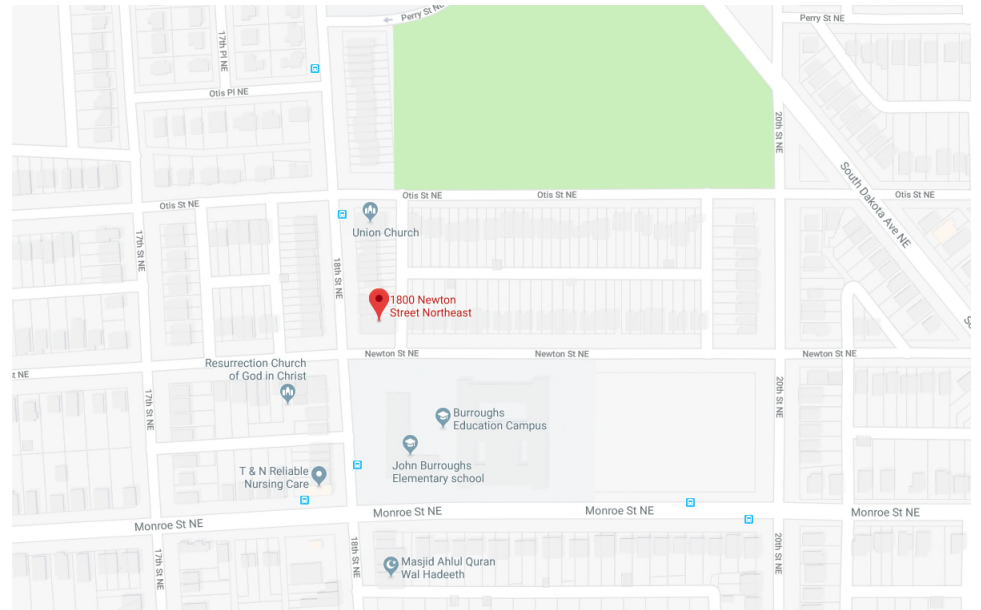
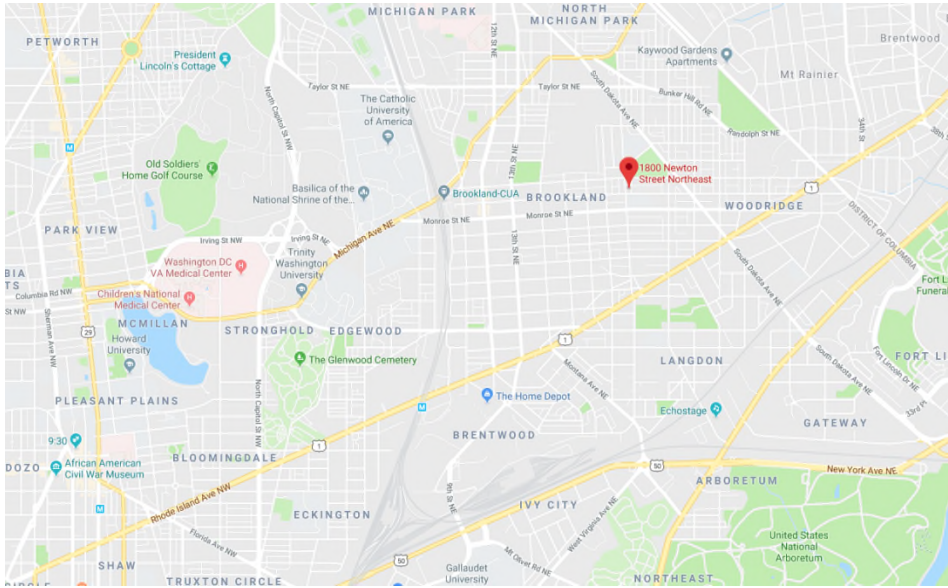




