

REVISED - STATEMENT OF EXPLANATIONS AND REASONS

(Added First 2 pages on 1/8/19 in response to revised BZA Memo)

SUPPORTING AN APPLICATION TO THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

On December 10, 2018 Crystal Myers from Office of Planning while reviewing this case, discovered that side yard variance will be needed on top of following Special Exceptions per DCRA Memorandum (BZA memo):

- I. Special exception pursuant to U,421.1 to permit the construction of a new residential development (Apartment House) in RA-1 Zone District.
- II. Special exception pursuant to C, 703.2 for a full reduction in the minimum number of required parking spaces (1) as required pursuant to C, 701.5 (X, 901.2)

This initiated communication with DCRA Zoning office and they updated DCRA BZA Memorandum (BZA Memo) with below additional variance:

- An area variance for the construction of a new apartment house that does not conform with the required minimum eight (8) foot side yard as required pursuant to F, 306.2 (a) (X, 1001.2).

ARGUMENT TO JUSTIFY VARIANCE RELIEF:

Before I provide my justification, I will like to brief everyone with some background. I am the owner and I came to DC Zoning office and met Ms Alexandra Cain back in May 2018 to understand BZA process. I was advised either an architect can self-certify or best course of action will be to go to DCRA Zoning office and request them to issue a DCRA Memorandum (BZA Memo) as they will issue memo after carefully reviewing project and DCRA will pin-point exact special exceptions and/or variances needed for the project. I approached DCRA in June 2018 and scheduled paid Zoning PDRM meeting, paid building permit fees and submitted plans. In PDRM meeting DCRA Zoning reviewer provided feedback and comments but no comments were received on my 4 feet side yards. My understanding was that in RA-1 we can have side yard from 0 to 8 feet, so 4 feet side yard should not be an issue. We incorporated reviewer's

feedback and after few back and forth reviews, DCRA issue Memorandum (BZA Memo) on 8/8/18 with 4 special exceptions. Then we tweaked plans again to reduce exceptions, a revised BZA Memo was issued on 11/6/18 with 2 special exceptions (as we wanted to go to BZA with minimum exceptions). Both BZA Memo's did not mention side yard variance although plans had 4 feet side yards right from start. On 12/10/18, Ms Crystal Myers from Office of Planning discovered that side yard variance will be needed in this case and that initiated communications within DCRA. In result of this back and forth communication, DCRA Zoning office acknowledged their mistake and re-issue revised DCRA Memorandum (BZA Memo) with side yard variance on 12/18/18. I think my months long good faith efforts and DCRA Zoning Office's mistake should be enough weight for BZA to approve side yards variance.

The proposed design is a multiple dwelling unit structure that conforms to the height, density, and area requirements of the RA-1 zone. Relief from the side yard setbacks is necessary because of the narrowness of the lot. This lot is already very narrow for an apartment building. Since the proposed building will be housing 2 units per floor, we are already proposing smallest width possible design, with 8 feet side yards project will create peculiar and exceptional practical difficulties, undue hardship and owner will not be able to develop.

There will be no negative effect to public goods as adjacent properties have bigger side yards, so by having 4 feet side yards on this lot will not create any negative effect on the public or neighborhood or adjacent neighbors.

This variance will be in harmony of allowed Zoning. RA-1 allows low density apartment buildings and owner is doing exactly that to keep the project within vision of RA-1 zone districts.

Note: Below pages (numbered 3 to 9) are original Statement of Explanation and Reasons submitted from the time of filing this case.

STATEMENT OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION TO THE BOARD OF ZONNING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

Special Exceptions per DCRA Memorandum (BZA memo):

- I. Special exception pursuant to U,421.1 to permit the construction of a new residential development (Apartment House) in RA-1 Zone District.
- II. Special exception pursuant to C, 703.2 for a full reduction in the minimum number of required parking spaces (1) as required pursuant to C, 701.5 (X, 901.2)

Address: 413 60TH ST NE, Washington DC 20019 (Square 5261 Lot 0803)

Zone: RA-1

DCRA Building Permit # B1811347

DCRA BZA Case # FY-18-57-Z

BZA Case # 19889

APPLICANT'S STATEMENT

This project is located at 413 60TH ST NE is designed for 8-unit apartment building. The lot area is 5,700 SF in RA-1 Zoning District. Currently there is a small old abandoned single family house on the lot, which applicant plans to raze (raze permit applied) and construct new construction 3 levels plus cellar 8 unit apartment building.

