

Executive Summary

1. The purpose of this document is to respond to concerns raised during the March 20, 2019 Zoning Hearing (the “Hearing”) for Board of Zoning Adjustment (“BZA”) Case 19929. 614 Otis LLC (the “Applicant”) owns the property located at 614 Otis Place NW, Washington, DC 20011. The Applicant proposes to re-develop the property from a single-family house in the RF-1 Zone, to three for-sale homes pursuant to Subtitle U, § 320.2, of the 2016 Zoning Regulations. The Applicant worked extensively with the local community to obtain unanimous (12-0) ANC approval for the project. In fact, input from stakeholders led to the Applicant proposing the “Courtyard Concept” where two townhouse units are contained in the re-developed front structure and one townhouse unit is placed closer to the alley in the rear. A new courtyard is created in between and a “meaningful connection” allows circulation between Otis Place, the alley, and the three townhomes. The advantage of this configuration is that three, family-sized houses are provided. This was important to the community and was a key consideration in the project receiving unanimous ANC approval.
2. After careful consideration, OP also supported the Applicant’s proposal. While the Courtyard Concept is a relatively new solution to providing more housing in the RF-1 Zone, similar projects have recently received support from OP. Furthermore, similar projects also received Board approval. The Applicant took this precedent into account when considering whether to pursue the proposed project.
3. Given ANC and OP support, and recent precedent for approving these types of projects, the Applicant was surprised by many of the comments raised during the March 20, 2019 Hearing. The Applicant believes it may not have provided sufficient information and/or explanation and this may have led to many of the comments. The Applicant will provide greater detail in this document to demonstrate that many of the concerns raised by the Board were either previously addressed at the ANC level or have been taken into consideration. The Applicant is also amenable to making changes to the proposed design. The following are the primary points to be clarified:
 - a. How did the Applicant arrive at the Courtyard solution and why did the community support it? The Applicant will provide a timeline of the major milestones in developing the project and interacting with community stakeholders.
 - b. Did the Applicant meet the burden of proof? The Applicant will provide additional design details to explain how the project fits into the existing built environment and how owners will utilize the new spaces. The Applicant will also outline potential changes to address comments from the Hearing.
 - c. Will this project create a precedent for many more Courtyard projects? The Applicant will explain how 614 Otis Place NW is suited for this solution and why

that is so rare. The Applicant will further provide details why this solution is not possible at the overwhelming majority of other RF-1 lots.

4. Upon provision of this additional information and analysis, the Applicant believes it will have unequivocally demonstrated that the Special Exception process, as amended by the 2016 Zoning Regulations, has been followed. The new “pop-up/pop-back” Regulations were put in place to give the community a greater voice in the types of projects that were built. Community input and conscientious planning have guided design development of this project. At every stage, the Applicant has taken into consideration how best to fit the project into the local surroundings. Put more simply, the community wanted developers to seek their guidance when building in their neighborhoods. The Applicant has done exactly that. The new Regulations are working. The community supports the project. If the Board opposed the project, it would set an unfortunate precedent; marginalizing the importance of public outreach and overruling the voice of the ANC.

Genesis and Support for the Courtyard Concept

5. The Applicant entered into a Contract to purchase 614 Otis Place NW on September 16, 2018. The property is a deep interior lot, measuring 20ft wide and 142ft deep. The total lot size is 2,840sqft. Abutting the property to the west is 616 Otis Place NW. It is a single-family dwelling owned by Mr. Buckrey Jamison. Abutting the property to the east is a vacant single-family dwelling, undergoing significant renovation. The Applicant’s understanding is that it will be a two-family flat when complete. The surrounding area is a mixture of single-family and multi-unit buildings.
6. The initial design intent was to develop a for-sale, three-unit condominium project by extending the existing structure 10ft past the adjoining neighbor’s property (the “Condo Concept”). The Condo Concept was for each floor to be 1,100sqft (20ft wide x 55ft deep). The total building size would have therefore been 4,400sqft. Shortly after Contract acceptance, the R. Michael Cross Design Group (“Cross”) was engaged to prepare plans for the Condo Concept. Cross was chosen, in part, because of their experience with similar, three-unit condo projects.
7. Cross prepared several design iterations to determine the most appropriate mix of unit sizes. Below is one of those iterations.

