

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: September 6, 2024

SUBJECT: BZA Case 20710A –Modification with Hearing and Time Extension Request for an approved Multiple Dwelling Building

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **Approval** of the following:

- Subtitle Y§ 704 -Modification with Hearing, to allow alterations to the buildings including additional dwelling units, permitted by special exception pursuant to Subtitle U § 421.
- Subtitle Y§ 705 – Time Extension Request for 2 years

II. BACKGROUND

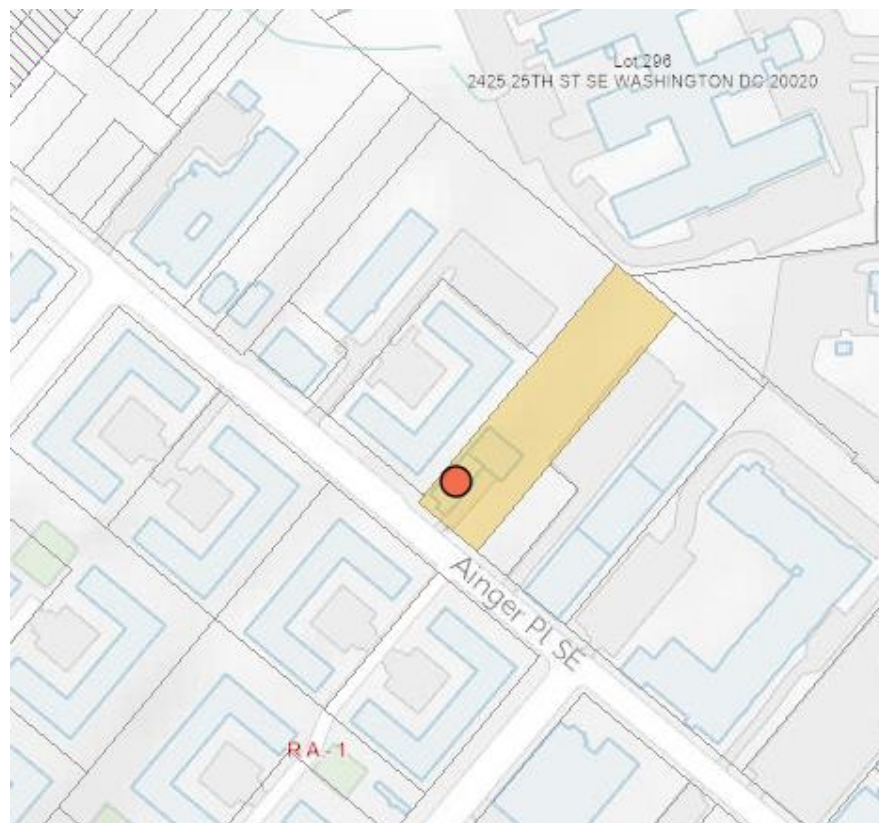
On May 25, 2022, in 20710 case the BZA approved special exception relief for a new residential development in the RA-1 zone with theoretical lots and no parking lot screening. The proposal was approved as two rowhouse styled apartment buildings, with 13 units in the Building A and 8 units in Building B. The project is subject to IZ; the original proposal would include three IZ units.

III. LOCATION AND SITE DESCRIPTION

Address	2340 Ainger Pl. SE
Applicant	Sullivan and Burros on behalf of TMT Services LLC
Legal Description	Lot 349, Square 5740
Ward, ANC	Ward 8, ANC 8B
Zone	RA-1, multi-family development permitted by special exception
Lot Characteristics	84.80 ft. x 342.50 ft. rectangular lot
Existing Development	Detached Single dwelling house
Adjacent Properties	The neighboring properties on both sides are apartment buildings. The neighbor in the rear is a healthcare center.
Surrounding Neighborhood Character	The neighborhood is predominantly made up of apartment buildings.
Proposed Extension	Date of Expiration - June 1, 2024. Extension request for two years, to June 1, 2026

Proposed Modification	<p>Addition of a full cellar level to Building A, increasing the number of units in the building from 13 to 20 and increasing the number of long-term bike spaces to comply with the bike parking requirement for 28 units. This requires relief under the RA-1 New Residential Development Special Exception, U § 421, to increase the number of units from 21 to 28 and to expand the area devoted to multi-family units.</p> <p>The Modification also includes shifting Building A's footprint 1 ft. 6 in. closer to the northwestern lot line. No zoning relief is needed for this proposed modification.</p>
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IV. LOCATION



V. ZONING REQUIREMENTS and RELIEF REQUESTED¹

RA-1 Zone	Regulation	Approved	Proposed Modifications	Additional Relief
Lot Width	n/a	84.8 ft.	84.8 ft.	None required
Lot Area	n/a	29,044 sq. ft.	29,044 sq. ft.	None required
Height F § 203	40 ft. max. / 3 stories max.	Building A: 21 ft. Building B: 33 ft. 11 in.	Building A: 21 ft. Building B: 33 ft. 11 in.	None required

