

OP STAFF REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Crystal Myers, Case Manager
JS for
 Joel Lawson, Associate Director Development Review
DATE: November 30, 2018

SUBJECT: BZA Case 19872-1735 28th ST SE to permit an eight-unit apartment house in the RA-1 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is unable to provide a recommendation for the following variance relief:

- Subtitle U § 306 Side Yard, pursuant to Subtitle X § 1000. (8’ required, 3’ proposed)

The Office of Planning (OP) is unable to provide a recommendation for the following special exception relief:

- Subtitle U § 421, pursuant to Subtitle X § 900. New Residential Developments (RA-1)

The plans for the proposed apartment house show a 3-foot side yard which requires variance relief. The Applicant is requesting variance relief for the side yard but as of the writing of this report, the they have not provided justification for the relief. Therefore, OP is unable to provide a recommendation for the requested variance relief and for the special exception relief.

II. LOCATION AND SITE DESCRIPTION

Address	1735 28 th ST S.E.
Applicant	District Properties on behalf of Rupsha 2011 LLC
Legal Description	Square 565, Lot 44
Ward, ANC	Ward 7, ANC 7B
Zone	RA-1
Historic District	None
Lot Characteristics	The triangular shaped lot sits between 28 th ST SE and two 15’ public alleys.
Existing Development	The lot is vacant.
Adjacent Properties	The adjacent neighbor to the north is a 4-story apartment house building. The neighbor to west is also a 4-story apartment house building but it is separated from the site by a 15’ alley. West of the property, separated from the site by a 15’ alley are two single family houses.

Board of Zoning Adjustment
District of Columbia

Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly three and four story multifamily buildings and semidetached houses.
Proposed Development	The applicant proposes to construct and eight-unit apartment house building.

III. LOCATION MAP



IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RA-1	Regulation	Proposed	Relief
Lot Area		6,426 sq. ft.	Conforming
Lot Width		73 ft.	Conforming
Floor Area Ratio F§ 302	0.9 max.	0.87	Conforming
Height F§ 303	40 ft. max.	32 ft. 3in.	Conforming
Lot Occupancy F§304	40% max.	30.84%	Conforming

Zone – RA-1	Regulation	Proposed	Relief
Rear Yard F § 305	20 ft. min.	57 ft. 4in	Conforming
Side Yard § 306	8 ft. min.	10ft. (left) 3 ft (right)	Variance Relief Requested
Green Area Ratio § 307	0.4	Not provided	None requested
Parking C § 701	1 per 3 units in excess of 4 units = 0 spaces	2 spaces	None required
New Residential Developments U § 421	New residential developments, except detached and semi-detached dwellings, require special exception	8-unit apartment house	Special Exception Relief Requested

V. OFFICE OF PLANNING ANALYSIS

Subtitle X§ 1000 Variance Relief from Side Yard (RA-1)

The Applicant updated their application to include a variance relief request (Exhibit 45) and updated their Statement of Explanations and Reasons (Exhibit 37). Their statement acknowledges that variance is need for the 3-foot side yard but does not provide justification for how the relief complies with the variance relief standards in X§1000. Therefore, OP is unable to provide analysis of the requested variance relief.

Subtitle U § 421, Special Exception Relief for New Residential Developments (RA-1)

421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.

The proposal is for an eight-unit apartment house in the RA-1 zone and is subject to review under the requirements of this section.

421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

All eight units of the proposed apartment house would be two-bedroom, so the building is expected to bring more school aged children to the area. The building would be within the school district boundaries of Randall Highlands Elementary School, Sousa Middle School, and Anacostia High School. These schools should have sufficient capacity to accommodate these additional students. As of 2017, Randall Highlands Elementary School’ capacity was at 74%, Sousa Middle School’s capacity was at 40%, and Anacostia High School’s capacity was at 54%.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

The public streets, recreation and services in the area are adequate to support the proposed apartment house on the site. The site is accessible from 28th ST SE. The plans show that pedestrian access would be from step pavers connecting the front entry and north side of the building to the public sidewalk along 28th ST SE. Vehicular access would be from the public alley to the south of the site where two parking spots would be located on the south side of the site. There are also multiple bus stops within 0.3 to 0.5 mile distance from the site.

The closest recreation for residents would be Fort Circle Park hiker biker trail which is a one-minute walk from the site and Alger Park which is a 6-minute walk from the site. Anacostia Neighborhood library is approximately one mile away.

The site is well-located for public safety services. Both DC Police Department and DC Fire and EMS have substations within one mile of the site.

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The proposed apartment house would not be in compliance with the side yard requirements of the zoning regulations. The regulations require that both side yards be at least 8 feet wide and the proposal includes a 3-foot side yard to the south. As such, the building's placement on the site would not be consistent with the other apartment house buildings in the surrounding RA-1 neighborhood.

The plans show that the building's design would be compatible with the area. All the building's walls visible from the street would be brick and lined with double hung windows. The front entry would be topped with a metal canopy

The proposed landscaping for the site would be sufficient to enhance its attractiveness. The landscape plan shows evergreen shrubs along the front of the site along 28th ST SE and ornamental grass around the building.

The enclosed trash dumpster and the two parking spaces would be appropriately located on-site along the southern public alley.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant submitted multiple version of the plans while working with OP. OP requested design improvements and landscape improvement and the Applicant complied. The final version of the plans can be found in the record as Exhibit 38.

Subtitle X§ 901 Special Exception Review Standards

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed apartment house would not be in compliance with the general purpose and intent of the zoning regulations. It includes a side yard that does not meet the zoning requirements. Though variance relief for this side yard is requested no arguments have been submitted to support this relief request. Approval of the proposed development without justification for variance relief would erode the integrity of the zoning regulations.

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

The proposed apartment house should not adversely affect the neighboring properties. Only the building to the north is adjacent the site. The other neighboring properties would be separated from the site by two 15-foot wide public alleys to the west and to the south and a street, 28th ST SE, to the east. The proposed building would appear compatible with the surrounding area. It would be a 4-story apartment house building in an area mostly composed of 4-story apartment house buildings. It would have a similar design with the neighboring brick apartment house buildings in the area. In addition, the proposed apartment house would provide its required two parking spaces on site, so it should have minimal impact on the on-street parking supply in the neighborhood.

COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, no comments have been submitted from other District agencies.

VI. COMMUNITY COMMENTS TO DATE

As of the writing of this report, there have been no community comments submitted to the record and no report from ANC 7B.

