



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: October 12, 2018

SUBJECT: BZA #19841 – 900 55th Street, NE – Special Exception to permit multiple buildings on a single record lot

I. BACKGROUND AND RECOMMENDATION

The Office of Planning is supportive of the intent of this proposal, including a theoretical lot subdivision of this site to provide one family dwellings on an infill property. The number of units (17), and the type of housing (detached and semi-detached) are appropriate for this site. Due to Habitat for Humanity's mandate, the units would all be affordable / workforce housing which is also supported.

In this case, the record (Exhibit 36) indicates that the District Department of Transportation (DDOT) has concerns with the site plan, although it does not appear to express concerns with the proposed number of units or the concept of a theoretical lot subdivision. DDOT also notes that some public space requirements necessary to the proposed site plan may not be approved. Their report includes a draft concept for alternate site access.

OP has had discussions with DDOT regarding this issue, and agrees with DDOT's general assessment of the site plan, that revisions could result in a site plan and design that is more in character with the surrounding neighborhood, and more consistent with the review criteria for a theoretical lot subdivision application.

OP has also raised these concerns with the applicant. In general, the applicant has advised that the site plan meets their goals, and has expressed a strong preference to not altering the site plan that was submitted, partially because they indicated that they feel that the site plan is responsive to the character of the area and the review criteria, but also for cost and expediency reasons – which are valid reasons for a non-profit housing provider such as H4H. Unlike a typical for-profit developer, OP's understanding is that H4H would not likely be able to recoup additional costs from purchasers or other sources.

OP offered suggestions to the applicant about how the site plan could be improved to better integrate with the community, but without a revised proposal from the applicant and without an indication from the applicant of a desire to revisit the site plan, OP has been unable to provide

additional, more detailed feedback. OP also suggested some smaller, more targeted design related changes (noted in this report) which the applicant has, to date, not incorporated into the project.

Finally, as currently proposed, the applicant states that the site plan as they proposed meets all zoning requirements, other than the requirement for the theoretical lot subdivision itself. An improved site plan may result in a need for additional relief, for example from lot dimension or setback requirements for individual lots. Such relief is common in theoretical lot subdivisions and is typically supported when it results in a better site plan that overall addresses the objectives of the zoning and the theoretical lot subdivision criteria.

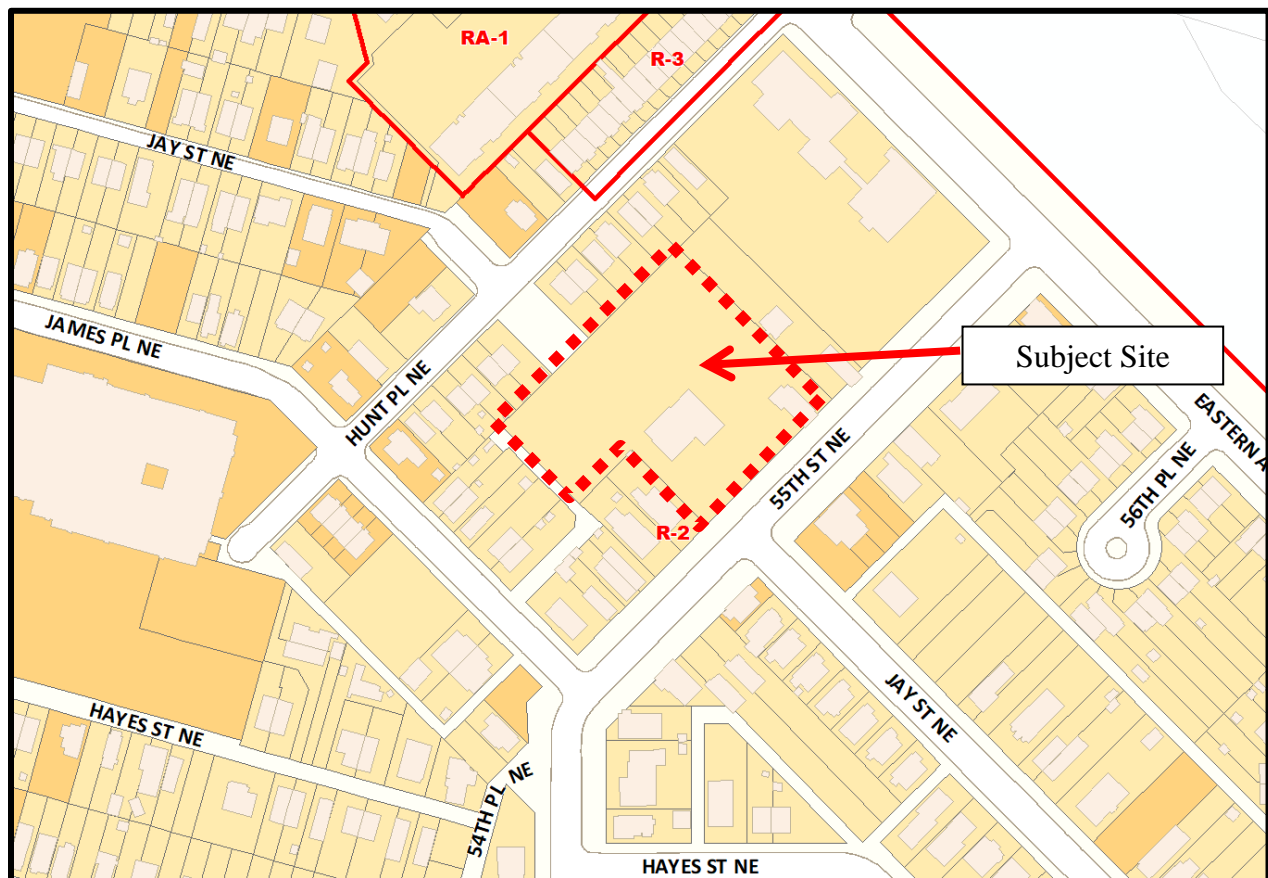
While the potential site plan and circulation advantages of the submitted DDOT sketch plan are clear, OP feels it is appropriate and desirable to have the applicant present both their concerns with that (or any other) site plan, and the benefits of their proposed site plan.

