District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
MBR
Maxine Brown-Roberts, Associate Director Development Review

DATE: September 14, 2026

SUBJECT: BZA Case 21509 — Special Exceptions to permit the development of new multiple dwelling unit buildings in the RA-1 zone at 799 Buchanan Street, NE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- A Special Exception for Subtitle C§ 302.2, subdivision requirements, pursuant to C §305.1 and X §901.2. (One building per record lot permitted, 12 buildings on 12 theoretical lots with 80 rowhouse style units on 80 theoretical A&T lots proposed);
- A Special Exception for Subtitle, U §401, new residential development in the RA-1 zone, pursuant to U §421.1 and X§901.2.

II. LOCATION AND SITE DESCRIPTION

Address	799 Buchanan Street, N.E.
Applicant	Holland and Knight LLP on behalf of The Roman Catholic Archbishop of Washington, and his successors in office, a non-profit corporation sole.
Legal Description	Square 3894, Lot 23
Ward, ANC	Ward 5, ANC 5A
Zone	RA-1
Historic District	N/A
Lot Characteristics	The largely rectangular site is approximately 4.74 acres portion with 465.67 ft. of frontage on Buchanan Street NE. The property's topography but generally slopes down from Buchanan Street by 20 feet, with a depth of 435 ft.
Existing Development	The Kennedy Institute currently occupies the property as well as the private road and infrastructure associated with new adjacent Conway Education Center.
Adjacent Properties	North: Semi-detached dwellings in the R-2 zone. South: Providence Hospital, with large parking lots in the RA-1 zone. East: Conway Education Center in the RA-1 zone, which replaced the functions of the now demolished Kennedy Institute. West: Carroll Manor Nursing and Rehabilitation Center, a 5-story adult nursing facility in the RA-1 zone.

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Neighborhood Character	Low density residential of semi-detached dwelling as well as in rows of three surrounding the institutional properties including Providence Hospital and Carroll Manor.
Proposed Development	The proposal is to reestablish the development rights of the site and construct 12 new buildings with 80 rowhouse-type residential units. The proceeds of the new development would go towards partially funding the construction of the new school on the property immediately to the east.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-1 Zone	Existing	Regulation	Proposed	Relief:
Lot Width F § 202	680 ft.	18 ft. min. or 16 ft. min with IZ	No change	None required
Lot Area F § 202	295,799	1,800 sq. ft. min. or 1500 sq. ft. min. with IZ	210,288 sq. ft.	None required
Lot Occupancy F § 210	6.9%	40% max. (70% by special exception)	29.71%	None required
Rear Yard F § 202	85.9 ft.	20 ft. min.	20 ft. for each theoretical A&T lot	None required
Side Yard F § 208	105.3 ft. 368 ft.	For building containing 7 or more units: Two side yards of a min. of 8 ft.	8 ft. on each side of each of the 12 multi-unit buildings	None required
FAR F § 201	n/a	0.9 max., 1.08 (IZ)	0.9	None required
Lot Height F § 203	< 40 ft.	40 ft, 3 stories max.	40 ft., 3 stories, with optional roof deck	None required
Penthouse Height F § 303.2	n/a	12 ft. and 1-story max	n/a	None required
Open Court F §209	n/a	If provided, the greater of 6 ft. or 2.5 in./ft. of court height	n/a	None required
Vehicle Parking C §701	49	1 per 3 dwelling units in excess of 4	232	None required
GAR F § 211	n/a	0.4	0.4	None required
New Residential Development U § 421.1	**n/a**	**Special Exception review required**	**New multi-family buildings in rowhouse format**	**Special Exception Requested**

RA-1 Zone	Existing	Regulation	Proposed	Relief:
Theoretical Subdivision	**n/a**	**Subject to C 305.4**	**12 principal structures proposed on a single lot through theoretical subdivision.**	**Special Exception Requested**

OFFICE OF PLANNING ANALYSIS

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

1. Subtitle U § 421.1 Evaluation

421.1 In any of the RA-1 zones, the following residential developments shall be reviewed by the Board of Zoning Adjustment as special exceptions pursuant to Subtitle X, Chapter 9, in accordance with the standards and requirements in this section:

(a) Multiple Dwelling developments that do not meet the standards set in U § 401.2*; and*

(b)Residential developments seeking flexibility pursuant to Subtitle F § 202.3.

The applicant is seeking relief to construct a multiple dwelling development with a total of 80 units. Each unit would appear in a rowhouse form.

421.2 When seeking relief pursuant to Subtitle U § 421.1, in addition to filing requirements of Subtitle Y § 300, the applicant shall submit the following at the time of initial filing:

(a) Existing and proposed site plans of the entire property, showing:

(1) Existing and proposed buildings and structures;

(2) Building Restriction Lines and easements;

(3) All heritage trees and all trees to be retained or removed;

(4) All impervious surface materials;

(5) Location and screening of trash enclosures;

(6) Location and screening of any surface parking spaces;

(7) Screening or fencing along common lot lines; and

(8) Exterior lighting.

