



ADVISORY NEIGHBORHOOD COMMISSION 6B PLANNING AND ZONING COMMITTEE

Virtual Meeting

June 2, 2020, 7:30 p.m.

Commissioners: Samolyk, Sroufe, Ready, Oldenburg, Holtzman, Holman (Chair), Waud, Jayaraman

Resident Members: Friedman, Dierlam, Jarboe, Danks, Ryan, Thomas

1. Rear 203 3rd St SE [6B01]

Applicant: Mateusz Dzierzanowski

BZA 20238: 1-story rooftop addition to alley garage. Area variance for adjacent lot width on an alley lot and special exceptions for walls less than five feet from adjacent non-alley lot

Architect Mateusz Dzierzanowski presented plans for a rooftop addition to an existing alley garage. The lot is a tax lot and an adjacent alley is less than 24 feet, thus necessitating a need for an area variance. The applicant presented a persuasive argument that the property meets the three prong test. The special exception required is for yard relief for a wall less than 5 feet from an adjacent non-alley lot. The wall will be against a courtyard and would not substantially affect the light and air as it's on the north side of the adjacent property and doesn't have windows. The committee recommends support but with continued outreach to adjacent neighbors.

Motion [Samolyk/Holman] Recommend Support 14-0-0

(Waud, Oldenburg, Jayaraman left between votes but participated in the discussion for the next case)

2. Zoning Commission Case 19-13, Alley Tax Lot Text Amendments

OP Representatives: Joel Lawson and Matt Jesick

ZC 19-13: To allow for the by-right conversion of alley tax lots recorded before 1958 if they meet certain standards (>450 square feet) and for special exception conversion for language between 1958 and 2016. Change the development standards to require a 7.5 foot setback from the centerline of the alley. The further limit the use of alley lot for artistic performances to 5 performances per year.

The committee held a discussion for over two hours with representatives from the office of planning discussing proposed text amendments related to the conversion of alley tax lots to record lots as well as changes to alley centerline setback standards. Neighbors on Square 0762 presented arguments against portions of the code and the representatives from OP encouraged them to testify at the public hearing as well as make arguments at the ANC. Other residents of ANC 6B testified in support of the changes. The attached presentations shows some of the proposed changes to development and use standards and discusses various examples in terms of recording/development/use standards.

Motion [Holman/Sroufe] 9-2-0 (Samolyk, Friedman in opposition)

As the home to many tax lots on alleys that would be affected by this amendment, ANC 6B supports the purpose and intent of Zoning Commission case 19-13, specifically allowing for increased residential development of alleys and, crucially, to align the treatment of record lots and tax lots in the zoning code. We further see these developments as a small but consequential part on reaching the goals of the Mayor's Housing Equity Framework to add 3200 units to the Capitol Hill Planning Area by 2025.



ANC 6B further supports the use restrictions as proposed of artist space on alleys including limiting the number of performances.

ANC 6B recommends the zoning commission find the proposed text amendments not inconsistent with the comprehensive plan and approve zoning case 19-13 as captioned

ANC 6B's support is based on communication from OP/OAG/DCRA stating that use and development rights to street-facing tax lots which share an underlying record lot with the subdividing alley lots would not be affected.

A motion was offered to amend the underlying motion to recommend special exception relief for all tax lot conversion that don't meet the new record lot standards. That motion failed 2-9-0

(Sroufe, Friedman, Samolyk, Ryan leave)

3. Creation of ANC 6B 1333 M Street PUD Subcommittee

ANC 6B discussed plans for a subcommittee to handle 1333 M Street SE PUD. The committee approved the plan attached. Meetings will be in mid-to-late June.

Motion [Holman/Jarboe] 7-0-0

- 1) Why we're here? Tax lots can not obtain alteration or addition building permits. Street-facing tax lots are able to convert to record lots by-right and this occurs regularly
- 2) The zoning rewrite in 2016 sought to unstick development on alley lots, but the code was written such that converting tax lots to record lots required 1800 square feet of land and 24 foot wide alleys
- 3) In 2018, a resident in 6B sought a variance to this requirement and was denied as the Board of Zoning Adjustment.
- 4) This amendment modified the rules for record lot conversion, development standards on alley lots, as well as use standards.
- 5) *Record Lot Standards* are modified to all by-right conversion of alley lots if they were recorded prior to 1958 and are >450 square feet
- 6) *Development Standards* are modified to change the alley centerline setback from 24 feet to 15 feet (Special exception available) and retains the 5-foot yard requirement (special exception available), 20 feet/2 stories (no special exception), and 10% Green Area Ratio (special exception available)
- 7) *Use standards* are fundamentally the same for residential use, requiring alleys no narrower than 15 feet if you're less than 300 feet from the street are narrower than 24 feet if you're >300 feet. Special exceptions are allowed for this.