Based on this, while OP is very supportive of a theoretical lot subdivision of this infill site, to create 17 (or more) units, OP is unable to make a recommendation on this proposed site plan at this time, as additional information from the applicant or other additional information provided at the public hearing could be instructive.

OP remains open and willing to work with the applicant at their or the BZA's request on the site plan or other design issues associated with this proposal, and, if asked or directed to do so, would consider this a priority project. OP appreciates that any alternations to the site plan should minimize any increased costs or project delays to H4H, and not reduce the number of proposed units.

II. LOCATION AND SITE DESCRIPTION

Applicant	Habitat for Humanity, represented by Holland & Knight
Address	900 55 th Street, NE
Legal Description	Square 5204, Lot 22
Zoning	R-2 (detached or semi-detached single family)
Ward and ANC	7, 7C
Historic District or Resource	None
Lot Characteristics and Existing Development	L-shaped lot fronting on 55 th Street and occupying much of the center of the square; 207 feet of frontage on 55 th Street; Abuts a 12' public alley at the southwest side of the lot; Property generally slopes from northeast down to southwest; Two existing single family homes on the site, to be razed.
Adjacent Properties and Neighborhood Character	Adjacent properties include single family detached and semi-detached homes; Neighborhood is a mix of single family and apartment housing types, as well as church and school uses.
Project Description	Construct 17 semi-detached and detached homes fronting on a private street with access from 55 th Street, NE.



III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant has requested special exception relief pursuant to C § 305 in order to allow multiple buildings on a single record lot. No other relief is requested.

R-2 Zone	Regulation	Proposed	Relief
Lot Width D § 302	30' – semi-detached 40' – detached	> 30' – semi-detached 40' – detached	None required
Lot Area D § 302	3,000 sf – semi-detached 4,000 sf – detached	>= 3,136 sf – semi-detached 4,182 sf – detached	None required
Height D § 303	40', 3 stories	32'7"	None required
Lot Occupancy D § 304	40%	< 27.3%	None required
Front Yard D § 305	Within range of existing homes on the side of the street where the new home is proposed	Not applicable, as the proposed fronts do not share a blockface with any existing homes	None required

R-2 Zone	Regulation	Proposed	Relief
Rear Yard D § 306	20'	> 20'	None required
Side Yard D § 307	8'	> 8'	None required
Pervious Surface D § 308	20%	Not provided	Assumed conforming
Subdivision Regs. C § 302.2	1 building per record lot	17 buildings on a single record lot	Requested



IV. ANALYSIS

305 THEORETICAL SUBDIVISIONS

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 Chapter 9 of Subtitle X in order to develop 17 single family homes on a single 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 17 buildings on an equal number of theoretical lots which serve as the boundaries for the purposes of calculating zoning compliance.

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 proposed site plan provides conforming yards on each theoretical lot.

- (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 applicant has verbally informed OP that the Zoning Administrator considers the 20 foot wide private street proposed for the development to be a driveway, and therefore permissible under 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 applicant has measured building heights in conformance with this subsection.

- (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 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 provided site plan and other plan sheets include the required information.

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

The updated plans, including floor plans and elevations, can be found at Exhibit 34A.

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

A table of the relevant data can be found at Exhibit 34A, Sheet 2.

