

**MEMORANDUM**

TO: Zoning Commission for the District of Columbia
JLS

FROM: Jennifer Steingasser, Deputy Director, Historic Preservation and Development Review

DATE: February 13, 2012

SUBJECT: **Final Report - ZC 11-19 - 30th Place, NE**
Map Amendment, Special Exception Review and Variance relief for a new residential development in the R-5-A District.

I. APPLICATION AND RECOMMENDATION

30th Street, LLC (applicant) has submitted an application to enable the development of Square 4376, Lots 25-28 and 802-806 with 24 townhouses within the Gateway neighborhood. To enable this development, the applicant has requested the following:

- A Map Amendment from the R-1-B zone to the R-5-A zone;
- A request that the Zoning Commission retain jurisdiction to hear and decide the following:
 - o Special Exception review pursuant to §§ 3104 and 353 for residential development in the R-5-A District;
 - o Special Exception review pursuant to §§ 3104 and 2516 for multiple buildings on a single subdivided lot; and
 - o Variance relief pursuant to § 3103 from the requirements of § 401(number of stories); § 402 (floor area ratio); § 403 (lot occupancy); § 404 (rear yard); § 405 (side yard); and § 2516.5(b) (front yard).

OP recommends approval of the requested map amendment, special exception and variances. The proposed map amendment is not inconsistent with the goals, objective and policies of the 2006 District of Columbia Comprehensive Plan, as amended April 8, 2011. The application generally meets the requirements of § 2516 and provides justification for the areas of variance relief.

II. SITE & AREA DESCRIPTION

The subject property is located at the terminus of 30th Place, NE, Square 4376, Lots 25-28 and 802-806, in the Gateway neighborhood. A 12,760 square feet portion of 30th Place which extended into the property has been closed by City Council (Bill 19-0179) and has been incorporated into the development for a total development area of 63,541 square feet. A 15-foot public alley abuts the northern and eastern portion of the property. The property has a varying topography which slopes from the north to the southeast with very steep slopes on the southeastern portion. The property is currently undeveloped and zoned R-1-B. To the north and east of the property are single family detached residences in the R-1-B zone while to the south are vacant industrially zoned properties, warehouses and industrial uses in the C-M-1 zone.





Site Location and Zoning Map

III PROPOSAL

The proposal is to re-subdivide the existing property into 24 residential lots and one lot dedicated to open space¹ and private right-of-way for a total of 25 lots. The lots will be developed with rowhouses targeted toward workforce housing at 60-80% of AMI.

The now-closed 30th Place will be extended into the property as a private drive with public access. The private drive is proposed with a right-of-way of 25 feet. The existing 15-foot alley that curves along the eastern side of the site will be widened to 20 feet. The private drive will be flanked by homes on both sides; units on the west side of the property will have front loaded garages and the houses on the east will have either a parking pad or garage with parking access from the rear alley. The three units on the southern portion of the site will utilize on-street parking. The development will have a total of 30 parking spaces, which includes 13 garage spaces, eight surface spaces and nine on-street spaces.

The buildings have been designed to incorporate architectural elements from the surrounding community, such as covered front porches, pitch roofs, and color.

IV. BACKGROUND

At the September 12, 2011 Zoning Commission meeting, the Zoning Commission (ZC) considered the initial application for 27 townhouses. The ZC highlighted a number of areas of concern such as the layout of the development, density, and parking to be addressed before the case was set down for hearing.

At its November 28, 2011 the ZC set down a modified application which included a reduction in the number of units from 27 to 24, a reduction in the number of parking spaces from 41 to 29, and a reconfiguration of the private drive. The ZC again expressed concerns regarding the amount of green space in the development, and

¹ The ownership of this common lot and the private maintenance of the private infrastructure should be clarified in the final order.

suggested the applicant look at a change in the orientation of the houses and the number of on street parking spaces.

V. ISSUES

The following section provides the applicant response to specific issues raised by the Zoning Commission, as well as analysis.

1. Amount of Pavement

The applicant has revised the site layout to reduce the amount of pavement and increase the green space on the property. Due to the steep terrain on portions of the site, a significant area will remain undeveloped which has led to the clustering of the units on the portion of the site that is more amenable to development. With the redesign of the development most of the buildings now have onsite green space. The redesign has also resulted in the reduction in the number of on-street parking spaces and with more units having their parking integrated into the units. The amount of pavement now proposed is noted as being that necessary for emergency and service access.

2. Character

The character of the existing neighborhood is predominantly two-story, single family, detached units of varying architectural styles (See October 25, 2011 Submission, Context Photos, Sheets A0.1-A0-3). Interspersed throughout the neighborhood are residences which have been renovated or newly constructed within the last 10 years that are generally taller than the existing older homes. The applicant has lowered the heights from the original application by about 5-7 feet. Although the proposed buildings would be three and four-stories in height, they are below the 40-foot height limit of both the surrounding R-1-B and the requested R-5-A zones.

The applicant has attempted to incorporate design elements from neighborhood houses through the use of porches, roof lines, stoops and color scheme. The development backs its eastern rear yards up to the alley and the rear yards of the existing houses to the east. There are no homes to the west of the site.

3. Density

To address the issue of density, the applicant has reduced the number of units from 27 to 24. The Comprehensive Plan recommends moderate density residential for the subject property and the proposed R-5-A district is consistent with that recommendation. In the proposed R-5-A zone, the matter-of-right density allowed is 0.9 FAR and the proposed density of the overall development is at 0.69 FAR and is therefore well within the zone allowance.

An even distribution of the units across the site and on large lots is not possible as the developable portion of the property is constrained by steep terrain on its southeastern portion. The development is therefore clustered on the portion of the site that is less constrained. This clustering on a portion of the site may give a perceived impression of being a dense development. The clustering of the units would not adversely affect the light and air to the adjacent single family houses as the proposed units would be separated by their rear yards and the twenty feet wide alley. Additionally, the single family homes have significant rear yards.

VI. MAP AMENDMENT

The subject property is currently in the R-1-B zone district which is “designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.” (§ 200.1)

The proposed R-5-A zone is designed for low to moderate density developments: *In R-5-A Districts, only a low height and density shall be permitted; ...* (§350.2)

The table below compares the matter-of-right development for the R-1-A and the proposed R-5-A.

	R-1-B DISTRICT	R-5-A DISTRICT
Height	40 feet	40 feet
FAR	Non prescribed	0.9
Lot Occupancy	60%	40%
Predominant Uses	Single family detached and semi-detached	Rowhouses
Comp Plan Map Designation	Low density residential	Moderate density residential

Section 353 of the Zoning regulations specifies that any development other than one-family detached and semi-detached dwellings shall be reviewed by the Board of Zoning Adjustment.

353 NEW RESIDENTIAL DEVELOPMENTS (R-5-A)

353.1 In R-5-A Districts, 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 § 3104 in accordance with the standards and requirements in this section.

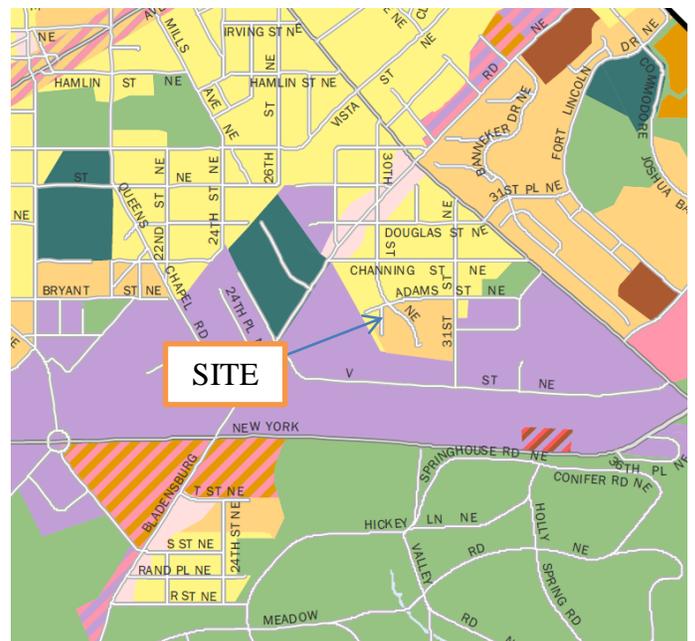
The existing R-1-B district does not allow for the current moderate density designation or corresponding level of development that is envisioned by the 2006 Comprehensive Plan, as amended April 2011. OP supports the R-5-A zone in this location because it also allows for the flexibility through section 353 and the public review that a site with such significant topographic constrains needs.

COMPREHENSIVE PLAN

The proposed map amendment to the R-5-A district would allow rowhouse development through a public review process and in a manner that would be “not inconsistent” with the Comprehensive Plan.

A. Future Land Use Map

The 2006 Comprehensive Plan’s Future Land Use Map, was amended by the Comprehensive Plan Amendment Act of 2010 and became law on April 8, 2011. The amended Future Land Use Map designates the property as **Moderate Density Residential** and states:

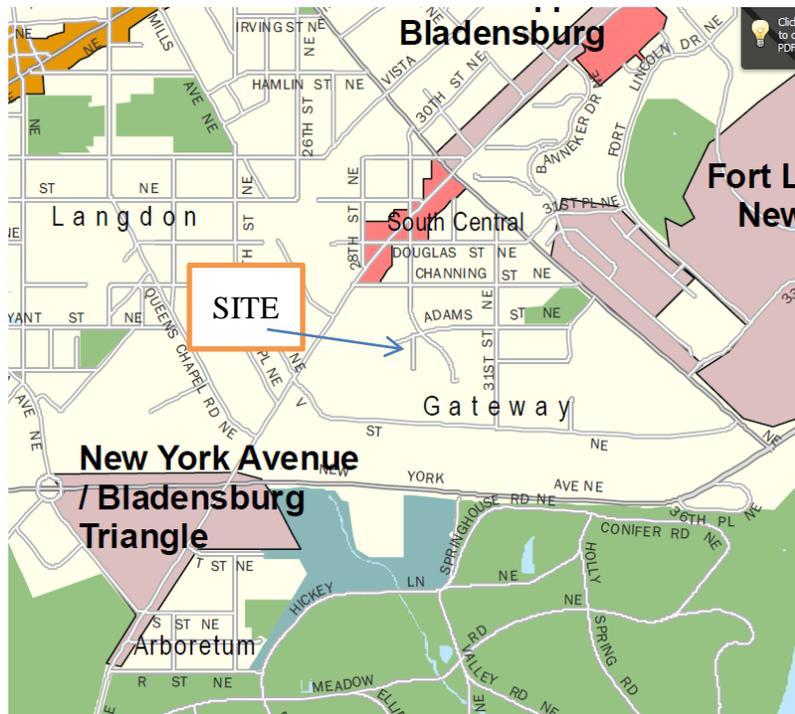


“The low density residential land use area bounded by Adams Street, N.E., to the north, 31st Street, N.E., to the east, the rail line near V Street, N.E., to the south, and 30th Place, N.E. (including Lot 25 in Square 4376) to the west, is changed to moderate density residential.” (Amendment 17)

R-5-A is a moderate density residential zone and would not be inconsistent with the Future Land Use Map. Further, the moderate density residential designation *“includes the District’s row house neighborhoods, as well as low-rise garden apartment complexes. It also applies to areas characterized by a mix of single-family homes, 2-4 unit buildings, row-houses and low-rise apartment buildings...”* The proposed rowhouses are consistent with this recommendation.

B. Generalized Policy Map

The property is within a **Neighborhood Conservation Area** of the Generalized Policy Map. These areas are characterized by *“... little vacant or underutilized land. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities and institutional uses. Major changes in density are not expected but some new development and reuse opportunities are anticipated...”* The subject property is an infill and the R-5-A zone provides for development that is of low-moderate scale and is therefore not inconsistent with the Generalized Policy Map.



C. Written Plan Elements

The proposed map amendment and related development of the property addresses many of the Comprehensive Plan’s objectives and policies of various Elements outlined below:

The proposed development is not inconsistent with the following policies of the **Land Use Element**:

The Comprehensive Plan recommendation for moderate density development is not inconsistent with the proposed R-5-A zone. Due to the sloping topography on the property, which is unlike most the adjacent residential neighborhood, the R-5-A zone allows townhouses and for the units to be clustered.

Policy LU-2.1.5: Conservation of Single Family Neighborhoods

Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 309.10

The proposal is similar to the neighborhood as it will be for single families. The property is located between an established single family detached neighborhood and a developing industrial zone. The public review and ability to cluster the rowhouses in response to the topography permitted through the R-5-A zone, allow for the careful development of the land, and protection of the low density character. The application also proposes both private and public open space.

Policy LU-2.1.11: Residential Parking Requirements

Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated. 309.16

The subject property is not in close proximity to a Metro station. The closest streets with bus stops are Bladensburg Road, NE and South Dakota, NE Avenue which are about a fifteen to twenty minutes' walk away.

