

DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Statement of Stanton Rd SE LLC in Support of Special Exception Relief

2604 & 2610 Stanton Road, SE (Square 5869, Lot 84)

I. INTRODUCTION.

This Statement is submitted on behalf of Stanton Rd SE LLC (the “Applicant”), the owner of the property located at 2604 & 2610 Stanton Road, SE (Square 5869, Lot 84) (the “Subject Property”). The Subject Property is located in the RA-1 zone district and is currently unimproved. The Subject Property was previously made up of two record lots (Lots 1076 and 1077) which were recently subdivided into one record lot (Lot 84). The Applicant proposes to construct a new three (3) story building with twenty-two (22) residential units (the “Project” or the “Building”) on the Subject Property. Subtitle U, Section 421.1 states “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, in accordance with the standards and requirements in this section.” Accordingly, the Applicant is requesting special exception relief pursuant to 11-U DCMR § 421.1 in order to construct a new multi-unit residential building in the RA-1 Zone.

Subtitle C § 715.1 requires that all surface parking lots with ten (10) or more spaces must comply with certain landscaping and tree canopy requirements specified in C § 715.2-715.7. As described in more detail below, complying with the landscape requirements would be impractical due to the size and topography of the lot, among other conditions.

II. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property was previously made up of two record lots (Lots 1076 and 1077). The Applicant recently combined Lots 1076 and 1077 into one record lot (Lot 84) which is currently unimproved. The Subject Property has 20, 353 square feet of land area and is located in the RA-1 Zone District. Abutting the Subject Property to the west is a PUD made up of ten one-family townhomes and two flats. Abutting the Subject Property to the north is a multi-family residential apartment building. Abutting the Property to the east is a large residential apartment complex. Abutting the Subject Property to the south is Stanton Road, SE. The square is characterized by multi-family buildings.

B. Description of the Proposed Project.

The Applicant proposes to construct a new multi-family residential Building on the new record lot. The proposed Building will measure forty feet (40 ft.) in height with three (3) stories and a penthouse. The Project will provide twenty-two (22) family-sized units, including a mix of two- and three-bedroom residential units. The Project meets all of the development standards of the RA-1 Zone. The lot occupancy is limited to thirty-nine percent (39%), the Building will have two side yards, one measuring ten feet (10 ft.) and the other sixty-five feet and one point five inches (65 ft. 1.5 in.), and a rear yard measuring twenty-six feet and six inches (26 ft. 6 in.). As the Project is subject to Inclusionary Zoning, at least two (2) of the proposed units will be family-sized affordable units. The Project will have an FAR of 1.08, utilizing the Inclusionary Zoning bonus density. The Applicant is required to provide three (3) spaces; however, it will provide fifteen (15) parking spaces, eight (8) of which are full size (2 of those are accessible spaces) and seven (7) of which are compact spaces. As discussed more fully below, the Applicant is requesting relief from the landscaping requirements of C § 715.2-715.7 as it does

not have room on the lot to meet the landscaping requirements and provide the above-referenced parking spaces.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE 11-X DCMR § 901.2 AND 11-U DCMR § 421 AND C § 715.9.

A. Overview.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle U § 421.1 and C § 715.9 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). The RA-1 zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is for a moderate-density multi-residential building. The area is made up of

similarly dense developments and the construction of a new Building and addition of twenty-two (22) units is unlikely to adversely affect the use of the neighboring residential developments. The Applicant is also requesting relief from the landscaping requirements. Due to the size of the lot, it would not be possible to comply with the landscaping requirements without losing a number of proposed parking spaces. As the Applicant is proposing an entirely new development with twenty-two (22) units, the relief is only being requested in order to provide a reasonable number of parking spaces in order to alleviate any possible impacts on parking in the surrounding community.

