



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

www.anc3e.org

**Resolution Regarding the Board of Zoning Adjustment Case Relating to
4445 Yuma Street, NW (BZA Case No. FY-14-08-Z)**

WHEREAS

The Applicants seek permission to remove a room on the west side of their home and replace it with an addition that will add 379 square feet to their lot occupancy, increasing the occupancy of their lot from 41.3% to 48.7%, requiring a special exception to the 40% maximum lot occupancy requirement. This is a significant overage in terms of lot occupancy.

The construction of the proposed addition will result in the loss of permeable surfaces, five small trees, and some shrubs and other plantings. It will remove this amount of land—for all intents and purposes—from serving the public good permanently.

The Applicants have presented letters of support for this project and special exception from numerous neighbors. The ANC has heard no opposition from any nearby neighbors, although it heard opposition from one neighbor living within a few blocks.

ANC 3E and the BZA have routinely granted such requests, particularly when nearby neighbors express support, as is the case here.

While the law does not specifically require it today for residential projects, there is an increasing trend, as reflected in proposals in the zoning rewrite chapters on pervious surfaces, green area ratios, and tree canopy, to call for environmental mitigation steps to address potential adverse consequences in connection with requests for relief from zoning requirements.

ANC 3E believes that regulations governing relief for lot occupancy requirements should be changed to (at a minimum) require such mitigation. Moreover, we believe that it may be more appropriate to consider deviations from lot occupancy requirements through the variance rather than the special exception process.

Such an approach would serve to promote our city's environmental goals, including maximizing pervious surfaces and green area, managing stormwater, preserving habitat for wildlife, and reversing the decline of our tree canopy. All these things serve the greater good of our communities.

In the meantime, ANC 3E believes that it may properly condition support for applications to exceed lot occupancy requirements on whether such projects at least reduce stormwater runoff and tree loss to no more than would be expected to occur were the same project to meet lot occupancy requirements. ANC 3E has done so here and intends to do so for future applications.

In this instance, ANC 3E has worked with the Applicants, who themselves desire to take steps to mitigate environmental harm, to develop a set of conditions ["Mitigation Requirements"] that the ANC and the Applicants jointly ask be incorporated into an order approving the application, to wit:

- Within four months of BZA approval of the project, the Applicants will consult with RiverSmart to inform post-renovation landscaping (and steps that may be taken in the renovation process) to mitigate storm-water run-off from their property, for example through the installation of rain barrels, green roofs, or rain gardens.
- Applicants will ask RiverSmart to provide options for stormwater mitigation that, in the RiverSmart representative's estimation, would reduce stormwater runoff from Applicant's property to no more than that which would be expected from the property if it had 40% lot occupancy. Applicant will implement the option of their choice which satisfies this condition.
- Applicant will purchase and plant four medium shade trees on site as well as shrubbery and plantings akin to those that will be lost in the renovation process. The Applicants may, at their option, instead pay for purchase and planting of the trees mentioned in the foregoing sentence on other sites within the District of Columbia.
- Applicants will pay costs associated with the purchase and planting of at least two large trees offsite in the District of Columbia.

THEREFORE BE IT RESOLVED, based on our assessment of the project, in light of the support for it expressed by the nearby neighbors and the Applicant's agreement to the foregoing terms, we support the Application here (BZA Case No. FY-14-08-Z) provided that BZA incorporate the Mitigation Requirements in its order approving the application.

ANC 3E approved this resolution at its Special meeting on January 30, 2014, which was properly noticed and at which a quorum was present. The resolution was approved unanimously by a vote of 3-2-0. Commissioners Jonathan Bender, Matthew Frumin, Kathryn Tinker, Tom Quinn and Sam Serebin were present.

A handwritten signature in black ink, appearing to read "Matthew Frumin", written over a horizontal line.

ANC 3E

By Matthew Frumin, Chairperson