The proposed development requires 26 parking spaces and the development proposes a total of 30 parking spaces on the site. Thirteen of the townhouses would have a single car garage while an additional eight townhouses would have on-site surface spaces. Nine on-street parking spaces are proposed to serve the three units, which do not have a garage or surface parking, and visitors. Additionally, 12 of the townhouses would have non-regulation spaces on their driveways in front of the garages. The on-street spaces will not interfere with traffic movement as the right-of-way is of a width that accommodates the parking spaces and two-way traffic.

The proposed development is not inconsistent with the following policies of the **Housing Element**:

Policy H-1 Homes for an Inclusive City

Addresses housing production, both for market rate and affordable units. 502.1

Policy H-1.1.1: Private Sector Support

Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2

The proposed development would provide housing which is consistent with the land use policies and objectives of the Comprehensive Plan. The applicant proposed that the development would be targeted toward workforce housing at approximately 80% of AMI.

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4

The proposed development is on a vacant parcel which is on the periphery of an established community. The requested zoning and planned development will contribute to the workforce housing stock within the District.

Policy H-1.3.1: Housing for Families

Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. 505.6

The proposed two and three bedroom units will cater to families with and without children.

The proposed development is not inconsistent with the following policies of the **Environment Element**:

Policy E-1.4.1: Conservation of Steep Slopes

Strongly discourage development on steep slopes (i.e., greater than 25 percent) . . . any construction on such slopes is sensitively designed and includes slope stabilization measures. 606.3

The development is concentrated on the portion of the site away from the areas with slopes that are greater than 25%. To accommodate the development some grading will be necessary and will include slope stabilization through the use of retaining walls. However, the retaining walls have been reduced to a maximum height of 6.5 feet.

The proposed development is not inconsistent with policies of the **Upper Northeast Area Element** and the proposed development would also further the following policies of the Upper Northeast Area Element:

Policy UNE-1.1.1: Neighborhood Conservation - Protect and enhance the stable neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond Riggs, and Arboretum. The residential character of these areas shall be conserved, and places of historic significance, gateways, parks, and special places shall be enhanced. 2408.2

The proposed development is within the Gateway neighborhood, adjacent to Woodridge neighborhood to the north, Queens Chapel neighborhood to the west and the Arboretum neighborhood to the southwest. The proposed development will retain the residential character of the area even though the unit types are not similar. The location of the property will be conserved.

VII. SPECIAL EXCEPTION AND VARIANCE REVIEW

Along with the proposed map amendment, the Zoning Commission has retained jurisdiction to hear, concurrent with the map amendment, the special exception review under §§ 3104, 353 and 2516 and variance relief under § 3103 from the requirements of § 402 (floor area ratio); § 403 (lot occupancy); § 404 (rear yard); § 405 (side yard); and § 2516.5(b) (front yard) on individual lots. With the redesign of the Site Plan subsequent to the setdown of the project, a variance from § 401 (number of stories) has been added to the request.

A. Special Exception

Section 353

The Zoning Regulations require that all new residential development within the R-5-A zone, except those comprising all one-family detached and semi-detached dwellings, be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards of § 353.

- 353.2** *The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.*
- 353.3** *The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the*

adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

The neighborhood schools proximate to the subject property are include Marshall Elementary School, Burroughs Education Campus, Langdon Education Campus, and Spingarn High School which should be able to accommodate students from the development. There are also a number of parks in the wider neighborhood, the closest being the Dakota Playground at 33rd Street and South Dakota Avenue, NE.

353.4 *The Board shall refer the application to the D.C. 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 future residents of the project and the surrounding neighborhood.*

With the closure of a portion of 30th Place, the applicant will create a subdivision with 25 lots (lot 25 encompassed the private street, a portion of the alley and open space. The buildings front on a central drive with an improved and widened alley to the east. The layout of the development is influenced by the topography of the site, the existence of the public alley to the east and the need to create an access road to serve the units. Along with the location of the property these factors limit the ability of the development to seamlessly integrate into the existing community. The applicant has introduced various elements of the architectural style such as porches, color, and roof lines into the building façade to elevate their compatibility with the existing houses. Although the buildings will be three and four stories high the site has been graded so as not to tower over adjacent houses.

