GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: March 4, 2003

SUBJECT: BZA Application #16983 (Application of Richard Nappi)
505-507 O Street, NW
Square 479, Lots 36, 37
ANC 2C

I. APPLICATION-IN-BRIEF

Applicant:	Richard Nappi
Relief Sought:	Variance from Land Area Requirements for Apartment Units
From Section:	11 DCMR §330.5, §401.3 and §2101.1
Zoning:	R-4
Regulations Require:	More Lot Area Per Apartment/Condominium Unit More Parking
Relief Sought Under:	§3103.2

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) cannot, at this time, recommend the Board of Zoning Adjustment (the Board) grant the requested variance from § 401.3. OP anticipates the submission of additional information that has been requested from the applicant. After such a submission, OP may provide the Board with a supplemental report.

OP recommends the Board grant the requested variance from §2101.1, should the Board approve the requested area variance.

III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

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Square 479 in northwest Washington is bounded by:

- South: O Street
- East: 5th Street
- North: P Street
- West: 6th Street.

Lots 36 and 37 are in the center of the north side of the 500 block of O Street. Their sole frontage is on O Street, as they have no alley access. Lot 36 comprises 2282.50 SF and is 20.75 feet wide and 110 feet

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deep. Lot 37 has the same dimensions as Lot 36. Because there is no alley serving the properties, or the adjacent lots, the parcels have no off-street parking.

The applicant plans to file for consolidation of the lots, if the requested variances are granted. If combined, the lots will comprise 4565 square feet. However, because a consolidation request has not yet been filed, OP must consider the parcels as separate lots.

Lot 36 is improved with a vacant 2-story-plus basement row dwelling. The structure is 17.75 feet wide in the front, 12 feet wide in the back and generally 76 feet deep. Lot 37 is improved with a vacant two story-plus-basement row dwelling that is 20.75 feet wide at the front, 17 feet wide at the rear, and generally 63 feet deep. Both structures are extremely dilapidated and have been condemned by the District government.

The property is located in the Shaw neighborhood, which is experiencing significant change in its housing stock. The neighborhood consists primarily of row houses, some of which have been converted into flats or apartments. Heights of nearby buildings range from two to three stories. There is only one other structure fronting on either side of the 500 block of O Street, and that is also abandoned. The Square on the south side of O Street is occupied primarily by structures associated with the United House of Prayer for All People.

Major nearby buildings include the Kennedy Playground/community center at 6th and O streets, the O Street Market and Giant Food at 7th and O Streets, a public school complex located on O Street between 5th Street and New Jersey Avenue, and the new Washington Convention Center at 7th Street between Mt. Vernon Place and N Streets. There are nine garden apartment or high-rise apartment complexes within two blocks of the site. Metro entrances are located at 7th and M Streets and 8th and R Streets

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned R-4. Other nearby zone districts are C-2-A and C-2-B, primarily mapped along arterial streets; R-5-B and R-5-D and other R-4 zoned areas. The nearest historic district is Shaw.

The R-4 district is designed for areas that have already been developed primarily with row houses, but where a substantial number of the row houses have been converted into residences for two families (i.e., a "flat" as defined by 11 DCMR Section 199.1), or more. However, 11 DCMR Section 330.3 states that the R-4 district is not intended to be an apartment house district, unlike the R-5 general residence district.

In the R-4- district, the conversion of a pre-1958 structure into flats or multiple dwellings is controlled by Section 330.5 and, by cross reference, Section 401.3, which requires a minimum lot area of 900 square feet per dwelling unit.

V. APPLICATION DESCRIPTION *(See Attachment 2)*

The applicant is in the process of selling these buildings to Blue Sky Housing O Street, LLC (the developer). The two lots would be combined into one. The developer wishes to maintain the façade,

footprints and rooflines of the existing buildings while converting them into a total of 7 one and two-bedroom plus den condominiums units. Lot 36 would contain 3 units; lot 37 would contain 4 units.

