

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: July 19, 2024

SUBJECT: BZA Case 21164, to construct a second six-unit apartment house with one Inclusionary Zoning (IZ) unit at 113 Wayne Place SE.

I. BACKGROUND

The original application for this site requested, amongst the other relief, variance relief from the Floor Area Ratio (FAR) limitations for this zone. OP contacted the applicant to advise them that this would not be supported, but that they could “opt into” the IZ program, by special exception, which allows them the IZ bonus density in return for the dedication of one of the new units as a IZ unit. It is OP’s understanding that the applicant has agreed to this, but the application has not yet been updated to reflect this. The OP report and recommendation is based on the pending revisions to the proposal.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle X § 901.2:

- New Residential Development, Subtitle U § 421.1, pursuant to Subtitle X § 901.2 (all new residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board of Zoning Adjustment); and
- IZ Opt-In, Subtitle F § 201.4, pursuant to Subtitle X § 901.2 (Voluntary IZ Developments must opt-in to the IZ program to use IZ bonus density of up to 1.08 FAR); and
- Theoretical Subdivision, Subtitle C § 305, pursuant to Subtitle X § 901.2 (the Board of Zoning Adjustment may grant, through special exception, a waiver of Subtitle C § 302.1 to allow multiple primary buildings on a single record lot).

If the application is not amended, OP would recommend denial of the following relief:

- Subtitle F § 201.1 Density (0.9 FAR permitted or 1.08 with IZ; 1.0 proposed)

OP has also recommended to the applicant that they refine the landscaping plan prior to the public hearing, to provide recreational amenity space, landscaping improvements, a trash enclosure design and location, , and clear paths from the building to the trash area and parking area.

III. LOCATION AND SITE DESCRIPTION

Address	113 Wayne Place SE
Applicant	113 Wayne Pl SE LLC
Legal Description	Square 6117, Lot 52

Ward, ANC	Ward 8, ANC 8D
Zone	R-A-1, low to moderate density residential with rowhouse and apartment buildings permitted by special exception
Lot Characteristics	An irregular lot that narrows approaching the rear lot line and abuts a public alley along the side lot line.
Existing Development	Semi-detached, two-story apartment house with cellar.
Adjacent Properties	Attached, two-story apartment house to the northwest and semi-detached apartment house to the southeast separated by a public alley.
Surrounding Neighborhood Character	The surrounding neighborhood consists of attached and semi-detached apartment houses and flats.
Proposed Development	A new detached two-story plus cellar apartment house in the rear yard of the existing apartment house. The applicant has not identified which unit will be designated IZ.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RA-1	Regulation	Existing	Proposed	Relief
Apartment House / Rowhouse U § 421	Permitted by sp. ex.	1 apartment house	1 new apartment house	Relief requested
Density (FAR) F § 201	0.9 (Max. By-Right) 1.08 (Max. for IZ)	0.45	1.00	Relief requested
Lot Width F § 202	107.58 ft.	No change	No change	None requested
Lot Area F § 202	7,974 sq. ft.	No change	No change	None requested
Height F § 203	40 ft. max.	N/A	37 ft.	None requested
Rear Yard F § 207	20 ft. min.	N/A	20 ft.	None required
Side Yard F § 208	8 ft. min.	N/A	8 ft.	None requested
Lot Occupancy F § 210	40% max.	18%	40%	None requested
Parking C § 701	1 per 3 units in excess of 4	0 parking spaces	2 parking spaces	None requested
Theoretical Subdivision C § 305	Multiple primary buildings on a single record lot allowed by Sp. Ex.	N/A	Two primary buildings	Relief requested

V. OFFICE OF PLANNING ANALYSIS

A. NEW RESIDENTIAL DEVELOPMENT

i U § 421, New Residential Developments Relief (RA-1)

421.1 *In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.*

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 the State Superintendent of Education (OSSE) for comment and recommendation. To date, comments have not been filed to the record, but DC Public Schools' (DCPS) permanent capacity utilization rates, as published on the Deputy Mayor for Education's website¹ for the area's in-boundary schools for school year 2023-2024 were:

- Simon Elementary School – 59.4%
- Hart Middle School – 34.82%
- Ballou High School – 45.49%

All schools are within a half mile of the subject property. OP does not anticipate that the addition of three dwelling units would have a significant impact on these public schools.

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

The application was referred to the District Department of Transportation (DDOT) for comment and recommendation ([Exhibit 19](#)). The property is within a 1-2-minute walk from the A2 Metrobus route along Mississippi Avenue SE. The property is also less than a 10-minute walk from the A4 and A8 Metrobus routes along Martin Luther King Jr. Avenue SE.

The application was referred to the Department of Parks and Recreation (DPR) for comment and recommendation ([Exhibit 19](#)). To date, comments have not been filed to the record, however, the site is within a half mile of amenities at Oxon Run Park, including a trail, pool, playground and athletic field, all maintained by DCDPR.

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.

