

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 27, 2018  
**SUBJECT:** BZA Case 19746 (5543-5575 South Dakota Avenue, N.E.)

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- A § 207.2, Zone Boundary Line Crossing a Lot – request to extend regulations applicable to the portion of a lot located in a lesser restrictive use zone (MU-4) into the portion of the lot in a more restrictive use zone (R-2); and
- G § 406.1, Side Yard (8 feet, 4 inches required, minimum 3 feet, 2 inches proposed)

At or prior to the public hearing, the applicant must augment the record to document that the proposed FAR within the portion of the site zoned R-2 is 0.4 or less, pursuant to A § 207.1(d).

**II. LOCATION AND SITE DESCRIPTION**

|                                    |   |
|------------------------------------|---|
| Address                            | 5543-5575 South Dakota Avenue, N.E.   |
| Applicant                          | Fort Totten South LLC   |
| Legal Description                  | Square 3760, Lot 22; portion of Parcel 125/30; and a portion of the closed South Dakota Avenue, N.E. ramp   |
| Ward, ANC                          | Ward 4. ANC 4B09  |
| Zone                               | MU-4: Moderate density mixed use residential and commercial development<br>R-2: Low density residential   |
| Lot Characteristics                | Unusually shaped corner lot with no alley access  |
| Existing Development               | Vacant  |
| Adjacent Properties                | Northeast: One-family detached and semi-detached dwellings<br>Southeast: Convenience store and gasoline station<br>Northwest: Across Riggs Road, mixed use residential/retail building<br>Southwest: Across South Dakota Avenue, undeveloped land |
| Surrounding Neighborhood Character | Generally low to moderate density residential with commercial uses along Riggs Road.  |

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|----------------------|--|
| Proposed Development | <p>Facing Riggs Road, a four and five-story mixed use building with 20,000 to 30,000 square feet of ground floor commercial space would be constructed above two levels of below-grade parking. On the southeast portion of the site would be three and four-story townhouse units, for a total of 160 to 185 residential units on the site. Two townhouse units are proposed to have a side yard setback of less than the minimum required, and eight townhouse units are proposed to be located partially within the R-2 zone.</p> <p>Vehicular access to the site would be from Riggs Road and South Dakota Avenue.</p> |
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**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

| <b>Zone: MU-4<sup>1</sup></b> | <b>Regulation</b>  | <b>Proposed</b>                         | <b>Relief</b>   |
|-------------------------------|--|---|-----------------|
| Height G § 403                | 50-foot max.   | 50 feet                                 | None Required   |
| Lot Area G §                  | None prescribed  | 172,230 sq. ft. (3.9 ac.)               | None Required   |
| Floor Area Ratio G § 402      | 1.5 max non-residential<br>2.5 max. total<br>3.0 max. (IZ) | 0.21 non-residential<br>1.68-1.97 total | None Required   |
| Lot Occupancy G § 404         | 60% max.<br>75% max. (OZ)                                  | 53%                                     | None Required   |
| Rear Yard G § 405             | 15-foot min.   | 15 feet                                 | None Required   |
| Side Yard G § 406             | 8-foot 4 inches min.                                       | 3-foot 2-inch min.                      | <b>REQUIRED</b> |
| Green Area Ratio              | 0.3 min.   | 0.3                                     | None Required   |
| Parking C § 701.5             | 66-98 spaces   | 200-292 spaces                          | None Required   |

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to A § 207.2, Zone Boundary Line Crossing a Lot**

**207.2 If approved by the Board of Zoning Adjustment as a special exception under Subtitle X, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:**

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);**

The request is to extend the MU-4 regulations a maximum of twenty feet into the adjoining R-2 zone, a less restrictive use zone.

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<sup>1</sup> Approximately 3.6% (6,300 square feet) of the site is located within the R-2 zone, for which relief pursuant to Subtitle A § 207.2 has been requested.

- (b) **In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);**

The above referenced section reads as follows:

*“For computation purposes, any portion of the lot located in an R-1 or R-2 zone shall be deemed to be limited to a floor area ratio (FAR) of 0.4, any portion of the lot located in an R-3 zone shall be deemed to be limited to an FAR of 0.6, and any portion of the lot located in an RF-1, RF-2, or RF-3 zone shall be deemed to be limited to an FAR of 0.9;*

The affected portion of the lot is located within the R-2 zone and, therefore, limited to an FAR of 0.4. The application does not document that the proposed FAR is 0.4 or less. The applicant has to confirm that they are in conformance with this section.

- (c) **The extension shall have no adverse effect upon the present character and future development of the neighborhood; and**

The extension would allow the proposed development to extend throughout the subject property, allowing the applicant to construct portions of eight townhouses that would extend into the eastern corner of the site. These townhouses would abut adjoining property within the R-2 zone developed with semi-detached dwellings, a housing type compatible with the proposed development. Subject to confirmation by the applicant, the proposed extension would not result in an increase in FAR or lot occupancy otherwise permitted within the R-2 zone.

- (d) **The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.**

OP makes no recommendations pursuant to this subsection.

**b. Special Exception Relief pursuant to G § 409.1, Side Yard**

**1200.4 Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle where, in the judgment of the Board, the special exception:**

- (a) **Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;**

The reduction in minimum side yard is for the construction of the end units of two of the proposed rows of rowhouses. Eight feet is typically the minimum side yard required for a semi-detached dwelling. However, in this case a larger side yard is required for this end unit townhouse because of the height of the mixed-use structure proposed to be located on the property's Riggs Road frontage on the opposite side of the property.

A side yard of three feet, two inches is proposed for one unit on the eastern corner of the property for about three feet of the length of the side yard, with the remainder of the side yard 21 feet in depth; a side yard of five feet is

proposed for another end unit. The purposes and intent of the MU zones are to provide for the orderly development of land with a mixture of land uses. The requested side yard reduction would allow for an orderly layout of rows of townhouses on the southern side of the site.

**(b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and**

The portion of the reduced side yard would be at the base of a retaining wall physically separating the reduced side yard from the rear yard of the adjoining property, minimizing any impact. The impacted side yard would be closest to the back wall of a 7-Eleven store, which is set back 18.68 feet from the common lot line and has no windows facing the subject property. As such, there would be no adverse impacts, as all activity associated with that store is oriented away from the subject property.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

At Exhibit 37 is the DDOT report, stating no objection to the proposal, but noting issues requiring further coordination. No comments were received from other District agencies as of the filing of this report.

## **VI. COMMUNITY COMMENTS**

At Exhibit 36 is the ANC 4B report in support of the proposal. As of the date of this report, no other community comments had been submitted to the record.

Attachment: Location Map

