

Response to the Board of Zoning Adjustment Following the Hearing Dated November 13th

Applicant Action and Inclusions

Following the last hearing, the applicant engaged the services of an outside consultant to provide a thorough and detailed response to the Board's comments. This collaborative effort has enabled the applicant to address the Board's concerns in a comprehensive manner, with updated documentation and a clarified analysis prepared to facilitate the Board's review and decision-making process.

The applicant has uploaded the following items:

- This response letter
- Updated drawings including new sheets Z001, Z100, Z100A, Z100B, and Z100C.
- Updated Surveyor's Plat
- Z001: Zoning Sheet detailing the location of the IZ unit.
- Z100: Development Standards Chart for both theoretical lots and the full site.
- Z100A: Theoretical Lot 1 Boundaries and Development Standards
- Z100B: Theoretical Lot 2 Boundaries and Development Standards
- Z100C: Full Project Boundaries and Development Standards
- Z101: Site Photographs
- Updated Form 135

Response to Board Questions

Theoretical Lot Lines

The theoretical lot line has been repositioned to balance compliance with zoning regulations and practical site functionality. The placement minimizes the need for zoning waivers for FAR and lot occupancy.

Updated charts titled "Theoretical Lot 1: Boundaries and Development Standards," "Theoretical Lot 2: Boundaries and Development Standards," and "Full Site Development Standards" have been included in the record in order to illustrate compliance. These charts show the outline of each of the two theoretical lots as well as charts for each showing the required development standards and how the existing and proposed meet the standard or how the proposed would need relief.

Lot Occupancy and FAR

Following the adjustment of the theoretical lot line, each theoretical lot will meet the required FAR and lot occupancy under Inclusionary Zoning provisions which allows 1.08

FAR. By utilizing the bonus density allowed, the proposed FAR is 1.0 and 1.01 respectively, which is below the 1.08 maximum permitted.

The updated charts detail FAR and lot occupancy for both lots, confirming compliance.

Meaningful Connection

During the initial application for a building permit in 2021, a meaningful connection between the two buildings was deemed infeasible due to several factors:

- Physical constraints of the site, including grade changes and existing structures, make construction of a connection impractical.
 - Upon the initial application made by the applicant in 2021, the then DCRA determined that the proposed connection would require BZA approval for open courts, FAR, and lot occupancy. This connection would have created more need for BZA relief than the current intonation of the project. Additionally, that connection was not considered viable by the structural department as it did not constitute a meaningful enough connection to satisfy their needs.
 - The applicant reviewed the possibility of a meaningful connection on the side of the building and it was determined that the cost to connect the buildings would not only be prohibitively expensive (adding more than 25% to the overall project cost), it would also require relief from FAR, Lot occupancy and side yard requirements.
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Inclusionary Zoning (IZ) Unit

The Inclusionary Zoning (IZ) unit is clearly identified in the revised plans. The designated IZ unit is highlighted on Plan Sheet Z001, making the location of the IZ unit clear per the Board's request.

Variance Argument

The variance requested satisfies the three-pronged test under Subtitle X § 1000.1, as follows:

Exceptional Condition

The property exhibits several unique conditions that make strict compliance with zoning regulations impractical. As the Mayor of Washington, DC has noted, affordable housing in the District and that which meets the "missing middle" is a top priority. In order to maximize the lot's use and allow for the best possible final product for the use of District residents, the following items were taken into consideration:

- **Topography and Lot Configuration:**

The drastic hill on the property creates significant challenges for constructing a meaningful connection between the existing and proposed buildings in a logical manner. Grading the lot to facilitate such a connection would require substantial excavation, increasing construction costs significantly and creating impractical design constraints. Allowing for a 20 foot space between the two buildings would negate the need for an expensive reconfiguration of the existing building as well and more complicated grading requirements that would be required to connect the buildings.

- **Existing Development:**

The lot currently includes a five-unit building, which has already contributed much-needed housing to Wayne Place. Preserving the existing building and creating a 20-foot separation and green space between the two buildings optimizes the lot's use by maintaining open space that enhances the neighborhood's character, provides a visual break, and supports community priorities.

- **Lot Shape and Zoning Constraints:**

The second theoretical lot, situated on an alley with no direct frontage on Wayne Place or rear property, presents additional constraints. The lot's unique configuration directly abuts the rear of another property. This abutting property has a unique flaglike rear connection to the alley which makes further rear development infeasible (see image below).

Practical Difficulty

Strict application of zoning regulations would result in significant practical difficulties for the property owner:

- **Construction Challenges and Costs:**

Creating a meaningful connection that avoids the need for BZA relief would require displacing tenants in at least two units for six months to a year, disrupting their lives and financial stability. Additionally, the relocation of existing utilities would cause disruption to all tenants in the building. A contractor has estimated that these changes would add more than \$250,000 to the project's construction costs, making the project financially burdensome. This does not take into account the additional lost revenue that would occur during tenant displacement. These burdens would compromise the viability of the project.

- **Loss of Housing Units and Revenue:**

Compliance with all zoning regulations with a detached structure would result in the loss of one bedroom on each floor of the property, reducing the number of bedrooms available to tenants and leading to an annual revenue loss of \$24,000. This loss would directly impact the project's ability to remain viable while delivering the affordable housing it aims to provide. From the start, the property owner has aimed to provide much needed housing for DC residents.

No Substantial Detriment to the Public Good

The project aligns with community priorities and zoning objectives, ensuring it does not create any substantial detriment to the public good:

- **Community Support:**

The Advisory Neighborhood Commission (ANC) has unanimously supported the project. Additionally, neighbors, including the adjacent property owner, have provided letters of support, underscoring the project's alignment with community values and needs.

- **Minimal Negative Impact:**

Due to the lot's topography and the placement of adjacent buildings, the proposed project has no adverse effects on light, air, or privacy for neighboring properties. The 20-foot separation between the buildings further mitigates any potential impacts.

- **Enhancement of Neighborhood:**

The preservation of open green space and the introduction of additional affordable housing strengthen the neighborhood's character and address local housing needs, reflecting the project's alignment with broader public goals.

Updated Documentation

As stated at the beginning of this response, the updated documentation addresses all points raised by the board:

- Separate charts for each theoretical lot and the full site have been created, detailing development standards (e.g., setbacks, lot occupancy, and FAR) for clear review.
- The revised plans clearly mark compliance or variance needs, making the application straightforward for evaluation.