¹ Information provided by the applicant statement and self-certified application

RA-1 Zone	Regulation	Approved	Proposed Modifications	Additional Relief
Floor Area Ratio F § 201	0.9 max. or 1.08 IZ max.	0.81 (both)	0.88 (both)	Requesting Modification to increase by .07
Lot Occupancy F § 210	40% max.	32.65% (both)	32.65% (both)	None required
Rear Yard F § 207	20 ft. min.	Building A- over 20 ft. Building B- 20 ft. 1 in.	Building A- 45 ft. 8in. Building B- 20 ft. 1 in.	Requesting Modification for 1 ft. 6 in. relocation of Building A
Side Yard F § 208	Not less than 8 ft. on one side	Over 8 ft. on both sides	Over 8 ft. on both sides	None Required
Vehicle Parking C § 701	8 parking spaces	20 spaces	20 spaces	None required
Bicycle Parking C § 802	1 short term 10 long term	1 short term 6 long term	2 short term 10 long term	None required
Surface Parking Screening C § 714.2 (a)	Required around entire parking lot	Not provided	Not provided	Special Exception Approved
Theoretical Subdivision Special Exception C§ 305	Special Exception review	2 theoretical lots on record lot	2 theoretical lots on record lot	Special Exception Approved
New Residential Development U § 421.1	Special Exception review	Apartment House 21 units	Apartment House 28 units	Requesting Relief to add 7 units in Building A

VI. OFFICE OF PLANNING ANALYSIS

Modification with Hearing

704.1 Any request for modification that cannot be processed pursuant to Subtitle Y § 703 shall require a public hearing.

The Applicant is requesting to add a cellar level to Building A and devote that space to new residential units, which would increase the number of units in the building from 13 to 20. The plans include increasing the number of long-term bike spaces to comply with the bike parking requirement for 28 units.

Also included is a request to shift the footprint of Building A by 1 ft. 6in. from the parking area and closer to the northwestern lot line. No additional relief is needed for this, but the relocation is beyond the scope of what can be approved by the Zoning Administrator.

A. Special Exception Analysis for New Residential Development in the RA-1 zone

421 NEW RESIDENTIAL DEVELOPMENTS (RA-1)

421.1 *In the RA-1 zones, 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, Chapter 9, in accordance with the standards and requirements in this section.*

The additional relief requested is for an apartment building, which is a use permitted in the RA-1 zone. It also adequately satisfies the relevant special exception review criteria.

421.2 *The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

(a) *Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*

The application was referred to the Office of State Superintendent of Education (OSSE) at [Exhibit 15](#). As of the writing of this report there are no comments from OSSE in the record. The OP report for the 20710 case included the DC Public Schools' (DCPS) percent student enrollment data for school year 2019-2020 for the local school:

Stanton Elementary School – 73 % utilization

Kramer Middle School – 35 % utilization

Anacostia High School – 38% utilization

It is unlikely that adding seven additional units would have an undue impact on these schools.

(b) *Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

Parks and Recreation

The application was also referred to the Department of Parks and Recreation (DPR) at [Exhibit 15](#). As of the writing of this report, there are no comments from DPR in the record. The site is less than a half mile from the Fort Stanton Recreation Center.

Transportation

The application was also referred to the Department of Transportation (DDOT) at [Exhibit 15](#). As of the writing of this report, there are no comments from DDOT in the record. The property is close to the W2 and W3 bus stops.

421.3 *The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.*

The additional relief would allow seven more units to be added to Building A at the cellar level. This building would also be relocated 1 ft. 6 in. closer to the northwestern lot line. According to the submitted plans, these changes would not significantly impact the design of the project. Both buildings would continue to have a bike storage room in their cellar. At or prior to the hearing, the applicant should provide information regarding any change to the IZ units resulting from the modifications.

The additional units and the small relocation of Building A to the northwestern property line should not be enough to cause an undue impact on the neighboring properties.

The privacy fence along the northwestern side of the property should help to maintain privacy between the subject property and the adjacent neighbor.

421.4 *In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.*

The final plans are at [Exhibit 17B](#).

B. Subtitle X § 901- General Special Exception Relief

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Additional relief for seven more units would be in harmony with the general purpose and intent of the RA-1 zoning regulations. The RA-1 zone provides for low- to moderate-density multiple dwelling buildings, and the proposal is for two multiple dwelling buildings, in a rowhouse and flat format. This special exception would facilitate the construction of two multiple-dwelling buildings with a total of 28 units which would be in keeping with the intent of the regulations and maps.

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

The proposal should not have an undue adverse impact on the use of neighboring properties. The proposed building would provide the required setbacks, and the property would be screened with a privacy fence. Overall, the proposed buildings should not have an adverse impact on the neighboring properties and the community.

Time Extension

Date of Order Issuance	June 1, 2022
Date of Order Expiration	June 1, 2024
Extension Request	2 years

Photos of Site



2022 Photo of Subject Property



2024 Photo of Subject Property

Evaluation of the Extension Request

Y § 705.2 The Board may extend the time periods in Subtitle Y§ 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;*

The application has been in the public record for more than 30 days. It was submitted on April 23, 2024, and has been in the public record since filing.

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application;*

The Applicant is also requesting to modify the plans through the Modification with Hearing process. The proposed modification is for adding seven additional units in a new cellar level of building A and to shift the building footprint, which requires additional relief from Subtitle U § 421, as analyzed above.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.*

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;*
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; ...*

According to the Applicant the project is not financially viable without the requested modification to allow additional units. Over the past two years changes in market conditions have resulted in the construction cost of the project being too high with the approved 21 units. Therefore, the Applicant is requesting to add seven more units.

Additionally, the property changed ownership in April 2024 because the previous owner was in financial distress. Consequently, the new owner, who is now the Applicant, did not have a reasonable amount of time to secure government agency approvals before the original order expired on June 1, 2024. The proposed changes require modifications to any permit documents, so the Applicant was unable to file a building permit application prior to June 1, 2024. Therefore, the Applicant seeks a time extension of two years to give them sufficient time to modify the plans and file a building permit.

VII. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no comments from other District agencies in the record.

VIII. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, there is no report from ANC 8B in the record.

IX. COMMUNITY COMMENTS TO DATE

As of the writing of this report there are no comments in the record from the community.