C. Specific Requirements of U § 421.

The Zoning Regulations require that all new residential developments in the RA-1 Zone, 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, in accordance with the standards and requirements in this section:

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

According to DC Public Schools online Enrollment Boundary System Information, the following public schools are considered “in-boundary” schools for the Building: Savoy Elementary School, Kramer Middle School, and Anacostia High School. All DC public students eligible for grades K-12 have a guaranteed right to enroll in their respective in-boundary schools. There are also a number of charter schools in the area, including Thurgood Marshall Academy, Excel Academy Public Charter School and DC Prep Public Charter School Anacostia. Due to the relatively small number of units in the Project, it is not expected that the existing schools would be materially impacted by additional students.

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

A multi-family residential building with twenty-two (22) units has a parking requirement of six (6) spaces. The Applicant is providing over double the required amount of parking—with fifteen (15) parking spaces, two (2) of which are handicap accessible spaces. The parking area will be accessible through a proposed curb cut on Stanton Road, SE. The Applicant is also providing bicycle parking within the Building. Trash and recycle storage will be located in a secure enclosure at the rear of the Subject Property. Accordingly, the Project does not present a burden on the adequacy of public streets, recreation, and other services to accommodate the residents of the proposed Project.

Section 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 Applicant believes that the arrangement of the Building, provisions of light, air, parking, recreation, landscaping and grading will be acceptable to the Office of Planning. The Project meets the development standards of the RA-1 zone, which are significantly more restrictive than the development standards of all other RA zones. As noted above, the Applicant is providing double the amount of required parking spaces. The proposed Building is located in the southwest area of the lot. This location provides a greater distance between the rear of the Building and the buildings to the north. The buildings to the west are already separated from the Subject Property by a parking area and private driveway. The Applicant's proposed parking area provides a significant separation between the proposed Building and the buildings to the east and the buildings to the south are separated by Stanton Road, SE.

Section 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 Applicant has submitted with this Application a site plan, a set of typical floor plans and elevations. Proposed landscaping and grading are included with the plans. The Applicant is not proposing any new rights-of-way or easements.

D. Specific Requirements of C § 715.9.

Subtitle C § 715.1 requires surface parking lots with ten (10) or more parking spaces to conform to the landscaping, tree canopy cover, and lighting requirements of C § 715. The Applicant is complying with the lighting requirements of C § 715.8; however, it is impractical for the Applicant to comply with the landscaping requirements of C § 715.2-715.7. Subtitle C § 715.9 permits special exception relief from the landscaping and tree canopy cover requirements:

The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the landscape standards for parking lots required by this section if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that complying with the landscape standards is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

Some examples of the landscaping requirements include: providing that a minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs; requiring all end islands of parking rows longer than nine (9) parking spaces, and all areas otherwise not used for ingress and egress, aisles, and parking spaces shall to be landscaped; and providing the equivalent of one (1) canopy tree per five (5) parking spaces.

As demonstrated by the surface parking diagram included with this Application, the Applicant is providing some landscaping in the parking area but is approximately 100 square feet short of the 10% requirement. Due to the size of the lot, it would not be possible to comply with the landscaping requirements without losing a number of the proposed parking spaces. Losing those spaces would be an issue for two reasons: (1) the number of spaces would be below the threshold for a 20 ft. curb cut; and (2) the ANC has requested that the Applicant provide as many parking spaces as possible. The Applicant must provide a 20 ft. drive aisle and if the Applicant could not obtain a 20 ft. curb cut, this would create issues with the drive aisle. As the Applicant is proposing an entirely new development with 22 units, the relief is only being requested in order to provide a reasonable number of parking spaces in order to alleviate any possible impacts on parking in the surrounding community.

Moreover, the Office of Planning has requested that the Applicant locate the parking area to be in line with the front façade of the Building; accordingly, the Applicant cannot expand the parking area in order to provide more landscaping. The entrance to the parking area will be screened with vegetation and this should also mitigate any concerns over providing green space in the parking area.

IV. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

Martin P Sullivan

Martin P. Sullivan, Esq.
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