

BZA Application #19735
1528 W Street SE
Mi Casa, Inc.

Presented by:
Eric J. DeBear
Cozen O'Connor



The Property – 1528 W Street SE

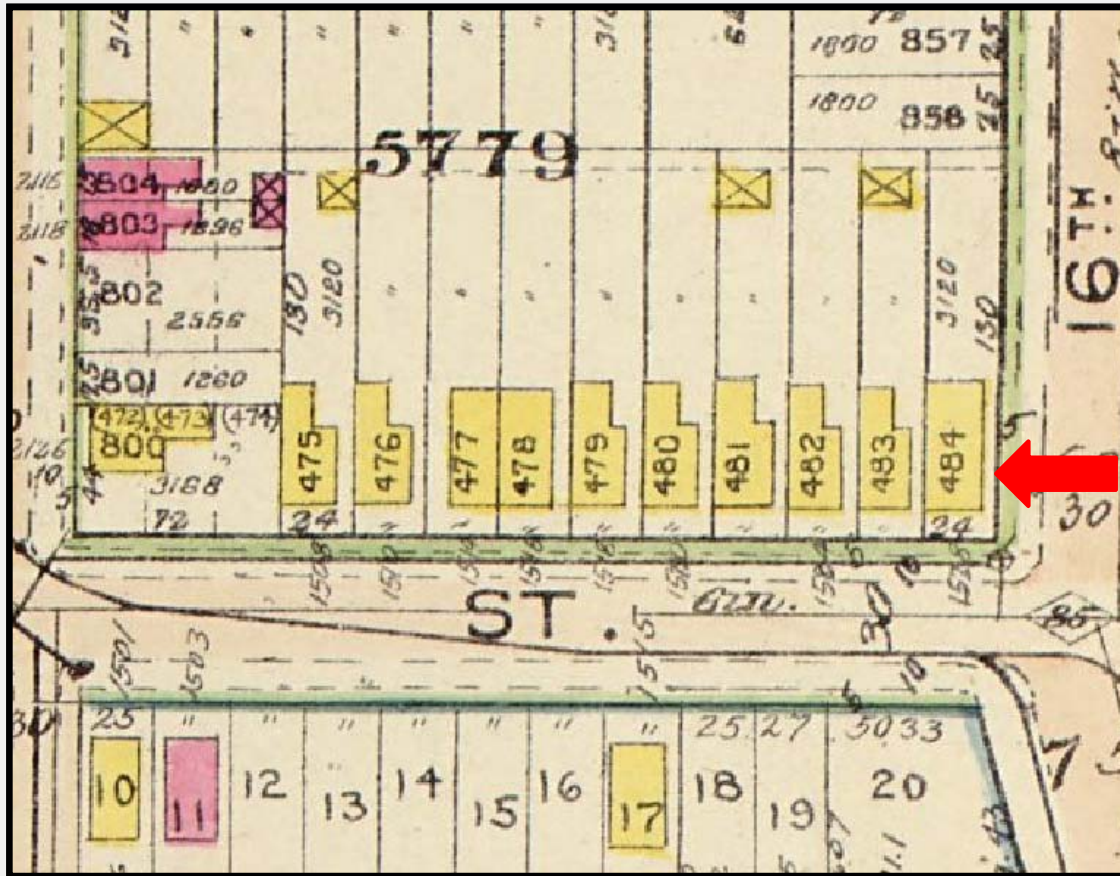


Zoning Map



Square 5779
Lot 824
R-3 Zone
**Anacostia
Historic District**

Baist Map (1919)



HPRB Staff Report (10/26/17)

- “Overall height and massing of the new construction is compatible with the historic district, relates to the adjacent buildings on the block”
- “Incorporates architectural details that are harmonious with the rowhouse typology”
- “Overall footprint and concept is appropriate for this lot”

