



SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 9, 2019

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

I. BACKGROUND AND RECOMMENDATION

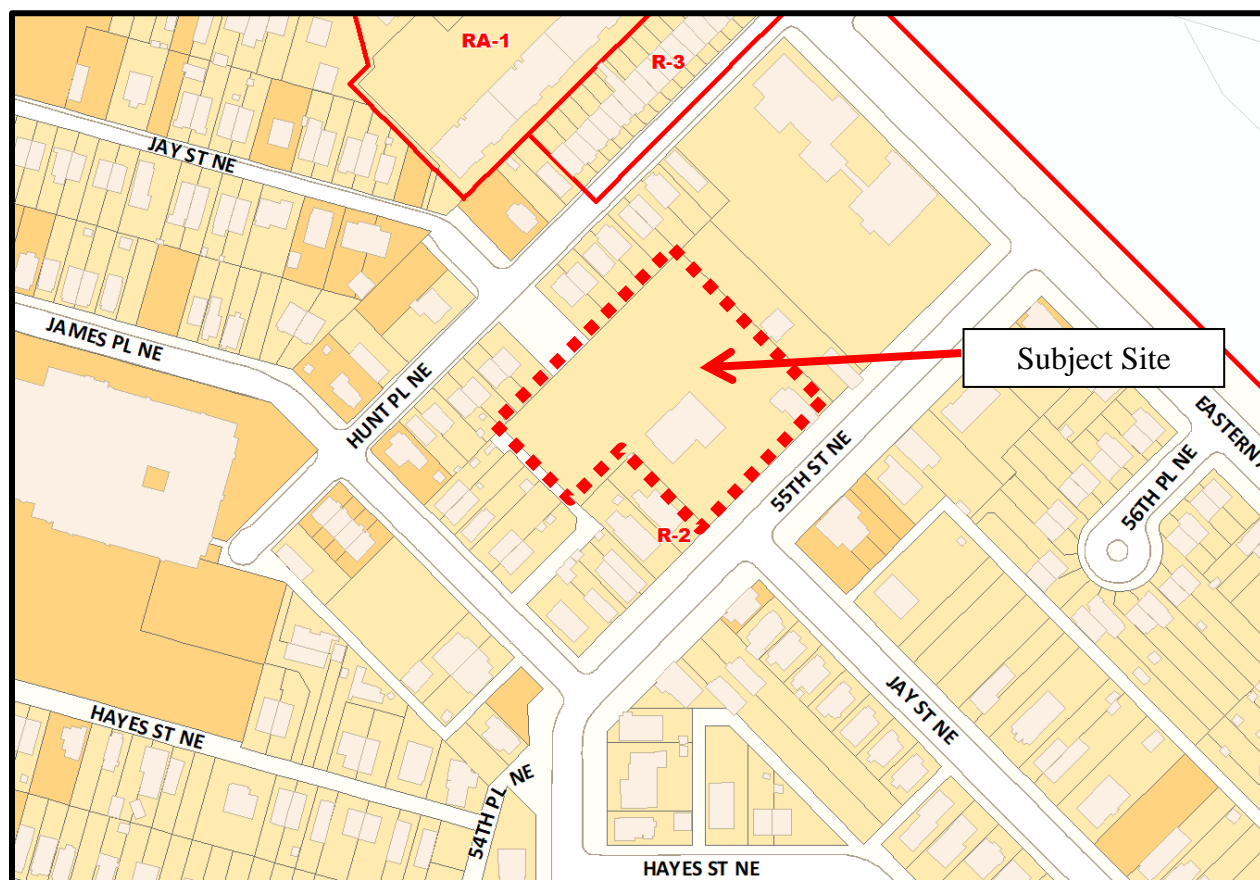
The original application for this case was for special exception relief pursuant to C § 305 in order to allow multiple buildings on a single record lot. No other relief is requested. The proposal was for a theoretical lot subdivision to allow the development of 17 new one family dwellings by Habitat for Humanity (H4H). Review of this application had originally been scheduled for a public hearing before the Board of Zoning Adjustment (BZA) on October 24, 2018. However, reports noting support for the concept but concerns about the exact site plan proposed were submitted to the record by both the Office of Planning (OP - Exhibit 37) and the Department of Transportation (DDOT – Exhibit 36). The applicant subsequently requested a postponement of the hearing, and the site plan was substantially amended, as shown and described in Exhibit 58.