(Note: The special exception standards were modified in ZC case 19-14)

Development Standards

TABLE E § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RF)

<u>(a) Maximum Height</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Maximum Lot Occupancy</u>	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>N/A</u>
<u>Between 1,800 and 2,000 sq. ft. of lot area</u>	<u>90%</u>
<u>Over 2,000 sq. ft. of lot area</u>	<u>80%</u>
<u>(c) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(e) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(f) Minimum Pervious Surface</u>	<u>10%</u>

Development Special Exceptions

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Yards, including alley centerline setback; and

(b) Pervious surface.

Residential Use Standards (Subtitle U)

- (f) Residential ~~dwelling use, provided that the use shall be limited to one~~ **(1) dwelling unit on an alley lot**, subject to the following **limitations conditions**:
- (1) The ~~alley lot~~ **Alley Lot** is **not wholly or partially within the R-1-A, R-1-B, R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones an R-3, R-13, or R-17; zone, an RF zone, or an RA zone;**
 - (2) A ~~residential dwelling building~~ may not be constructed ~~as or other building converted for to~~ a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - (3) **The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;**
 - (3) (4) The ~~alley lot~~ **Alley Lot** has access to an improved public street as follows:
 - (A) Through an improved **public** alley or alleys **with an alley width of not less than** twenty-four feet (24 ft.) ~~or more in width at any point between the lot and the public street;~~
 - or
 - (B) ~~On~~ **The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley no or alleys with an alley width of not less than fifteen feet (15 ft.) in width at any point and within three hundred (300) linear feet of a public street, as measured along the aforementioned fifteen-foot (15 ft.) wide alley; and**

Special Exception Standard for Residential Use

~~(d)~~ (f) Residential use dwelling not meeting the ~~matter of right requirements~~ criteria of Subtitle U § 600.1(f), ~~provided that the use shall be limited to one (1) dwelling unit on an alley lot~~, subject to the following conditions:

- (1) The ~~alley lot~~ Alley Lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;
- (2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty ~~(450)~~ square feet (450 sq. ft.) of lot area;
- (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
- ~~(3)~~ (4) The ~~alley lot~~ Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety; and infrastructure availability; and

~~(4)~~ (5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(A) Department of Transportation (DDOT);

(B) Department of Public Works (DPW);

(C) Metropolitan Police Department (MPD);

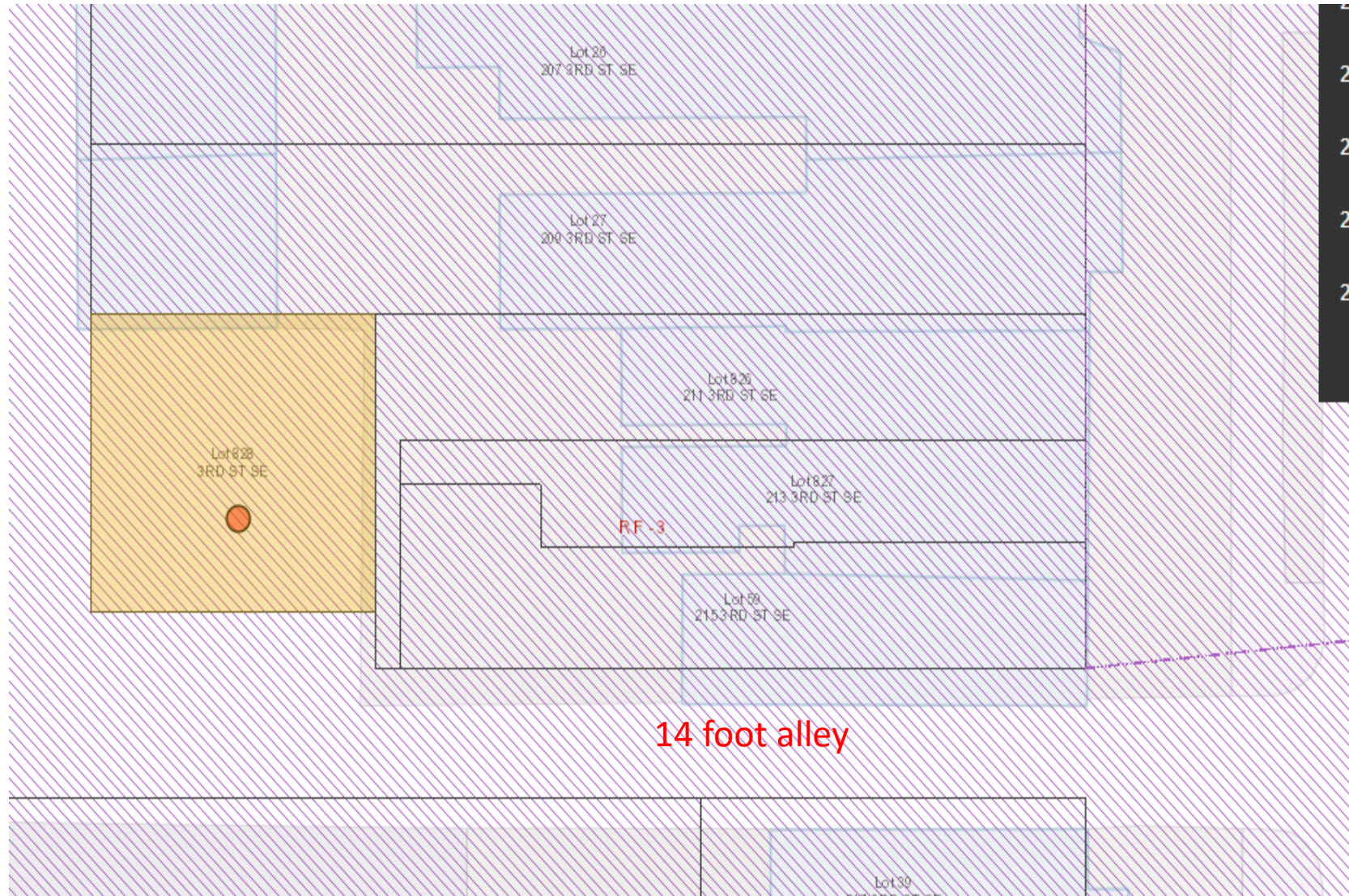
Z.C. NOTICE OF VIRTUAL PUBLIC HEARING
Z.C. CASE NO. 19-13
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(D) Fire and Emergency Medical Services Department (FEMS);

(E) DC Water (WASA); and

(F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

Square 762, C/Pennsylvania/3rd/2nd



Zoning: RF-3

Conversion Standards
✓450 Square Feet,
recorded before 1958

Development Standards:
✓up to 100% lot occupancy
✓5 Feet from all non-alley lots
✓7.5 setback from alley on all sides
✓10% Green Area

Use standards:
✓Artist use
✓2 parking spaces
✗1 Residential Unit if alley >15 feet

This lot would be able to be converted
by right but residential use would
require a special exception

Square 0877, Potential Combination of Garage Lots

Zoning: RF-1

Conversion Standards

✓ Two lots may combine and form one record lot, even under 450 square feet

Development Standards:

- ✓ up to 100% lot occupancy
- ✓ 5 Feet from all non-alley lots
- ✓ 7.5 foot setback from alley on all sides
- ✓ 10% Green Area

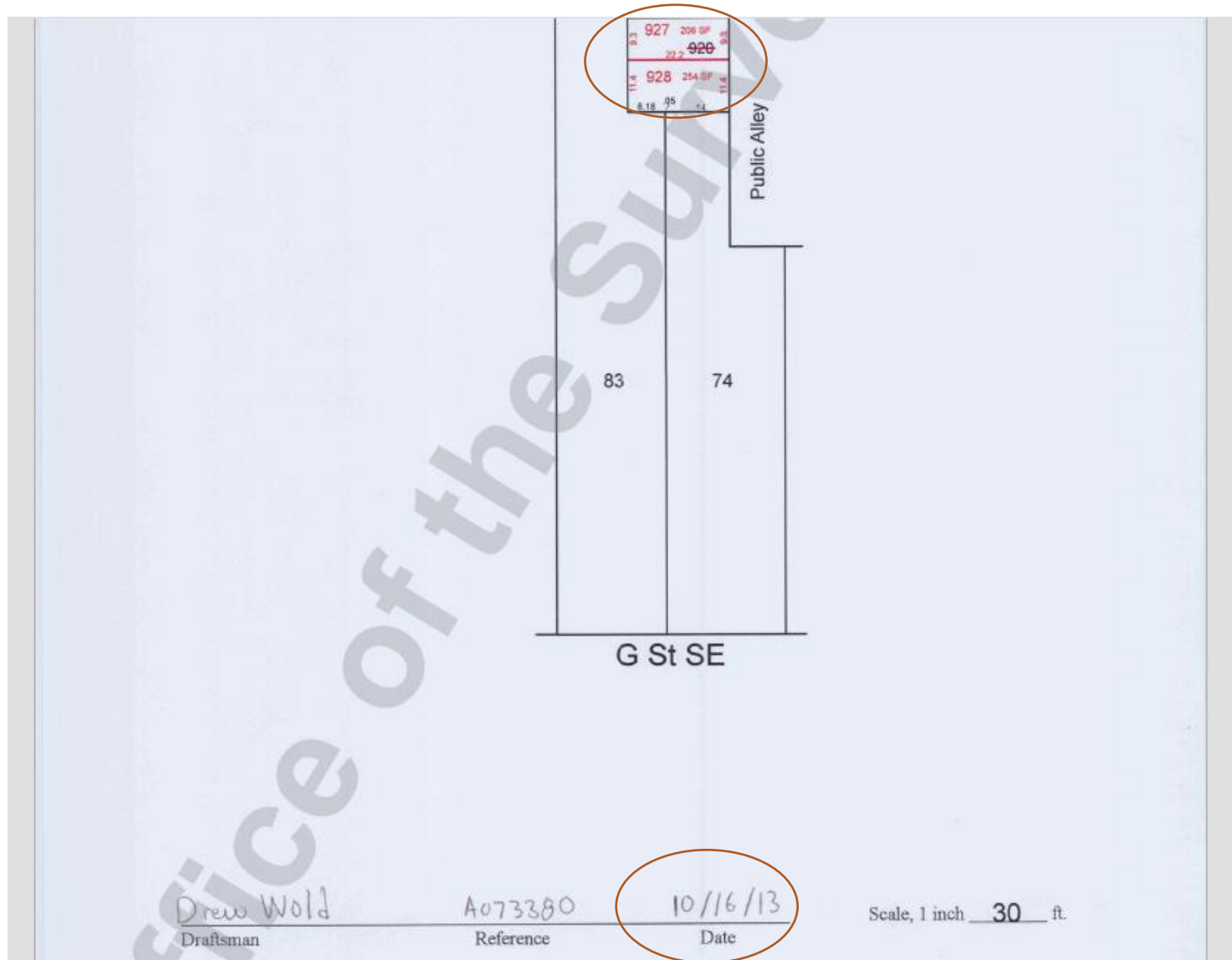
Use standards:

- ✓ Artist use
- ✓ 2 parking spaces
- ✗ 1 Residential Unit if alley >15 feet and > 450 square feet

Even though lots could combine if under 450 square feet, residential use is a variance if <450



Square 0877, Potential Combination of Garage Lots Not Allowed Post-1958

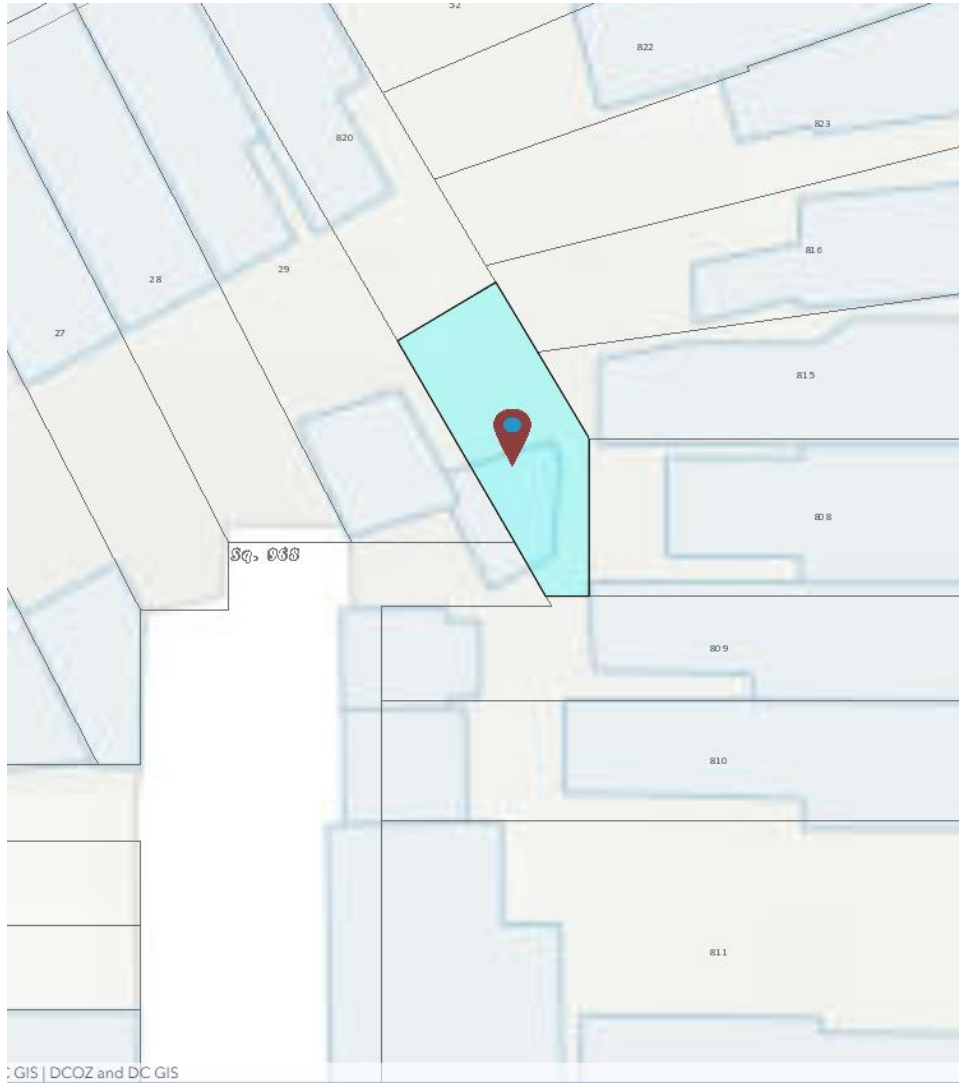


Zoning: RF-1

Conversion Standards (Post 1958, Pre 2016)

*Two lots may *not* combine to form an alley record lot by right if those lots are formed after 1958 and before 2016.
Special exception combination is allowed

Square 0968 , Yard Development Standards Impact



Regardless of the recordation and use standards, a lot like this will be functionally undevelopable by-right because it needs to be five feet from the lot lines on all sides except the alley

Square 0995, Yard Development Standards, 12th/11th/G/I

Zoning: RF-1

Conversion Standards

✓ 450 Square Feet,
recorded before 1958

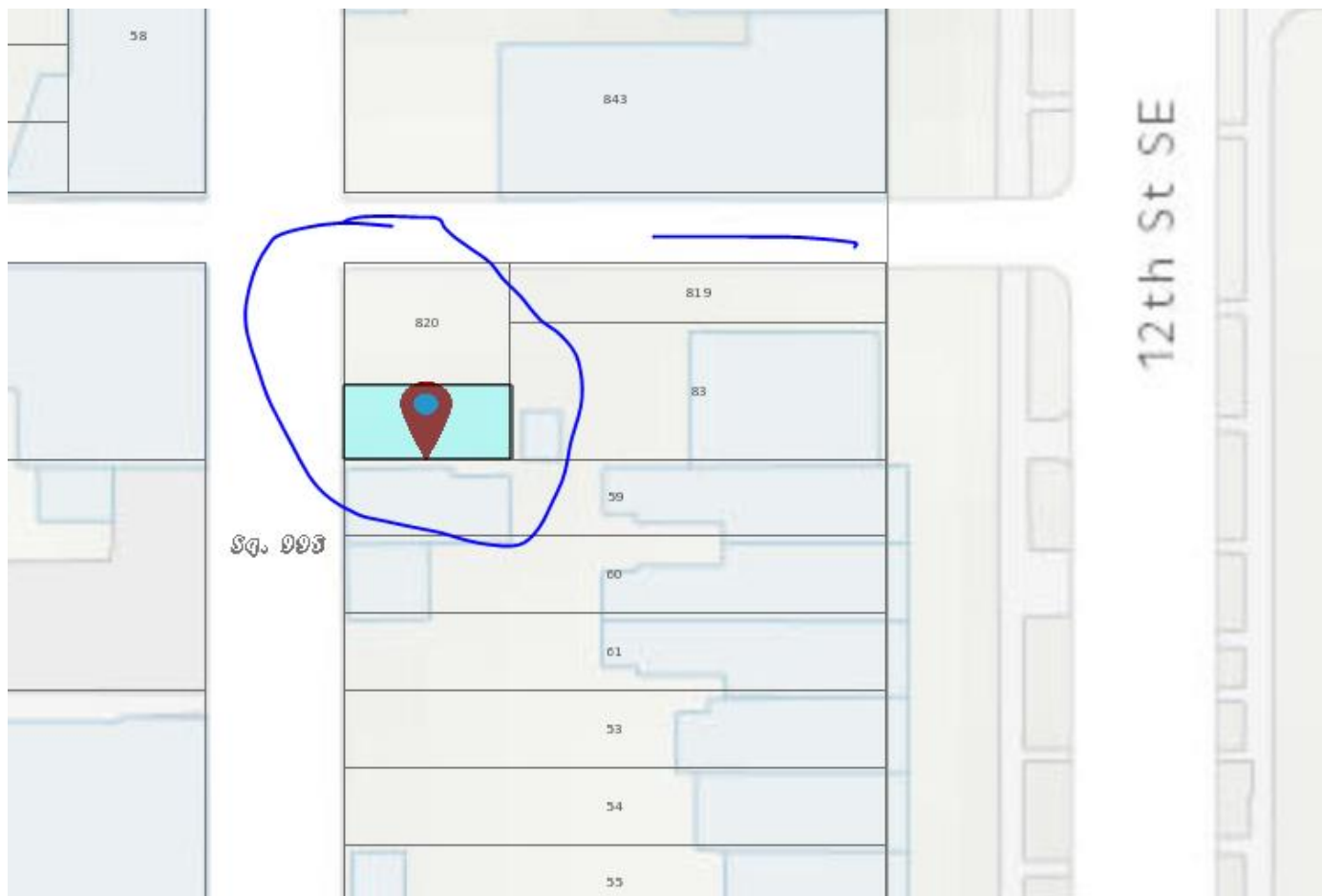
Development Standards:

✓ up to 100% lot occupancy
✓ 5 Feet yard from all non-alley lots
✓ 7.5 foot setback from alley on all sides
✓ 10% Green Area

Use standards:

✓ Artist use
✓ 2 parking spaces
✓ 1 Residential Unit if alley >15 feet

Note for lot 820, building can be on lot line of 824, the highlighted building, but must be 5 feet off of street-facing lots. Special exceptions available



Square 1046, Alley Width Standards, Ives/13th/14th/K

Zoning: RF-1

Conversion Standards

✓ 450 Square Feet,
recorded before 1958

Development Standards:

- ✓ up to 100% lot occupancy
- ✓ 5 Feet yard from all non-alley lots
- ✓ **7.5 foot setback from alley on all sides**
- ✓ 10% Green Area

Any building here will need to be 2.5 feet off of the south alley. Special exceptions are available to build to the lot line