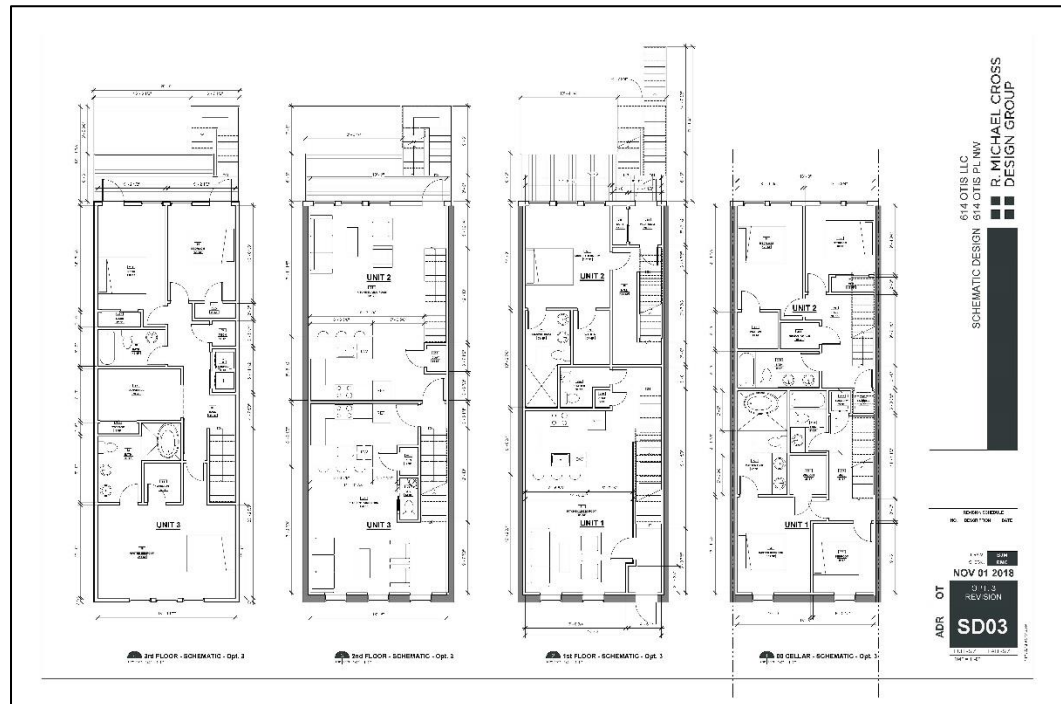


Figure 1

8. The design iteration in Figure 1 had unit sizes of 1,085sqft, 1,560sqft, and 1,635sqft, respectively. The orientation was similar to a Tetris, or Rubik's Cube, game. Unit 1 comprised the front half of the building on the basement and first floors. Unit 2 comprised the back half of the building on the basement, first, and second floors. And Unit 3 comprised the front half of the second floor, all of the third floor, and a roof deck (not shown).
9. In this configuration, Unit 1 had no access to the rear of the property. It was assumed that the Unit 1 owner would purchase this property as an alternative to a small apartment, would only be a one or two-person household, and would therefore not necessarily have a car(s). Unit 2 and Unit 3 were assumed to need access to both the front and the rear of the structure. In order to provide for circulation between units and access to the front and rear, large stairs and landings were designed on all three rear levels of the building. Unit 2 would have rear yard access from the basement level, but also on the first and second floor via the stairs. Decks were added to provide Unit 2 with private outdoor space (the backyard would be shared). Unit 3 would have to walk up to the third floor to enter the unit from the rear.
10. It was understood that access would not be ideal, but workable in this configuration. It was even under consideration to increase the size of the (matter of right) rear decks to provide for more usable square footage. However, when using solar studies (like Figure 2 and 3 below) to assess the impact on light and air to the adjacent properties, it became apparent that making the decks any larger could have an adverse effect for the neighbors.