The applicant is seeking:

- A variance from the lot area requirements of §401.3 that govern conversion of pre-1958 structures to apartments under §330.5. These sections require 900 square feet of lot area for each proposed apartment;
- A variance from the parking requirements of §2101.1, which mandate one space for every 3 units.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 3)*

The Comprehensive Plan's Generalized Land Use Map shows the area as being suitable for moderate density residential. Moderate Density Residential is typically associated with zone districts ranging from R-3 to R-5-B. Row houses and smaller apartments are the predominant uses.

The Ward 2 Element of the Comprehensive Plan stresses the provision of additional housing, and the need for neighborhood stabilization. It also promotes the creation of additional housing near Metro stations. The granting of the area variance would be consistent with all three of these Comprehensive Plan objectives: it would add housing; that housing would be within three blocks of the Mt. Vernon/ Convention Center Metro station; it would help to stabilize the neighborhood by taking two vacant shells and convert them into units for home-ownership.

VII. REQUESTED ZONING RELIEF

The following chart includes what is permitted as a matter of right on Lots 36 and 37, as well as with the variances that would be required for constructing the seven units the applicant has requested. Because the lots are the same size, differentiation is made between the lots only if it adds additional information.

TABLE 1:

Provision	**11 DCMR Section**	**M-O-R Requirement**	**Existing on Each Lot**	**Variance for Expansion to 3 or 4 Units per Lot (total of 7), as Proposed**
Lot Size and Lot Area/Unit	401.3	1800 sf min.for flat; 900 SF/Unit for apt Lot 36: 2700 for 3 units Lot 37: 3600 for 4 units	2282.5 SF	Lot 36: 417.5 SF (15%variance) for 3 units; Lot 37: 1317.5 SF (36.6%) for 4 units
Lot Width	401.3	18' for flat; n/a for apt	20.75'	None
Rear Yard	404.1	20 '	34' to 49'	None
Lot Occupancy	403.1	60% max. for flats; none for conversion of existing structure to apts.; 40% if added to	Lot 36:1300 sf (57%); Lot 37: 1175 sf (51.5%)	None, unless addition is planned – which is not now indicated
Parking	2101.1	1 for every 3 d.u. in	0	Variance of 1 space

		excess of previous d.u. for pre-1958 structures w/ valid c of 0, provided the new d.u.'s increase the intensity of use by more than 25% of previous aggregate under valid c of o		required, because one space is already grandfathered for each pre-1958 building.

- **Section 401.3**: *lot area variance to construct 3 units and 4 units on 2 (intended to be combined) lots of 2282.5 square feet each, where 2700 square feet of lot area are required for 3 units and 3600 square feet of lot area are required for 4 units.*

  Other requirements having been satisfied, a pre-1958 building may be converted to apartment use (i.e., 3 or more units) in an R-4 zone. However, only one apartment unit may be created for each 900 square feet of land area. The applicant would thus be entitled to no more than two dwelling units on each 2282.5 square foot property (i.e., 4 units), or a total of 5 units should the lots be combined into a single 4565 square foot lot. Should the Board approve the area variance request, and the lots be combined, the desired seven units would have, on average, approximately 652 square feet of lot area per unit. The 1735 total square foot variance for lot area (248 sf/unit) would be for 38% less square footage of total lot area (28% less per unit) than Section 401.3 requires under matter of right zoning.

- **Section 2101.1**: *parking variance*

  1 parking space is required for every three units – i.e., 3 spaces are required by regulations, two of which are "grandfathered-in" for pre-1958 structures. Therefore a variance of one space is required.

VII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

A. **For Section 401.3 – Lot Area Variance** *(Attachments 4a-d)*

1. Are there exceptional conditions that create a significant practical difficulty in using or developing the property under the strict application of the existing zoning?

There are exceptional conditions, but the applicant has not yet demonstrated that these conditions create a significant practical difficulty in developing the property under the strict application of the R-4 zone district regulations

The buildings are condemned, pre-1958 shells with significant portions of roofs, structural members, partitions and other building fabric missing. There are no interior fittings. As the drawings attached to this report indicate, the structural integrity of 505 O Street's roof and

interior elements has been compromised, and the only salvageable portions of 507 O Street are the front and side walls.

The developer wishes to maintain as much of the remaining existing fabric as possible, even though the houses are not within an historic district. This is a laudable approach that is also desired by the neighborhood. Such extensive reconstruction and rehabilitation and renovation is almost always more extensive than is demolition and entirely new construction.

The "landlocked" nature of the site also contributes to the exceptional conditions by precluding the provision of on-site parking, a feature that is usually desired by potential owners or renters.

At OP's request, the applicant submitted drawings and information on February 28, 2003 *(Attachments 4a-e)* showing:

- Existing conditions;
- Plans for the projected development, including
    - Site plans
    - Plans for footprints and additions, if any, that would affect FAR
    - Sketch plans for interior layouts
    - Sections.

OP has also requested:

- Plans for what could be developed under a matter of right scenario, presuming the consolidation of lots;
- Pro forma for matter of right and desired renovation;
- Comparison of comparables four (or five) units and the desired 7 condominiums;
- DC government condemnation papers for the structures.

The above materials were requested by OP in order to better assess whether the shells could be reasonably renovated under a matter of right scenario, or with a number of units fewer than requested in the application, or whether the requested variances for seven units are needed in order to account for practical difficulties.

It is possible that in the information yet to be submitted, the applicant will demonstrate that the deteriorated physical conditions of the property are such that it is not possible to develop the property with only four (or, if lots are consolidated, five) matter-of-right-permitted units. However, at this time, OP feels that the applicant has not yet demonstrated the practical difficulty of using the under matter of right zoning, or with fewer than seven units.[1]

2. Can The Relief Be Granted Without Substantial Detriment to the Public Good?

It can.

[1] The site is in a rapidly developing area two blocks from the new convention center, and three blocks of two Metro stations.

- The applicant has stated there will be no additional lot coverage in drawings submitted to OP the evening of February 28, 2003. There would be no change to the light or air available to adjacent properties.

- The Shaw neighborhood, and its R-4 zone, contains many other examples of buildings containing at least seven units on lots between 4000 and 5000 square feet. There are also nine garden apartment or high-rise apartment complexes within two blocks of the applicant's property, although these are not in the R-4 zone.

- The Shaw neighborhood is identified on the Comprehensive Plan Generalized Land Use Map as suitable for moderate-density residential use, and is zoned accordingly. Delivering as many as seven housing units to the market will rid the neighborhood of long-vacant eyesores, help stabilize the housing stock, and comports with the District's high-priority objective of retaining existing residents, and gaining 50,000 to 100,000 more residents within the next ten years.

3. Can the Relief Be Granted Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as Embodied in the Zoning Regulations and Map?

The applicant has not yet demonstrated that it can.

The R-4 zone district is mapped primarily in denser, older, often historic areas surrounding the central employment area of the District. As noted earlier, the intent of the R-4 zone is to avoid apartment houses becoming the predominant uses in this district. However, the zoning regulations governing the R-4 zone do make provisions for the conversion of older structures into multi-unit residential buildings.

OP finds the granting of a variance for lot area per dwelling unit, absent the demonstration of significant practical difficulty, to be contrary to the intent of the zoning regulations and the zone plan. However, we are prepared to submit a supplemental report should this be warranted by the remaining information to be submitted by the applicant.

B. For Section 2101.1- Parking

1. Are there exceptional conditions that create a significant practical difficulty in using or developing the property under the strict application of the existing zoning?

Yes. Because of the absence of alley access, no units on these lots would be able to provide parking. Each lot has one grandfathered parking credit. No additional parking spaces would be required for matter of right development with, or without, lot consolidation. For the development requested as part of the application, one new parking space would be required. It would not be possible to provide this space without compromising at least one of the facades by constructing a garage or a curb-cut. If this were done, one on-street parking space would effectively be eliminated by the provision of one off-street space.

2. Can The Relief Be Granted Without Substantial Detriment to the Public Good?

The applicant has cited numerous locations for nearby temporary off-street parking. OP has asked the applicant to:

- Document conversations or agreements it may have with the owners of the above sites regarding co-use of the parking spaces.

However, the site is within three blocks of two Red Line Metro stops, and near numerous bus lines. OP does not feel that the provision of the one required off-street space would outweigh the impact of the alteration of the street fabric, the construction of an additional curb-cut, and the possible insertion of a garage entrance into the one of the existing facades.

3. Can the Relief Be Granted Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan as Embodied in the Zoning Regulations and Map?

The granting of a variance from the provision of one parking space in a central city area so well served by transit would not substantially impair the intent, purpose and integrity of the zone plan.

IX. COMMUNITY COMMENTS

According to the applicant, ANC 2C has reviewed the project, voted to support it at a regularly called meeting and intends to file a letter with the BZA. There were no comments about the project in the record as of February 24, 2003.

X. OTHER AGENCY COMMENTS

There were no agency comments on file as of February 24, 2003.

XI. OP RECOMMENDATION

OP has requested the additional information indicated above in Sections VII.A.1 and VII.B.2. Some of this information has been submitted. OP is unable, at this time, to recommend the Board approve the requested area variance. We will be prepared to re-evaluate our recommendation, should additional information warrant it.

However, OP does recommend the Board approve the parking variance, should the Board decide to approve the requested area variance.

Aa/slc

Attachments (1-3, 4a-e)



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. # 16983
505-7 O St., NW

DC Office of Planning
February 28, 2003

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30 0 30 60 90 120 Feet

Attachment 1



Feature Key

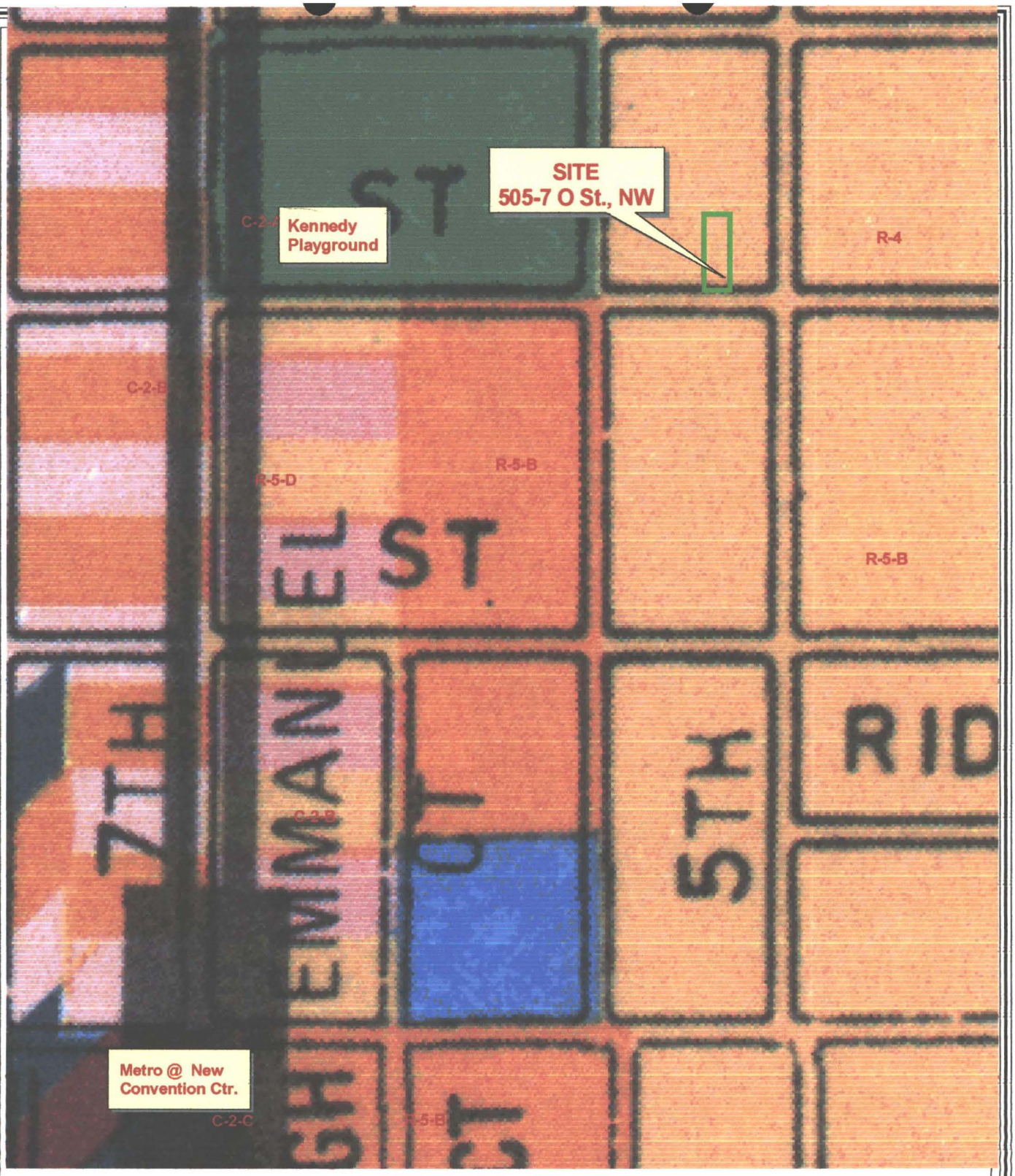
Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. # 16983
505-7 O St., NW

DC Office of Planning
February 28, 2003

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Attachment 2



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse
BZA # 16983

DC Office of Planning February 25, 2002

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Attachment 3

Attachment 4a

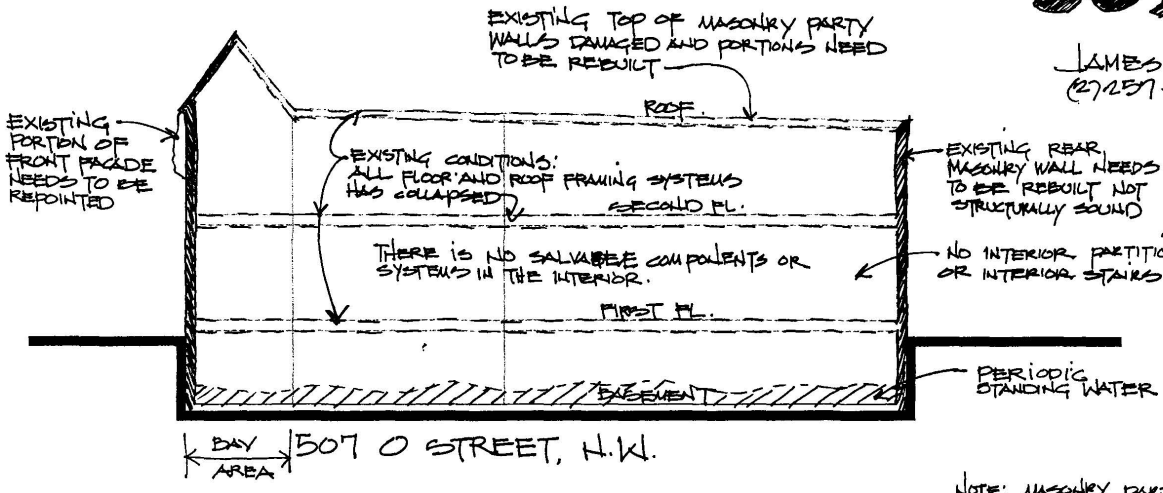
O STREET CONDOMINIUMS PROJECT DESCRIPTION

Blue Sky Housing O Street, LLC (the "Developer") is requesting the approval of the Board of Zoning Adjustment ("BZA") for the Developer's Zoning Application requesting a lot area variance and parking variance for lot 36 in 0479 square and lot 37 in square 0479. The Developer is proposing to develop seven condominium units at lot 36 in square 0479 and lot 37 in square 0479 commonly known as 505 and 507 O Street, NW, Washington, DC (the "Project"). The condominiums and the condominium association will be known as the Historic O Street condominiums. The condominium consists of the land and improvements thereon. The Project is being constructed on land which was improved with two rowhouses. The two rowhouses are currently in disrepair and unoccupied. The two rowhouses will be rehabilitated and when completed will consist of a three story, plus a basement level, structure constructed of primarily masonry, wood, brick veneer and glass. When complete, the project will contain seven (7) residential units (see unit description below). The Project will not have any parking space units because the Project is located in a square that does not have an alley. The Project is located in the 500 block of O Street, NW where there are only three rowhouses which the Project is two of the three rowhouses. There is ample space for street parking and the Developer is seeking out land or spaces in the surrounding area so that each condominium unit has a designated parking space. The total square footage of the project will be approximately 7,500 square feet. Construction shall commence by March 1, 2003 and shall be completed by October 30, 2003. Each unit of the condominiums will have recessed and track lighting, standard appliances including: refrigerator, stove, microwave, dishwasher and washer/dryer, granite countertops, hard wood floors and granite and tile floors in the bathrooms, gas fireplace, alarm system and the back of the house will be framed in glass. The project will be fully sprinklered. Developer plans to sell all the units but reserves the right to lease any units.

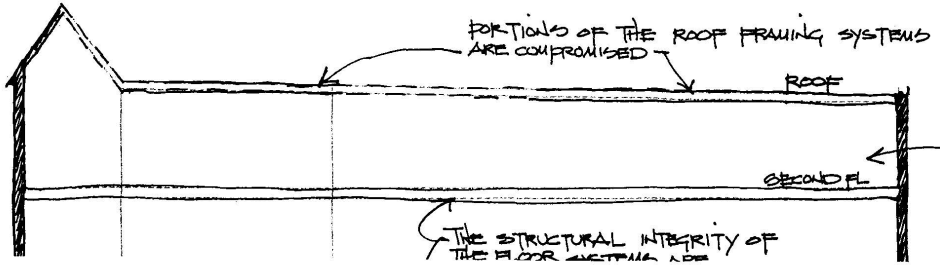
Please Note the Zoning Application was filed under the name of the current owner, Richard Nappi, because the Developer is not due to close on the property until the first week of December 2002.

505/50

JAMES W. KILLETTE
(2)257-2237

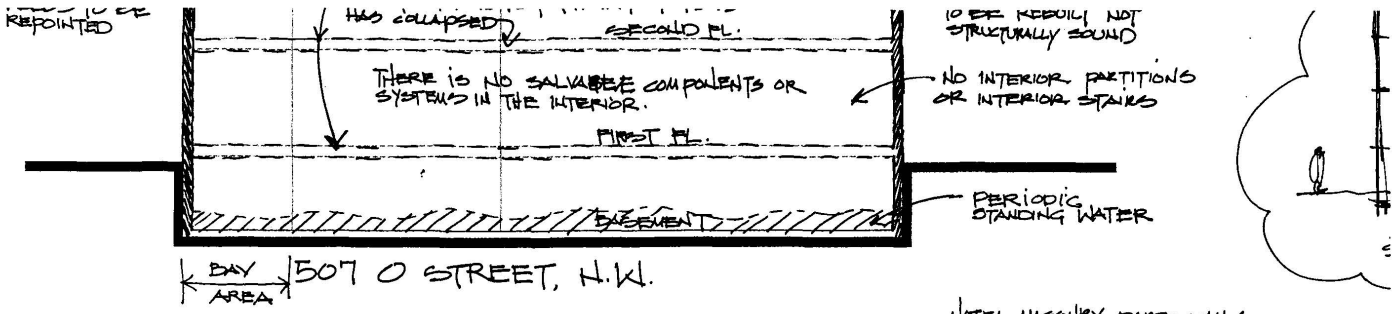


NOTE: MASONRY PARTY WALLS NEED TO BE RE-POINTED FROM EASEMENT TO ROOF LEVEL AT BOTH STRUCTURES.

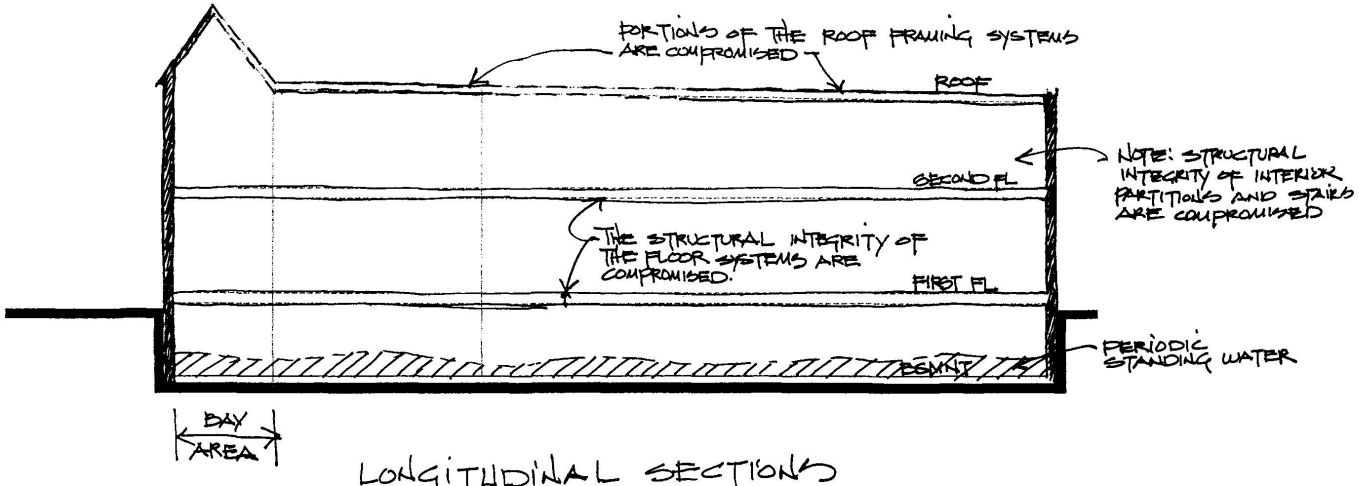


4-a

4-b



NOTE: MASONRY PARTY WALLS NEED TO BE RE-POINTED FROM BASEMENT TO ROOF LEVEL AT BOTH STRUCTURES.

