy and FAR on up to five theoretical lots. The requested changes, particularly increasing the number of units and relief requested for FAR, would not typically be considered minor modifications. However, the modifications would not significantly alter potential impacts and would not likely have impacted OP's original analysis or recommendation for approval.

III. PROJECT DESCRIPTION, WITH REQUESTED MODIFICATIONS

*In the text, tables and illustrations that follow, the aspects of the approved project for which modifications have been requested are ~~struck through~~, and the proposed changes are **highlighted in bold**.*

BOARD OF ZONING ADJUSTMENT
District of Columbia

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District of Columbia
CASE NO. **18037-A**
EXHIBIT NO. **18037**
EXHIBIT NO. **46**

#46

The development would be an affordable residential project: twelve units for households earning no more than 30% of the Area Median Income (AMI); four units for households earning up to 60% of AMI, **three newly proposed units for households earning up to 80% of AMI**, and forty-four for households earning up to 120% of AMI. Each unit would be a fee-simple condominium townhouse. The project would be constructed in two phases. Phase 1, in the R-5-A zone, would renovate three existing buildings into ~~twelve~~ **fifteen 25' by 27' 20' by 31'** townhouses and would 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 would provide ~~19,800~~ **19,600** square feet of common green space, including a dedicated playground space, grouped mailboxes, and landscaped lawns.

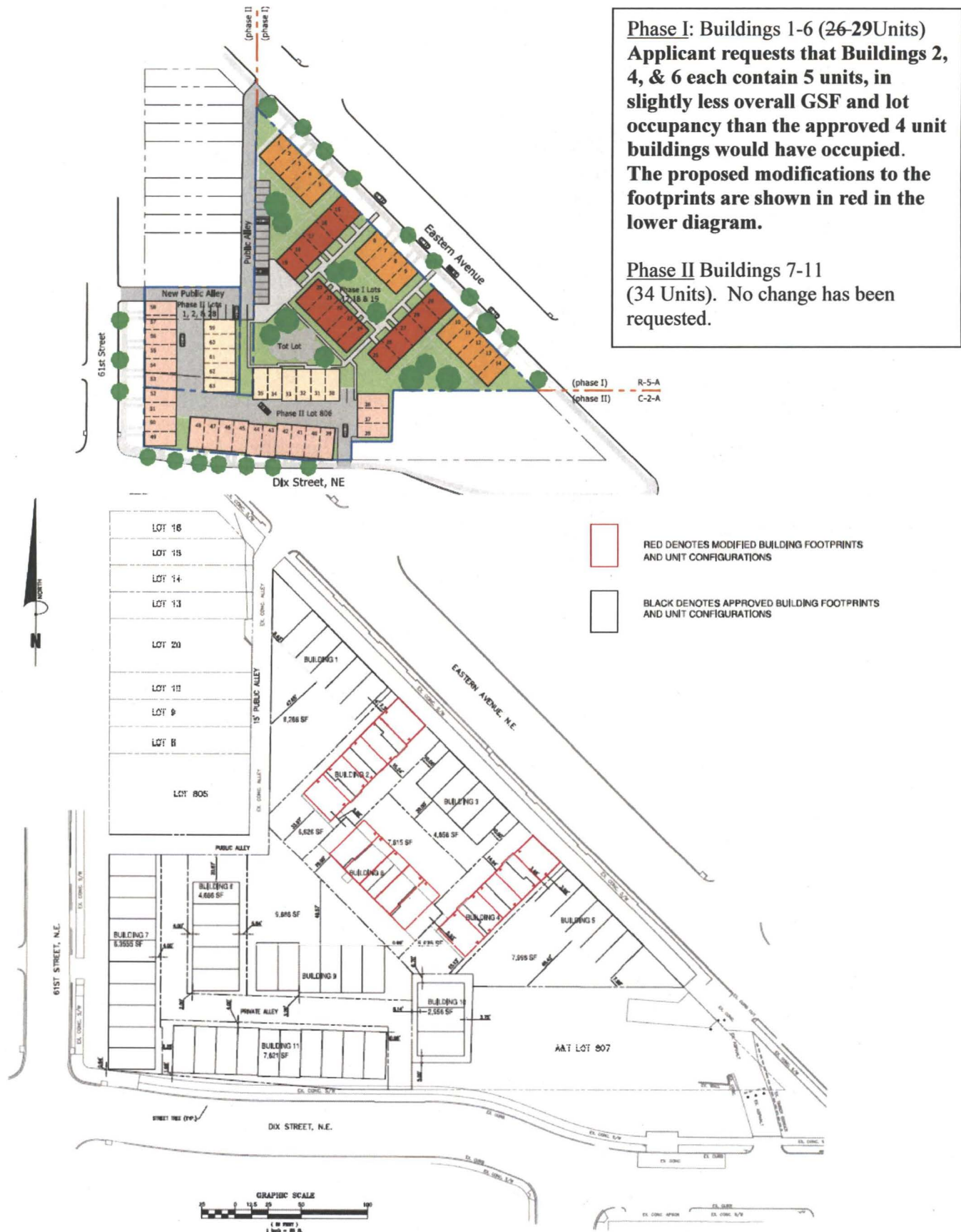
The site would have access from several points: two pedestrian walkways from Eastern Avenue; an existing public alley off of Eastern Avenue; a new public alley off of 61st Street connecting to the retained portion of the existing alley and a driveway off of Dix Street. The Applicant would request closure of a portion of the existing alley system to consolidate lots for the Phase 2 townhouses.