Site Plan and Arrangement of Buildings and Provision of Light and Air

The proposed building would generally comply with the development standards of the RA-1 zone in conjunction with the existing building, except for FAR, for which it would be within the amount permitted by special exception by opting into the IZ program. The proposed building would provide 13 feet of separation from the existing apartment house and would not exceed the height of the existing building, therefore, there should not be and unduly adverse impact to the provision of light and air to surrounding properties and other units on-site.

Parking, Recreation, Landscaping, and Grading

The on-site parking would exceed the minimum requirement by providing two parking spaces where one parking space is required to be maintained.

The applicant has provided landscaping details on sheet A1.00 of the architectural plans in [Exhibit 6](#) generally showing existing trees, grading, proposed retaining walls and terracing, and parking spaces. OP has recommended the applicant further refine the landscaping plan to provide some form of recreational amenity, landscaping improvements, trash storage areas, and walking paths to trash and parking areas.

- 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.*

See analysis and comments above.

ii X § 901 Special Exception Review Standards

- 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;*

The special exception would be generally in harmony with the purpose and intent of the zoning regulations, as the proposed development would permit new residential units, including an IZ unit, which is allowed in the RA-1 zone. The proposal to use IZ density bonus is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the increase in maximum permitted FAR is directly related to the provision of an inclusionary housing unit.

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

As designed on the site, the new residential use would be located in the rear yard of the existing apartment house and would not directly abut any other

building. It should not have direct views into buildings on adjacent properties. Directly behind the proposed building are the rear yards of semi-detached dwellings along 1st Street SE and Mississippi Avenue SE, which provide adequate separation between the proposed apartment house and those existing homes. Therefore, the use of enjoyment and privacy for other properties should not be unduly impacted.

- (c) *Will meet such special conditions as may be specified in this title.*

OP does not recommend any conditions of approval, but as noted above, has recommended that the applicant update the site plan to address landscaping and trash enclosure.

B. DENSITY (FAR)

The applicant does not have a mandatory IZ set-aside requirement because the proposal is for an apartment house with less than 10 dwelling units. In the original filing, the applicant requested an area variance for bonus density to achieve a 1.00 FAR. However, the applicant has chosen to opt-in to the IZ program as a special exception, as recommended by the Office of Planning. Developments that provide one or more IZ units in the RA-1 zone are permitted to use a 20% density bonus to increase the maximum permitted FAR of 0.9 to 1.08. In this case, the applicant proposes a FAR of 1.00 and the use of the density bonus is only allowed by special exception, subject to the general special exception relief standards of Subtitle X, Chapter 9.

i. F § 201.4

The maximum permitted FAR for Inclusionary Developments in any of the RA-1 through RA-5 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in all the RA-1 zones Voluntary Inclusionary Developments shall require special exception relief pursuant to Subtitle X, Chapter 9, to utilize this modification:

TABLE F § 201.4: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS	
Zones	Maximum FAR for Inclusionary Developments
RA-1	1.08

ii. X § 901 Special Exception Review Standards

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;*

The requested special exception to utilize the IZ bonus density would be in harmony with the general purpose and intent of the Zoning Regulations, as the requested density is less than the maximum FAR allowed for an

inclusionary zoning project. The additional density would allow for a new residential development, including an affordable IZ unit.

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

It is unlikely the relief to opt into the IZ program and use the available bonus density would adversely affect the use of the neighboring properties as it would only be applied to a new residential use which is not inconsistent with the surrounding development pattern.

- (c) *Will meet such special conditions as may be specified in this title.*

See recommended conditions above.

C. THEORETICAL SUBDIVISION

i. C § 305 Theoretical Subdivisions Relief

305.1 *In the R, RF, and RA zones, the Board of Zoning Adjustment may grant, through special exception, a waiver of Subtitle C § 302.1 to allow multiple primary buildings on a single record lot provided that, in addition to the general special exception criteria of Subtitle X, Chapter 9, the requirements of this section are met.*

305.2 *The number of buildings permitted by this section shall not be limited; provided, satisfactory evidence is submitted that all the requirements of this section are met based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with the Zoning Regulations.*

The applicant proposes two buildings on a single record lot, which is permitted with a special exception.

305.3 *The following development standards shall apply to theoretical lots:*

- (a) *Side and rear yards of a theoretical lot shall be consistent with the requirements of the zone;*

The applicant has provided the required eight-foot side yard and 20-foot rear yard.

- (b) *Each means of vehicular ingress and egress to any principal building shall be at least twenty-four feet (24 ft.) in width, exclusive of driveways;*

The applicant is not proposing a private road on the site. Rather, the property is accessible from Wayne Place SE with vehicular parking accessed from the existing public alley.

- (c) *The height of a building governed by the provisions of this section shall be measured from the finished grade at the middle of the building façade facing the nearest street lot line; and*

The proposed building height does not exceed the height governed by the RA-1 zone.

