

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

**APPLICATION OF
HABITAT FOR HUMANITY
OF WASHINGTON DC**

**BZA CASE NO. 19841
SQUARE 5204, LOT 22
HEARING DATE: OCT. 24, 2018
ANC 7C**

PREHEARING STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This prehearing statement is submitted by Habitat for Humanity of Washington DC (the “Applicant”), in support of its application pursuant to 11-C DCMR §§ 302.2(a) and 305 and 11-X DCMR § 901.2 for special exception relief to allow multiple primary buildings on a single record lot pursuant to the theoretical subdivision regulations on property located in the R-2 Zone District at 900-914 55th Street, NE, Washington, DC (Square 5204, Lot 22) (the “Site”).

**II.
JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the requested special exception relief pursuant to 11-X DCMR § 901.2.

**III.
WITNESSES**

Outlines of testimony for the Applicant and its witness were provided in the BZA application and are included in the record at Exhibit 13. A copy of the resume for the Applicant’s expert witness – Nicholas Mroczkowski of Stoiber + Associates – is included in the record at Exhibit 14.

IV. **BACKGROUND**

The Site consists of Lot 22 in Square 5204, which is bounded by private property to the northeast, 55th Street, NE to the southeast, private property and a public alley to the southwest, and private property to the northwest. The Site has approximately 62,223 square feet of land area and is mostly vacant, except for two vacant single-family detached homes that will be razed as part of redevelopment. The surrounding area includes a variety of housing types, including detached and semi-detached homes and rowhomes, many of which are three-stories with front-loaded one-car garages.

As shown on the architectural drawings attached hereto as Exhibit A, the Applicant proposes to redevelop the Site with 17 new detached and semi-detached homes on the single record lot. The proposed homes use many of the design elements from the surrounding neighborhood, with each home having three-stories and a height of approximately 32 feet, 7 inches. Each home will have 3 bedrooms, 2.5 bathrooms, an open floor plan with a connected kitchen and living/dining area, an unfinished basement, and an attached single-car garage in order to provide on-site parking and ensure that residents of the new homes will not take up on-street parking in the neighborhood. A side yard of at least eight feet will be provided on the detached side of each dwelling, and zoning-compliant rear yards will be provided. Lot occupancy for each theoretical lot varies, with the maximum being less than 28%. A new private driveway on the Site that meets the requirements of the Zoning Regulations and DDOT's Design and Engineering Manual ("DEM") will connect each new dwelling to 55th Street, NE.

The proposed homes will be developed by Habitat for Humanity. All of the homes will be for-sale and sold at 60% to 80% of the Median Family Income ("MFI"). The Inclusionary Zoning ("IZ") regulations require two of the homes to be reserved as IZ units, to be sold at a maximum of

80% of the MFI. With 3 bedrooms, and at approximately 2,320 square feet each, the proposed homes are specifically designed to provide affordable housing for families. Indeed, Habitat's recent projects of a similar size and price-point in the District have successfully been sold to teachers, nurses, District employees, and other working-class families.

V. SPECIAL EXCEPTION RELIEF

Pursuant to 11-C DCMR § 302.2, each new primary building must be erected on a separate record lot, except as provided for in the theoretical lot subdivision regulations of 11-C DCMR § 305.1. Accordingly, pursuant to 11-C DCMR § 305.1, the Board may grant, through special exception, a waiver to allow multiple primary buildings on a single record lot provided that the application meets the requirements of 11-C DCMR § 305 and the general special exception criteria of 11-X DCMR, Chapter 9. The number of buildings permitted under the theoretical lot subdivision regulations is not limited, provided that satisfactory evidence is submitted that all the requirements of 11-C DCMR § 305 are met based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with the Zoning Regulations. As set forth herein, the application complies with all requirements of 11-C DCMR § 305 and 11-X DCMR, Chapter 9.