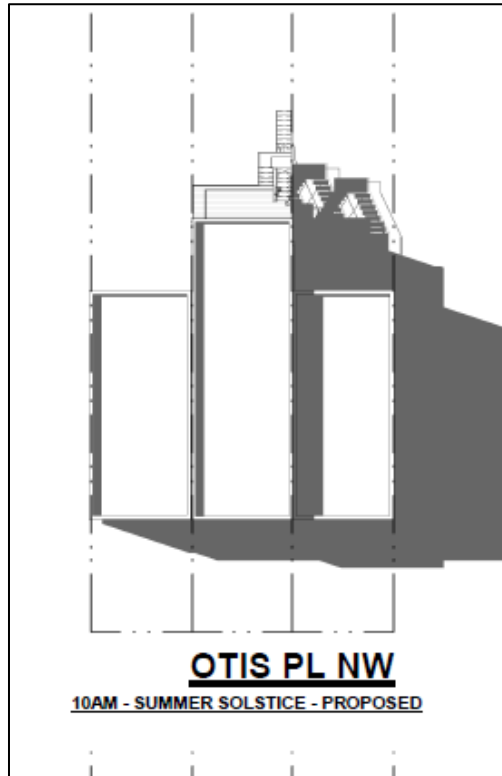


Figure 2



Figure 3

11. With preliminary designs in hand, the Applicant began community outreach. The Applicant canvassed the neighborhood on Saturday, October 27, 2018 and Saturday, November 3, 2018. Support for three units was obtained, but there was concern that the smaller unit sizes made it extremely likely that owners would not stay in the neighborhood long and therefore not have any desire to interact or contribute to the community in a meaningful way. In general, neighbors were concerned that smaller unit sizes typically result in more transient owners, because they simply don't have sufficient space to grow into the home. Numerous people commented that the community wanted new stakeholders who would invest in Park View, not renters or short-term owners.
12. There was also concern from Mr. Jamison at 616 Otis Place NW regarding the exterior stairs. When it was pointed out to Mr. Jamison that the project was in compliance with the 10ft regulation and the stairs were actually matter-of-right, it was discussed that this essentially skirted the point of the rule by more significantly impeding the light, air, and ambiance of the neighbors than just a 10ft extension.
13. The Applicant re-grouped after these initial interactions to consider feedback and the path forward. The Applicant decided it would be appropriate to re-think the unit sizes. It was understood that additional relief could be sought for an extension longer than 10ft. This would obviously be responsive to the desire for larger, family-sized units and reduce the need for exterior stairs but would essentially replace the stair shadows with building shadows. Also, while the units would be larger, there was still a good chance they would not be large enough to stop the up-sizing exodus the community disliked.
14. In addition to the community concerns, it became apparent that the Condo Concept layouts, regardless of how they were arranged, all had a certain level of inefficiency because they didn't take advantage of one of the greatest property strengths – the lot length. In fact, the 55ft deep Condo Concept didn't even fill 40% of the lot. The Applicant began to search for a more efficient use of the whole lot, and it was around this time that the Applicant re-familiarized itself with a nearby project at 429 & 431 Quincy Street NW. This project implemented a "Courtyard Concept", where two units were contained in the front structure and a third was set back by the alley.
15. The architect for this project was Jim Foster at Arcadia Design Group ("Foster"). The Applicant engaged Foster to consult on the feasibility of implementing a similar scheme at 614 Otis Place NW. The Applicant previewed preliminary sketches of the Courtyard Concept at an ANC 1A meeting on November 14, 2018. All Commissioners were provided a copy of the Courtyard Concept sketches.
16. Over the course of several weeks, the Applicant worked with Cross and Foster to prepare a new design for the property. The result was the proposed Courtyard Concept, where the two front townhouses are each 2,000sqft; 28% and 22% larger than the original Unit 2 and Unit 3 in the Condo Concept, respectively. While the alley house has a double height living space that reduces its size to approximately 1,800sqft, this still represents a 67% increase over the previous Unit 1 design.