The proposed development of the property would not adversely affect the provision of light and air to the adjacent single-family houses as the new construction would be separated by a 20-foot wide alley and generally large rear yards of the neighboring homes. To accommodate parking on the site and discourage parking within the existing community, all but three lots (Lots 12-14), would have parking for one space within a garage or on a parking pad. An additional nine on-street spaces are provided; three for the residential units and six for visitors. To complement the residential units, landscaped spaces are proposed around the buildings. To enable more private open space for each owner, much of the landscaped areas are incorporated into the lots with less emphasis on public open space.

353.5 *In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.*

The applicant has submitted the required plans.

Section 2516 Exceptions to Building Lot Control (Residence Districts)

Section 2516.1 states: ***“If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.”*** The proposal is to subdivide the existing property into twenty-four building lots each with a principal building.

2516.2 *This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.*

The subject property is currently within a residence district (R-1-B) and the proposed map amendment would retain the property in a residence strict (R-5-A).

2516.3 *In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:*

- (a) ***The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and***
- (b) ***If the applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.***

The applicant has provided the required site plans showing the existing and proposed right-of-ways, landscaping, building locations and footprints.

2516.4 ***The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507, and §§ 3202.2 and 3202.3 are met.***

As shown on Lot Tabulation table (Sheet C-10) many of the lots do not meet most of the requirements related to FAR, lot occupancy, number of stories, front, side and rear yards setbacks. The applicant has requested variances from the requirements on individual lots. However, the overall 0.69 FAR and 22% lot occupancy for the total development as a whole are well below the maximum 0.9 FAR and 40% lot occupancy allowed under the R-5-A zone. The application includes maps showing the delineation of each lot and building on a data table (Sheets C-6 and C-10 of the Applicant's plans dated January 24, 2012) showing the dimensions of each lot.

2516.5 ***If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:***

- (a) ***The front of the building shall be the side upon which the principal entrance is located;***
- (b) ***Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;***
- (c) ***A rear yard shall be required; and***
- (d) ***If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.***

The property will be re-subdivided into 25 theoretical lots, 24 of which will each have a principal building fronting on a private right-of-way. All lots have a front and rear yard but the applicant has requested a reduction in both categories as shown on Sheet C-10. The rear yards on Buildings 1-10 has been reduced to five feet with Buildings 12-14 having 10 feet, the remainder of the lots have a larger rear yard and in some instances exceed the requirements. All the front yards have been reduced to between 5 and 16.5 feet.

2516.6 ***In providing for net density pursuant to § 2516.11, the Board shall require at least the following:***

- (a) ***The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;***
- (b) ***Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;***

- (c) *If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and*
- (d) *The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.*

The layout of the proposed development shows that the area of the private street has not been included in the overall calculation of the FAR for the entire development. There will be a single means of ingress/egress from 30th Place, with internal circulation provided by a private street and a public alley. The private street will be 25 feet and the applicant has requested modification for the alley which is 20 feet wide. The Site Plan and the emergency and truck movement diagram (Sheets C-7 and C-8) were reviewed by Fire and Emergency Management Services (FEMS) and DDOT. Both have stated that the proposed right-of-way is acceptable to service and assess each building in an emergency

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The height limit for buildings in the proposed R-5-A is 40-feet. The proposed buildings would have heights between 19.5 and 40 feet when measured from the finished grade at the middle of the front of each building; consistent with the permitted heights of the existing R-1-B and the requested R-5-A.

2516.8 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

Variations are being requested to FAR, lot occupancy, number of stories, and to side, rear and front yard setbacks on individual buildings. The steep topography of portions of the site has resulted in the development being clustered and the applicant is requesting relief for individual lots to accommodate the 24 units. Due to the location of the development, the setbacks and the height of the buildings the light, air and privacy of the adjacent neighboring houses would not be negatively affected.

2516.9 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

- (a) *The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*
 - (1) *Public safety relating to police and fire concerns;*
 - (2) *The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*
 - (3) *Public education;*
 - (4) *Recreation;*
 - (5) *Parking, loading, and traffic;*
 - (6) *Urban design;*
 - (7) *As appropriate, historic preservation and visual impacts on adjacent parkland;*
- (b) *Considerations of site planning; the size, location, and bearing capacity of driveways, deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;*

- (c) **Considerations of traffic to be generated and parking spaces to be provided, and their impacts;**
- (d) **The impact of the proposed development on neighboring properties; and**
- (e) **The findings, considerations, and recommendations of other District government agencies.**

The proposed development is not inconsistent with the Comprehensive Plan and the intent of the R-5-A zone. Adequate access to public safety vehicles will be provided and would also provide additional access to neighboring houses. Access to public recreation and public education are provided in the wider neighborhood and this development should not negatively impact these services. The development has been clustered on the site to accommodate the natural topography as much as possible and is providing an adequate number of parking spaces to serve residents and visitors to the development.