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 comport with the purposes of the Regulations. It should not result in significant impacts to the light and air available to neighboring properties, nor would it result in an undue concentration of population. The site plan as proposed would meet all

side and rear yard requirements and would meet minimum requirements for lot area and maximums for lot occupancy.

However, DDOT has concerns regarding the site plan, particularly its lack of connectivity through the site, and notes the potential that necessary public space approvals may not be granted. These are detailed in their report (Exhibit 36). OP has also discussed, in general terms, concerns regarding the site plan and how it may not adequately reflect neighborhood or streetscape character. OP has suggested ways that the development could better integrate with the present character and future development of the neighborhood, such as extending the existing street grid, utilizing alleys for auto access, and fronting some of the homes onto 55th Street. These concepts could help the development more closely match the character of the surrounding community and increase the walkability of the project, consistent with these review criteria.

OP strongly supports the level of new development (17 units), the mix of single family detached and semi-detached units, and the affordable housing proposed with the application, which would further a very important planning goal of the District – to provide more affordable housing to families. The project would provide all units as affordable to households earning 60% to 80% MFI, and two of the units would also be IZ units.

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

The written statement (Exhibit 34, p. 5) indicates that the applicant has met with FEMS and that they have no issues with the project. OP also referred the application to FEMS and MPD. FEMS responded with a memorandum indicating that they have no objections to the project as long as the applicant meets their design guidelines. See the FEMS memo at Attachment 1.

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

OP referred the application to the Department of Energy and the Environment (DOEE), who stated that they had no objections to the project. They noted that if the project receives any public funding that they would be subject to the Green Building Act. OP has also suggested to the applicant that they examine the use of pervious paving wherever possible, and examine the use of solar power on the homes.

A letter in the record from an adjacent property owner indicates that there are existing problems with drainage from this site onto the next door property to the southwest. Page 5 of Exhibit 34 from the applicant states that “The project complies with all applicable storm water management retention and detention regulations.” The applicant should work closely with adjacent neighbors to address this concern. It appears from Sheet 7 of Exhibit 34A that the new proposed storm drain near the interior corner of the subject site should capture a significant amount of runoff from this property.

The written statement indicates that the development would be subject to the EarthCraft certification process, which evaluates the sustainability of construction in a manner similar to LEED.

The applicant should also address in the record how solid waste from the site would be collected.

(3) *Public education;*

As of this writing, the DC Public Schools (DCPS) and the Office of the Deputy Mayor for Education (DME) have not submitted comments on the application to OP or to the record. The DME Master Facilities Plan, dated July 2017, presents the following utilization data for the relevant schools:

Burrville Elementary – 81% utilization
Kelly Miller Middle – 62% utilization
Woodson High – 63% utilization

(4) *Recreation;*

In response to OP's request for comments, the Department of Parks and Recreation (DPR) indicated that the project would have no impacts on DPR facilities.

(5) *Parking, loading, and traffic;*

OP defers to DDOT on issues of traffic and parking, which has provided comments at Exhibit 36. DDOT's concerns are related more to the site plan and circulation patterns, than to potential parking, loading or levels of traffic. Given that each unit would have an integral parking space, OP does not anticipate that the project would create a parking burden for the neighborhood.

(6) *Urban design;*

OP recommended to the applicant improvements that could be made to the site plan that would help the project better integrate into the existing neighborhood. DDOT has also submitted comments noting concerns with the site and circulation plan. One possibility would be to create an extension of Jay Street that would act as the main spine of the new development and an extension of the existing street grid. Another key would be to have units fronting directly onto 55th Street (rather than onto the private internal driveway as currently proposed), in continuance of the existing development pattern, and as a way to better sew the project into the fabric of the community. The project could also utilize the existing public alley for auto access and potentially create new alley access internal to the site. This would make the development more walkable and

increase the attractiveness of the front of the houses, by placing some parking pads or garages at the rear.

Smaller design gestures could also help to make the project feel like more a part of the community, although in general, OP is supportive of the general individual building design and form. If this site plan is retained, the floor plans of the two units adjacent to 55th Street could be altered to move the entrance to face that street, or the design of those two units could include “wrap-around” porches facing 55th Street. The applicant shared with OP a rendering that showed a tall, stockade-type opaque fence along 55th Street. That type of fence would exacerbate the feeling that this is a development isolated from the surrounding community, and OP has recommended that it be replaced with one more consistent with the residential character. The project should also include a covenant that it cannot become a gated community now or in the future.

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

The site is not in an 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;*

As discussed above, DDOT and OP recommended to the applicant improvements that could be made to the site plan that could help the project better integrate into the existing neighborhood and improve overall circulation patterns.