17. Armed with the new design, the Applicant performed significant additional community engagement. The Applicant presented the Courtyard Concept to the residents of Otis Place NW and the surrounding streets on the following nine dates:
 - a. Saturday, November 17;
 - b. Thursday, November 23;
 - c. Sunday, November 25;
 - d. Saturday, December 1;
 - e. Wednesday, December 5;
 - f. Sunday, December 9;
 - g. Saturday, December 15;
 - h. Saturday, December 29; and
 - i. Saturday, January 5.
18. Combined with its earlier outreach, the Applicant solicited opinions on eleven different days. Feedback during this outreach period was nearly universally positive. Stakeholders were pleased with the extent of involvement the Applicant was prepared to perform and were glad to have a voice in the design process, such that the need for larger family-sized units had been addressed.
19. During this time, the Applicant also re-visited the Condo Concept and the Courtyard Concept with Mr. Jamison. Obviously, Mr. Jamison would be one of the stakeholders who would be most affected by the project. Mr. Jamison selected the Courtyard Concept because he believed it would have the least impact on the use and enjoyment of his residence. Mr. Jamison also signed a letter supporting the project, which is at Exhibit 19.
20. In total, the Applicant collected nineteen signatures in support of the project during this outreach period. The petition to support is at Exhibit 46 (the Applicant mistakenly omitted this previously). It's worth pointing out the positions of each of the neighbors in closest proximity to the project:
 - a. 608 Otis Place NW – signed the petition
 - b. 610 Otis Place NW – signed the petition
 - c. 612 Otis Place NW – under construction
 - d. 614 Otis Place NW – proposed Courtyard Concept
 - e. 616 Otis Place NW – signed the petition
 - f. 618 Otis Place NW – thanked the Applicant for the outreach efforts and said she would call with any questions
 - g. 620 Otis Place NW – signed the petition
21. Given the support of substantially all the adjacent owner's, the Applicant presented this project formally to ANC 1A on January 9, 2019. After considering the extent of community involvement, the numerous community members who supported the project, and the blessing from Mr. Jamison, the proposal received unanimous support from all twelve Commissioners.

Burden of Proof

22. Per Subtitle U, § 320.2, conversion of an existing residential building to an apartment house shall be permitted as a special exception in an RF-1 zone, if approved by the BZA under Subtitle X, Chapter 9, subject to certain conditions. The Applicant addressed all of the conditions, and how the project met the burden of proof, in Exhibit 15. To avoid duplicity, that same analysis will not be repeated here. However, for clarity, the Application meets criterion (a), (b), (c), (d), and (f) under § 320.2. The proposed structure is less than thirty-five (35) feet in height, is only three (3) units, is an existing residential building, has more than 2,700sqft in land area, and the Applicant has an agreement with Mr. Jamison to extend the only affected chimney.
23. The Applicant's position on condition (i) is also addressed in Exhibit 15, but it was separately opined upon in the OP report. OP's analysis concluded that the project would not have a substantially adverse effect on the use and enjoyment of any abutting dwelling. In its report, OP stated that, "The proposed conversion to an apartment house should not unduly compromise the privacy of use and enjoyment of neighboring properties." Further, as will be described in greater detail below, the Applicant incorporated comments from the community with regard to the height of the rear (alley) house and the meaningful connection to assure this was the case. Therefore, it would seem to be a settled position that the Courtyard Concept would not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.
24. That leaves only conditions § 320.2(e) and § 320.2(h) for further evaluation. According to § 320.2 (j), the BZA may modify or waive not more than three (3) of the requirements in Subtitle U. Therefore, the next two sub-sections will focus on the final two remaining criterion requiring relief.

The Rear Extension – Request for Relief from § 320.2(e)

25. During the Hearing, Board Members requested additional photographs of the existing built environment to better evaluate the impact from extending further than 10ft (condition § 320.2 (e)) and from altering the rooftop architecture (condition § 320.2 (h)). Additional photographs of the front and rear of the property and surrounding area have been uploaded to Exhibit 47, representative pictures are included below, and an architectural rendering is provided to illustrate the larger context, as this is difficult to convey with photographs alone.
26. With regard to condition § 320.2 (e), the Applicant proposes to build an alley townhouse, attached to the main structure by a meaningful connection, in the shared alley of Newton Place, Park Place, Warder Street, and Otis Place. The existing alley conditions include a mixture of single-family houses, flat dwellings, and apartment buildings. Several of the buildings are quite tall and many have decks, roof decks, and/or balconies.
27. For example, in the below photograph there is a tall structure on the left, immediately across the alley from 614 Otis Place NW, on Park Place NW. There are also taller

structures across the alley, at lots on Newton Place NW. All of these are flat dwellings with many outdoor decks and/or balconies.



Figure 4 – alley entrance from Otis Place NW

28. At the end of the Otis Place NW alley, just a few lots west of 614 Otis Place NW, there are two large apartment buildings on Warder Place NW that share the alley. These conditions are shown in the figure below. The apartment on the left has a massive set of stairs for access and decks/balconies for outside space. The apartment on the right has high decks/balconies.