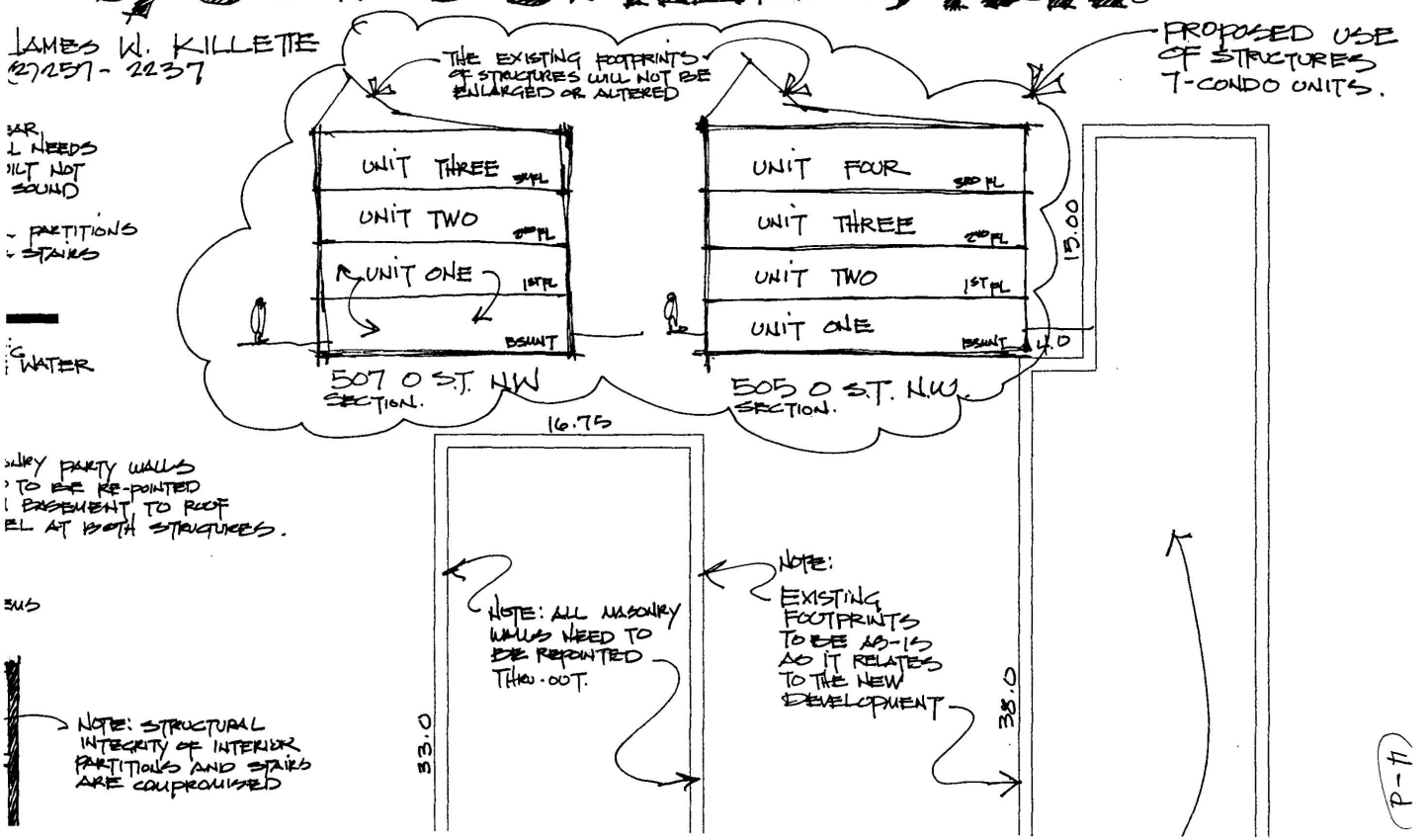


LONGITUDINAL SECTIONS

SCALE: 1/8" = 1'-0"

505/507 O STREET, N.W.

JAMES W. KILLETTE
(27)257-2237



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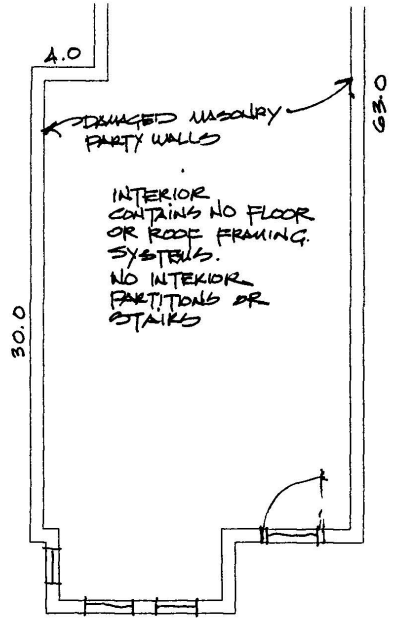
- PARTITIONS
- STAIRS

WATER

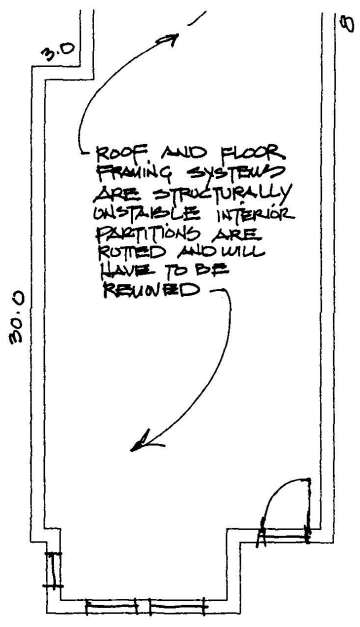
NRY PARTY WALLS
TO BE RE-POINTED
BASEMENT TO ROOF
EL AT BOTH STRUCTURES.

BMS

P-11



507 O ST NW.



505 O ST. NW.

TYPICAL FLOOR PLAN(S)

SCALE: 3/16"=1'-0"

PROJECT TITLE

505/507 O STREET, N.W. WASHINGTON, D.C.

EXISTING CONDITIONS
PROPOSED USAGE

DRAWN BY:

APPROVED BY:

REVISION

SCALE: 1/4"=1'-0"

A-1