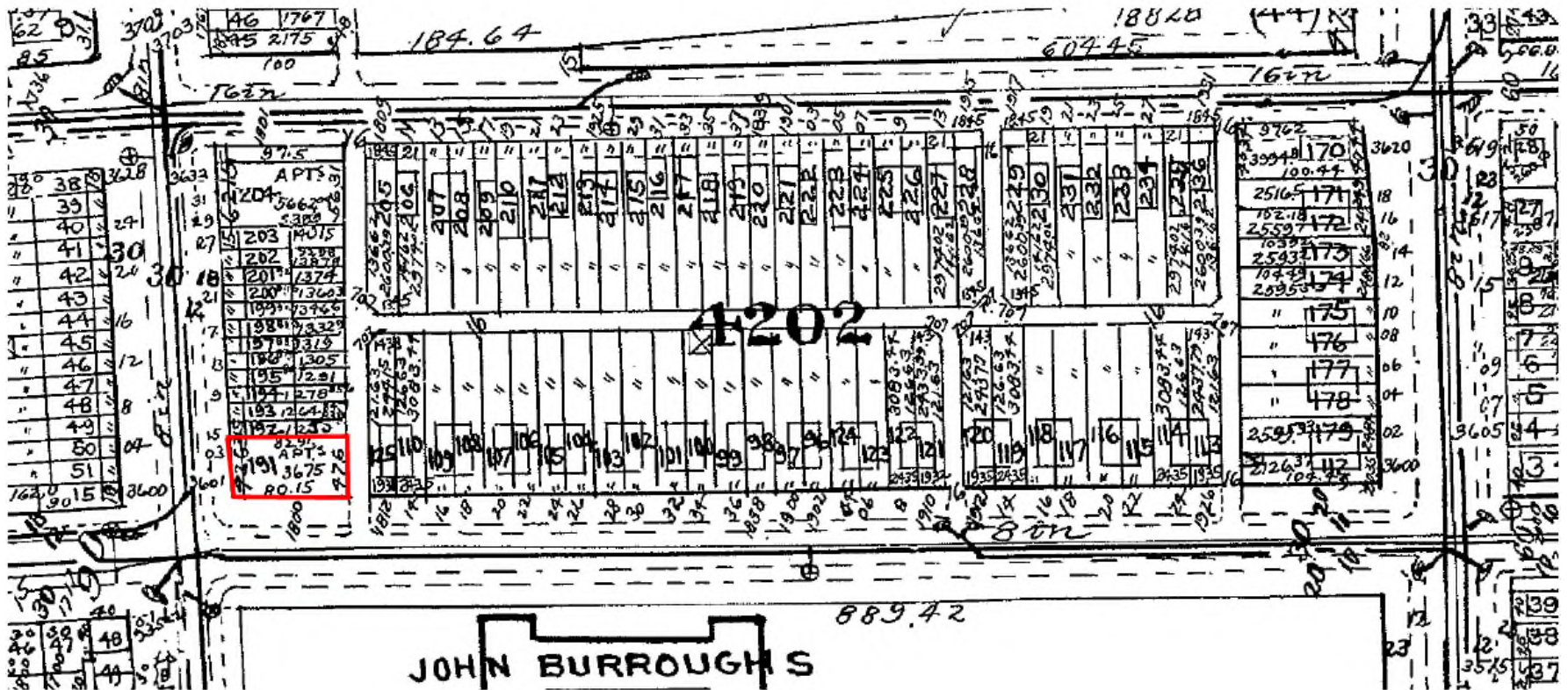
1800 Newton Street, NE (R-1-B Zone)  
Square 4202, Lot 191  
ANC 5B

**BZA Application 19699**  
**Applicant: 1800 Newton St. NE LLC**

**Board of Zoning Adjustment**  
**District of Columbia**  
**CASE NO.19699**  
**EXHIBIT NO.34**





Baist Map (1959)



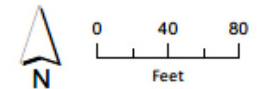


**Legend**

-  Mixed-Use Zone
-  Residential Zone



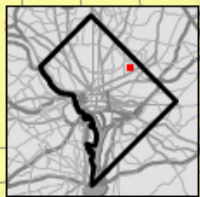
**Zoning Map of the District of Columbia**



Extracted from Online Zoning Information published by the District of Columbia Office of Zoning, DCGIS, and Office of the Chief Technology Officer (OCTO)  
 Exported on: 11/16/2017

To certify zoning on any property in order to satisfy a legal requirement, contact the office of Zoning at the address listed below.

District of Columbia Office of Zoning,  
 441 4th St NW, Suite 200 South, Washington, DC 20001  
 202-727-6311 | dcoz@dc.gov









- The Property is improved with an existing two-story semi-detached mixed-use brick building built in the 1920s.
- Contains a mix of six (6) residential units and two (2) commercial units.
- The R-1-B Zone does not allow apartment houses or commercial uses.
- Since both exist, the Building contains non-conforming uses.
- There is no existing on-site parking due to the size and placement of the Building on the Property.



There is an extended history of nonconforming uses, as evidenced by :

- Certificates of Occupancy and
- BZA Zoning Orders

## HISTORY OF CERTIFICATES OF OCCUPANCY

Description of Occupancy	Floor(s) Occupied	CofO Number	Date of CofO	Additional Information
Apartment House – 6 units	All	102217	June 13, 1978	Apartment House – 6 units was listed as a former use in the September 20, 1999 CofO Application.
Print Shop	1 <sup>st</sup> Floor	Unknown	Unknown	The Print Shop was listed as a former use in the 1978 CofO Application.
Beauty Salon	1 <sup>st</sup> Floor	B111242	October 27, 1978	
Sewing Shop Dress Making & Design (not more than 5 students)	1 <sup>st</sup> Floor	B119356	March 6, 1980	
Sewing Shop Dress Making & Design (not more than 5 students)	1 <sup>st</sup> Floor	B133851	January 27, 1983	
Cosmetology Salon	1 <sup>st</sup> Floor	178940	October 22, 1997	
Apartment Building 6 Units	1 <sup>st</sup> and 2 <sup>nd</sup> Floors	184797	September 20, 1999	
Unknown	Unknown	28986	February 20, 2002	Reference was made to this CofO on DCRA website but DCRA was unable to locate a copy.
Apartment Building 6 Units	1 <sup>st</sup> & 2 <sup>nd</sup> Floors	CO30210	March 11, 2002	
Beauty Salon	1 <sup>st</sup> Floor	191137	June 28, 2006	
Unknown	Unknown	150812	September 7, 2007	Reference was made to this CofO on the DCRA website but DCRA was unable to locate a copy.
Apartment Building 6 Units	1 <sup>st</sup> & 2 <sup>nd</sup> Floors	CO1000239	October 26, 2009	
Apartment Building 6 Units	1 <sup>st</sup> & 2 <sup>nd</sup> Floors	CO1703918	September 26, 2017	

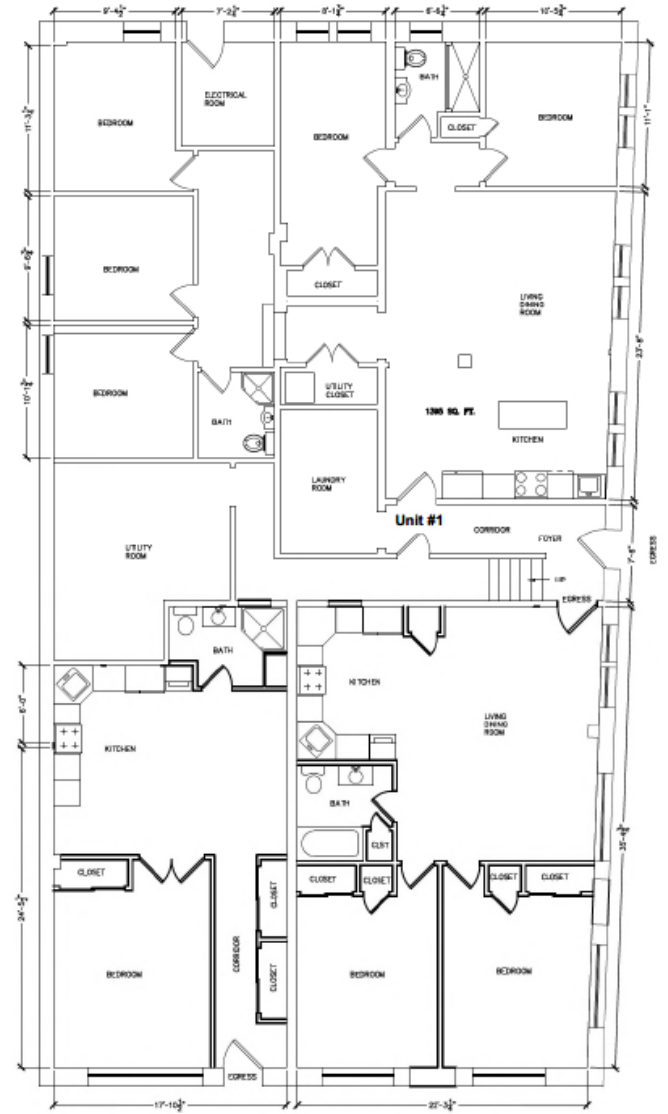
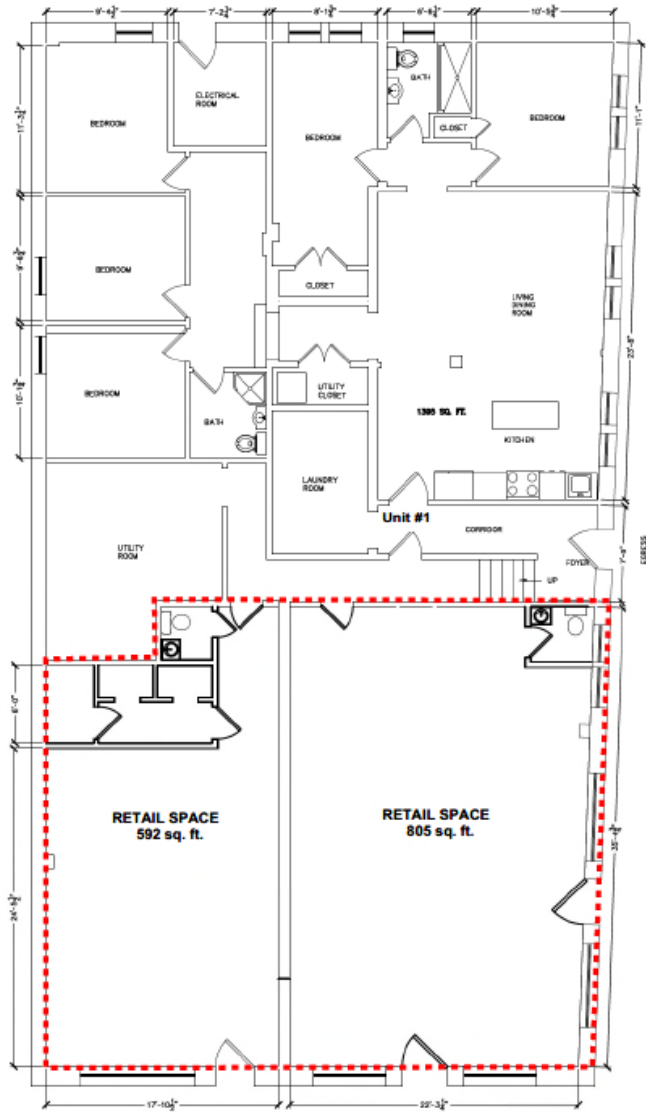
## HISTORY OF BZA ORDERS