Traffic will be further discussed in the DDOT report. Regarding water supply, stormwater management and soil erosion measures, the applicant states that the required standards and specifications will be met at the time of Building Permit. Overall, the proposed development should not negative impact the existing neighborhood.

2516.10 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

OP is not recommending any conditions.

B. Variances

The applicant has requested variances from the FAR, lot occupancy, number of stories, front, and rear and setback requirements. The table below reflects the bulk and area requirements of the existing and proposed zone districts.

Permitted/Required	R-1-B	R-5-A	Proposed	Variance Requested
Height/Stories (§ 400.1)	40 feet/3 stories	40 feet/3 stories	19.5 to 40 feet – some units have 4stories	No
FAR (§ 402)	None Prescribed	0.9	0.69 overall -	Yes; Relief required on all individual lots
Lot Occupancy (§403.2)	40%	40%	21.9% overall -	Yes; Relief required on all individual lots
Rear yard (§ 404.1)	25 feet	20 feet	5 to 19.6 feet -	Yes; Relief required on all individual lots
Side Yard (§ 405.9)	8 feet	3 inches per ft. of height but no less than 8 feet	1.6 to 6.5 feet -	Yes; Relief required on some lots
Front Yard ((§ 404)	Non prescribed	20 feet	5.0 to 15.5 feet -	Yes; Relief required on all individual lots
Parking (§ 2101.1)	1 per each dwelling unit	1 per each dwelling unit	30 spaces on site - conforming	No

To accommodate a viable development on this infill lot, the applicant has requested variance relief from the requirements identified in the table above.

The subject property is affected by exceptional conditions in that the site has an irregular shape and its topography ranges in elevation from 65 feet to 120 feet. The shape and topography of the site has resulted in an extraordinary and exceptional condition that imposes constraints on the site which would lead to a practical difficulty.

Number of Stories:

The R-5-A zone allows maximum height 40 feet within three stories. In prior designs, Buildings 1-11 had rear access garages that were built into the slope and showed as three stories in front. However, with the redesign of the buildings with front loaded garages that align with the grade at the front to the buildings, the structures are extended to four stories within the 40 foot limit with no increase in the square footage of the building.

FAR and Lot Occupancy:

The overall development would result in an FAR of 0.69, within the allowed 0.9 FAR and the lot occupancy of individual buildings exceeds the 40%. The topography dictates that the units be clustered and when combined with other requirements and the need to create reasonable sized units, individual buildings exceed the FAR and lot occupancy requirements.

Rear, Side and Front yards:

- The proposed rear yards range from 5 feet to 22 feet where 20 feet is required;
- The side yards range from 1.67 feet to a maximum width of approximately 6.5 feet where 8 feet is required if provided; and
- The front yard ranges from 6.5 feet to 15.5 feet where 20 feet is required.

The reductions in these yard requirements are due to the topography of the site. Meeting all the requirements would result in lots extending into steep slope areas which would require extensive grading, the use of retaining walls, and may not have created additional useable space. The provision of the 25-foot right-of-way to meet DDOT standards and the increase in the width of the alley further limits the buildable area.

As stated above, the overall development meets the FAR, lot occupancy and height requirements of the R-5-A zone. The requested relief can be granted without substantial detriment to the public good and without impairing the purpose, intent, and integrity of the Zone Plan. Buildings will not impact the light or air of adjacent properties and there will be a significant amount of separation between the new development and the existing residences.

VI. COMMUNITY COMMENTS

The property is within ANC-5B. The applicant made a presentation to the ANC on January 2, 2012. The applicant has also met with the Gateway Community Association. The community has continued to express concerns about the development of the site, noting height, density, character and compatibility with the existing neighborhood.

VII. CONCLUSION

OP is sensitive to the concerns of the adjacent community but, based on changes to the development, including the reduction in the number of units, the increase in common and individual open spaces, the proposed increase in private street and alley widths and the transitional location of the site between a well-established residential neighborhood and a growing industrial zone, OP concludes that the requested map amendment is not inconsistent with the Comprehensive Plan's goals, objective and policies. The applicant has met the tests for the requested special exception and variances; OP therefore recommends approval of the requested map amendment, special exception and variances.

JLS/mbr: Maxine Brown-Roberts, Project Manager