There would be 57 parking spaces: 16 surface spaces for Phase 1, on its record lot; 2 surface spaces for Phase 2 on its record lot; 32 front-loaded garages within the townhouses of Phase 2, and 7 surface spaces located on the Phase 2 record lot and available to Phase 1.

Figure 1: Approved Site Plan, and Numbering of Buildings Referred to In Applicant and OP Documents



Figures 2a and 2b: Requested Modifications to Site Plan



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.

Figure 3: Site Context



Square: 5260

Location: 400-414 Eastern Ave. , S.E.

Area: 78,989 sq. ft.

ANC: 7C

Historic District: None

Phase 1 Lots: 17-19, tax lot 806 [i.e., lots 21-24; part of 25]

Zone: R-5-A-

Ownership: Public

Phase 2 Lots: 2, 28, 800

Location 405-407 Dix Street

Zone: Primarily C-2-A; however the land on which proposed "Building 9" is located is split zoned C-2-A/R-5-A

Ownership: Private

Current use: Phase 1: Vacant land; Phase 2: Commercial structures and vacant land

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 -- are owned by one entity and are planned for incorporation into the project. Discussion with the tenants on those lots is ongoing.

IV. PREVIOUSLY APPROVED BZA APPROVED RELIEF

The Board approved the following relief for the project:

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.
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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 and to allow some off-site;
- § 2115.1 To permit lesser length and 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 only two spaces.

V. COMPARISON OF APPROVED RELIEF AND REQUESTED MODIFICATIONS

Table 1 reflects the relief that would be required if the applicant had taken into account the greater FAR and lot occupancy permitted a development subject to Inclusionary Zoning (IZ) requirements.

Table 1. Summary of Zoning Requirements, Approved Relief and Newly Requested Relief Requested

	R-5-A Standards with Inclusionary Zoning	BZA-Approved Relief from R-5-A Standards	Requested New or Changed Relief for R-5-A Portion
Lot Area	As pre-scribed by BZA	None	No Change
Lot Width	As pre-scribed by BZA	None	No Change
Lot Occupancy	40%	Relief for 3 theoretical lots of 45%, 49%, and 52% lot occupancies	New: Bldg. 5 from 38% to 43% Change: Bldg. 2, from 45% to 42%; Bldg. 4 from 52% to 47%
FAR	1.08, per IZ	Relief for 2 non-conforming theoretical lots of 1.3, and 1.3 FAR	New: Bldgs. 2 & 4 from 0.9 to 1.1 Change: Bldg. 6 from 1.0 to 1.1
Rear Yard	20 ft.	Relief for 3 non-conforming yards of 18', 15.13', and 3.26'.	Change: From 3 non-conforming yards to 2. One yard is same @ 18'; one changed from 15.13' to 17.58' [20' required].
Front Yard	For theoretical lots, §2516.5 requires front yards ≥ required rear yards, i.e., 20'	Complete relief requested for Building 6	Change: Bldg. 6, from complete relief to no relief
Side Yard	3" per ft. of bldg. height, but ≥ 8'	5 non-conforming yards of 5.88' & 3.46' [7.08' req'd]; and 4', 4', 0' & 1' [10' req'd]	Change: 5 buildings would remain in need of relief, but amount would change. Bldgs 2, 4 and 6 from 4', 4' & 0' to 3.1', 3.46' & 5.88'; Bldgs 1 and 5 from 1' & 1' to 4' & 4'.
Height	40' max	All conform	No Change
Parking	1/ unit	Relief from 10 of required 26 spaces	Changed: From 10 to 13-space relief

VI. ANALYSIS OF REQUESTED MODIFICATIONS

The requested modifications would add three affordable housing units for households earning 80% of the AMI (i.e., approximately \$81,000 for a four-person household). The request would have a net impact on habitable square footage of approximately 5,380 square feet, would lead to a mix of minor increases and decreases in the physical non-conformities of the approved project, and to a three-space increase in the parking non-conformity.

The changes would be relatively modest for a 63 – 69 unit development on 1.8 acres, would likely have little to no negative impact on the project or the surrounding neighborhood.

The application does not explicitly address how the request comports with the criteria of 11 DCMF § 3129.7:

Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon its approving the application.

The applicant states, on page 6, that “The justification for such variance relief remains as described in the Applicant’s statement submitted along with its original application and as presented during the Applicant’s hearing on March 2, 2010”. The applicant should demonstrate during its testimony that this justification is sufficient to satisfy § 3129.7.

Jls/ Stephen Cochran, project manager