The Applicant

- Mi Casa, Inc. is a non-profit organization with over 25 years of experience providing affordable, family-sized housing in the District
 - Promotes access to affordable housing across the District, preserving diverse neighborhoods and preventing displacement of low-income residents
 - Transform and renovate abandoned homes or vacant lots into high quality, energy efficient single-family homes for first-time home buyer
 - Preserve existing and building new affordable multi-family rental housing
 - Work with tenant associations to assist in becoming cooperative owners in order to acquire and renovate the building as well to preserve the building as long-term affordable housing
- Relevant projects include:
 - Home Again Initiative (11 single-family homes throughout District)
 - DCHA Scattered Site Demonstration Program (14 single-family homes)
 - The Genesis Inter-Generational Community Program in Brightwood
 - Ivy City Special Demonstration Project
 - United Second Street SE Cooperative

The Project

- “Vacants to Vibrants” Initiative
 - Project is part of DHCD’s commitment to Mayor Bowser to redevelop vacant properties into new affordable housing
- DHCD’s Property and Acquisition Disposition Division awarded the long vacant property to Mi Casa in 2017
 - The home will be affordable to a homeowner at a value of no more than 50% AMI made possible through DHCD financing
 - 15-year affordability covenant
- True family-sized residence
 - Detached home with four bedrooms and large yard

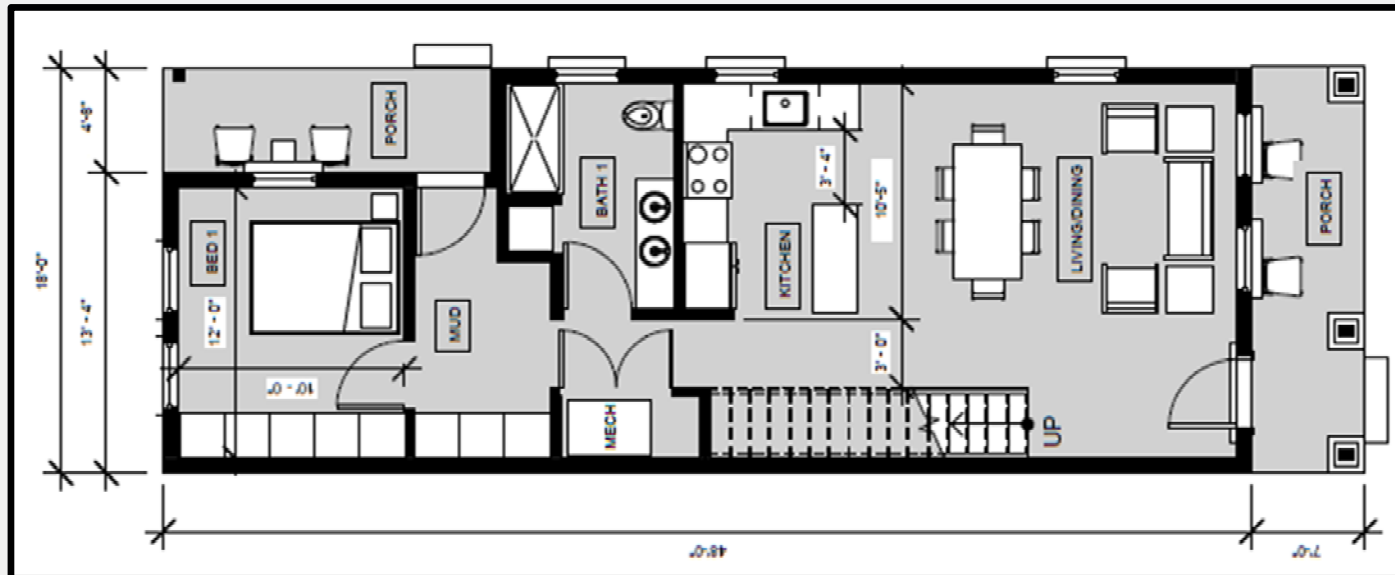
Community Outreach

- ANC 8A voted unanimously to support the application
 - March 19th - ANC 8A Executive Committee
 - April 3rd – Full ANC meeting
 - April 16th – ANC 8A Executive Committee
 - May 1st – Full ANC meeting (vote of support)
- Applicant previously presented the Project to ANC 8A and community groups during the HPRB application process and received a vote of support
- Four letters of support
- Office of Planning support for both areas of relief

