

### ***Person vs. Party in a Proceeding***

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

#### **INSTRUCTIONS**

**Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.**

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



**If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.**

District of Columbia Office of Zoning  
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001  
(202) 727 6311 \* (202) 727 6072 fax \* [www.dcoz.dc.gov](http://www.dcoz.dc.gov) \* [dcoz@dc.gov](mailto:dcoz@dc.gov)

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19067  
EXHIBIT NO.18



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please review the instructions on the reverse side.  
Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**  
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

<b>Name:</b>			
<b>Address:</b>			
<b>Phone No(s):</b>		<b>E Mail:</b>	
I hereby request to appear and participate as a party in Case No.:			
<b>Signature:</b>			<b>Date:</b>
<b>Will you appear as a(n)</b>	<input type="checkbox"/> Proponent	<input type="checkbox"/> Opponent	<b>Will you appear through legal counsel?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

<b>Name:</b>			
<b>Address:</b>			
<b>Phone No(s):</b>		<b>E Mail:</b>	

**PARTY WITNESS INFORMATION:**

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

**PARTY STATUS CRITERIA:**

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

**Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.**

**ATTACHMENT "A" TO FORM 140 - PARTY STATUS REQUEST**

**Party Witness Information:**

The applicant may call the following witness to testify:

1. Lyn Abrams

The applicant reserves the right to call any other witness testifying on behalf of a party, and to supplement this list at the hearing.

**Party Status Criteria:**

Pursuant to Rule 3106.2, the party submits the following information in support of its request to intervene/application for party status:

1. The Applicant is an unincorporated non-profit association established under Title 29, Chapter 11 of the Code of the District of Columbia, which is comprised by the following members who own the properties on Allison Street and Buchanan Street listed next to their name:

<u>Member Name:</u>	<u>Property Address:</u>
a. Lyn Abrams	1119 Allison St NW
b. Sharon T. Walker	1115 Allison St NW
c. Andrew Wible	1121 Allison St NW
d. Stacey Fahrner	1121 Allison St NW
e. Merl S. Howard, Sr.	1123 Allison St NW
f. Benny Watson, Jr.	1113 Allison St NW
g. Robert Sanders	1109 Allison St NW
h. Michael Fisher	1107 Allison St NW
i. Yvonne C. Harvey	1127 Allison St NW
j. Naissan Hussaiwzada	1111 Allison St NW
k. Peter W. Swaan	1111 Allison St NW
l. Lascelee Lee	1108 Allison St NW
m. Mattie M. Clarke	1112 Allison St NW
n. Cornelia A. Moseley	1116 Allison St NW
o. Threvia West	1139 Allison St NW
p. Kyoko Terada	1114 Buchanan St NW
q. Alfredo Darquea	1114 Buchanan St NW
r. Dawit Tadesse	1116 Buchanan St NW
s. James Wilson	1112 Buchanan St NW

The Applicant and its Members believe that the proposed building permit is in violation of applicable law and zoning regulations, and therefore have an interest in

seeing that such laws and regulations are enforced. The Applicant and its Members are particularly interested because certain Members own the properties immediately adjacent to 1117 Allison Street, NW (the "Subject Property"), and that as such, they are being "being discommoded and [their] property depreciated." *Garrou v. Teaneck Tryon Co.*, 11 N.J. 294, 94 A.2d 332, 335 (1953), cited in *W. End Citizens Ass'n v. D.C. Bd. of Zoning Adjustment*, 112 A.3d 900, 904 n.8 (D.C. 2015).

2. Applicant is comprised of Members who are owners of the properties immediately adjacent to the Subject Property, the property immediately behind the Subject Property, and other properties located on the same block or close proximity to the Subject Property.
3. Several of the Members own properties within 200 feet of the Subject Property.
4. Applicants' properties are all within 200 feet of the Subject Property.
5. If the Board denies the appeal and permits the conversion, the Applicant and its Members' respective properties will be adversely impacted in several ways. First, the proposed conversion seeks to transform a single-family home into a 3 unit condo, each of which will have 2 bedrooms. As such, this unit will significantly increase the density of the block. This will affect the day-to-day living in ways such as availability of street parking and congestion. Increased density will also have environmental impact on the level of refuse and garbage being produced and will likely attract more rodents, which are already a significant problem on that block.

The conversion will also negatively impact the character of the neighborhood by destroying the aesthetic harmony of the relative uniform height of the properties, and obliterate the openness of the block's back yards by massively protruding backwards and to each lot line, significantly reducing the amount of light. Further, because the conversion which is the subject of this appeal is no longer a matter of right, the Subject Property will stand alone as a discordant eyesore in an otherwise stable and uniform block.

Lastly, the conversion will negatively impact the Applicant and its Members' respective property values. Many Members have invested significantly in renovating their respective properties with kitchen and bath upgrades, which increase the marketability and value of the single-family home. However, the conversion will likely reduce the value of Members' properties because most individuals seeking single family row houses in Petworth are not interested in living adjacent to a large condo building. This will in turn limit the prospective buyers to developers interested primarily in converting the Members' properties into condos or apartments, which will tend to limit the price to the land acquisition value (i.e., Memberse would be unlikely to recoup the significant investments to their properties as single family homes).

6. Because the Applicant's Members are homeowners and residents of the block, their interest is much greater than that of the general public. Many members have lived on in the neighborhood for many years, and other purchased their respective properties for the particular characteristics of that neighborhood: a stable stock of single-family homes, with lower density than other parts of the District, but still providing access to public transportation and other commercial corridors. The Members' interests in their respective properties will be directly impacted by the decision of the Board with respect to the appeal.

In further support of its Application, the Applicant submits the attached memo which briefly outlines its objections to the proposed construction.



**BOARD OF ZONING ADJUSTMENT  
441 4<sup>th</sup> STREET N.W., SUITE 200S  
WASHINGTON, DC 20011**

In Re Appeal of:

ADVISORY NEIGHBORHOOD COMMISSION 4C,

Appellant,

DEPARTMENT OF CONSUMER & REGULATORY  
AFFAIRS

Respondent.

BZA No. 19067

**STATEMENT IN SUPPORT OF APPLICATION FOR PARTY STATUS**

**I. Introduction**

Intervenor and Applicant for Party Status Concerned Citizens of Allison & Buchanan Streets, an unincorporated non-profit association established under Title 29, Chapter 11 of the Code of the District of Columbia (“Applicant”), files this written submission in conjunction with its application, made pursuant to 11 DCMR § 3106.2, to intervene and be granted party status in the appeal of Building Permit B1505734 (“the Permit”). The Department of Consumer and Regulatory Affairs (“DCRA”) issued the Permit on May 27, 2015. ANC 4C filed this appeal on June 12, 2015 alleging that the Zoning Administrator erred in applying the zoning regulations. Hearing has been scheduled for September 29, 2015, and this application is therefore timely filed. Should the application be granted, Applicant respectfully requests that the Board of Zoning Adjustment (“BZA” or “the Board”) consider this submission.

## **II. Statement of Facts**

Applicant adopts and incorporates by reference the Statement of Facts set forth in, and Exhibits accompanying the supporting memorandum submitted by the Appellant.

## **III. Legal Arguments**

Applicant adopts and incorporates by reference the Legal Arguments set forth in the supporting memorandum submitted by the Appellant. In addition to those arguments, Applicant states as follows:

### **A. The Zoning Administrator erred in allowing a deviation from the lot occupancy requirements.**

Row dwellings and conversions to an apartment building in the R-4 district are limited to 60 percent of lot occupancy as a matter of right.<sup>1</sup> This limit was first imposed under an amendment to the regulations pursuant to ZC Order No 06-47.<sup>2</sup> The amendments were recommended by the Office of Planning (“OP”) to the Zoning Commission (“ZC”) by letter dated December 1, 2006. A copy of that letter is attached as an Exhibit.

In that letter, OP laid out the historical and current framework supporting the imposition of the lot occupancy limits with respect to conversions of residential dwellings. Specifically, OP noted that the purpose of the 1958 Zoning Ordinance and Regulations was “to limit the erosion of the row house character [in the R-4 district].” This historical mandate is also reflected in the current R-4 regulations, the express purpose of which is “the stabilization of *remaining* one-family dwellings”.<sup>3</sup> The OP letter expressly stated that the intent of the lot occupancy

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<sup>1</sup> 11 DCMR § 403.2.

<sup>2</sup> 54 DCR 8965.

<sup>3</sup> 11 DCMR § 330.2 (recognizing as stated in § 330.1 that there had been a “a substantial number of conversions of the [single-family row] dwellings into dwellings for two (2) or more families”).



restrictions with respect to conversions of residential buildings was to *limit* the number of apartments in R-4 “since the alternative would be counterintuitive to the general theme of protecting and enhancing the District's neighborhoods particularly the row house districts as indicated in the [Comprehensive] Plan.” This idea is expressly stated in Rule 330.3, which provides that “The R-4 District shall not be an apartment house district...since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.” Referencing the policies set forth in the Comprehensive Plan, OP stated that “The R-4 District regulations require *strict* application if neighborhoods are to remain intact for the enjoyment of future generations of the District” (emphasis added).<sup>4</sup>

Rule 407.1 permits the Zoning Administrator to permit a deviation not to exceed 2% of the maximum lot occupancy, provided, however, that “The deviation...shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.”

The Zoning Administrator's decision to allow the proposed apartment building to deviate from the maximum lot occupancy requirement of 60 percent in this case impairs the intent and purpose of Rule 403. Specifically, that regulation's purpose is to *limit* the number of row house conversions, and was intended to be *strictly* applied. Thus, it follows that by permitting the deviation of lot occupancy with respect to the conversion of a residential row dwelling, the Zoning Administrator was *increasing* the number of apartment buildings in the R-4 District, in contravention to the clear and express intent and purpose of Rule 403.

Not only did the Zoning Administrator's deviation directly contradict the purpose of the regulations, it was plainly inconsistent with the Comprehensive Plan. In *Appeal No. 18108 of*

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<sup>4</sup> “Conserve and maintain the District's sound, established neighborhoods through the *strict application and enforcement of housing, building, and zoning codes* and the maintenance of the general level of existing residential uses, densities, and heights.”

*Advisory Neighborhood Commission 3C*, the Board considered this very question: whether Rule 407.1 required the Zoning Administrator to consider the Comprehensive Plan. In resolving that question in the negative, the Board relied upon *Tenley and Cleveland Park Emergency Committee v. District of Columbia Bd. of Zoning Adjustment*, 550 A.2d 331, 341 n.22 (D.C. 1988). However, *Tenley* is nearly 30 years old, and was based on the language of the Comprehensive Plan and Land Use Acts, both of which have undergone substantial amendment. Further, the court reasoned that the plaintiffs could have challenged the relevant zoning regulation on grounds that it was not consistent with the Comprehensive Plan through the administrative process. However, that administrative review process no longer exists. Accordingly, *Tenley* is no longer valid law and should not be relied upon.

Indeed, one of the express policies of the current version of the Comprehensive Plan expressly contemplates the consultation of the Plan in zoning decisions: “Require the Board of Zoning Adjustment, the Zoning Commission, the Zoning Administrator, and other District agencies or decision making bodies regulating land use to look to the District Elements of the Comprehensive Plan and its accompanying Maps.” 10A DCMR § 2504.5. This is a rational policy. While the Board cannot amend or enact zoning regulations, it is empowered to interpret them. In exercising its authority to interpret the regulations, the Board must not construe the regulations in a manner that is inconsistent with the Comprehensive Plan.

The Comprehensive Plan’s policy for Rock Creek East, the District Element in which the Subject Property is located, expressly states “Ensure that renovation, additions, and new construction in the area’s low density neighborhoods respects the scale and densities of adjacent properties, avoids sharp contrasts in height and mass, and preserves park like qualities such as dense tree cover and open space.” 10A DCMR § 2208.3.

For the foregoing reasons, the permit was issued in contravention to the existing zoning regulations and applicable provisions of the Comprehensive Plan. The Board should grant the appeal.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



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Office of the Director

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *JLS for*  
Ellen McCarthy, Director

**DATE:** December 1, 2006

**SUBJECT:** ZC 06-47 – Text Amendment to §§ 330.5, 401.3 and 403.2 of the Zoning Regulations to clarify the expansion requirements for existing apartments in the R-4 District and limit the lot occupancy upon conversion of row dwellings to apartment uses in the R-4 District.

**RECOMMENDATION**

The Office of Planning recommends text amendments to §§ 330.5, 401.3, 403.2 of the Zoning Regulations to clarify that within the R-4 District, the number of units in apartment houses existing prior to May 12, 1958 could be expanded even if there was not 900 square feet of lot area for each unit. A recent Board decision concluded that the lot area requirement applied to "converted", but not existing, apartment houses. Under this logic, compliance with the 900 foot limitation would only be required when a building is first converted to an apartment house, but not to any later renovations of that same structure. This is clearly contrary to the intent to the R-4 regulations.

The OP proposed text is intended to clarify existing criteria designed to protect the zone district's moderate density/rowhouse character. OP also recommends lot occupancy limit of 60% to conversion of a row dwelling to an apartment use, which is consistent with the existing row house limit.

This recommendation is consistent with Zoning Commission Order # 211 of March, 9 1978 (attached) which found that the intent of the Zoning Regulations "*was not only to apply the 900 square foot criteria to conversions of buildings which are single family dwellings or flats, but also to apply such criteria to conversions of buildings which are multiple dwellings (e.g. rooming houses) to apartments.*" Thereafter, the original regulations were amended to apply the 900 square feet criteria to conversions. OP contends that this criteria is also applicable to the expansion of structures subsequent to their conversion to prevent excessive density and bulk inappropriate for the moderate density R-4 District.

ZONING COMMISSION  
District of Columbia

CASE NO. 06-47  
ZONING COMMISSION  
District of Columbia  
CASE NO. 06-47  
EXHIBIT NO. 1

The following is proposed:

(New text is shown in **bold** and underline and deleted text is shown with ~~strikethrough~~):

1. **Amend 330.5 (c) to read:**

The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ ~~350.4 (e) and 401.3~~ **401.3 and 403.2**

2. Amend the table in § 401.3 to read as follows:

**R-4**

Conversion of <b><u>a building or structure</u></b> to an apartment house ( <b><u>§330.5</u></b> )	900/apartment or	None prescribed
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3. Amend the table in § 403.2 to read as follows:

R-4

~~Conversion to multiple dwelling~~  
**Conversion of a building or structure to an apartment house**  
**(§330.5)**

~~None prescribed~~  
**Greater of 60% or the lot occupancy as of the date of conversion**

4. A new § 401.11 to read as follows:

**401.11**

**An apartment house in an R-4 District, whether converted from a building or structure pursuant to § 330.5 or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there is 900 square feet of lot area for each unit, both existing and new.**

## **BACKGROUND**

The Harold Lewis Report (1956)<sup>1</sup> informed the adoption of the current Zone Regulations. The report provided the basis of the R-4 Zone designation as it established a scale of density whereby a row dwelling would be permitted on a lot of 1,800 square feet, and further stated that *“any type of one family dwelling could be converted for the use of two or three families, if it has a lot area of at least 1,000 square feet per family.”*<sup>2</sup> In the 1958 the Zoning Ordinance, corresponding regulations were adopted to limit the erosion of the row house character. Section 401 .3 permits the conversion of pre-1958 building in the R-4 District to apartment uses subject to the requirement of 900 square foot of lot area per apartment. Subsequently, after a public hearing on February 23, 1978 to consider an amendment to limit the number of apartments based on the area of the lot in the R-4 District, (ZC Case No. 77-42, Order 211) the Commission determined that the application of the 900 square feet of lot area/apartment criteria was applied to all structures within the zone district to prevent excessive density and help stabilize the district.

## **ANALYSIS**

Based on the Zoning Regulations’ definition of an apartment house as being three (3) or more units (§ 199), and the conversion requirement of 900 square feet minimum lot area per apartment, lots 2,700 square feet or more in area present the potential for conversion in the R-4 District.

Preliminary data obtained by OP reveals that there are approximately **3,885 lots** (primarily located in Wards 4, 5, and 6 with a small percentage in Wards 2, 3 and 8) which meet or exceed this area requirement. Of these, approximately 1,890 lots (49%) are classified as existing residential row, detached or semi-detached - single family structures throughout the District. 949 conversions of less than 5 units are currently recorded and 289 apartments (walk-up and elevator) are identified. No information is currently available to OP at this time regarding when these conversions occurred or if in fact the data is current to 2006.

OP believes that it is important that the R-4 district regulations are clear to future redevelopment initiatives, particularly with respect to vacant or abandoned structures, as well as other large existing structures which may be able to convert to apartment uses in the future.

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<sup>1</sup> *Harold Lewis - A New Zoning Plan for the District of Columbia – Final Report of the Zoning Study. November 9, 1956.*

<sup>2</sup> The 1958 R-4 Zone Regulations prescribes 900 square feet of lot area per family for row house conversions.

## **Lot Occupancy**

OP believes that the character of the district is also affected by the lot occupancy requirement. None is currently prescribed for conversions, whereas a single-family row dwelling or flat is currently limited to 60% as a matter-of-right. OP believes that the subsequent conversion to an apartment use should be also limited to 60%, in keeping with the present limitations of existing row structures. This would provide clear guidance for the redevelopment of abandon or vacant structures in need of rehabilitation within the zone district, ensuring the intent that the moderate density/ rowhouse character be retained. As no lot occupancy is currently prescribed, current practice of rehabilitation of such structures varies and is confusing in its application.

Many large non-conforming structures within the zone district exceed the 60% lot occupancy requirement. If converted to an apartment house they would have to abide by the 900 square feet per unit requirement as proposed by the amended § 401.3 and would be limited to the lot occupancy in existence at the time of conversion.

## **COMPREHENSIVE PLAN**

OP believes that the Comprehensive Plan fully supports limiting the number of apartment units in the R-4 District, since the alternative would be counterintuitive to the general theme of protecting and enhancing the District's neighborhoods particularly the row house districts as indicated in the following sections of the Plan.

### **102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS**

*102.2 The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. Many city neighborhoods are historic or possess social, economic, and physical qualities that make them unique and desirable places in which to live. These qualities can also lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods desirable. These pressures and potential adverse impacts must be controlled to ensure that the character of our neighborhoods is preserved and enhanced.*

As previously stated, redevelopment pressures would have an adverse impact on the unique character of historic row house districts including Capitol Hill, as well as contributing row structures in Adams Morgan, Bloomingdale, Eckington, Le Droit Park, Trinidad, and Ivy City to name a few. While restoration and upgrading of such structures are supported and encouraged, even to apartment houses within their prescribed limits, these are diverse and unique row house neighborhoods which are currently under pressure unsympathetic of development. The proposed text changes would clarify that conversions are intended to maintain a rowhouse character density and bulk.

**108 PRESERVING THE HISTORIC CHARACTER OF THE DISTRICT**

*108.1 The Nation's Capital contains many buildings and collections of buildings, which contribute to its beauty and fabric, as well as affording a picture of its history. Over the years, individual buildings and collections of buildings have been protected through historic preservation laws. The Plan recognizes the importance of historical Washington and provides policies to nurture this historic urban center.*

Many of the District's historic neighborhoods have a high percentage of row structure residences, including Capitol Hill and Le Droit Park. Conflicting R-4 Regulations would provide avenues for differing interpretations to the detriment of the Zone Plan and the historic character of these neighborhoods.

**1102 OBJECTIVES FOR RESIDENTIAL NEIGHBORHOODS**

*1102.1 The residential neighborhood objectives are as follows:*

- (a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique;*
- (b) To enhance other neighborhoods and achieve stability;*

**1104 POLICIES IN SUPPORT OF THE RESIDENTIAL NEIGHBORHOOD OBJECTIVES**

*1104.1 The policies established in support of the residential neighborhoods objectives are as follows:*

- (a) Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses;*
- (b) Conserve and maintain the District's sound, established neighborhoods through the strict application and enforcement of housing, building, and zoning codes and the maintenance of the general level of existing residential uses, densities, and heights;*
- (c) Ensure a broad range of residential neighborhood options ranging from quiet, low density, park-like neighborhoods to active, high density, mixed-use urban neighborhoods;*
- (d) Develop neighborhood improvement programs and neighborhood land use proposals for residential areas that have deficiencies which threaten neighborhood quality, coordinated community and government action programs and plans, systematic monitoring of neighborhood social and physical conditions, and continuing assessment of land use and regulatory actions to correct deficiencies;*

The R-4 District regulations require strict application if neighborhoods are to remain intact for the enjoyment of future generations of the District. Any deficiency that threatens the neighborhood quality should be addressed as proposed to ensure the continued viability of the neighborhoods which comprise the R-4 Districts.

Apartment buildings are a vital part of the District's fabric and are supported and encouraged in many areas along corridors close to Metro stations, and of course areas



zoned for apartment use and shown as such in the Comprehensive Plan and Land use Map.

However, continued expansion of row dwellings and their subsequent conversion to large in the R-4 District apartments would increase the density of development to levels contrary to the Comp Plan and zone district. The amended §§ 330.5, 401.3 and 403.2 would permit continued conversion of structures in the R-4 District, within the limit of a minimum lot area of 900 square feet per apartment and the 60% lot occupancy upon expansion. This is in keeping with the matter-of-right provisions of the zone district.

Thus, OP concludes that the recommended clarifications would prevent an inappropriate increase in the intensity in the R-4 Zone. OP believes that the changes would conform to the Comprehensive Plan and Generalized Land Use Map and Zoning Commission Order No. 211.

### RECOMMENDATION AND PROPOSED TEXT

Based on the above discussion, including the intent of the R-4 regulations and the objectives of the Comprehensive Plan, the Office of Planning recommends that the Zoning Commission:

- Amend §§ 330.5, 401.3 and 403.2, and
- Include new text, § 401.11 as further clarification to address potential renovation of existing apartment dwellings in the R-4 District.

OP believes the amended language addresses and protects against adverse impacts that could result from the conversion and expansion of row structures and apartments of the R-4 District. The proposed text is not intended to inhibit the current uses of residential properties in the R-4 District, but rather to address a pressing threat to the single family row house character with the addition of more apartments. Therefore, the following is proposed:

(New text is shown in **bold** and underline and deleted text is shown with ~~strikethrough~~):

1. **Amend 330.5 (c) to read:**  
The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ ~~350.4 (e) and 401.3~~ 401.3 and 403.2
2. Amend the table in § 401.3 to read as follows:

<b><u>R-4</u></b>		
Conversion of <b><u>a building or structure</u></b> to an apartment house <b><u>(§330.5)</u></b>	900/apartment or	None prescribed

3. Amend the table in § 403.2 to read as follows:

R-4

~~Conversion to multiple dwelling  
Conversion of a building or  
structure to an apartment house  
(§330.5)~~

~~None prescribed  
Greater of 60% or the lot  
occupancy as of the date  
of conversion~~

4. A new § 401.11 to read a follows:

**401.11** **An apartment house in an R-4 District, whether converted from a building or structure pursuant to § 330.5 or existing before May 12, 1958. may not be renovated or expanded so as to increase the number of dwelling units unless there is 900 square feet of lot area for each unit, both existing and new.**

Government of the District of Columbia  
ZONING COMMISSION



Zoning Commission Order No. 211

Case No. 77-42

March 9, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on February 23, 1978 to consider an amendment to the text of the D. C. Regulations. The proposed amendment would limit the number of apartments, based on the area of the lot, which could be located in a building in an R-4 District.

The present Zoning Regulations currently permit an existing building to be converted to a multiple dwelling provided that there is 900 square feet of lot area for each dwelling unit proposed to be created. This provision has consistently been interpreted such that it is not applied to multiple dwellings already in existence in 1958, since changing such buildings to apartments would not be a "conversion to" a multiple dwelling. The Board of Zoning Adjustment, in a case appealing the decision of the Zoning Administrator, has recently confirmed that ruling.

The Commission finds that the intent of the Zoning Regulations was not only to apply the 900 square foot criteria to conversions of buildings which are single family dwellings or flats, but also to apply such a criteria to conversions of buildings which are multiple dwellings (for example, rooming houses) to apartments. The Commission further finds that the present Regulations, as written, are being properly interpreted and that the Regulations should be amended to specifically apply the 900 square foot criteria to such conversions. The Commission finds that such a regulation would prevent excessive density in the R-4 District, and would tend to help stabilize those areas of the District where the R-4 zone is concentrated.

The Commission finds that the proposed amendment was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and that the NCPC reported that the proposed amendment would not have a negative impact on the interests or functions of the Federal Establishment within the National Capital.

The Commission finds that the proposed amendment is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. The Commission therefore hereby orders adoption of the following amendments to the Zoning Regulations:

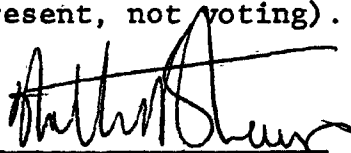
1. Change Paragraph 3104.33 to read as follows:

"The conversion of a building or other structure existing before May 12, 1958 to an apartment house as limited by paragraph 3301.1".

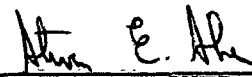
2. Change the table applicable to the R-4 District in Sub-section 3301.1 to read as follows:

<u>Row dwelling and flat</u>	1,800	18
<u>One family semi-detached dwelling</u>	3,000	30
<u>Conversions to apartment house</u>	900 per <u>apartment or bachelor apartment</u>	none prescribed
<u>All other structures</u>	<u>4,000</u>	40

Vote of the Commission taken at the public hearing held on February 23, 1978: 4-0 (George M. White, Ruby B. McZier, Walter B. Lewis and John G. Parsons to adopt, Theodore F. Mariani not present, not voting).



WALTER B. LEWIS  
Chairman



STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on March 9, 1978 by a vote of 4-0 (Ruby B. McZier, George M. White, Walter B. Lewis and John G. Parsons to adopt, Theodore F. Mariani not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 24 MAR 1978.