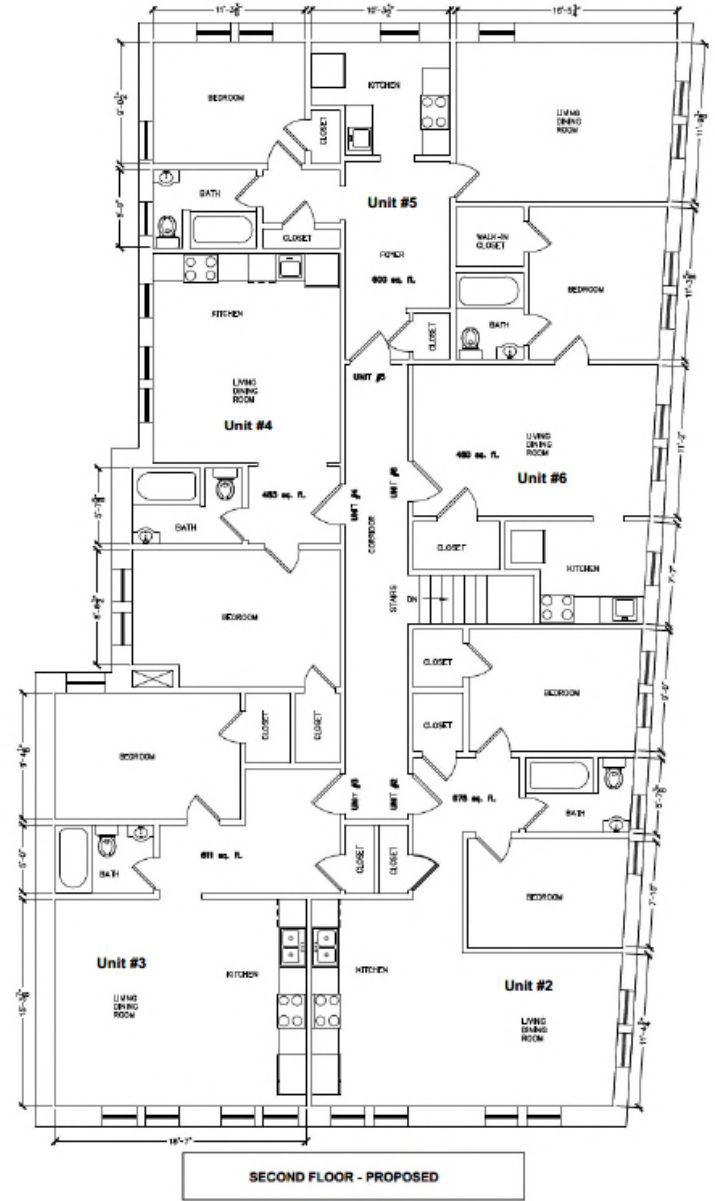
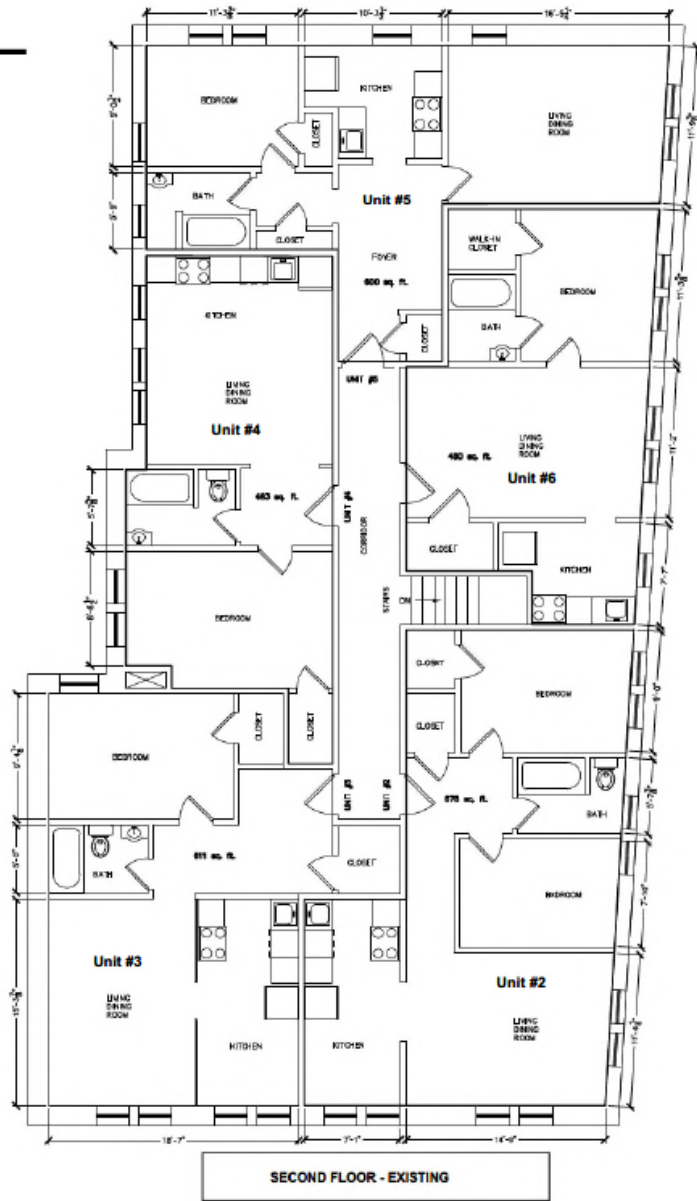
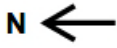
<b>BZA Order No.</b>	<b>Date of Order</b>	<b>Relief Requested</b>	<b>BZA Decision</b>
9135	March 28, 1967	Request to change a nonconforming use from <b>dry cleaning pick-up station to retail store</b> selling new and used furniture, appliances and household products.	<u>Denied.</u> The furniture store is not within the same use category as the dry cleaner.
9212	June 8, 1967	Request to change a nonconforming use from <b>dry cleaning pick-up station to a variety and gift shop.</b>	<b>Granted</b> subject to condition regarding signage.
9877	September 20, 1971	Request to change a nonconforming use from a <b>variety shop to a dressmaking and design shop.</b>	<b>Granted.</b>
16314	March 5, 1998	Request to change a nonconforming use from a <b>sewing shop, dress making design with no more than 5 students to a retail clothes shop.</b>	<b>Granted</b> subject to conditions.  1. The hours of operation of the boutique shall be from 9:00am to 5:00pm Tuesday through Saturday.  2. No more than four persons shall be employed.