The revised site plan effectively addresses the main concerns raised by staff; OP is very appreciative of the responsiveness of the applicant and the willingness to undertake this major design alteration. The revised design provides an improved response to streetscape and neighborhood character and improved circulation, without the loss of units. The 3 bedroom dwellings would be sold at 60 – 80% MFI; two would be subject to Inclusionary Zoning. With the redesign, variance relief to side yard setback is requested for some of the lots to accommodate the H4H program and the revisions to the site plan.

OP recommends APPROVAL of the following relief:

- Special Exception pursuant to C § 305 to allow multiple principal dwellings on one lot; and
- Variance relief from D § 307.1 for eleven of the seventeen lots, side yard (8 feet required; 5 – 5.5 feet proposed)

II. LOCATION AND SITE DESCRIPTION



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. With the revised design, side yard relief for 11 of the 17 lots is also requested.

R-2 Zone	Regulation ¹	Proposed	Relief
Lot Width D § 302	25' min. – semi-detached 32' min. – detached	25' min. – semi-detached 37.5' – detached	None required
Lot Area D § 302	2,500 sf min. – semi-detached 3,200 sf min. – detached	2,744 sf min. – semi-detached 5,484 sf – detached	None required
Height D § 303	40', 3 stories max.	30 ft. max.	None required
Lot Occupancy D § 304	40% max.	32.9 max.	None required

¹ Information provided by the applicant. Required lot area and width based on IZ standards.

R-2 Zone	Regulation ¹	Proposed	Relief
Front Yard D § 305	Within range of existing homes on the side of the street where the new home is proposed	Appears conforming	None required
Rear Yard D § 306	20' min.	24.5' min.	None required
Side Yard D § 307	8' min. where provided	8' for six lots fronting 55 th St NE; 5' – 5.5' for 11 lots fronting the new private drive	None required Variance Requested
Pervious Surface D § 308	20% min.	Not provided	Assumed conforming
Subdivision Regs. C § 302.2	1 building per record lot	17 buildings on a single record lot	Sp. Ex. Requested

IV. REVISED ANALYSIS

As noted in OP's original report, OP supported in concept a 17 unit theoretical lot subdivision on this site. OP's concerns with the original proposal were with the exact site plan. As such, OP references the OP Report at Exhibit 37 and remains in support of the subdivision, and the following analysis is only of sections directly related to review of the revised site plan. OP has also provided analysis of the new requested side yard relief request.

A. 302 SUBDIVISION REGULATIONS

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302.2 Each new primary building and structure shall be erected on a separate lot of record in all R, RF, and RA zones, except as follows:

(a) As provided for in the theoretical lot subdivision regulations of Subtitle C § 305.1;

305 THEORETICAL SUBDIVISIONS

...

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 rear yards on each theoretical lot, and has requested side yard relief for 11 of the 17 lots.

(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 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 revised site plan and other plan sheets at Exhibit 58 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 58 Sheet 9.

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

A table of the relevant data can be found at Exhibit 58, 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:*

OP continues to strongly support 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 larger-sized 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.

The revised theoretical lot subdivision of this site would be consistent 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 minimum requirements for lot area and maximums for lot occupancy, and generally meet yard requirements.

DDOT concerns regarding the original site plan, particularly a lack of connectivity through the site, have been addressed and DDOT now notes no objection to the proposal (Exhibit 60).