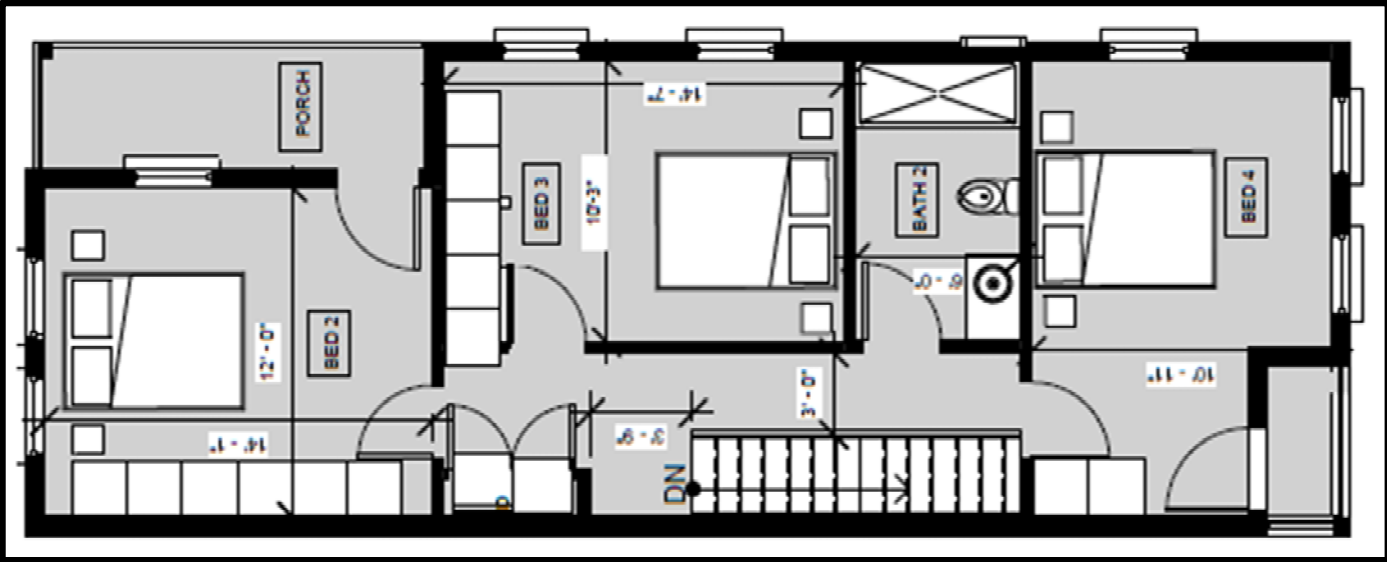
Blockface Context



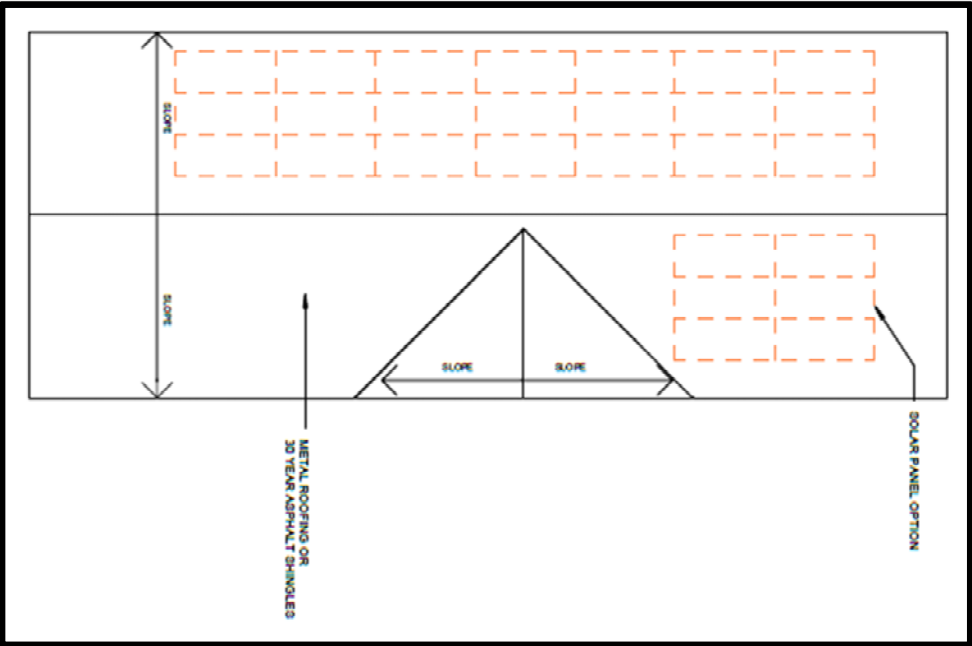
Architectural Plans – First Floor



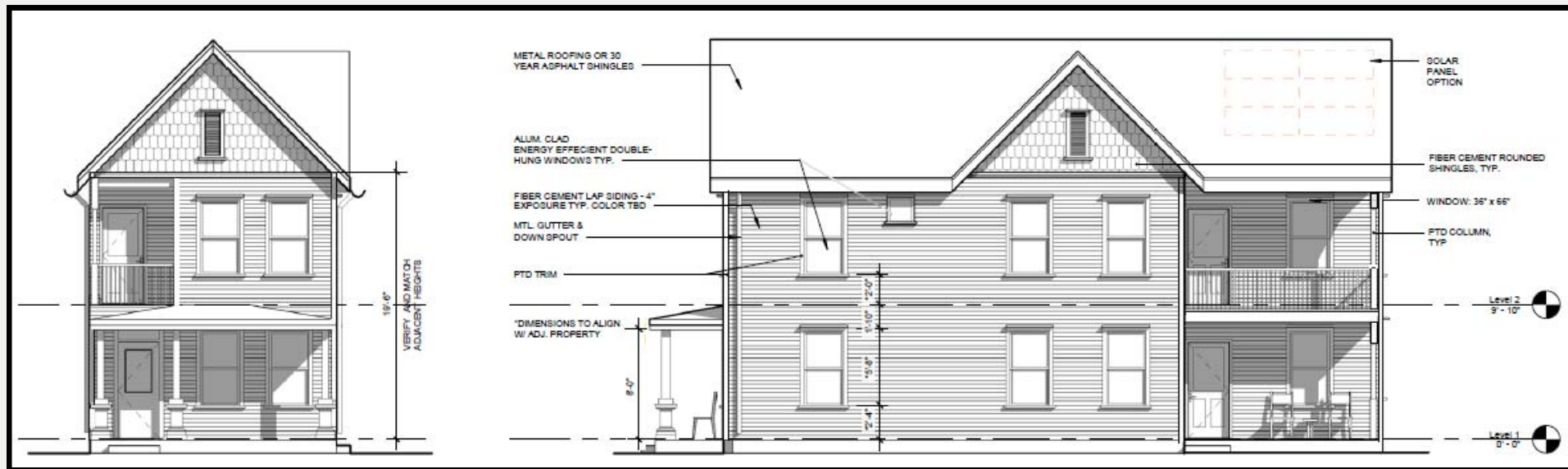
Architectural Plans – Second Floor



Architectural Plans – Roof



Building Elevations



Variance Relief Requested

Subtitle D § 302.1 - Lot Dimensions

- Detached building is required to have a lot area of 3,000 square feet and a lot width of 30 feet
- The Property is only 2,760 square feet with a lot width of 24 feet

Subtitle D § 307.4 - Side Yard

- Side yard required for free-standing wall that does not share common division wall with existing building
- Eastern side yard is only six feet and there is no western side yard

Reduced Standard of Review for Public Service

- A reduced, more flexible standard of review can be applied for a nonprofit public service organization
 - Court of Appeals cases include *Monaco v. BZA*, *National Black Child Development Institute v. BZA*, *Dupont Circle Citizens Assoc. v. BZA*, *Williams v. BZA*, *Draude v. BZA*
- “Public need for a use is an important factor in granting or denying a variance” (*Monaco*)
- Distinguishes a nonprofit organization from a commercial user that “might not be able to establish uniqueness in a particular site’s exceptional profit making potential” (*Monaco*)
- Under *Monaco*, it is appropriate to consider factors including:
 - The property owner’s needs in finding an exceptional situation or condition
 - Weigh more fully the equities in an individual case