The Applicant's initial submission provided a detailed analysis of the general special exception standard of review (11-X DCMR, Chapter 9), the standard of review to permit multiple buildings on a single record lot (11-C DCMR § 305), and the ways that the application meets those standards (*see* Ex. 10, pp. 2-6). The Applicant also filed architectural drawings showing the proposed development and the applicable zoning tabulations (Ex. 11). As noted in Exhibit 10 and shown in Exhibit 11, other than the theoretical lot subdivision, the project meets all of the development standards of the Zoning Regulations, including building height, lot width and area,

lot occupancy, yards and setbacks, parking, loading, and vehicular access requirements. It also meets all fire code and emergency vehicle access requirements, complies with all storm water management retention and detention regulations, and will not have any negative impacts on public education, recreation, parking, loading, traffic, or urban design. The project will have a positive impact on the surrounding area by taking an underutilized site with vacant, deteriorated buildings and putting it to productive use by constructing 17 new single-family homes that will be affordable to and large enough to house District families.

A. Special Exception Standards for Multiple Primary Buildings on a Single Record Lot

Pursuant to 11-C DCMR § 305.1, 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 and rear yards of the theoretical lots will meet the zoning requirements for the R-2 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;*

The only means of vehicular ingress and egress to the buildings on the Site is a private driveway, which is 20 feet wide as permitted by this subsection.

- 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 height of the proposed buildings are measured from the finished grade at the middle of the front of the building façades facing 55th Street, which is the nearest street lot line.

- 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 building height, measured consistent with 11-C DCMR 305.3(c) does not conflict with the Height Act.

Pursuant to 11-C DCMR § 305.4, for a theoretical subdivision application, the information listed in 11-C DCMR § 305.4 is required to be submitted to the Board of Zoning Adjustment, in addition to other filing requirements pursuant to Subtitle Y § 300. The required information was submitted as part of the Applicant's initial application.

Pursuant to 11-C DCMR § 305.5, before taking final action on a theoretical subdivision application, the Board of Zoning Adjustment shall refer the application to the Office of Planning for coordination, review, and report, including the following:

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:*

i. *Public safety relating to police and fire concerns including emergency vehicle access;*

The Applicant has met with FEMS, which confirmed that the proposed site plan complies with all fire code and emergency vehicle access requirements.

ii. *The environment relating to water supply, water pollution, soil erosion, and solid waste management;*

The project complies with all applicable storm water management retention and detention regulations. In addition, each home will receive EarthCraft certification, which is a green building certification program that addresses the same broad categories as LEED (site, materials, water and energy efficiency, durability, and indoor air quality) but focuses primarily on the energy efficiency of individual buildings. Thus, the EarthCraft certified homes on the Site will utilize multiple green building initiatives, including continuous slab insulation and insulated ducts, which are not otherwise required; will use a high-quality and recycled insulation that is safe and eco-friendly; will install windows with a high efficiency factor; and will also provide all EnergyStar lights and appliances.

A key component of the EarthCraft program involves independent inspections to ensure quality installations – ensuring that items are installed well, not just present during initial plan review. The result is that an EarthCraft home is on average 40% more efficient than other new homes built to the current International Energy Conservation Code requirements.

iii. Public education;

The addition of 17 new dwellings will not have a perceptible impact on the public education system. The Site is assigned to Burrville Elementary School, Kelly Miller Middle School, and Woodson High School. It is the Applicant's understanding that the D.C. public school system has adequate capacity to accommodate any future children living in the proposed development at the Site.

iv. Recreation;

The addition of 17 new dwellings will not have a perceptible impact on recreation facilities in the area. The Site is located in close proximity to the Marvin Gaye park and Woodson High School's recreation facilities, and the Site will be well-sited to provide easy access to these community facilities. In addition, each of the theoretical lots has significant yard space, such that families living in the homes will have outdoor recreation space on their own lot.

v. Parking, loading, and traffic;

Each theoretical lot will include one on-site parking space, which meets the anticipated demand for each dwelling. Loading is not required or provided for the 17 dwelling units. Traffic will not be impacted by the proposed project, which will generate a nominal number of vehicular trips.

vi. Urban design;

As shown on the plans, the project includes an attractive urban design that is compatible with the surrounding single family neighborhood and provides adequate light and air for future residents of the project and of adjacent properties. The surrounding area is also developed with detached and semi-detached homes, many of which are three-stories with front-loaded one-car garages.