Square 1059, alley width issues, 15th/A/Mass/14th

Zoning: RF-1

15th

Conversion Standards

✓ 450 Square Feet, recorded before 1958

Development Standards:

- ✓ up to 100% lot occupancy

✓ 5 Feet yard from all non-alley lots

✓ 7.5 foot setback from alley on all sides

✓ 10% Green Area

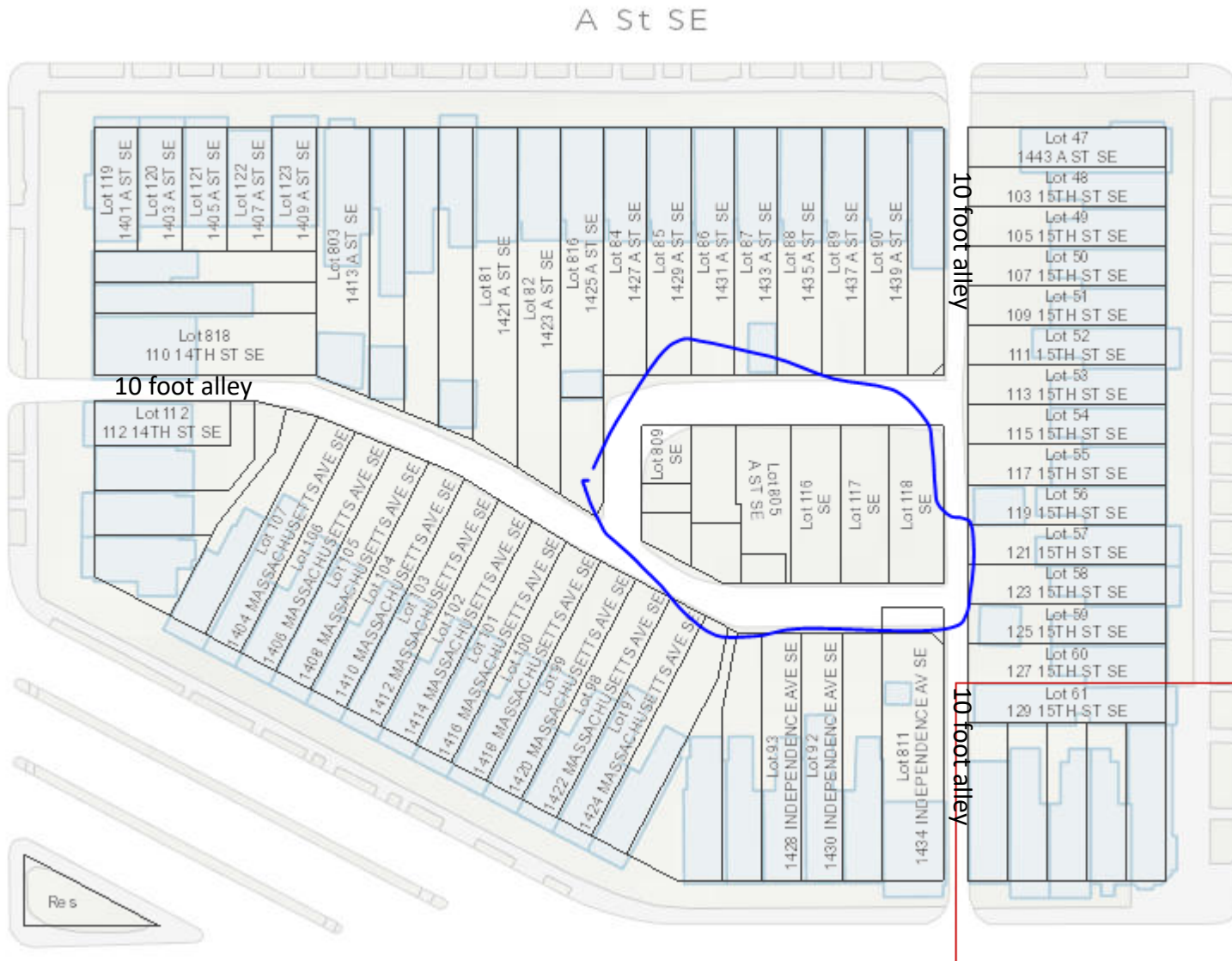
Use standards:

- ✓ Artist use

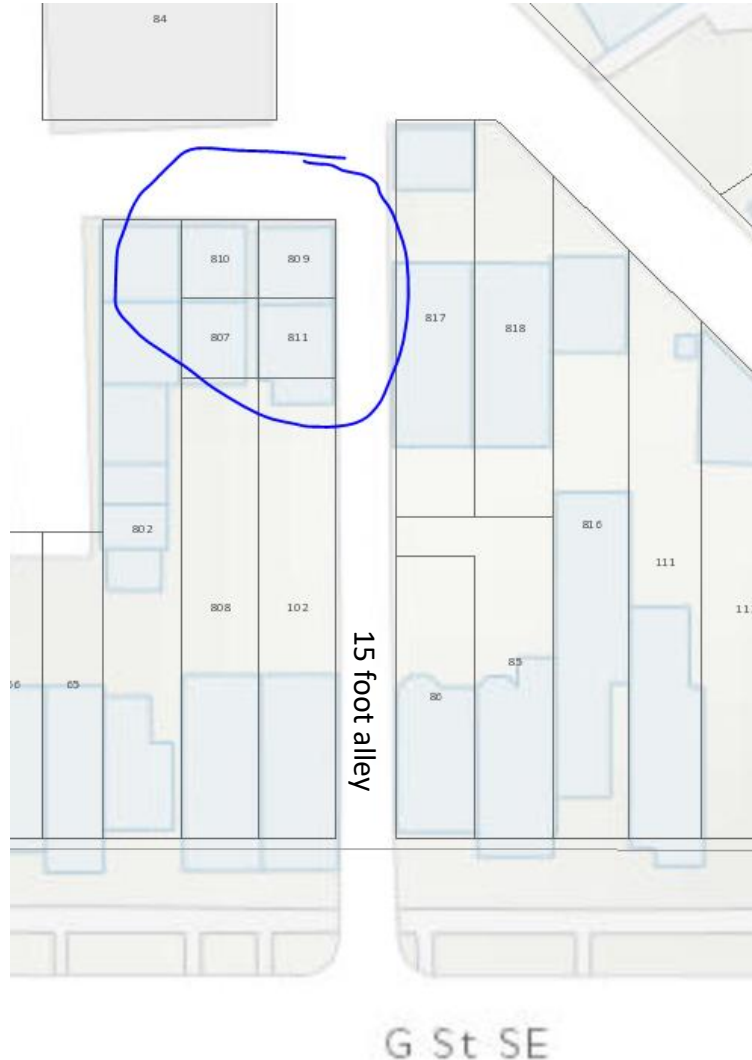
✓ 2 parking spaces

X 1 Residential Unit if alley >15 feet

All tax lots over 450 square feet may be converted to record lots but residential use would require a special exception



Square 1063, alley tax lot assembly needed, 14th/G/Kentucky/E



Zoning: RF-1

Conversion Standards

X 450 Square Feet, recorded before 1958 (Lots are < 450 square feet)

Development Standards:

- ✓ up to 100% lot occupancy
- ✓ 5 Feet yard from all non-alley lots
- ✓ 7.5 foot setback alley on all sides
- ✓ 10% Green Area

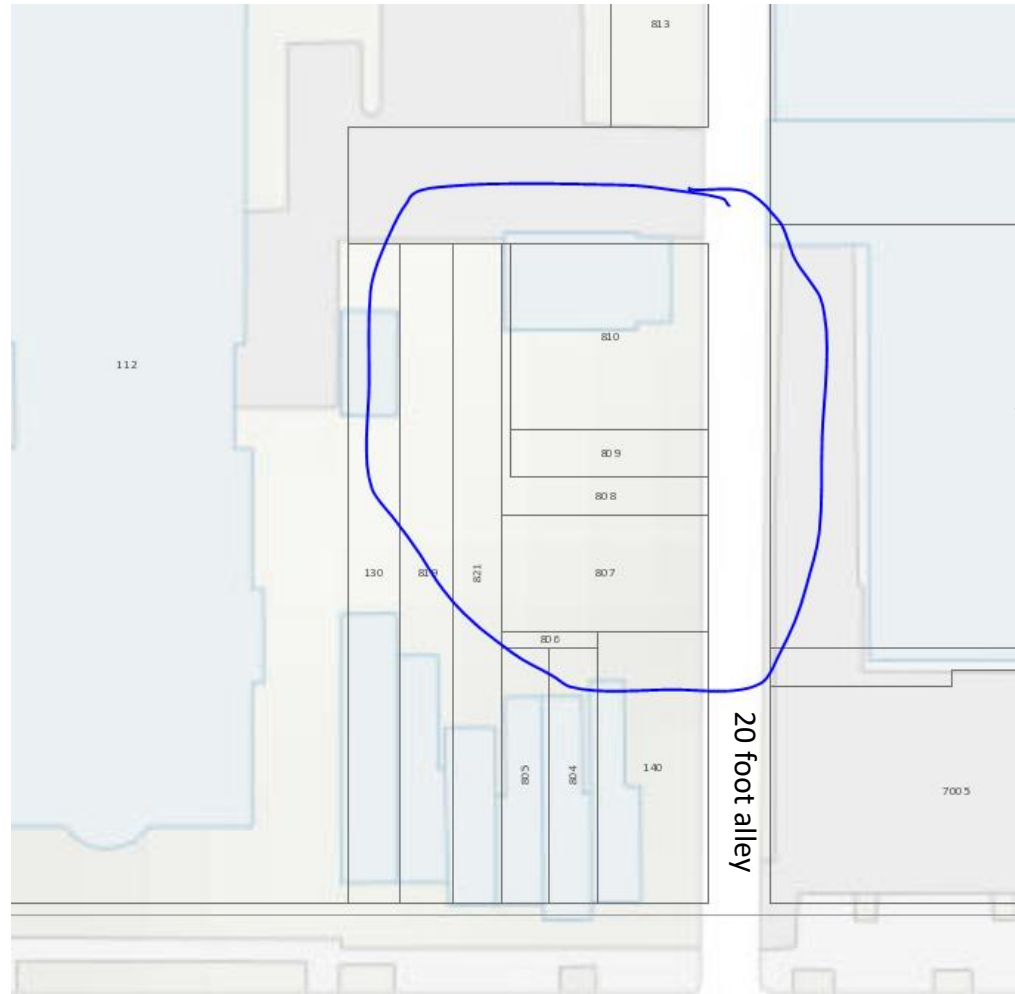
Use standards:

- ✓ Artist use
- ✓ 2 parking spaces

X 1 Residential Unit if alley >15 feet and >450 square feet.

Lots may be combined and converted to record lots by-right. The ensuing lot would meet development standards and residential use allowed by right

Square 1042, straight forward conversion, 13th/14th/D/E



Zoning: RF-1

Conversion Standards

*450 Square Feet, recorded before 1958

Development Standards:

- ✓ up to 100% lot occupancy
- ✓ 5 Feet yard from all non-alley lots
- ✓ 7.5 foot setback alley on all sides
- ✓ 10% Green Area

Use standards:

- ✓ Artist use
- ✓ 2 parking spaces
- ✓ 1 Residential Unit if alley >15 feet

Square 1072, straight forward conversion, Independence/A/15th/16th

Zoning: RF-1

Conversion Standards

✓ 450 Square Feet, recorded before 1958

Development Standards:

✓ up to 100% lot occupancy

✓ 5 Feet from all non-alley lots

✓ 7.5 foot setback from alley on all sides

✓ 10% Green Area

Use standards:

✓ Artist use

✓ 2 parking spaces

✓ 1 Residential Unit if alley >15 feet

The southern lot is convertible by-right even recorded in early 2016

The northern lot is a historic tax lot which meets the standards

The western lot is convertible in MU-4 but has same development standards



Resources

Survey Documents: <https://dcraonline-rms.dcra.dc.gov/SurDocsPublic/faces/t0.jsp>

Ownership Lots <https://opendata.dc.gov/datasets/common-ownership-lots>

Record Lots: <https://opendata.dc.gov/datasets/record-lots>
(for finding underlying record lots)

Alley widths at entry: <https://opendata.dc.gov/datasets/alley-frontage-lines>
(Adjacent alley widths are best found through surdocs)

Zoning Map: <http://maps.dcoz.dc.gov/zr16/>

Property Quest: <https://propertyquest.dc.gov>

DC Recorder of Deeds Image Search: <https://otr.cfo.dc.gov/service/recorder-deeds-document-images>
(tax lots are often poorly/incorrectly recorded, can help to read the deed transfers for book numbers and pages and look them up through SurDocs that way)

1333 M Street SE PUD Subcommittee Proposal
This has not been voted on or approved by ANC 6B

Makeup:

- *Chair by Commissioner Holman, Commissioner Waud/Oldenburg vice chairs
- *All other 6B Commissioners
- *P&Z Committee members of 6B06, 6B07
- *Two residents appointed by 6B04/6B06/6B07 Commissioners (no confirmation needed)

Mission: To craft a MOU between the ANC and the applicant, create a list of public benefits and amenities for the project, and to make a recommendation to the Planning and Zoning Committee to support or oppose the project.

Structure: Formal subcommittee of Planning and Zoning Committee which will require a quorum of at least two commissioners with a formal votes to send a recommendation to P&Z. Residents will be appointed by 6B04/6B06/6B07 commissioners.

Rough Schedule (4 meetings):

*This assumes a hearing date **no earlier than September 24**. The ANC will have 45 days notice for the hearing date, so we can accelerate or hold special call meetings if necessary or slow things down if the hearings are delayed into the fall. Consider meetings on Saturdays or Sundays where possible.*

~~Late May: Public Virtual Meeting Led By Applicant~~ **[Completed on May 28]**

June P&Z Meeting: Formal creation of the subcommittee and nomination

Meeting #1 (Mid-June): Kickoff meeting. Start with commissioner nominations then meet with representatives from the Office of Planning to talk about the PUD process and the role of the ANC.

Meeting #2 (Early July): Transportation-focused meeting with representatives from DDOT. Discussions about parking, street design, transit, bikeshare, Anacostia River Trail, etc.

Meeting #3 (Late July): Construction mitigation and MOU items then recap of all topics with vote on final package to send to P&Z for September meeting

(this leaves time for a fourth meeting if necessary)

P&Z Meeting (September 1): P&Z votes on report to send to full ANC

Full Meeting (September 8): Vote on final report to send to Zoning Commission

Informal Meetings:

Where possible, hold virtual or socially distant meetings with residents on and south of the 1100-1500 blocks of K Street SE. These meetings will help to inform the subcommittee's work but will not have to include quorums or notice or be open to the public.