

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: June 1, 2018

SUBJECT: BZA Case 19772 to allow demolition of a single family dwelling and construction of a new multi-unit residential building at 1729 T Street, NW

I. RECOMMENDATION

The Office of Planning (OP) **recommends denial** of the following variance relief:

- Subtitle F § 302.1, pursuant to Subtitle X Section 1002.1 - FAR (1.8 maximum; 2.31 proposed);

OP has instead recommended to the Applicant that they pursue the relatively new option to opt into the District’s Inclusionary Zoning program, which would allow an FAR of 2.16 for the provision of one affordable unit.

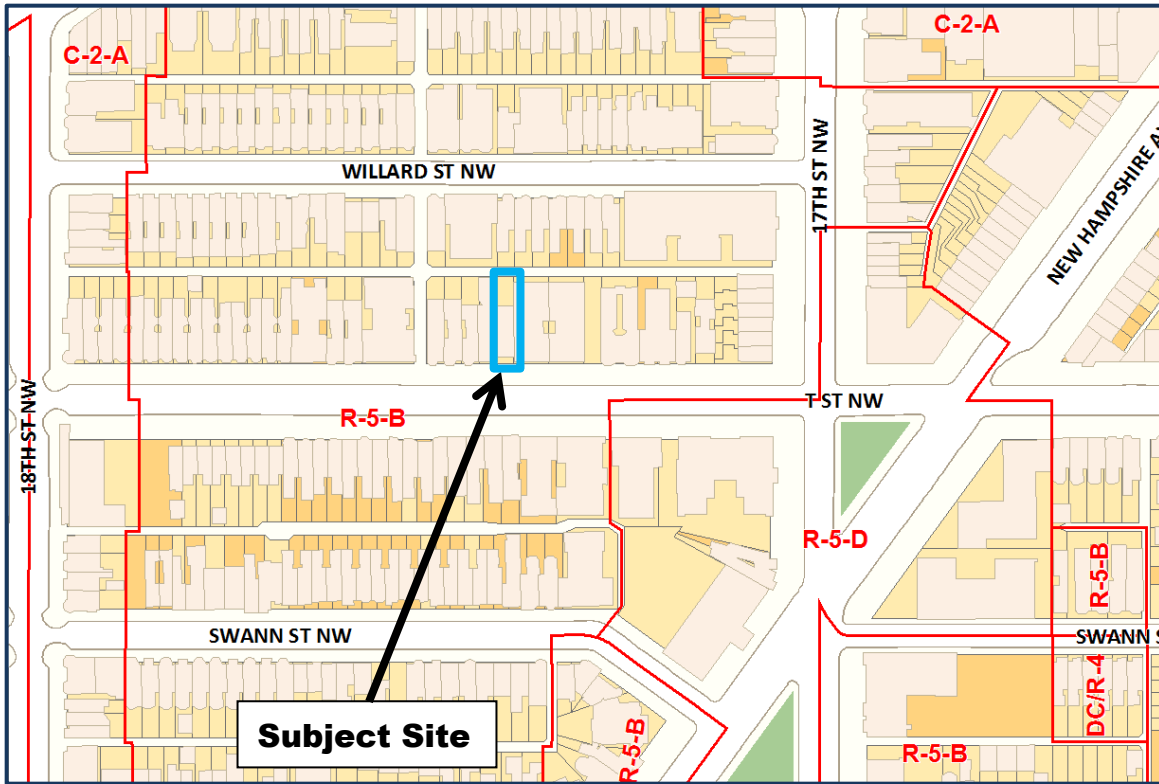
If the Applicant does so, or if the BZA determines that the FAR relief as requested has been justified, then OP would recommend **approval** of the following requested variance relief:

- Subtitle F § 304.1, pursuant to Subtitle X Section 1002.1 - Lot Occupancy (60% maximum, 70% proposed); and
- Subtitle F § 202.1, pursuant to Subtitle X Section 1002.1 - Court Width and Area (15’ and 350 SF required; 6’ and 90 SF proposed).

Although each BZA case is to be evaluated on its own merits, OP acknowledges that the BZA approved similar relief for a similar application for a property near this one (BZA Case 19188, 1719 T Street NW approved March 22, 2016). In that case, OP had originally opposed the application, but changed the recommendation to one of approval based on modifications to the proposal. That case was considered and approved before the changes to the Inclusionary Zoning “opt in” provision was established.

II. LOCATION AND SITE DESCRIPTION

Address	1729 T Street, NW
Legal Description	Square 151, Lot 15
Zoning	RA-2
Ward and ANC	Ward 2, ANC 2B
Historic District	Strivers’ Section Historic District
Lot Characteristics and Existing Development	2000 SF lot (20’ x 100’) with single family attached dwelling; 10’ public alley at the rear.
Adjacent Properties and Neighborhood Character	Overall neighborhood is a mix of rowhouses and apartment buildings. This block has a significant number of apartment buildings and multi-unit residential buildings are located on immediately adjacent properties.



III. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to demolish the existing non-historic single-family dwelling and construct a new five unit residential building. The Applicant proposes that the new building would have two 3-bedroom units, one 2-bedroom unit, and two studio units. There would be two parking spaces at the rear of the property.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned RA-2. The application seeks zoning relief as noted in the table below.