Figure 5 – Apartment houses at the end of the alley

29. The below rendering provides an illustration of what the alley at Otis Place would look like if the project were to be built. The Applicant has removed the roof deck from the alley house structure in this rendering. However, it is obvious that many of the surrounding structures have stairs, balconies, and decks that are as tall, or taller, than the proposed alley house roof deck.



Figure 6 – Rendering looking at the alley conditions at Otis Place NW

30. As is demonstrated by the rendering and photographs, the alley already has a mix of dwelling use types and structure sizes. The alley also has numerous parking structures at the rear of the lots. The scale of the proposed alley house and roof deck would fit and be consistent with this built environment.
31. To allow the alley house to fit seamlessly into the alley, the Applicant made several height modifications. First, the Applicant designed the meaningful connection to be at

the existing rear yard grade. The meaningful connection height was designed to be as low as possible. If the meaningful connection were placed at the height of the front yard, it would be approximately 2ft taller, and more significantly impact the adjacent properties. As presently designed, it is like a tall fence (see Slide 27 in Exhibit 44). This lower design will also allow for an easier transition for the end users from the alley to the units. If the connection had been raised to the same grade as the front yard, users would have to go up and down several flights of stairs to access their homes. Not only would this be cumbersome, it would consume more of the courtyard with stairs. The figure below shows how the circulation path is at grade for the entire backyard (minus the few steps up from the basement of the front structure), which allows more direct access and a lower meaningful connection.

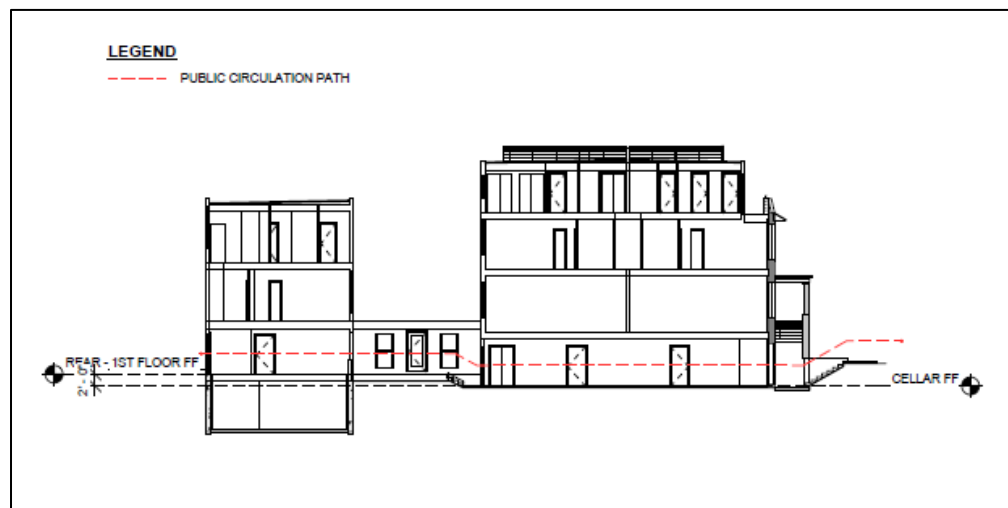


Figure 7 – Circulation path of the Courtyard Concept

32. There was debate in the Hearing as to whether the proposed design grade of the meaningful connection would comply with the Zoning Regulations. The Applicant had a Preliminary Design Review Meeting (PDRM) on April 22, 2019 with Chyna Barber from DCRA Zoning where it was confirmed that the design meets the requirements and intent of an allowable meaningful connection. The Applicant will provide a signed PDRM letter from Matt LeGrant as soon as it becomes available.
33. The second height reduction the Applicant made was to “sink” the basement level entirely below grade. Typically, the basement is at least partially above ground, but an emphasis was placed on reducing the overall height of the structure. At considerable additional construction expense, this resulted in an alley house height of only 27ft; 8ft less than is allowed. The below graphic illustrates the height difference if the meaningful connection were at grade and the entire structure was raised to the allowable 35ft, versus the Applicant’s proposal.