- (d) *The rule of height measurement in Subtitle C § 305.3(c) shall supersede any other rules of height measurement that apply to a zone, but shall not be followed if it conflicts with the Height Act.*

305.4 *For a theoretical subdivision application, the following information is required to be submitted to the Board of Zoning Adjustment, in addition to other filing requirements pursuant to Subtitle Y § 300:*

- (a) *Site plans including the following information:*
 - (1) *A plat of the record lots proposed for subdivision;*
 - (2) *The location of proposed streets and designated fire apparatus roads;*
 - (3) *Location of proposed easements;*
 - (4) *Lot lines of proposed theoretical lots, and the delineation of the lot lines shared by theoretical lots that will serve as private drives or easements;*
 - (5) *Existing grading and proposed grading plans;*
 - (6) *Existing landscaping and proposed landscaping plans, including the sizes and locations of all trees on or adjacent to the property on public or private lands;*
 - (7) *Plans for the location of building footprints on theoretical lots; and*
 - (8) *Required yards (rear, side and front) based on the regulations applicable to a zone or any modifications to regulations provided through this section;*
- (b) *Typical or individual floor plans and elevations for the proposed buildings and structures; and*
- (c) *A table of zoning information including required and proposed development standards.*

The applicant has satisfied the site plan requirements as prescribed above as shown in [Exhibit 6](#).

305.5 *Before taking final action on an application under this section, the Board of Zoning Adjustment shall refer the application to the Office of Planning for coordination, review, and report, including:*

- (a) *The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*

- (1) *Public safety relating to police and fire concerns including emergency vehicle access;*

The proposed building is accessible from a 15-foot public alley stemming from Wayne Place SE, which should provide adequate access for fire and EMT services. Additionally, there is a fire hydrant directly in front of the property.

- (2) *The environment relating to water supply, water pollution, soil erosion, and solid waste management;*

Due to the topography of the site, the applicant proposes to incorporate retaining walls in the rear yard to prevent erosion. OP recommends the applicant revise the site plan to show a screened or enclosed trash area.

- (3) *Public education;*

As addressed above, the designated schools should be able to accommodate the proposed apartment house.

- (4) *Recreation;*

Public recreational amenities within a half mile of the site.

- (5) *Parking, loading, and traffic;*

The proposal includes adequate parking for the proposed use.

- (6) *Urban design; and*

The proposed building should not conflict with the development patterns or character of the surrounding neighborhood.

- (7) *As appropriate, historic preservation and visual impacts on adjacent parkland;*

N/A

- (b) *Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear setbacks; density and open space; and the location, design, and screening of structures;*

The property would not exceed the maximum lot occupancy, would meet side and rear yard setbacks, and should still provide adequate open space. Deliveries to the residential property would be unlikely to have a significant impact on the property. As noted above, OP has recommended that the site plan be updated to include a screened or enclosed trash enclosure location.

- (c) *Considerations of traffic to be generated and parking spaces to be provided, and their impacts;*

The proposed building would include six new units which should not significantly increase the traffic volume in the neighborhood. The proposal includes two on-site parking spaces.

(d) The impact of the proposed development on neighboring properties; and

The proposed development should not have negative impacts on adjacent properties, as it should maintain adequate space, air, light and privacy for the surrounding properties. The building would be consistent with the multifamily development pattern in the area.

(e) The findings, considerations, and recommendations of other District government agencies.

OSSE and DCDPR were notified of the proposed development and have not provided comments. DDOT has informed OP they have no objection to the approval of the proposal and will file a separate report for the record.

305.6 The proposed development shall comply with the substantive intent and purpose of this title and shall not be likely to have an adverse effect on the present character and future development of the neighborhood.

The proposed development generally complies with the intent and purpose of the title and is unlikely to have an adverse impact on the character of the neighborhood as it is in keeping with the multifamily development pattern of the area. It is possible the need for theoretical lot subdivision could be eliminated through the provision of an enclosed connection to the existing building, but this would increase development and decrease open space on the property.

305.7 The Board of Zoning Adjustment may impose conditions with respect to the size and location of driveways; floor area ratio; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

OP has not recommended conditions of approval but has recommended to the applicant that they update the site plan as noted above.

305.8 Any modification to a theoretical subdivision application resulting from an addition to a one (1) dwelling unit building may be reviewed as an expedited review, pursuant to Subtitle Y, Chapter 4.

ii. X § 901 Special Exception Review Standards

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;

The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including low-rise apartments, which are permitted with the approval of a special exception. Despite the proposed building being detached from the existing building, the proposal does not conflict with residential uses and development appropriate for the RA-1 zone.

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

As addressed in the above analysis, the requested special exception would not appear to adversely affect the use of neighboring properties.

- (c) *Will meet such special conditions as may be specified in this title.*

See recommended conditions above.

VI. OTHER DISTRICT AGENCIES

DDOT has informed OP they intend to file a separate report.

VII. ADVISORY NEIGHBORHOOD COMMISSION

To date, no comments from the ANC have been filed to the record.

VIII. COMMUNITY COMMENTS

At the filing of this report, no community comments have been filed to the record.

LOCATION MAP

