

**STAFF REPORT**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Crystal Myers, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** March 15, 2019

**SUBJECT:** BZA #19889 – 413 60<sup>th</sup> ST NE – Special exception relief to construct a 8-unit apartment building.

**I. RECOMMENDATION**

The Office of Planning (OP) recommends approval for the following variance relief:

- Subtitle F § 306 Side Yard, pursuant to Subtitle X § 1000. (8’ required, 4’ proposed)

The Office of Planning (OP) recommends approval for the following special exception relief:

- Subtitle U § 421.1, for New Residential Developments (RA-1)
- Subtitle C § 703.2, parking requirement (one space required, none proposed)

There are two Zoning Administrator memos in the file. Exhibit 41 is the revised memo. It includes all three areas of relief. The earlier memo, Exhibit 16, includes only two areas of the relief.

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Mubashir Khan, AMM2 Investments LLC
Address	413 60 <sup>th</sup> ST NE
Legal Description	Square 5261, Lot 803
Ward / ANC	Ward 7; ANC 7C
Zone	RA-1
Historic District or Resource	None
Lot Characteristics	Rectangular-shaped lot with an unimproved public alley in the rear.
Existing Development	Vacant single-family detached house
Adjacent Properties	Semidetached house to the north and single-family detached house to the south
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly a mix of semidetached and detached houses and low-density apartment buildings.
Proposed Development	This proposal is for a new 8-unit apartment building.

**III. LOCATION MAP**



**IV. ZONING REQUIREMENTS AND RELIEF REQUESTED**

RA-1 Zone	Regulation	Existing <sup>1</sup>	Proposed	Relief
Lot Width F § 201		40 ft.	40 ft.	
Lot Area F § 201	.	5,700 sq.ft	5,700 sq.ft.	
Height F§ 303	40' max.	35'	35'	Conforming
Lot Occupancy F§304	40% max.	30%	30%	Conforming
Rear Yard F § 306	Not provided	109	68.5'	Conforming
Side Yard F § 306	8' min	8'	4' both sides	<b>Area Variance Requested</b>
Green Area Ratio F § 307	0.4	Not provided	0.4	Conforming
Vehicular Parking C § 701	1	0	0	<b>Special Exception Requested</b>

<sup>1</sup> “Existing” and “Proposed” information provided by the applicant.

## V. ANALYSIS

### 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 so it is subject to review under 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;*

All eight units of the proposed apartment house would be two-bedroom, so the building may bring more school aged children to the area. Comments from DCPS were not received, but the building would be within the school district boundaries of Drew Elementary School, Kelly Miller Middle School, and Woodson High School. As of 2017, Drew Elementary School's capacity was at 70%, Kelly Miller Middle School's capacity was at 75%, and Woodson High School's capacity was at 63%.

*(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 can be accessed from 60<sup>th</sup> ST NE and this street can also accommodate parking. Additionally, Capital Heights metro station is within a half-mile of the site.

The site is within a reasonable proximity to public recreation facilities. Watts Branch Playground and Marvin Gaye Recreation Center are approximately 0.3 miles or a 7-minute walk from the site. The nearest library is the Capitol View Neighborhood library, which is approximately 1.5 miles away.

The site is a mile away from the closest police substation and approximately two miles away from 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 building, landscaping, and site design are generally consistent with the surrounding neighborhood and should not have a significant impact on the immediate neighbors. Though the site would have 4-foot side yards rather than the required 8-foot side

yards, the proposed landscaping should help to mitigate potential privacy impact. At 4 feet, the side yards would provide adequate area for maintenance and air flow. The neighbors' light and air should not be significantly impacted.

The building's design balances features in common with neighboring buildings and its own unique details. The red brick veneer exterior portion of the front façade would be similar to the brick exterior of the adjacent buildings and other buildings in the immediate area. While the gray clad metal siding would make up most of the front façade and make it unique in appearance compared to other buildings along the street, the façade has other elements such as the square windows and simplified balcony would help make the building be compatible with the surrounding area.

The applicant plans to landscape the site with a variety of flowers and trees. These include cedar, dogwood, and palm trees. American Holly hedges would be in the side yards.

Trash would be located on site in the rear yard. Trash collectors would go through the side yard to access the trash.

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 revised the plans multiple times to respond to OP's requests for design and landscape improvements. OP supports the final version of the plans found in the record as Exhibit 65.

### **Subtitle C § 703 Special Exception Review from Minimum Parking Standards**

703.2 *The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

(a) *Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

(h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*

*(1) A curb cut permit for the property has been denied by the District Department of Transportation; or...*

The site is unable to provide its one required parking space because the 15-foot public alley at the rear of the site is unimproved. The existing curb cut on the property is not supported by DDOT, so the proposal includes its removal. On-street parking is available.

The site is 0.5 miles away from the Capitol Heights Metro station and has a public bus stop that is 0.1 miles away.

703.3 *Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

The Applicant is requesting relief from their required one parking space.

703.4 *Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The Applicant is working with DDOT on a transportation demand management plan.

### **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 8-unit apartment building would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The site is zoned RA-1, which is for low to moderate density residential developments. The proposal is a moderate density development that has generally met the relevant review criteria.

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

The proposed building should not adversely impact the neighboring properties. The building would have a compatible design with other buildings in the neighborhood and the landscaping would provide screening along the side yards.

### **Subtitle X§ 1000, Variance Relief for Side Yard (RA-1)**

#### **Exceptional Situation Resulting in a Practical Difficulty:**

*as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property*

The lot is 40 feet wide, so it is narrower than typical apartment lots in the area. The proposed building provides relatively small (700-830 sq. ft.) two-bedroom units, so requiring adding 4 feet to the side yard on each side of the building could significantly reduce the living spaces of the units, or could reduce the number of units possible.

#### **No Substantial Detriment to the Public Good:**

The proposal should not result in substantial detriment to the public good. The proposed side yards would be 4 feet in width, and this combined with the neighbors' large existing side yards should help to prevent potential impacts. The neighbor to the north also has a wooden privacy fence. The proposal also includes mitigation measures. The landscape plan includes trees and hedges along the property line in the side yards, and the windows along the side walls are all offset to minimize potential privacy conflicts.

**No Substantial Harm to the Zoning Regulations:**

There should be no substantial harm to the zoning regulations. The proposed side yard would provide adequate separation for maintenance and air flow and the proposed landscaping would provide sufficient buffering, consistent with the intent of the regulation.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the writing of this report, no District Agency comments have been submitted to the record.

**VII. COMMUNITY COMMENTS**

As of the writing of this report, no community comments have been submitted to the record.

No report from ANC 7C has been submitted to the record but the Applicant reports that the ANC expressed support for the proposal.