

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JLS*
 Jennifer Steingasser, Deputy Director
 Elisa Vitale, Development Review Specialist
DATE: June 3, 2022
SUBJECT: **OP Supplemental Report for ZC #22-08, Voluntary Design Review for NRP Properties, LLC (Square 5085, Lots 40 and 61)**

I. BACKGROUND

The following provides a summary of responses to Zoning Commission comments and questions raised at the May 16, 2022 public hearing, as well as new information filed by the Applicant in Exhibit 23 and 23A1, dated May 27, 2022.

II. ZONING COMMISSION COMMENTS AND QUESTIONS

| Zoning Commission Comment or Question | Applicant’s Response | Office of Planning Response |
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| Court or Side Yard Requirements and Potential Relief | <p>The Applicant has indicated that the Zoning Administrator (ZA) advised that in the MU-7B zone, any setback from a side lot line is deemed a side yard and not a court pursuant to Subtitle G § 406.3: No side yard is required in the MU-7B zone; however, if one is provided, it must be two inches / one foot of height, but no less than 5 feet.</p> <p>The project would be required to provide 15-foot 7-inch side yards and is providing a 6-foot side yard at the western property line and a side yard that ranges from 3 feet to 9 feet at the eastern property line. The Applicant has requested new flexibility to address the nonconforming side yards.</p> | <p>The Applicant and Office of Planning (OP) reached out to the Zoning Administrator regarding a determination of whether the subject property provided courts or side yards and whether the courts or side yards were zoning compliant. See Exhibit 23B.</p> <p>Subtitle G § 406.1 states, “No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).”</p> <p>Subtitle G § 406.1 states, “Any portion of a building set back from the side lot line shall be considered a side yard and not a court.”</p> <p>The side yards provided do not meet the 15-foot 7-inch minimum required width and the Applicant has requested flexibility, which is analyzed below.</p> |

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| Rear Yard Relief | <p>The ZA confirmed that the project provides no rear yard. Subtitle B § 100.2, defines a rear yard as “A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot...”.</p> <p>There is no rear yard provided, because a portion of the building touches the rear lot line.</p> | <p>The ZA confirmed that “The rear yard shall be for the full width of the lot and shall be unoccupied,” per Subtitle B § 100.2. See Exhibit 23B.</p> <p>The subject property provides zero rear yard as the building touches the rear property line. The Applicant requested and OP recommended approval of the flexibility to provide no rear yard where a 23-foot rear yard would be required.</p> |
| Zoning Chart | <p>The Revised Plans incorporate an updated zoning chart to correct prior omissions on penthouse height, building height and side yard measurement.</p> | <p>Sheet A-05 of Exhibit 23A1 provides an updated Zoning Summary that reflects a revised penthouse height and side yard dimensions.</p> |
| Ground Floor Layout | <p>To better activate the front façade, the offices, conference room, and residential amenity space were moved to the building’s front façade. The long term bicycle parking and maintenance storage room were moved to the western side of the building. Two small utility rooms remain by the garage entrance.</p> <p>The front façade now features windows extending between the residential lobby entrance and the utility room toward the eastern lot line and decorative metal screening has been removed.</p> | <p>The Applicant revised the ground floor plan to shift the office, conference, and residential amenity space to the front façade of the building, which provides more windows and active street facing uses.</p> <p>The long term bike parking has been relocated from the front facade to the northwest corner of the building, along with the fire connection and a maintenance storage room.</p> <p>The Applicant is still proposing to locate the water and electrical utility closets adjacent to the garage entry.</p> <p>The revised ground floor plan at Sheet A-10 of Exhibit 23A1 provides a more active and engaging façade and eliminates the need for screening to buffer the back of house functions.</p> |
| Mechanical Screening | <p>The Applicant revised the Project’s rooftop to screen all mechanical equipment within one enclosure. The screening is a single, uniform height with the exception of the elevator override that is permitted at a different height pursuant to Subtitle C § 1503.4(b).</p> | <p>Sheets A-15A and A-15B of Exhibit 23A1 show the Applicant’s revised mechanical penthouse screening, which provides one enclosure for the mechanicals, with the exception of the elevator override.</p> |
| Penthouse Height | <p>The penthouse height is clearly labeled at 18’4” total and is consistent with the</p> | <p>The zoning summary (Exhibit 23A1, Sheet A-05) indicated a 12-foot habitable penthouse with an over penthouse height, including the</p> |