As per Subtitle U Chapter 421.1, it requires Special Exception from BZA for new residential Development and Special exception pursuant to C, 703.2 for a full reduction in the minimum number of required parking spaces (1) as required pursuant to C, 701.5 (X, 901.2).

PROJECT DESCRIPTION

This will be a new construction building of 3 levels plus cellar. This building will host 8 apartments and each unit will consist of 2 bedrooms, 2 and half bathrooms.

ZONING

The site is currently in RA1 zoning districts designed to protect quiet residential areas. Under Subtitle F Chapter 300.2, RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, row houses, and low-rise apartments. Below is allowed versus proposed:

Zone: RA-1

Lot area: 5700 sf

Lot Width: 40 feet

Lot occupancy: allowed 40%, proposed 30.3%

Front Yard: allowed 0 feet, proposed 10 feet

Rear Yard: allowed 20 feet, proposed 68.5 feet

Left Side Yard: allowed 4 feet, proposed 4 feet (now found out to be 8 feet)

Right Side Yard: allowed 4 feet, proposed 4 feet

Height: allowed 40 feet, proposed 34'8" feet

FAR: 0.90% allowed, proposed 0.89%

Gross Floor Area: allowed 5130, proposed 5086

Building Area: allowed 2280 sf, proposed 1728 sf

I. Special exception pursuant to U,421.1 to permit the construction of a new residential development (Apartment House) in RA-1 Zone District.

ANALYSIS

The proposed construction of this project of 8-unit apartment building on subject lot will be conforming since lot meet RA-1 zoning requirements. However, in the RA-1 zone, all new residential developments, except those comprising all one-family detached and semi- detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.

Under Subtitle X, Chapter 901.2, the Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C.Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps: Our project at 413 60th St NE will be in harmony with the community and will not tend to affect adversely. This project is designed with intent to keep the structure in line within allowed zoning regulations and zoning maps of RA-1 zone standards and guidelines.

(b) Will not tend to affect adversely, the use of neighboring property in Accordance with the Zoning Regulations and Zoning Maps: Our project will not create any adverse effect on neighboring properties and will be in line with Zoning regulations and Zoning Maps. Neighboring properties are mix of low rise apartment buildings, detached and semi-detached dwellings.

(c) Will meet such special conditions as may be specified in this title: Special Exception to build proposed 8-unit apartment building would not limit the light and air to adjacent properties or to other dwellings in the neighborhood. This building will be a nice addition to the neighborhood, ANC and neighbors are supportive and looking forward for property to be redeveloped.

II. Special exception pursuant to C, 703.2 for a full reduction in the minimum number of required parking spaces (1) as required pursuant to C, 701.5 (X, 901.2)

Undeveloped / Un-Paved Alley in Rear:

There is a 15 feet wide public alley which is currently un-paved and un-improved. ANC 7C and owner have contacted DDOT and requested to pave this alley but we are not sure yet when this alley will be paved (DDOT email communications attached). Whenever this alley will be paved, we will be able to meet parking requirement of one (1) parking space, and will be able to provide more parking spaces as we have 68 feet long and 40 feet wide huge back yard.

Proposed project provides three (3) bike racks located inside the building on first floor.

Traffic Conditions & Mass Transit:

The Property has very good mass transit options. Capitol Heights Metro Station located at 61st Street NE and East Capitol Street NE is less than 0.5 miles from the Property. MetroBus lines V2 and V4 are at the intersection of 61th Street NE and Dix Street NE, which is only 0.1 miles away from the Property. There is a Capital Bikeshare station at Marvin Gaye Recreation Center located at 15 61 Street NE, which is only 0.25 miles from the Property. Walkscore.com indicates that the area is a “Walkable” with “Good Transit” and is “Bikeable.”

NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. If the applicant meets its burden, the Board must ordinarily grant the application.

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps:

The Project will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The purposes of the RA-1 Zone are, among other things, to permit low to moderate-density development, including detached dwellings, rowhouses and low-rise apartments.

The Project aligns with these intentions, as the relief will allow the Applicant to construct a new three-story plus cellar apartment building in a neighborhood with other low-rise apartment buildings. Further, the Project will advance the important goal of increasing the housing supply in the District by delivering 8 new dwelling units at affordable prices.

For these reasons, the relief is harmonious with the general purpose and intent of the Zoning Regulations & Maps.

B. The Proposed Relief will not tend to Adversely Affect the Use of Neighboring Property:

The use of neighboring properties includes a low to moderate density low rise apartment buildings, detached and semi-detached dwellings. These uses will not tend to be adversely affected by the Project. To the contrary, the Project will complement the surrounding character of the neighborhood by proposing an elegantly-designed, attractive building. Further, the Project's proposed height and massing are consistent with the zone's protections.

The Project's location near main roadways and convenient walking distance to public transportation options will give residents excellent alternatives to car ownership and usage, thereby reducing parking impacts in the vicinity. So the requirements of the special exception regulation, and the burden has been met.

C. The Project Satisfies the Special Conditions of Subtitle C § 703.2 in Connection with Parking Relief:

703.2 The Board of Zoning Adjustment may grant a full reduction in number of required parking spaces (1), subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

Due to the physical constraints of the property, the required parking space (1) cannot be provided as 15 feet rear public alley is not paved yet from DDOT.

Since ward 7 have big lots and less properties. This area is not congested like downtown or other busy neighborhoods of DC. 60th Street NE is a wide 2-way street and parking is allowed on both side of the street. There is ample street parking available 24 hours a day on 60th Street NE, therefore future residents or their guests will not have any parking issues.

There is an existing front curb cut on the property with a concrete parking pad which have one parking space, but DCRA Zoning office said they cannot consider this as a parking space.

COMMUNITY OUTREACH:

Owner approached ANC 7C05 SMD Commissioner after purchasing property and met Commissioner multiple times, we also implemented her feedback in developing these plans. She strongly supports this project.

Owner have already presented this project to ANC 7C Executive Committee on August 30, 2018. ANC Commissioners and Chair are in support of this project.

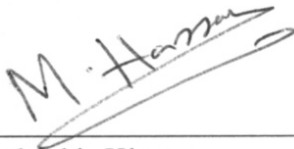
Owner have done community outreach and presented his project to neighbors in ANC 7C05 public meeting on September 10, 2018. Neighbors and public are strongly in favor of this project. They also want this eye-sore abandoned property to be redeveloped, which will make neighborhood more lively and upscale.

ANC 7C is very appreciative that Owner have pro-actively approached ANC Commissioner after his acquisition and has been working with ANC 7C and keeping them in loop.

CONCLUSION

This development will contribute to the improvement of the neighborhood by developing abandoned and vacant house sitting there for more than 2 decades as eye-sore, which have caused problems and provided negative effect to the neighborhood. Owner's plans to raze this old abandoned small house and redevelop this property would be for the public good. There are many low rise apartment buildings in the immediate neighborhood, so development of this building will fit well in the neighborhood. ANC, neighbors and public is in support of this project. Special Exception from BZA for new residential development of this 8-unit apartment building will not have any negative impact on the zoning regulations and will be consistent with the development pattern in the area. Special Exception from BZA in reduction of one required parking space will not have negative impact as there is plenty of street parking available and close proximity to MetroTrain, MetroBus, bikeshare, bike rack in property provides plenty of mass transit options. Whenever DDOT will pave rear alley, property will be able to provide parking in rear.

Thanks



Mubashir Khan
President
AMM2 Investments LLC (owner of 413 60th St NE)
715 8th St SE, Suite 1, Washington DC 20003
202-543-4680 Off
202-365-4680 Cell
mubashir_khan1@yahoo.com