

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 29, 2016

SUBJECT: BZA Case #19232 – area variance relief of §§ 401.3 and 2101.1 pursuant to § 3103.2 for the construction of two (2) flats located on the property 1833 Central Place NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of the following area variances pursuant to § 3103.2:

- § 401.3, Minimum Lot Dimensions (18’ required and 15’ proposed) and
- § 2101.1, Schedule of Requirements For Parking Spaces (2 spaces required for 2 flats, 0 spaces proposed)

II. LOCATION AND SITE DESCRIPTION:

Address:	1833 Central Place NE
Legal Description:	Square 4044 Lot 10
Ward/ANC:	5/5D
Lot Characteristics:	Vacant land of 30’ in width along Central Place NE and is 120’ in depth with no alley access.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwellings, permitted in this zone.
Historic District:	None
Adjacent Properties:	Primarily row dwellings are within Squares 4047 and 4044, however there are commercial and industrial uses to the north and east along New York Avenue NE and West Virginia Avenue NE; Gallaudet University lies to the southwest; and Mt. Olivet Cemetery is in close proximity to the south east.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Habitat for Humanity of Washington, D.C. by Holland & Knight
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Proposal:	The Applicant requests relief from §401.3 Minimum Lot Width and §2101.1 Schedule of Requirements For Parking Spaces to facilitate the development of two (2) flats on the Property. Please note there is a companion application, #19231/1814 Central Avenue NE, which includes the development of four (4) flats and requires the same relief as #19232. See location map below.
Relief Sought:	Area Variances per § 3103.2



IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400.1	35'	N/A	32'-4"	None required
Lot Width (ft.) § 401	18' min.	N/A (subdivision to be sought)	15'	Relief Requested
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	3,600 sf	1,800 sf per lot	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	60% max.	0%, vacant	58%	None required
Rear Yard (ft.) § 404	20 ft. min.	N/A, vacant	39'-6"	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.		None required
Parking §2101.1	1 space for 1 flat (2 units)	N/A, vacant	0 spaces	Relief requested for 2 spaces

V. BACKGROUND:

As part of PUD #15-01 (the “PUD”), approved by the ZC on July 13, 2015, Level 2 is required to partner with Habitat for Humanity (“Habitat”) in providing half of their required IZ benefit off-site, along with additional affordable units (termed “Off-Site Non-IZ Units”) as an added benefit of the PUD. The off-site portion of the housing benefit in total consists of both Off-Site IZ Units @ 50% AMI (up to 7 total units of 1,057 net sf in size) and Off-Site Non-IZ Units @ 50% AMI (up to 6 units, 1,000 sf each). The two types of units differ in several main ways: the Off-Site Non-IZ Units are an additional housing benefit beyond the 8% IZ requirement for the PUD, and they also differ with regard to the term of affordability—the Off-Site Non-IZ Units are affordable for a shorter term. With this Application, Habitat seeks relief in order to build four (4) off-site IZ and Off-Site Non-IZ units per PUD #15-01.

Per the Order associated with 15-01, Level 2 is required to enter into a binding contract with Habitat to co-develop the Off-Site IZ Units and Off-Site Non-IZ Units prior to the issue of a building permit for the PUD. The construction of the Off-Site IZ units is to take place prior to the construction of the Off-Site Non-IZ Units. Prior to issuance of a CO for the PUD, the Applicant must provide building permits for the Off-Site IZ Units and Off-Site Non-IZ Units. As such, there are timing considerations for the PUD related to this Application.

VI. OP ANALYSIS:

Per §3103.2 Variances, the BZA can grant relief from certain regulations where the BZA determines the request meets the criteria listed below. Both the requested lot width and parking relief are considered area variances as opposed to use variances, because area variances include requests for deviations from requirements that affect the size, location and placement of buildings, as well as the minimum parking requirements. Below is the three-part area variance test with OP’s comment and analysis for BZA consideration:

1) Does the property exhibit exceptional narrowness, shallowness, or shape; or exceptional topographical conditions, or other extraordinary or exceptional situation or condition?

Lot Width: The property exhibits an exceptional situation in that the development of the properties will be tied to the obligations of PUD #15-01 and, if approved by the BZA, the properties will be developed with either large-size (ave. size 2.5 bedrooms, 1,000 sf +) IZ units, or affordable housing units for those earning 50% AMI for either the life of the PUD or for a time specified by Habitat.

Parking: The property exhibits an exceptional physical characteristic in that no alley access exists and there are no curb cuts from the street into the portion of the Property to be developed.

2) Does a peculiar or exceptional practical difficulty result from the strict application of the regulation(s)?

Lot Width: If the lot width relief were not granted, fewer units could be constructed on the property. One flat could be constructed on the 30-foot wide, 3,600 sf lot; the larger lot size would make it unavailable as affordable housing. As stated in the Applicant's prehearing statement, the practical difficulty results in the Applicant's ability to locate sites to fulfill its PUD obligations, which include construction timing considerations. The Applicant cites the increase in land values as a factor in the practical difficulty in locating sites whereby certain unit size parameters must be met per the Order of PUD #15-01.

Parking: Due the fact there is no alley access to the properties, it is practically difficult to require off-site parking for the proposed flats since there would be no means of access. Additionally, a curb cut permitting access from Central Avenue NE into the Property would not likely be supported by DDOT. For these reasons, a practical difficulty exists in the provision of required parking to support the proposed development of two (2) flats.

3) Can the relief be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map?

Lot Width: In this case, relief can be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map. In most cases, it is difficult for OP to support lot width relief for new developments because it essentially results in additional density not contemplated by the base R-4 zoning District. However, in this case, because all of the units to be constructed with this development will be either IZ units or affordable units all at 50% AMI, the resultant additional density can be supported by OP primarily because Chapter 26 of the Zoning Regulations allows for a reduction in lot width to 16' for R-4 projects that provide on-site IZ units. As such, 16' in width is an acceptable flat width for IZ units, and that has been codified in the Zoning regulations.

While 16' lot widths would have been preferable by OP, the Applicant proposes 15' lot widths. In the case of 1833 Central Ave. NE, 16' lot widths would have resulted in only one (1) property of 16' in width, and a 14'-wide vacant property. A 14-foot wide vacant property is an underutilization of the property, considering the variety of lot widths of lots (some appear to be approx. 15' in width with much less than 1,800 sf in lot area) in and around the Squares. If only one (1) flat could be constructed on the property, another development site would need to be located. The Applicant has stated it has been difficult to identify affordable flat sites within Ward 5, and OP notes timing is a consideration due to the connection of these properties with the PUD.

Parking: The relief can be granted without substantial detriment to the public good or the intent, purpose and integrity of the Zoning Regulations and Map due to the following: there appears to be available street parking within the Squares; the development will be eligible for RPP; and the Property is well-located in terms of proximity to several transit modes.

OP notes that under ZR 16, parking for these flats would not be required due to the fact there is not alley access (Subtitle C, §702.3 (a)).

COMMUNITY COMMENTS

Adjacent neighbors: Letters of support or opposition have not been entered into the record at the time of the writing of this report.

Ward/ANC: The property is within ANC-5D. The ANC has entered a letter of support into the record.