Board Should Apply Reduced Standard for Mi Casa

- Nonprofit organization working in conjunction with DHCD, seeking to provide affordable, single-family homes
- Project meets factors set forth in *Draude* case
 1. Specific design constitutes an institutional necessity, not merely the most desired of various options
 - Goal to provide true family-sized home with four bedrooms drives design of the project
 - Smaller home would reduce bedrooms and overall floor area
 - Maintain level of affordability
 - Further delays will create issues with DHCD financing
 2. The design features require the variance sought
 - Applicant cannot construct any home without relief from lot dimension requirements due to inability to construct attached structure
 - Compliant side yards would greatly reduce width and capacity of home
- Applicant has worked extensively with neighbor to resolve objections, which led to four-inch side yard

Property is Exceptional and Unique

- Long vacant corner lot with an abutting neighboring side yard
- Anacostia Historic District
- Applicant's programmatic needs, including to provide affordable, family-sized home

Variance: Exceptional Conditions Create Practical Difficulties

- If required to provide a 5-foot compliant side yard, resulting very narrow structure would be:
 - Only 13 feet wide
 - More than 3 feet narrower than other structures on Neal Street NE
 - Noncompliant as to certain Building Code requirements, including but not limited to stairwell widths for new construction

Exceptional Conditions Create Practical Difficulties

- Abutting property to the north has its own side yard
 - Applicant cannot construct an attached dwelling
 - Therefore, Applicant cannot meet the lot dimension requirements for any other type of dwelling at the Property
- With strict application of side yard requirements, the resulting structure would be only 8 feet wide
 - Practical difficulties in satisfying certain Building Code requirements, including, but not limited to, stairwell widths for new construction
- Historic preservation requirements and pending HPRB application
 - With two compliant side yards, structure would be 12-feet-wide and free-standing in middle of lot would not meet historic preservation goals

No Substantial Detriment to the Public Good or Impairment of Zone Plan

- OP supports lot dimension and side yard relief
- Applicant has designed the Project to fit with the scale and pattern of homes in the neighborhood, including as to the neighborhood's historic aspects
 - Project aligns with height, pattern and scale of other homes in neighborhood
- Neighborhood is overwhelmingly residential in nature and the project will be a single-family residence
- Project implements several goals in the District's Comprehensive Plan that encourage development of affordable housing
 - Project will benefit the community by adding a new single-family affordable home to the neighborhood

Proposed Conditions of Approval

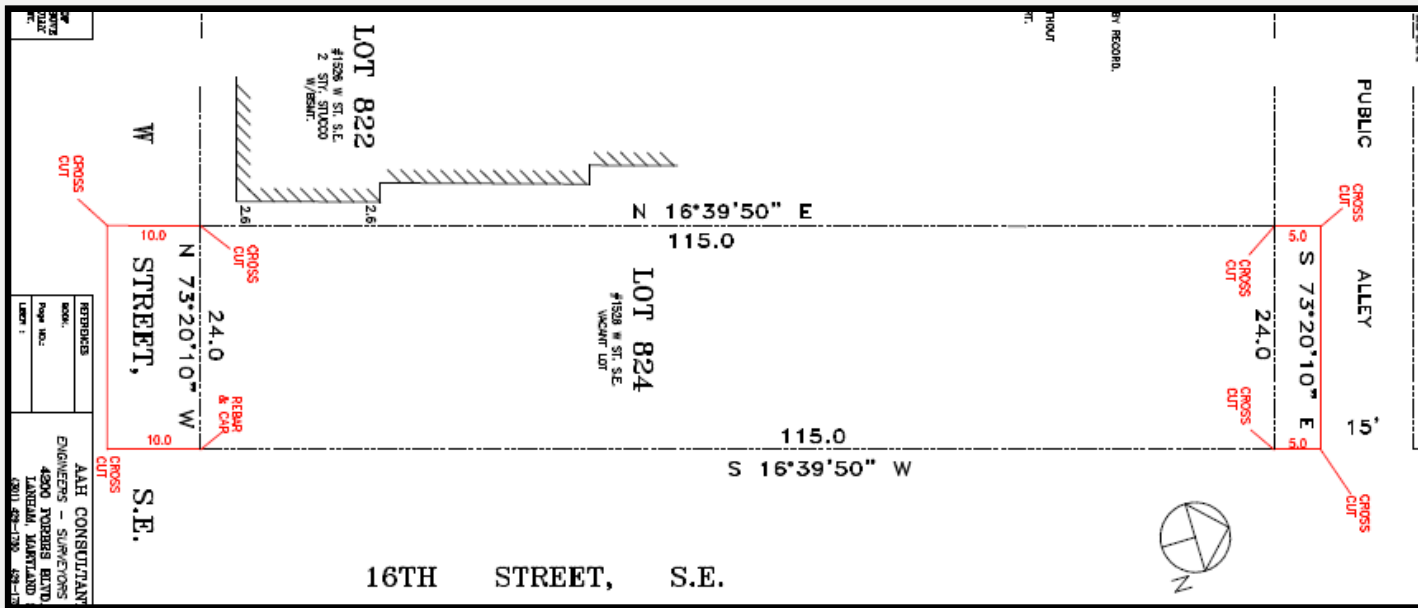
- Flexibility on interior layout, partition locations, size, and location of bedrooms and stairs to the extent that such variations do not require additional relief from the Zoning Regulations and such that the variations do not change the external configuration or appearance of the building.
- Flexibility to vary architectural design features of building in accord with the design approved by Historic Preservation Review Board, provided that the overall height, mass, bulk, and number of stories in the building remain consistent with approved plans and any refinements do not result in new or increased areas of relief.

