

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** January 18, 2019

**SUBJECT:** BZA Case 19901 (2501-2509 West Street, S.E.) to permit the development of six new, attached dwellings in the R-3 zone to be used for workforce housing.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Applicability of achievable bonus density in inclusionary development, Subtitle C § 1001.2(e)(3), pursuant to Subtitle X § 900 (IZ units not required; at least one IZ unit required to opt in; one IZ unit proposed).

OP recommends **approval** of the following variance relief:

- Side Yard, Subtitle D § 307, pursuant to Subtitle X § 1000 (5 ft. minimum required; 0 feet for lot A6 proposed).

As of the date of this writing, the applicant has not submitted a revised self-certification form to the record for the relief noted above. However, the applicant has confirmed with OP that the form would be revised to reflect the above relief, requesting to opt-in to IZ and to reduce the side yard for lot A6.

**II. LOCATION AND SITE DESCRIPTION**

Address	2501 – 2514 West Street, S.E.
Applicant	ARCHI-TEXTUAL for HIP West St. Partners
Legal Description	Square 5808, Lots 50, 69, and 824
Ward, ANC	Ward 8, ANC 8A
Zone	<b>R-3</b> allows row dwellings, while also allowing detached dwellings and semi-detached dwellings.
Historic District	Not applicable.
Lot Characteristics	The subject property consists of three lots having a combined street frontage of 110 feet along West Street, and a depth of 104 feet. The rear of the lots, also 110 feet in width, abut an unimproved 12-foot wide public alley. The northeastern lot abuts an unimproved ten-foot-wide public alley.
Existing Development	The properties are currently vacant.

Adjacent Properties	To the north and west, across the unimproved public alley, are existing semi-detached dwellings, attached dwellings, and an apartment house. To the south and east, across West St., are existing detached dwellings and vacant properties.
Surrounding Neighborhood Character	The surrounding neighborhood character is low density residential, consisting primarily of attached, semi-detached, and detached dwellings. In addition, there are existing nonconforming apartment houses throughout the neighborhood.
Proposed Development	<p>The subject lots were purchased through the DC Housing Finance Agency’s (DCHFA) Housing Investment Platform (HIP), which is an investment fund that provides developers with private capital to construct dwellings in underserved communities in the District where traditional capital is limited. By participating in this program, the developer is required to deliver workforce housing to households earning between 60-120% median family income (MFI); these are not Inclusionary Zoning units. The affordability of the dwellings would be subsidized by funding from DCHFA.</p> <p>The applicant proposes to create a subdivision consisting of six lots. The lots would be developed with attached dwellings on lots A1 through A5, and a semi-detached dwelling on lots A6. The dwellings would be roughly 2,000 square feet in area, providing three bedrooms and single car garages, and would be of a modern style, incorporating siding and pre-cast concrete details. Large front setbacks of approximately 20 feet would be provided, consistent with the existing front setback that has been established along the block. Compliant rear yards would also be provided.</p> <p>The applicant proposes to opt into the Inclusionary Zoning (IZ) program, which requires the provision of one IZ unit in the proposed development. The proposed lots would conform to the IZ lot width and area standards, but side yard relief would be required for one of the six rowhomes. The IZ unit would be required to comply with Subtitle C § 1003 regarding the depth of affordability, which is 80% MFI for ownership units.</p>

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – R-3	Regulation	Proposed	Relief
To opt into IZ C § 1001.2(e)(3)	Permits opting in if fewer than 10 units are being created	Proposed	<b>Special Exception requested</b>

<b>Zone – R-3</b>	<b>Regulation</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width D § 302	20 ft. (attached) 30 ft. (semi-detached)  <b>IZ: 16 ft.</b>	A1 – 18.33 ft. (attached) A2 – 18.33 ft. (attached) A3 – 18.33 ft. (attached) A4 – 18.33 ft. (attached) A5 – 18.33 ft. (attached) A6 – 18.33 ft. (semi-detached)	Conforming with IZ standards
Lot Area D § 302	2,000 sq. ft. min. (attached) 3,000 sq. ft. min. (semi-detached)  <b>IZ: 1,600 sq. ft. min.</b>	A1 – 1,923 sq. ft. (attached) A2 – 1,923 sq. ft. (attached) A3 – 1,923 sq. ft. (attached) A4 – 1,923 sq. ft. (attached) A5 – 1,923 sq. ft. (attached) A6 – 1,923 sq. ft. (semi-detached)	Conforming with IZ standards
Height D § 303	40 ft. max.	29 ft.	None required
Lot Occupancy D § 304	60 % max. (attached) 40% max. (all other structures)	A1 – 41% A2 – 41% A3 – 41% A4 – 41% A5 – 41% A6 – 40%	None required
Front Setback D § 305	Within range of existing front setbacks of all structures on the same side of the street in the block. (0-22 feet)	20 feet for all lots	None required
Rear Yard D § 306	20 ft. min.	20 ft. for all lots	None required
Side Yard D § 307	5 ft. min.	A6 – 0 ft.	<b>Required for lot A6</b>
Parking C § 701	None required if no access to an open, improved, and public alley with a right-of-way of 10 ft. width min.	1 space per dwelling	None required