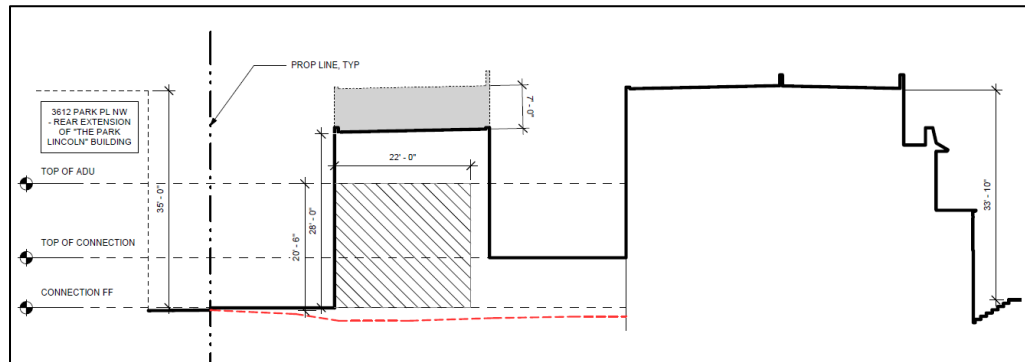


Figure 8 – Less Tall Alley House (similar to an ADU)

34. These height reductions were welcomed by the community stakeholders. While excavation and foundation costs will be considerably higher, and new issues arose with the logistics of water and sewer utility design and waterproofing the lower basement space, it was determined that a more subtle aesthetic was worth the added complexity.
35. Finally, during the Hearing it was commented that approving the alley house would be akin to approving a 52ft extension. Given the treatment of the meaningful connection, where it will act more as a fence than an extension of the entire building, this is an inaccurate characterization. Based on this logic, the maximum extension would be 30ft (the 5ft for the main structure plus the 25ft alley house). However, even adding the two structures would be misleading. The genesis of the Courtyard Concept was so that a large extension was not constructed right outside the adjacent properties. When given the option, stakeholders preferred this approach. To now consider the alley house as part of one long extension would be akin to adding the garage of either 612 or 616 Otis Place NW to the current house and then making the untenable argument both of these houses already have 20ft+ extensions.
36. Clearly, this should not be viewed as requesting approval for a 52ft extension. Rather, the requested extension is more properly viewed as two separate structures, similar to an accessory dwelling unit (“ADU”). This concept was discussed during the Hearing. The below drawing compares the requested extension to the ADU concept.

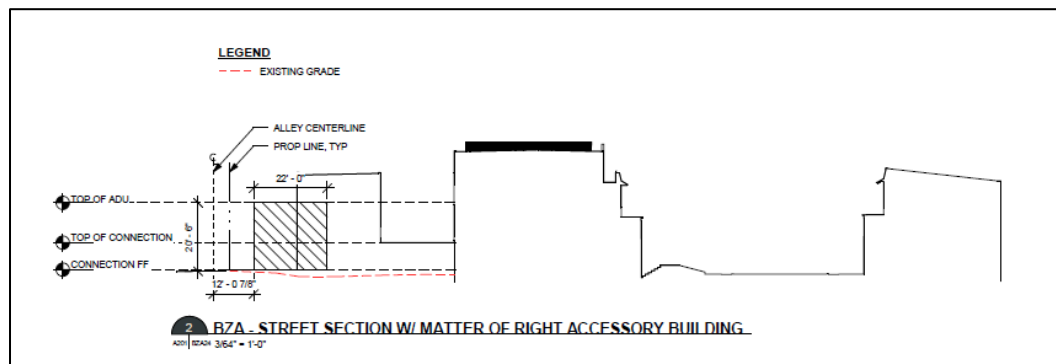


Figure 9 – Alley house compared to ADU

37. The drawing shows the overlap between an ADU and the proposed alley house, which illustrates both the separate nature of the alley house structure and the similar scale to an ADU.

The Front Mansard – Request for Relief from § 320.2 (h)

38. With regard to the request for relief from § 320.2 (h), the Applicant proposes to enlarge the existing front mansard roofline and add a central dormer window. As illustrated in the below photographs, the south side of Otis Place NW has varying setbacks and rooflines, which alter the block continuity.

