

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of 2604 29th Limited Liability Company
ANC 7B

STATEMENT OF THE APPLICANT

This is the application of 2604 29th Limited Liability Company (“**Applicant**”) for special exception relief to allow the construction of an addition to an existing residential building. The property that is the subject of this application is located at 2604 29th Street SE (Square 5643, Lot 18) (“**Property**”). The Property is located in the RA-1 Zone District.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve a special exception to use Inclusionary Zoning (“**IZ**”) bonus density pursuant to Subtitle C § 1001.2(e)(3) (11-C DCMR § 1001.2(e)(3)).

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X § 900.2 and Subtitle Y § 100.3 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located in the southeast quadrant of the District in Ward 7. The Property is located on the east side of 29th Street SE, between Denver Street SE to the north and Erie Street SE to the south. The Property is an irregular pentagonal-shaped lot and is bounded by 29th Street to the west, single-family homes to the north, a public alley to the east, and a two-story apartment building to the south. Based on District of Columbia tax records, the Property contains approximately 8,754 square feet of land area. The Property is currently improved with a two-

story, two-unit residential building containing 2,580 square feet of gross floor area, with a basement. The immediate surrounding area is zoned RA-1, and properties to the north of Denver Street SE are zoned MU-7.

The surrounding area includes a mix of two- and three-story apartment buildings, attached, semi-detached, and detached single-family dwellings, and a variety of commercial and community uses. Stanton Elementary School is within one-half mile walking distance of the Property, as is the Hillcrest Recreation Center, which includes significant outdoor space, a community garden, walking trail, playground, and tennis courts, as well as an indoor gymnasium, fitness center, and computer lab, among other features. On the north side of Denver Street, approximately 200 feet northwest of the Property, is the Good Hope Marketplace shopping center, which is anchored by a Safeway grocery store and includes a bank, post office, and several retail, service, and eating and drinking establishments. Further north is the site of Skyland Town Center, a significant 18-acre redevelopment, which is approved as a planned unit development for retail and residential uses.

The Property is served by a significant number of bus lines within ½ mile walking distance. These include seven Metrobus routes along Naylor Road SE; two Metrobus routes at 30th and Erie Streets SE; and three Metrobus and one DC Circulator routes along Alabama Avenue SE.

IV. PROJECT DESCRIPTION

The Applicant proposes to renovate the existing building on the Property and to construct a rear addition resulting in a 12-unit apartment building (the “**Project**”). The Project will be 30.5 feet in height (three stories), well within the maximum 40 feet permitted, plus an occupied cellar level, as shown on the attached architectural plans and drawings (“**Plans**”). The Project will have a total of 9,339 square feet of gross floor area, or 1.07 FAR, which includes a full cellar level and

the IZ bonus density requested by this application. The Project will include two parking spaces, accessed via the rear alley. Aside from the relief requested, the Project will comply with all other zoning requirements.

Although IZ is not required for the Project, the Applicant is opting the Project into IZ pursuant to Subtitle C § 1001.2(e) of the Zoning Regulations. The Project will contain all affordable units and will otherwise comply with the IZ requirements in Subtitle C § 1003.

V. THE APPLICATION SATISFIES THE CRITERIA FOR SPECIAL EXCEPTION APPROVAL TO USE INCLUSIONARY ZONING BONUS DENSITY

Because compliance with IZ is voluntary in this case and the Project is located in the RA-1 zone district, the Applicant is required under Subtitle C § 1001.2(e)(3) to obtain special exception approval to use the 20% bonus density granted under the IZ regulations in Subtitle C § 1002.3. Approval under Subtitle C § 1001.2(e) is subject to the general provisions of Subtitle X, Chapter 9. For the reasons set forth below, the application satisfies these requirements.

A. The Project Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps (X § 901.2(a)).

The Project is in harmony with the purpose and intent of the Zoning Regulations and Map. The purpose of the RA zones is to permit design flexibility for all types of urban residential development. 11-F DCMR § 300.1(a). The RA-1 zone is intended to provide for predominantly low- and moderate-density development. *Id.* § 300.2. The Project will include renovations to the existing building and a rear addition that will increase the number of units from two to 12, all of which will be affordable. The resulting structure will be a modest three-story apartment building with a lot occupancy of 35%. The Project will comply with the matter-of-right development standards in all respects and will be consistent with the moderate level of density intended for the RA-1 zone.

- B. *The Project Will Not Tend to Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Maps (X § 901.2(b)).*

The Project will not adversely affect neighboring properties. The proposed expansion will be to the rear of the building, which is adjacent to a public alley from which the parking will be accessed. The Project will comply with the side yard, rear yard, and lot occupancy requirements to provide ample open space around the building. Accordingly, the Project will not adversely affect the availability of light and air to abutting residential uses to the north and south of the Property.

Further, the proposed addition and increase in unit count, including the 20% IZ bonus density, will not overly burden neighborhood services and infrastructure and is wholly appropriate in order to maximize the Property's proximity to public transit and community and commercial uses in the area. As described above, ample retail and recreation establishments are in close proximity to support the additional residents in the Project, including the Safeway grocery store and the Hillcrest Recreation Center, a key community asset and resource in the area. Also, the Project's residents will be provided with additional commercial establishments upon completion of the Skyland Town Center redevelopment, currently under construction, which will bring over 300,000 square feet of commercial uses to the neighborhood. Further, Stanton Elementary School can accommodate the modest number of children who may reside in the Project. Accordingly, the development of more affordable housing in the form of a modestly-sized multi-family building is consistent with the Property's RA-1 zoning and the Property's advantageous location and access to neighborhood features.

- C. *The Project Will Meet such Special Exception Conditions as May Be Specified in this Title (X § 901.2(c)).*

Subtitle C § 1001.2(e)(3) does not specify any additional criteria or conditions for approval to use IZ bonus density.

VI. LIST OF PUBLICLY AVAILABLE DOCUMENTS

1. Zoning Regulations and Zoning Map of the District of Columbia, available at dcoz.dc.gov.
2. Orders of the District of Columbia Zoning Commission and Board of Zoning Adjustment, available at dcoz.dc.gov.

VII. CONCLUSION

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully submitted,
GOULSTON & STORRS, PC

_____/s/_____
Cary Kadlecek

_____/s/_____
Lawrence Ferris