#### IV. OFFICE OF PLANNING ANALYSIS

##### a. **Special Exception Relief from Subtitle C § 1001.2(e)(3), Applicability of Achievable Bonus Density in Inclusionary Development**

The applicant has requested to opt into the IZ program, which allows modified dimensional regulations for lot area and lot width of Subtitle C § 1002.2. However, the use of these lot dimensions

requires special exception review of the criteria of C§ 1001.2 (e) and the general special exception relief standards of Subtitle X Chapter 9:

*1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:*

(e) *Any semi-detached, attached, flat, or multiple dwellings development not described in Subtitle C § 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:*

(1) *The square footage set aside achieves a minimum of one (1) Inclusionary Unit;*

The applicant has provided that one of the six units, having approximately 2,000 square feet, would be an IZ unit.

(2) *Residential developments located in the areas identified by Subtitle C § 1001.5(a) may not use the modifications to height and lot occupancy, or minimum lot area or width; and*

The proposed development would not be located in any of the areas identified by Subtitle C § 1001.5(a).

(3) *Any use of the bonus density provided in Subtitle C § 1002 in the R-2, R-3, R-10, R-13, R-17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9.*

The applicant has requested special exception relief to opt-in to IZ for the proposed development, zoned R-3, which is consistent with this section.

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal to opt into IZ, and thereby reduce the minimum lot width and area is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because this reduction is directly related to the provision of an inclusionary housing unit. This provision was adopted into the regulations relatively recently, specifically to allow smaller development proposals such as the subject one to take advantage of the IZ bonuses in return for providing one or more IZ units. Without opting into IZ, the inclusionary housing unit would not be provided and instead, five workforce housing units would be possible on the proposed development site. The proposed row dwelling infill development would directly support the general purpose of the R-3 Zoning Regulations.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The requested special exception would not appear to adversely impact the use of neighboring property. The proposed row dwellings would be compatible with existing adjacent development, which consists of similar attached and semi-detached dwellings. The lot to the north would be separated from lots further north by an unimproved 10-foot wide public alley. The lots would be separated from lots to the west by an unimproved 12-foot wide public alley, in addition to required 20-foot deep rear yards. In addition, existing vacant lots in the square with mature landscaping would provide additional buffers from adjacent properties. Lot A1 would abut a row dwelling to the south, but the required rear yard provided for the proposed row dwelling should mitigate adverse impacts.

**b. Variance Relief from Subtitle D § 307, Side Yard**

**i. Exceptional Situation Resulting in a Practical Difficulty**

The 2016 Zoning Regulations currently require that any dwelling unit not sharing a common division wall with an existing building provide a side yard of five-feet on the resulting freestanding side. As such, lot A6 is required to provide a side yard, as it would not be attached to an existing dwelling along the north property line. The provision of a side yard would potentially result in the loss of a bedroom, bathroom, or other spaces mandated by the Vacant to Vibrant programmatic requirements.

**ii. No Substantial Detriment to the Public Good**

The proposed development would comply with the front setback, rear yard, height, and lot occupancy development standards, as well as with the IZ lot area and lot width requirements. The proposed row dwellings would attach to existing row dwellings to the south, providing continuity in the block. Lot A6 at the north end of the development abuts an unimproved 10-foot wide public alley, and several of the properties to the north, across the unimproved alley, remain vacant. The public alley provides separation from properties further north, which exceeds the minimum side yard requirement. Adjacent lots and the unimproved alleys also consist of thick, mature landscape, providing a natural screen between properties. As such, the development should not unduly impact light and air to neighboring properties and should not significantly impact privacy to neighbors.

**iii. No Substantial Harm to the Zoning Regulations**

The intent of the side yard standards is in part to ensure there is adequate open space provided on individual lots, and that there is sufficient space between proposed and adjacent uses. The proposed semi-detached dwelling on lot A6 would not directly abut other residential uses to the north. In addition, the proposed building typology is that of a row dwelling, where side yards are not required. The applicant has requested variance relief that would result in row dwellings that are consistent in size and not out of scale with existing development in the square. OP further notes that under Zoning Commission Case 17-23, the Zoning Commission is scheduled as part of its January 28, 2019 public meeting to take Final Action on a proposal to remove this specific side yard requirement. If approved by the Commission, the requested relief would no longer be required.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District Agencies have not been received.

**VI. COMMUNITY COMMENTS TO DATE**

ANC 8A has submitted a report to the record at Exhibit 31. As of the date of this writing, OP has not received other comments from the community.

Attachment: Location Map

### Location Map