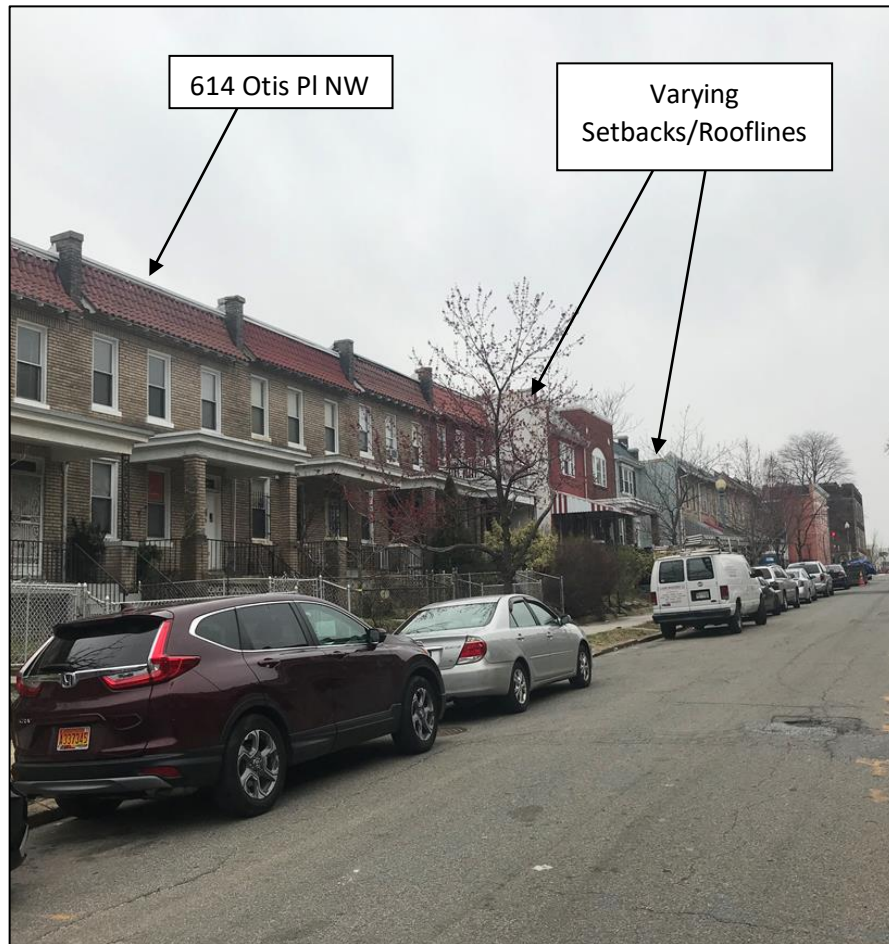


Figure 10 – South side of Otis Place NW

39. Furthermore, the properties on the north side of Otis Place NW have both single and double dormer windows extending from the front mansard. The below photograph is of the existing conditions.



Figure 11 – North side of Otis Place NW

40. As is illustrated in Exhibit 37, the proposed design would maintain the shape of the existing front mansard roofline. It would merely extend the more vertical section of the roofline and add a central front dormer, similar to the dormers on the opposite side of Otis Place.
41. The proposed design was actually suggested by several members of the community. Some community stakeholders are not in favor of the OP-supported “box” design, where a third level is added after setting back the third story wall 3ft to create an area which has become infamous for its similarities to a bathtub. While this keeps the front roofline, the overall appearance of the façade is still altered. The resulting design looks ill-conceived in their opinion; more like a failed attempt to blend old and new.
42. The Figure below is an architectural rendering of the “box” design.



Figure 12 – “Box” added to the third level

43. As is illustrated above, the impact to the roofline and block continuity is stark. The addition of the “box” creates a clear delineation between old and new that causes the newer addition to be more visually jarring. Mixing old and new architecture is vital to maintaining the vibrancy and character of our communities. The solution proposed by the Applicant was an attempt to reduce the visual impact caused by the third-floor addition, while updating the materials for more longevity and user enjoyment. It also avoids the bathtub condition where old roof materials are maintained and a new interior drain is constructed, both of which have a strong likelihood of requiring significant ongoing maintenance and/or a propensity to leak.
44. If, however, the Board does not agree that the proposed solution is a more aesthetically pleasing architectural solution, or if the Board believes that the proposal does not properly respect the architectural character of the neighborhood, the Applicant is willing to rescind this request. The Applicant was merely responding to input from the community. The proposed front mansard extension has little to no impact on the interior configuration. In fact, the front mansard proposal is actually more time consuming and expensive to construct than the “box”.
45. Similarly, if the Board believes the rooftop deck would be incongruous with the existing conditions, the Applicant is willing to remove the alley house rooftop deck. The Applicant is also willing to re-arrange the Courtyard stairs to further reduce the impact from these structures and has updated this design in Exhibit 44. Both of these concepts were raised during the March 20 Hearing.