RA-2	Permitted / Required	Proposed	Relief
Height	50'	50'	Conforming
Lot Area	n/a	2,000 SF	n/a
Lot Width	n/a	20'	n/a
FAR	1.8	2.31	Requested
Lot Occupancy	60%	70%	Requested
Rear Yard	15'	30'	Conforming
Closed Court	15' and 350 SF	6' and 90 SF	Requested

V. ANALYSIS

1. Exceptional Situation Resulting in a Practical Difficulty

FAR:

The subject property does not exhibit unique or exceptional conditions that lead to a practical difficulty for a new building to comply with the zoning regulations for FAR. While the lot is smaller than the immediately adjacent lots, there are other lots of the exact same size on the block and there are numerous lots in the overall square with a smaller lot area than the subject property. As such, the lot size is not exceptional, nor is the lot size so small that it results in a practical difficulty in providing a permitted or anticipated level of development. A new building on this lot could meet the FAR requirements with a smaller footprint or reduced vertical density - or a property owner has the option to achieve bonus density by opting into Inclusionary Zoning (see Section V. 3). The property's location between two buildings that are contributing to the historic district also is not an exceptional situation.

CLOSED COURT:

The subject property does exhibit an exceptional condition that leads to a practical difficulty in complying with the closed court regulations. The Applicant proposes the closed court light well to mirror the light well on the adjacent historic building, which would provide additional light to both buildings. While the existing building does not have a light well and the project does not have to provide one, the Applicant's goal is to construct one to allow more light to both the proposed building and the adjacent building's residential units, which would be a benefit of the project. The subject lot is only 20 feet wide and in order to provide a compliant 15 foot court, it would need to be almost the entire width of the building. The proposed light well along with the interior inefficiencies created by the light well, if approved, would have an FAR equivalent of .135.

LOT OCCUPANCY:

The subject property exhibits a confluence of factors that create an exceptional condition that leads to a practical difficulty in complying with the lot occupancy regulations. The Applicant's goal is to provide more light and air to the new residential units, and the Applicant has requested relief to increase lot occupancy by 10% or 200 SF. Because of the two adjacent non-conforming buildings that have exceptionally high lot occupancy, the Applicant states that the proposed building would need to extend further back on the lot to provide additional light and air to the residential units, which would increase its lot occupancy. In the by-right scenario, the building would not extend as far back and would be less likely to have rear balconies which provide outdoor access (the rear balconies comprise 80 SF of the proposed lot occupancy). The shadow studies show that a small amount of additional light would reach the proposed rear balconies than would be provided to the rear of the building in the by-right scenario.

In order to gain more light, the proposed light well is 90 SF and the closed court space creates interior inefficiencies of approximately 270 SF. Additionally, there are party walls on both sides of the property that encroach onto the subject property by 77 SF, which is almost 4% of the 10% variance that has been requested.

Together, these exceptional conditions of the subject property create a practical difficulty in complying with the maximum 60% lot occupancy requirement and being able to provide additional light and air to the residential units.

2. No Substantial Detriment to the Public Good

FAR:

Allowing the additional FAR could be contrary to the public good. FAR is intended to limit bulk and density in certain zones and relief from FAR is not generally supported by OP. The zoning regulations

were recently changed and now provide an opportunity for an applicant to gain additional FAR by opting into Inclusionary Zoning and providing affordable housing, which would be beneficial to the public good.

CLOSED COURT AND LOT OCCUPANCY:

Granting relief of the lot occupancy and closed court variances should not substantially impair the public good. Since the adjacent structures are non-conforming and larger than the proposed building, the additional lot occupancy of this building would not have a significant negative impact on the light or air available to nearby structures or on the privacy of nearby residents. The Applicant proposes family-sized units, which are desired in this area and providing outdoor access to residential units with rear balconies is also encouraged. Permitting court relief would allow a light well on this property to reflect the existing light well to the east and would provide additional light to residents of both buildings. The project would meet all other zoning requirements including height, rear yard and parking.

3. No Substantial Harm to the Zoning Regulations

FAR:

The requested FAR relief would result in harm to the Zoning Regulations. The requested FAR of 2.3 for the new building is well in excess of the FAR limit of 1.8 established for this zone. The regulations intend that new development such as this conform to the regulations, not replicate any existing nonconforming development. The 2016 zoning regulations introduced a new provision that allows for a property owner such as this one to opt into Inclusionary Zoning (IZ) with the bonus density. In this case, OP advised the Applicant that if they opt in to IZ, the permitted FAR would increase by 20% to 2.16. OP continues to recommend that the Applicant take advantage of this new regulation that provides property owners an opportunity for increased FAR in the RA-2 zone by providing affordable housing.

CLOSED COURT AND LOT OCCUPANCY:

The requested relief for closed court should not harm the zoning regulations due to the specific conditions of this site. The requested relief for lot occupancy may also not harm the intent of the zoning regulations, given the lot conditions and the context of the adjacent buildings.

VI. OTHER AGENCY COMMENTS

This property is located in the Strivers' Section Historic District and the project has received conceptual approval from the Historic Preservation Review Board.

DDOT filed a report in support of the application (Exhibit 36). It is OP's understanding that the proposed stairs in public space will need to be reconfigured to comply with public space regulations.

VII. COMMUNITY COMMENTS

ANC 2B Filed a report in support of the application (Exhibit 33).

There is a letter in the record from the adjacent neighbors at 1725 T St NW regarding a construction agreement (Exhibit 37B).