OP concerns regarding the original site plan have also been addressed. The revised plan reflects neighborhood character to a greater degree and increases connectivity and walkability, while the addition of units that front directly onto 55th Street, NE addresses streetscape character.

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

FEMS responded with a memorandum indicating that they have no objections to the original project. The improved private drive configuration would improve connectivity and accessibility of the units by FEMS vehicles.

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

The Department of Energy and the Environment (DOEE) had earlier indicated no objections to the project. 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. The revised site plan appears to result in a reduction in hard surfaces on the site.

- (3) *Public education;*

As of this writing, the DC Public Schools (DCPS) and the Office of the Deputy Mayor for Education (DME) had 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 addition of 17 new dwellings would have no significant impact on DPR facilities.

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

OP defers to DDOT on issues of traffic and parking, which has provided comments on the revised proposal at Exhibit 60, noting no objection.

OP does not anticipate that the project would create a parking burden for the neighborhood, as each unit provides on-site parking. Parking for the units fronting 55th Street NE would be from a new private alley; other units would have on-site parking accessed from a new north-south private drive connecting 55th Street and Hunt Place NE. While OP typically would advocate for all parking access being from existing alleys, in this case the proposed private driveway through the site provides the only vehicular access to over half of the buildings located along it, so OP is not opposed to the front-loaded garages in this instance.

(6) *Urban design;*

OP's recommended improvements to the original site plan have been incorporated into the revised site plan – OP is appreciative of the responsiveness of this applicant. These changes include the extension of Jay Street, as a new private driveway, that acts as the main spine of the new development, and the incorporation of six units fronting directly onto 55th Street NE. These make the development more walkable and make the development more neighborhood and streetscape friendly.

(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, the revised site plan improves vehicular and walking circulation through the site and to the individual units. DDOT has noted no objection to the revised site plan.

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

The DDOT original report indicated 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 concluded that these impacts would not be significant.

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

The revised 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 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 proposed.

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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.

OP does not propose conditions associated with this revised proposal. OP continues to recommend to the applicant that fences along 55th Street shall be limited to 4 feet in height (as would be required if located in public space) and that the private street shall not be gated at 55th Street or Hunt Place.

B. Variance Relief – Side Yard (D § 307)

Side yard variance relief pursuant to X § 1000.1 is required for 11 of the 17 lots, with side yards of 5 – 5.5 feet proposed whereas a side yard of 8 feet minimum is required in this zone.

i. Exceptional Situation Resulting in a Practical Difficulty

The shape of the site and the need to provide connectivity through the site present exceptional situations resulting in a practical difficulty to the applicant. Although all of the lots meet lot width and lot area requirements, the shape of the lot results in a practical difficulty in providing a development consistent with the character of the area. Providing conforming side yards in each instance would result in more narrow and long units, which could be less suitable for meeting the unique mission of the applicant of providing housing for larger sized families.

ii. No Substantial Detriment to the Public Good

Each of the lots would provide a large rear yard exceeding the zoning requirement, as well as one side yard as required by the zone. At 5 to 5.5 feet, the side yard would provide for adequate light, air and privacy. The requested areas of side yard relief are internal to the site, or are adjacent to the large rear yards of adjacent lots, so they do not impact other homes.

iii. No Substantial Harm to the Zoning Regulations

The proposed dwelling units have been carefully placed to most efficiently address zoning requirements for a theoretical lot subdivision of this large lot. The relief from side yard width helps to ensure that the new units are of a size and configuration consistent with expectations for dwelling units for larger families. The larger than required rear yards and lower than permitted lot occupancy would ensure an overall sense of openness on the site.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT has filed revised comments at Exhibit 60, noting no objection to the revised proposal.

VI. COMMUNITY COMMENTS TO DATE

As of this writing the record contains one letter of opposition to the original site plan, from the adjacent neighbor at 822 55th Street, NE (Exhibit 30). As of the date of this report, comments from the ANC had not been filed to the record.