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

The DDOT report indicates that the development may lead to a minor increase in vehicle, transit, pedestrian and bicycle trips, and may slightly reduce the amount of available on-street parking in the immediate area. But DDOT does not conclude that these impacts are great enough to prohibit approval of the project.

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

The proposed development should not negatively impact the light and air available to neighboring properties, nor would result in an undue concentration of population; The design would meet all side and rear yard requirements and would meet minimum requirements for lot area and maximums for lot occupancy. Because of the relatively large yards, the privacy of adjacent homes should not be impacted.

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

OP referred the application to other District government agencies and has received responses as noted in this report. In addition to comments already discussed, the Department of Housing and Community Development (DHCD) also provided feedback to OP that they had no objection to the project as long as it met the IZ requirements, which the applicant has stated that they would.

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 would result in an undue concentration of population; The design would meet all side and rear yard requirements and would meet minimum requirements for lot area and maximums for lot occupancy.

OP and DDOT have suggested ways that the development could better integrate with the present character and future development of the neighborhood, as discussed above. In summary, the suggestions included extending the existing street grid, utilizing alleys for auto access, and fronting homes on 55th Street.

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.

If the Board determines that the currently proposed site plan is acceptable and satisfactorily addresses the criteria above, OP would propose the following conditions:

- Fences along 55th Street shall be limited to 4 feet in height with a maximum opacity of 50%; and
- The private street shall not be gated at 55th Street.

These conditions have been shared with the applicant, who has indicated that they do not support the condition regarding fence height.

V. COMMENTS OF OTHER DISTRICT AGENCIES

OP has received comments from District agencies as noted in this report, and DDOT has filed comments at Exhibit 36.

VI. COMMUNITY COMMENTS TO DATE

As of this writing the record contains one letter of opposition, from the adjacent neighbor at 822 55th Street, NE (Exhibit 30).

The applicant was scheduled to present before the ANC on October 11.

VII. ATTACHMENT

1. FEMS Comments

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Matthew Jesick
Office of Planning

FROM: Louis H. Carter Jr. *LHC Jr.*
Battalion Fire Chief
FEMS Office of the Fire Marshal

DATE: October 5, 2018

SUBJECT: Application to the Board of Zoning Adjustment
900-914 55th Street, NE (Square 5204, Lot 22)

This written correspondence is being forwarded to your office to address Application to the Board of Zoning Adjustment 900-914 55th Street, NE (square 5204, Lot 22). This was submitted to the DCFEMS Office of the Fire Marshal for review. The request involves the Applicant proposes to redevelop the Site with 17 new semi-detached and detached row dwellings on the single record lot. Each row dwelling will be three-stories and approximately 32 feet, 7 inches in height and will have three bedrooms, living space, an unfinished basement, and an attached single-car garage. 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 drive on Lot 22 will connect each new dwelling to 55th Street, NE.

Based on our review, the following findings are being brought forth: FEMS Office of the Fire Marshal has no objection to this request being approved if the fire code requirements listed hereafter are adhered to for all impacted buildings (existing and those to be constructed), Lots and Squares.

Fire Department Access Roads:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief or his designated representative. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Fire Access Road Gates shall comply with the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Additional Requirements:

IFC SECTION D103 FIRE ACCESS ROADS MINIMUM SPECIFICATIONS

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

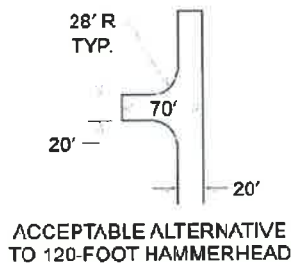
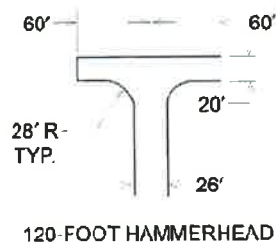
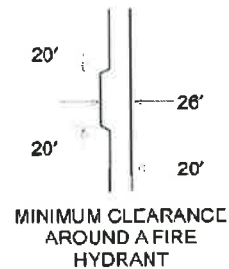
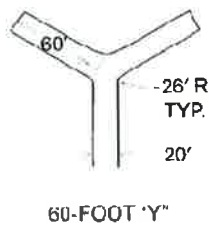
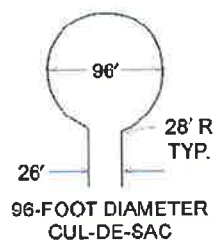
Exception: Grades steeper than 10 percent as approved by the fire chief or his designated representative.

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table below:

Requirements for Dead-End Fire Apparatus Access Roads

LENGT H (feet)	WIDT H (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

Fire Hydrants:

507.5.1 Where a portion of the building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exception: For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

IFC SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

Attachments:

DC Fire and EMS Department Apparatus Specifications: