

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 1, 2022

**SUBJECT:** BZA Case 20759 (2401 12<sup>th</sup> Street, N.E.) to construct a new, three-story with cellar, penthouse, and roof deck, 11-unit apartment house in the RA-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- New Residential Developments, Subtitle U § 421, pursuant to Subtitle X § 901.2 (existing building to be razed; new residential development consisting of 11 dwelling units proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	2401 12 <sup>th</sup> Street, N.E.
Applicant	R. Michael Cross Design Group for Core Investments LLC
Legal Description	Square 3939, Lot 30
Ward, ANC	Ward 5, ANC 5C
Zone	The <b><u>RA-1</u></b> zone allows detached dwellings and semi-detached dwellings by-right, and rowhouses and low-rise apartments with the approval of a special exception.
Historic District	None
Lot Characteristics	The triangular lot has 6,322 square feet of area and a total of 80-feet of frontage along 12 <sup>th</sup> Street. The rear of the lot comes to a point and does not abut a rear alley.
Existing Development	The lot is currently developed with a two-story detached building consisting of one dwelling unit.
Adjacent Properties	To the north and east is a large institutional use and associated parking having frontage on Brentwood Road. To the south are residential detached buildings having frontage on Bryant Street and the rear of a Home Depot building where loading and storage occurs. To the west is a triangular vacant lot and a residential detached building.

Surrounding Neighborhood Character	The surrounding neighborhood character is mixed-use, consisting of residential, institutional, retail, and industrial uses. The site is located 0.4 miles from the Rhode Island Ave-Brentwood Metro station, which is about an eight-minute walk. It is approximately the same distance to the Metropolitan Branch Trail, allowing for easy pedestrian and bicycle access.
Proposed Development	The Applicant proposes to raze the existing residential detached building and construct a new three-story plus cellar apartment house consisting of 11 dwelling units, so IZ is applicable and at least one affordable unit is required to be provided (Subtitle C § 1001.2), and the building plans should show the location of that unit in the building. The overall height of the building would be 40-feet including the penthouse and would include roof decks. The entrance to the building would be from the side along the north property line, and there would be a common deck at the rear of the building. Parking spaces would not be provided due to a parking credit. Trash receptacles would be provided at the rear of the lot.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RA-1	Regulation	Existing	Proposed	Relief
New Residential Developments U § 421	Sp. Ex. Req. for multi-family residential developments	Two-story, residential detached building with one unit	New three-story plus cellar apartment house with 11 units	<b>Sp. Ex. Required</b>
Lot Width	--	40	No change	None required
Lot Area	--	6,322 sq. ft.	No change	None required
Floor Area Ratio F § 302	0.9 max.; 1.08 max for IZ	--	0.9	None required
Height F § 303	40 ft./3stories max.	--	33.75 ft.	None required
Penthouse Height F § 303	12 ft. max.	--	9.25 ft.	None required
Lot Occupancy F§ 304	40% max.	--	38.5%	None required
Rear Yard F§ 305	20 ft. min.	--	48.8 ft.	None required
Side Yard F§ 306	Two side yards, 3 in. per foot of height = 8.4 ft. min.	--	8 ft., both sides	None requested
Green Area Ratio F § 307	0.4	--	0.4	None required
Inclusionary Zoning C § 1003	Greater of 10% GFA or 75% of bonus density; One unit required when 10 or more units	--	A minimum of one unit will be required and should be shown on the building plans	None requested

<b>Zone – RA-1</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Dwelling Units	--	1 unit	11 units	None required
Parking C § 701	1 per 3 dwelling units > 4 units = 2 spaces (50% reduction for proximity to Metro)	0 spaces	0 spaces – Applicant has indicated there is a parking credit	None requested
Bicycle Parking C § 802	1 per 3 dwelling units – 4 spaces	0 spaces	3 spaces	None requested

**IV. OFFICE OF PLANNING ANALYSIS**

*a. Special Exception Relief from Subtitle U § 421, New Residential Developments*

*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.*

*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:*

The subject application was referred to the District Department of Transportation (DDOT), the Department of Parks and Recreation (DPR), and the Office of the State Superintendent of Education for comment (Exhibit 16).

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

All District of Columbia Public Schools (DCPS) students eligible for grades K-12 have a guaranteed right to enroll in their in-boundary school. The assigned in-boundary schools for this development are Noyes Elementary School, Brookland Middle School, and Dunbar High School.

The Office of the State Superintendent of Education did not provide comments for this proposal. However, based on data obtained from DCPS, Noyes Elementary School is at 85% capacity, Brookland Middle School is at 47% capacity, and Dunbar High School is at 59% capacity.

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

Public Streets/Transportation

OP defers to the District Department of Transportation (DDOT) to comment on the adequacy of the public streets, public alleys and transportation infrastructure. The application was referred to DDOT at Exhibit 16. The proposal for 11 dwelling units would require 2 parking spaces; however, the Applicant has indicated that there is a parking credit and has not provided parking on the site. Trash receptacles would be located at the rear of the lot and would be serviced once per week.

The development is located 0.5 miles from the Rhode Island-Brentwood Metro Station, which is about a 10-minute walk from the site. Several bus lines are located along Rhode Island Avenue, a short walk from the site, connecting the development to the Brookland, NoMa, and Shaw neighborhoods.

### Recreation

The application was referred to the Department of Parks and Recreation (DPR) at Exhibit 16. The Brentwood Recreation Center, which includes a computer lab, indoor basketball court, and baseball field, is 0.5 miles to the southeast. The Edgewood Recreation Center is located approximately one mile to the west and includes a playground and spray park. The Noyes Recreation Center is located about 0.3 miles to the north and includes a playground. The Bryant Street Dog Park is about 0.6 miles to the west, which is a 12-minute walk. The Metropolitan Branch Trail runs to the west of the site, providing north-south bicycle and pedestrian access across several neighborhoods in the District.

### Other Services

Neighborhood-serving retail is located 0.5 miles to the west near the Rhode Island Avenue-Brentwood Metro station, including restaurants, grocery store, home improvement store, and bank. Additional retail is located along Rhode Island Avenue.

*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.*

### Site Plan and Grading

The Applicant proposes to raze the existing detached building on the lot and construct a new three-story with cellar apartment house having 11 dwelling units. Based on information provided by the Applicant, the proposed development would comply with the development standards for the RA-1 zone and does not require relief from those provisions.

A grading plan was provided at Exhibit 19 in the record, although it does not display grade lines. However, the lot does appear to be generally flat beyond the retaining wall located behind the sidewalk.

The lot has building restriction lines (BRL) along both street frontages - a 30-foot wide BRL along Bryant Street and a 15-foot wide BRL along 12<sup>th</sup> Street. As such, the building would be set back significantly from the street and should generally be in alignment with other buildings along the street. There is an existing 24-inch tree in the front yard that would remain on the lot and screen a portion of the building from the street.

The proposed apartment house would require two parking spaces, which includes a 50% reduction due to its proximity to Metrorail. The Applicant has indicated that there is a parking credit on the lot for those spaces and has not incorporated them into the development. If there is not a parking credit, then additional special exception relief would be required.

Refuse containers would be located toward the rear of the lot and serviced once per week.

### Arrangement of Buildings and Structures

The proposed development would be located in a residential neighborhood consisting predominantly of detached residential buildings, although there are apartment houses in the neighborhood, located at 1005 and 1007 Bryant Street and at 2420 12<sup>th</sup> Street.

The proposed building would comply with the development standards of the zone, providing required side and rear yards, and complying with lot occupancy and height requirements for the zone. The front entrance would be located along the north side of the building and enhanced with a trellis. All of the units would be accessible from the front entrance, although certain units would have access to patios or decks.

The proposed penthouse would provide outdoor space for units ten and 11. The Applicant has indicated that this space complies with the penthouse regulations and has not requested relief.

### Light and Air

The proposed building should not impact light and air to neighboring properties beyond what is anticipated in the RA-1 zone.

The building would have a height of 33.75-feet, where 40-feet is permitted. A side yard of 8-feet would be provided along the north property line, providing separation between the proposed building and the existing detached residential building. The Applicant should confirm that the side yard is sufficient, as it appears that the height of the building would require a side yard of 8.4-feet. The proposed building would be separated from existing buildings to the east by a 24.8-foot rear yard and the existing 16-foot-wide public alley.

A shadow study has not been provided to the record; however, it is anticipated that shadowing on the property to the north should not be undue. Because the bulk and massing of the proposed development complies with the development standards of the RA-1 zone, the resulting impact is anticipated by the Zoning Regulations. Additionally, the property immediately to the north is currently undeveloped and would provide a buffer between the proposed apartment house and the existing residential detached building at 2405 12<sup>th</sup> Street.

### Design, Materials, and Landscaping

The Applicant has made several changes to the original proposal in order to provide a more attractive building design. The revised building proposal would consist predominantly of cementitious siding and the southwest corner of the building would be clad in black panels. Many of the structures along 12<sup>th</sup> Street have incorporated siding, so this material is consistent with the block. Juliette balconies have been added to the front façade.

The proposed apartment house would have a more modern aesthetic compared to the existing structures along 12<sup>th</sup> Street. However, the lot is uniquely positioned at the end of the street, abutting a large institutional use and big box retail use, so the design is appropriate for the location.

A landscape plan has been provided at Exhibit 19, which shows that most of the landscape would consist of grass. The Applicant has confirmed that a large tree would be maintained at the front of the property and that 33% of the lot would consist of permeable pavers. The project will be required to comply with Green Area Ratio requirements and the Department of Energy and the Environment's Stormwater Regulations. The proposed landscaping would be consistent with the established neighborhood character, which generally features green open spaces and lawns.

The Applicant should work with the Urban Forestry Division of DDOT to ensure that the existing trees on the property are protected during construction.

### Parking

The proposed project would not provide parking spaces on the lot. The Applicant has advised that there is a parking credit on the site that covers the minimum number of required spaces. Additionally, the site is 0.5 miles from Metro, which allows a 50% reduction in parking requirements. Street parking is permitted along 12<sup>th</sup> Street.

Refuse containers would be located at the rear of the lot and would have to be rolled to the front for disposal. The containers are required to be screened in compliance with the standards set forth in the Zoning Regulations.

*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 developer has submitted a site plan, typical floor plans, elevations, grading plan, and landscaping plan to the record at Exhibit 19.

### **b. Special Exception Relief from Subtitle X § 901.2**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including low-rise apartments, which are permitted with the approval of a special exception, as has been requested in this case. The building meets the height, bulk and setback requirements for the zone. Therefore, the request is in harmony with the general purpose and intent of the Zoning Regulations and Zoning maps.

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

As addressed in the above analysis, the requested special exception would not appear to adversely affect the use neighboring property.

#### **V. OTHER DISTRICT AGENCIES**

As of the date of this report, comments from other District Agencies had not been provided to the record.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the date of this report, comments from the ANC had not been added to the record.

#### **VII. COMMUNITY COMMENTS TO DATE**

A letter from a neighbor requesting postponement of the hearing has been submitted to the record at Exhibit 17.

Attachment: Location Map

### Location Map