The applicant has provided responses in regard to the above items locations in the record at Exhibit 25A, pgs. 7-9. Regarding trash enclosures and perimeter fencing, the applicant attests that they are not shown on plans as trash would be stored internally for each townhouse style unit and that instead of fencing, a retaining wall would be installed along the southern and western property lines.

Generally, given that the proposed development is not an apartment building which usually has a common trash area, the townhouse style development would have individual trash

storage. OP would agree that this trash solution is appropriate. There is also not the typical need for screening or fencing as the adjacent developments are not of a lower intensity.

(b) Architectural Plans, including but not limited to;

(1) Floor plans of each level and roof;

(2) Elevations, including door and window locations and exterior building materials;

(3) Sectional drawings through the entire building; and

(4) Any other renderings relevant to this or other relief associated with the application;

The applicant has opted to submit typical plans of the proposed multiple dwelling building instead of induvial plans for each structure.

(c) Streetscape and alley-scape photos:

Applicant has submitted photos at Exhibit 5.

(d) Shadow study, or supplemental representation, comparing existing, by-right, and proposed development at the equinox, longest, and shortest days of the year; and

Shadow studies can be found at Exhibit 25C.

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421.3 In addition to the filing requirements of Subtitle U § 421.2, when seeking relief from F § 202.3, or for a proposal with more than one principal building, or for a property exceeding twenty thousand square feet (20,000 sq. ft.), the applicant shall submit the following at the time of initial filing:

(a) An existing and proposed Grading Plan, with the limit of disturbance shown;

Provided throughout the record with the most recent submittal at Exhibit 30B, sheet CIV0400.

(b)Plans for all new public or private rights-of-way and easements;

Provided throughout the record with the most recent submittal at Exhibit 30B, sheet CIV0300.

(c) A statement of justification which examines the proposed development in relation to adjacent properties and the surrounding neighborhood context regarding the proposed:

(1) Arrangement of buildings and structures;

(2) Landscaping, grading, and storm-water management;

(3) Vehicle parking; and

(4) Recreation and outdoor space.

The applicant has provided their justification at Exhibit 25A, pg. 10. OP would concur with the applicant and find the proposed development is carefully designed and would serve as an extension of the residential community north of Buchannan Street.

421.4 In addition to the notification requirements of Subtitle Y §400.4, the Board of Zoning Adjustment shall refer any application subject to review under Subtitle U § 421.3 to the following District of Columbia agencies for comment:

(a) District of Columbia Public Schools (DCPS) to review whether the existing and planned area schools can accommodate the number of students that can be expected to reside in the project;

(b) Department of Parks and Recreation (DPR) to review the potential impacts on nearby recreational facilities; and

(c) Department of Energy and Environment (DOEE) to review the proposed grading and stormwater management plan.

As of writing of this report, the above agencies have not added comments to the record.

421.5 The Board of Zoning Adjustment may require special treatment for the mitigation of undue impacts to adjacent properties.

No special treatment is recommended.

B. Special Exception from Subtitle C§ 302.2 Subdivision Requirements

1. Pursuant to Theoretical Subdivision requirements and criteria of C §305 and X §901.2

The Zoning Regulations allow for relief from the requirements of Subtitle C § 302, "*Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created"* to allow for multiple buildings on a single record lot in the R, RF and RA zones if the requirements of Subtitle C § 305, as outlined below are satisfied.

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.

The applicant requests relief pursuant to this section and to Chapter 9 of Subtitle X in order to develop 12 buildings totaling 80 dwelling units on what would be a single 4.75 acre record lot.

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 12 theoretical lots with 80 residential rowhouse units in twelve buildings on a record lot.

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 side yard and rear yards for each multiple dwelling building would be compliant with the RA-1 zone.

(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;

As shown throughout the plans, the proposed private streets and alleys would;d have a width of 24 ft.

(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

Per the applicant, the building heights have been designed in conformance with this subsection and would not exceed the allowable height limit of 40 feet and 3 stories.

(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.

The proposed rule of measurement used in this development would not conflict 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;

The submitted site plans contain all the information required by this section. Each has been previously discussed in this report.

(b) Typical or individual floor plans and elevations for the proposed buildings and structures; and

The floor plans are included in Exhibit 30B, pgs. 21-23. Elevations are at pgs. 24-26.

(c) A table of zoning information including required and proposed development standards.

There are tables of the relevant data at Exhibit 30B, pgs. 7-9. The table summarizes the data by rowhouse totals, theoretical lot totals, private street total and other aggregations. All footprint, area and lot occupancy totals are within the limits permitted in the RA-1 zone.

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:

A theoretical lot subdivision of this site would meet the purposes and intent of the Regulations and serve to further the District's housing policy. It should not significantly impact the light and air available to neighboring properties, nor would it result in an undue concentration of population. OP also notes that the required IZ set-aside of residential floor area would likely result in 9 of the 80 units being IZ units reserved for households at 80% or less of the Median Family Income.

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

The applicant has proposed a site plan where access and circulation would be provided via 24 ft. wide private streets and alleys. The overall development would contain a considerable amount of open space which would result in a visually permeable site.