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| | <p>height listed in the updated zoning chart.</p> | <p>mechanical of 18 feet 4 inches, which is within the maximum permitted height of 18 feet 6 inches.</p> <p>The revised penthouse plan and section (Exhibit 23A1, Sheets A-15A and A-15B) also show a 12-foot habitable penthouse and an overall penthouse height of 18 feet 4 inches.</p> |
| <p>Building Façade</p> <ul style="list-style-type: none"> - Nichiha Panels - Banding - Overhang | <p>The Applicant revised the exterior material palette to reflect a darker shade of gray on the Nichiha panels used for the façade and the decorative metal used for the penthouse.</p> <p>The Revised Plans include a section confirming the gray Nichiha bands are not recessed, but rather are framed with a metal detail that protrudes three inches from the façade.</p> <p>The Applicant improved the transition at the garage overhang by incorporating a dark brick railing above the garage. This brick replaces the previous metal railing to provide a stronger connection with the eastern side lot line, as viewed from the Property’s frontage. As such, the Applicant intends for this new extension above the garage to ease the visual transition.</p> | <p>The Applicant is showing a darker gray shade for the Nichiha panel used on the banding feature. See Exhibit 23A1, Sheets A-20, A-21, A-40, and A-41. The Applicant should ensure that all plan sheets reflect the newly selected gray color.</p> <p>The Applicant has clarified that the gray Nichiha panel bands are framed and has provided a detail showing the proposed reveal at Sheet A-47, Exhibit 23A1.</p> <p>The Applicant has provided a brick enclosure at the second level, above the garage entry, see Sheet A-27 of Exhibit 23A1. The brick could be raised to the full height of the second level to create a stronger base. The renderings in Exhibit 23A2, Sheets A-61 and A-62 do not appear to consistently show the revised treatment of this corner.</p> |
| <p>Fence Height and Placement in Relation to Building Restriction Line (BRL)</p> | <p>The Revised Plans confirm that the Applicant is proposing a 4-foot-tall fence around the front setback area. Since the fence will be partially within the building restriction area, which is public space controlled by DDOT, the fence is subject to review and approval by DDOT’s Public Space Committee (“PSC”).</p> <p>Given the programming for the front setback area, which includes play equipment, the Applicant believes a 4-foot fence is important for safety purposes and will pursue approval with the PSC. As such, the Applicant is requesting design flexibility to modify the fence as approved by the PSC.</p> | <p>The Applicant indicates that a 4-foot fence is proposed, and provides a detail at Sheet L106B, Exhibit 23A4.</p> <p>Given the location in public space, OP supports limiting the fence height to 4 feet and providing the Applicant the flexibility to work with the PSC to finalize the fence design and placement.</p> |

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| Garage Venting | The Applicant's architect confirmed that the Project will satisfy the fresh air requirement for the garage without the side venting. Thus, the Revised Plans show the removal of the venting on the east side of the Project. | The Applicant has revised the proposed garage venting plan to limit it to the south elevation (Exhibit 23A1, Sheet A-22A) at the unimproved alley and to one vent at the west elevation (Exhibit 23A1, Sheet A-21A). |
| Driveway Width | The Revised Plans provide an updated site plan that depicts the 20-footwidth measurement for the driveway. | The Applicant is proposing a 20-foot driveway as shown in Exhibit 23A1, Sheet A-10. |
| Green Roof Access | The Revised Plans incorporate a new door providing access to the green roof from the second-floor business center. | The Applicant is showing a door from the Business Center to the central green roof, see Sheet A-12, Exhibit 23A1. However, the Applicant has not shown a means of public access for maintenance for the green roof above the garage at the eastern edge of the building. |
| Site Plan, Landscape Plan, Perspectives Consistency | The Commission identified discrepancies between the landscape plans and the architectural site plan. In response, the Applicant's landscape architect testified that the site plan would govern. Nonetheless, the Revised Plans include an updated landscape plan that is consistent with the architectural site plan. | The Applicant has provided revised landscape plans in Exhibit 23A3 and 23A4, which are generally consistent with the site plan. |
| Sign Plan | The Applicant is showing building signage above the main residential entry. | Prior to June 9, 2022, the Applicant should provide additional detail regarding the proposed building signage to include placement, dimensions, material, and illumination. |
| ANC Resolution | The Applicant submitted a revised ANC Resolution signed by the ANC 7D Vice chair at Exhibit 22. | |
| Design Flexibility | The Applicant has proposed revised design flexibility language at Exhibit 23C. | OP is generally supportive of the revised language and requests flexibility to continue to work with the Applicant and OZLD to finalize the language. |

III. SIDE YARD FLEXIBILITY

The Applicant submitted a new request for side yard flexibility based on the ZA determination that the project was required to provide two 15-foot 7 inch side yards, where a 6-foot western side yard and a 3- to 9-foot eastern side yard was proposed.

OP recommends **approval** of the requested flexibility from Subtitle G § 406.1 based on the following.

The Commission is authorized to grant flexibility under Subtitle X § 603.1. As noted by the Applicant, the buildable area on the property is restricted by encumbrances on the front setback area. In a similar vein as the requested rear yard flexibility, the side yard flexibility would allow the Applicant to maximize the buildable area and provide appropriate light and air to units on each side of the building.

With respect to the 6-foot side yard at the western property line, the adjacent property is zoned RA-1 and is currently improved with a garden apartment development that is setback 27 feet from the shared property line. Should the adjoining property to the west redevelop with an apartment development, it would be required to provide an 8-foot side yard (Subtitle F § 306). The combined side yard setbacks would provide 14 feet of separation and should not result in impacts to light, air, and privacy.

At the eastern property line, the building is built to the property line at the ground level, and steps back at the second floor, with a side yard that ranges from a minimum of 3 feet to 9 feet. The adjoining property to the east is zoned MU-7B, which would not require a side yard. The proposed development on the subject property The setbacks will ensure no adverse impacts to light, air or privacy for both the western neighbor and the Project's residents. In the event the neighboring lot is redeveloped, it is located in the RA-1 zone where a side yard of at least 8 feet is required for a multi-unit building. See Subtitle F § 306.2(a).

The Applicant attests that the reduced side yards would not create a building code issue and would maximize the buildable envelope on a constrained site.

JLS/emv