- vii. As appropriate, historic preservation and visual impacts on adjacent parkland;*

The Site is not located within an historic district and does not impact views to any adjacent 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 existing lot is significantly larger than any of the surrounding residential lots, which range in size from approximately 2,000 square feet to approximately 5,000 square feet, whereas the Site has approximately 62,223 square feet of land area. The proposed project would create smaller lots with detached and semi-detached dwellings, similar in scale to the majority of the other lots and homes within the square and neighborhood. The minimum side and rear yards, lot occupancy, and pervious areas, will be well within the requirements of the R-2 District. The private driveway meets the access requirements set forth in the Zoning Regulations and the DDOT DEM, and FEMS has confirmed that it meets all fire safety egress requirements. Each theoretical lot will have significant open greenspace for families to enjoy.

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

The project provides the required number of parking spaces for the proposed development. Given the few number of new residences, the project will not create any perceptible impacts on traffic volumes in the surrounding neighborhood. In conversations with DDOT prior to filing the application, DDOT indicated that a traffic study would not be required for this project.

- d. The impact of the proposed development on neighboring properties;*

As noted above, the project has been designed to be compatible with the surrounding single family residential neighborhood, and will be sited and designed to not create any adverse impacts on surrounding properties. Significant setbacks are provided from the closest residential homes.

- e. The findings, considerations, and recommendations of other District government agencies.*

The Office of Zoning has circulated this application to relevant District agencies.

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 (11-C DCMR § 305.6).

As noted above, the project complies with the purpose and intent of the theoretical subdivision regulations and will not have an adverse effect on the present character or future development of the neighborhood. Indeed, the project will put a dilapidated and underutilized lot to productive use by constructing 17 new row dwellings that will be affordable to and large enough to house District families.

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 (11-C DCMR § 305.7).

The Applicant does not believe that any additional conditions are needed for the project, since it has already been designed to protect the purpose and intent of the Zoning Regulations.

C. General Special Exception Standards under 11-C DCMR § 901.2

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 in accordance with the Zoning Regulations and Zoning Maps.

In this case, the subdivision of the Site into 17 separate theoretical lots is in harmony with the purpose and intent of the Zoning Regulations and Zoning Map and will not affect adversely the use of neighboring property because it will enable development of new semi-detached and detached row dwellings in a neighborhood that is otherwise already developed with detached and semi-detached dwellings. The proposed dwellings meet the development and use standards of the Zoning Regulations for the R-2 District and are designed as a matter-of-right other than for the special exception for theoretical lots requested herein. The project will improve the neighborhood by providing new affordable housing on an otherwise underutilized and mostly-vacant site, and

the buildings and site plan will be designed to avoid any negative impacts on surrounding properties. The homes will be for-sale and priced at between 60% to 80% of the MFI.

Therefore, the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property.

VI. COMMUNITY ENGAGEMENT

The Site is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 7C. The Applicant sent the BZA application and follow-up presentation materials to the ANC and has had preliminary discussions about the project. The Applicant presented the project at ANC 7C’s Executive Committee meeting on September 27, 2018, and is scheduled to present at the full ANC’s October 11, 2018 public meeting, which is after the deadline for this filing. The Applicant will present an update on the outcome of the ANC meeting at the public hearing.

VII. CONCLUSION

For the reasons stated above and described elsewhere in the case record, the Applicant has demonstrated that its request for special exception relief to permit multiple primary buildings on a single record lot is in harmony with the purpose and intent of the Zoning Regulations and Zoning Map and meets the test for special exception approval under 11-C DCMR §§ 302.2(a) and 305 and 11-X DCMR § 901.2. Accordingly, the Applicant respectfully requests the Board’s approval of the application.