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

The application was referred to the Department of Energy and the Environment (DOEE) and the Department of Public Works (DPW). The applicant has supplied stormwater management plans at Exhibit 30B Sheet CIV0600. Solid waste management would consist of individual unit owners storing trash within their rowhouses and having the condominium association hire a private contractor to pick it up on a regular basis.

(3) Public education;

The following information is from the Office of the Deputy Mayor for Education website:

- Bunker Hill Elementary School – 11.7% in-boundary
- Brookland Middle School – 17.35% in-boundary
- Dunbar High School –12.8% in-boundary

Since students have the by-right option to attend their in-boundary schools, the above schools would appear to be able to accept in-boundary enrollment from residents of the proposed development.

(4) Recreation;

The residents would have access to public recreation and cultural spaces, including North Michigan Park, Fort Totten Park, Turkey Thicket recreation center, and Lamond-Riggs library. The development would also contain 0.9 acres of centrally located open space as well as private balconies and optional roof decks.

(5) Parking, loading, and traffic;

OP generally defers to DDOT on considerations of traffic and parking and DDOT's recommendations can be found at Exhibit #29 in the record.

(6) Urban design; and

The site plan layout is generally consistent with nearby block and rowhouse patterns even with the alignment of the eastern north/south private street constrained by the adjacent intuition. The design of the rowhouses, while different than nearby existing development, would not be incompatible with the surrounding low density residential development. Most of the neighborhood was developed with mid-20th century two-story brick houses with flat roofs in groups of two or three. Fronts are simple and of similar design, with front porches, most of which have been enclosed.

The applicant's proposed units would be three stories with optional roof decks. Each unit would have a landscaped front yard and primarily paved rear yard providing access to an interior garage. There would be modest strips that would permit plantings between driveways. The two approximately 20,000

square foot open spaces would provide for pleasant gathering areas and attractive views from front rooms.

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

The site is not in a historic district, nor is it adjacent to any parkland.

(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 private streets and alleys would be 24 feet wide from curb to curb and would permit loading from the rear of units. 20 units would front on Buchanan Street and may also receive deliveries from there. The bearing capacity of the driveways and alleys will be reviewed by the Department of Buildings during the building permit process. All other aspects of this criterion have been previously discussed in this report.

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

OP generally defers to DDOT's previously mentioned report with considerations of traffic and parking.

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

This has been discussed previously throughout this report.

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

The Office of Zoning referred the application to the Office of Planning, DDOT and eight other District government agencies. Should they be forthcoming, other agency comments would be filed in the case 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.

Subtitle A, § 101.1 states that:

The provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

(a) Provide adequate light and air;
(b) Prevent undue concentration of population and the overcrowding of land;and

(c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.

The proposed development should not negatively impact the light and air available to neighboring properties, nor result in an undue concentration of population. The applicant has submitted a shadow study to the record at Exhibit 25C, which shows the approximate massing of the entire development. The design would meet yard and lot occupancy requirements, and private roadways will meet the 24 ft. requirement, and the site will hold approximately 0.9 acres of dedicated open space.

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 recommends no conditions with regard to floor area ratio, height, design, screening, or location of structures.

C. Special Exceptions Pursuant to X Section 901.2

Subtitle X Section 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 BZA may grant a special exception to permit new residential development in the RA-1 zone and the requested theoretical lot subdivision. Approval of said special exception relief areas would be generally consistent with the purposes of the RA-1 zone, which allows for residential development of all typologies of up to 6 units as a matter-of-right, and larger developments such as these by special exception, provided the relevant conditions are satisfied. As such OP believes the applicant has satisfied the relevant conditions.

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

As discussed above within the context of the U § 421 criteria, the requested special exception would not appear to adversely impact the use of neighboring properties. The rowhouses would not displace any existing residential units, would add to the stock of for-sale market-rate and affordable housing, and would permit integration of transportation links between existing development to the north and potential future development to the south. Multiple Open Spaces across the development have been designed to be complementary with the

existing and future nearby developments.

As discussed above, within the context of the U §421 and C §305 criteria, the requested special exceptions would not appear to adversely impact the use of neighboring properties. The rowhouse-style units would not displace any existing residential units, would add to the stock of for-sale market-rate and affordable housing in the neighborhood, would meet all the applicable development requirements, and would permit integration of transportation links between existing development to the north and potential future development to the south. Approximately, 0.9 acres of the 4.7-acre site would be open space oriented towards the development's residences but also open to nearby residents.

(c) Subject in specific cases to the special conditions specified in this title.

As discussed above, the relief sought will meet all special exception criteria associated with the requested relief.

IV. COMMENTS FROM OTHER DISTRICT AGENCIES

DDOT has filed a report to the record at Exhibit #29.

V. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

As the time of writing this report, there is a letter in support from the single member district representative of ANC 5A-03 in the record.

VI. COMMUNITY COMMENTS TO DATE

No comments from members of the community has been filed at the time OP Report.

Attachment 1: Location Map

Attachment 1