Uniqueness of 614 Otis Place NW

46. All the above notwithstanding, it seems as though the Board is concerned that if this project is approved, it will set a precedent. However, the Courtyard Concept is not original to this project. Several similar projects have already included this approach, including 429 and 431 Quincy Street NW, 1125 7th Street NE, 1714 and 1716 14th Street NW, and 711 Irving Street NW. Renderings of these projects are included at Exhibit 48. Clearly, approval of the Courtyard Concept at 614 Otis Place NW would not set a precedent. Instead, it follows precedent set by these projects.
47. If the Board is concerned that Courtyard Concepts will start being built across the City, it only has to look at the above referenced properties to conclude this is very unlikely to occur. Each of the above properties required perfect alignment, where the physical characteristics of the property enabled such a solution, the local community was amenable to the Courtyard Concept, and the developer was willing to spend considerable time and effort to engage the community and be responsive to their preferences. If these really were going to be built en masse, then the Board would have started to see many more of these applications several years ago when the first type of this project was approved.
48. 614 Otis Place NW represents a similar confluence of circumstances. First, the lot is especially deep. Based on the Applicant's analysis, there are only 8 similar properties which could be converted to 3-unit Courtyard projects. There are approximately 1,400 RF-1 lots in ANC 1A. Therefore, more than 99% of the RF-1 lots in ANC 1A are not suited for this type of project.
49. Second, the local community drove this process because they preferred larger, family-sized units. Many other ANCs would not have been as vocal in their preference for larger dwellings. It was only because of the extensive community outreach that the Applicant became aware of this consensus and changed course from the originally intended 3-unit Condo Concept with a 10ft extension.
50. Third, while it is quite difficult to find the right lot, in an ANC that is receptive to this sort of proposal, it is similarly difficult to find a developer willing to pursue this complex a project. A few of the increased complexities include:
 - a. Significant community outreach – the Applicant spent considerable time on weeknights and weekends soliciting opinions from the community;
 - b. More difficult and time-consuming staged construction – the main structure will have to be substantially built first and then the alley structure to allow for the flow of work;
 - c. Separating the two structures – costs will increase as there are six facades (2 in the front structure, four in the alley house) instead of two (only 2 in the front structure). Also, this increases the cost and complexity of solutions for water, power, and gas;
 - d. Lowering the meaningful connection height – this reduces the visual impact, but makes it necessary to sink the alley house first floor to the existing rear yard grade;

- e. Lowering the alley house height – this reduces the visual impact, but makes foundation construction more costly;
51. Not many developers are willing to pursue this type of housing solution. Clearly, 614 Otis Place NW is a unique property and the circumstances at play here will not be similar for the vast majority of other projects

Conclusion

52. The project proposed at 614 Otis Place NW is a not the typical solution to the City's housing needs, but it is a solution that has been well thought out, has followed the prescribed procedures put in place by the Zoning Regulation changes of 2016, and has been well received by the community.
53. The Applicant is committed to working with the community through completion of this project. The Applicant allowed the community to guide development of the proposed project. Over the course of several months, the Applicant knocked on doors eleven different days and attended three ANC meetings. The Applicant took community comments into account as it designed and re-designed the project. The extent of public outreach and willingness to be receptive to new ideas, demonstrates the Applicant's commitment to delivering a project which will enhance the local community.
54. Now the Applicant has proposed further changes to assuage the additional concerns raised during the Hearing. The Applicant trusts the additional modifications and the additional detail provided in this report, combined with the support of OP and unanimous support from the ANC, are sufficient to persuade the Board to side with the community and OP. Disallowing this proposal, after ANC and OP support, would set a precedent that it doesn't matter what these two important stakeholders conclude. Particularly with regard to the ANCs, it would disincentivize both citizens and developers from meaningfully participating in community outreach.