



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
Joel Lawson, Associate Director for Development Review
DATE: July 18, 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 **SUPPLEMENTAL REPORT**

I. RECOMMENDATION

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

- Subtitle F § 304.1, pursuant to Subtitle X Section 1002.1 - Lot Occupancy (60% maximum, 70% proposed);
- 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);
- Subtitle F § 302.1, pursuant to Subtitle X Section 1002.1 - FAR (2.16 maximum allowed with IZ bonus density; 2.3 proposed); and
- Subtitle C 1005.1, pursuant to Subtitle X Section 1002.1 - Proportionality of the Inclusionary Zoning unit (one 2 BR unit required; one studio proposed)

II. UPDATED 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.

Since the public hearing, the Applicant has revised their project and now proposes to opt in to the Inclusionary Zoning program and receive bonus density (FAR). To opt in, based on the size of their building, they would be required to devote 750 SF to an IZ unit at 80% MFI. Due to the IZ proportionality requirement and the unit configuration of the five units of this project, the Applicant would be required to provide a 2-bedroom IZ unit, which their floorplans show would be 1254 SF, and they have requested relief from the proportionality requirement (see Sections III and IV).

Subtitle C Section 1003.10 states: *“The square footage set aside applicable to an inclusionary development that is exclusively comprised of ownership units may be reduced by twenty percent (20%) provided all the units are set aside to households earning equal to or less than sixty percent (60%) of the MFI.”* The Applicant proposes to provide a smaller unit with a deeper level of affordability with one IZ unit which will be a 600 square feet studio at 60% MFI.

III. UPDATED ZONING REQUIREMENTS AND RELIEF REQUESTED

The subject site is zoned RA-2. The application seeks updated 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	2.16 (with IZ bonus)	2.3	Requested
Lot Occupancy	60%	70%	Requested
Rear Yard	15'	30'	Conforming
Closed Court	15' and 350 SF	6' and 90 SF	Requested
IZ bonus density	750 SF @ 80% MFI	600 SF @ 60% MFI	Conforming
IZ proportionality requirement	one 2 bedroom unit	one studio unit	Requested

IV. ANALYSIS

The previous OP report provided analysis of the variance relief for Lot Occupancy and Closed Court and OP recommended approval of that relief (see Exhibit 41). The Applicant has revised the project and provided a new proposal with a request for relief from the FAR and IZ proportionality requirements

1. Exceptional Situation Resulting in a Practical Difficulty

FAR:

The subject property's party wall encroachment is an exceptional condition that leads to a practical difficulty for the new building construction to comply with the zoning regulations for FAR. The party wall encroachment occupies 281 square feet, which is .14 FAR. While wall thickness, including a party wall, would typically not constitute a practical difficulty, in this case the Applicant's structural engineer stated that the party wall should not be used for this project and instead that an independent load bearing wall should be constructed (Exhibit 48B). The Applicant's neighbors have also expressed concerns about the party wall and the Applicant has agreed not to use it (the Applicant has stated they will provide the construction agreement to the Board prior to the July 25 hearing date).

IZ PROPORTIONALITY REQUIREMENT:

The property's size, narrow layout and overall context create an exceptional condition that lead to a practical difficulty in complying with the IZ proportionality requirement. Because this project is only for five units of two 2-bedrooms, one 1-bedroom, and two studios, it would be practically difficult to meet

the proportionality requirement, which would require a 2 bedroom unit at more than 1200 square feet, where the regulations otherwise require 750 square feet of space to be dedicated.

2. No Substantial Detriment to the Public Good

FAR:

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. The Applicant is proposing to opt in to IZ, which is beneficial to the public good. Providing relief for this small amount of FAR due to the party wall encroachment and structural issues of the property would not result in additional units or level of intensity of use.

IZ PROPORTIONALITY REQUIREMENT:

Allowing relief from the proportionality requirement for this small building would not be detrimental to the public good. The project would provide three different unit types, including larger units which the ANC supported and one affordable unit through IZ, which would be beneficial to the community.

3. No Substantial Harm to the Zoning Regulations

FAR:

The 2016 zoning regulations introduced a new provision that allows for a property owner to opt into Inclusionary Zoning (IZ) with the bonus density. In this case, by opting in to IZ, the permitted FAR increases by 20% to 2.16. OP had recommended 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. Providing FAR relief for the current proposal given the property conditions and the context of the adjacent buildings would not cause substantial harm to the zoning regulations.

IZ PROPORTIONALITY REQUIREMENT:

The Applicant's request for relief from the IZ proportionality requirement would not harm the zoning regulations. The current proposal would provide the amount of square footage that the regulations require for an affordable unit in a building of this size. The Applicant is opting into the IZ program to gain bonus density, and is proposing to provide a smaller unit with a deeper level of affordability, which would be in keeping with the intent of the zoning regulations to encourage developers to provide IZ units and more affordable units.