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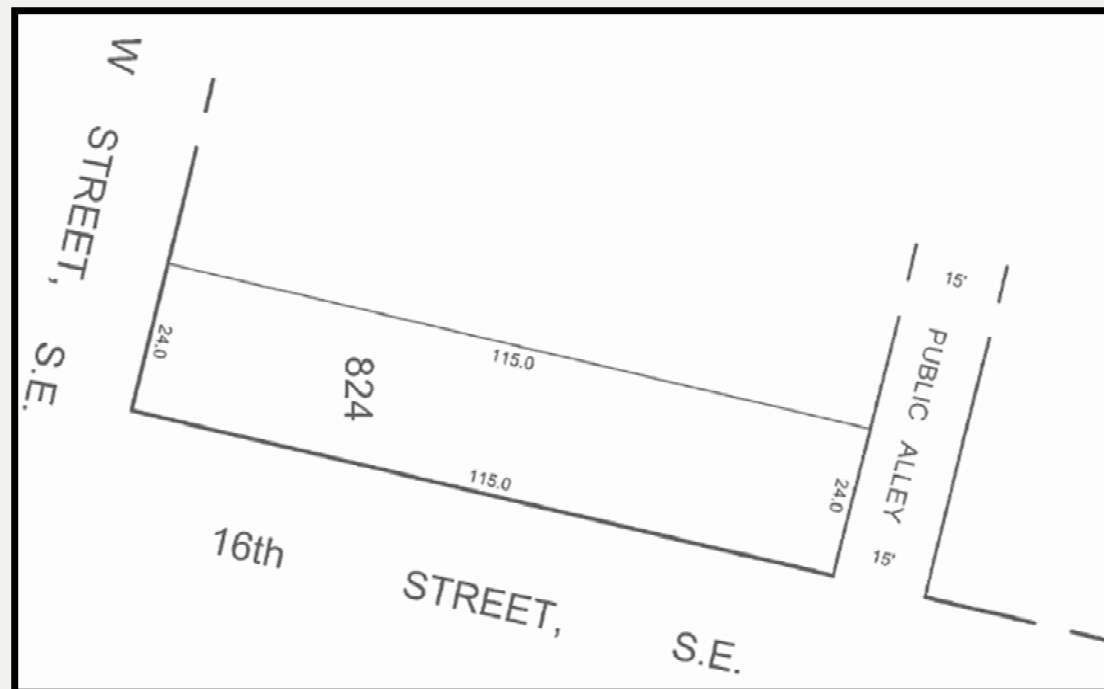
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Survey



Plat



Nearby Transportation Options

- Metro Stations
 - Anacostia (0.8 miles)
- Bus routes
 - 92, V2, B2 (within 0.2 miles)