## Proposed Project:

- Convert two (2) commercial spaces to two (2) residential apartments on the first floor of the existing building.
- *No exterior changes to the Building are proposed.*

<b>Location</b>	<b><u>Existing</u> Unit Count</b>	<b><u>Proposed</u> Unit Count</b>
<b>1<sup>st</sup> Floor</b>	1 Residential Unit 2 Commercial Units	3 Residential Units
<b>2<sup>nd</sup> Floor</b>	5 Residential Units	5 Residential Units
<b>TOTAL</b>	<b>6 Residential Units</b> <b>2 Commercial Units</b>	<b>8 Residential Units</b>





## Requested Relief:

This is an application, pursuant to 11 DCMR, Subtitle X, Chapter 9, for a **special exception** for the following:

- **Nonconforming use requirements** of Subtitle C § 204 and
- **Parking requirements** of Subtitle C § 705

## NONCONFORMING USES

The Zoning Regulations allow the BZA to approve a change of a nonconforming use to another nonconforming use subject to conditions pursuant to Subtitle C § 204.9 and subject to the general special exception criteria of Subtitle X § 901.2.



**The Applicant complies with the conditions required to change from one nonconforming use to another nonconforming use**

A nonconforming use may be changed to a use that is permitted as a matter-of-right in the most restrictive subtitle in which the existing nonconforming use is permitted as a matter of right.

**204.9 If approved by the Board of Zoning Adjustment, a nonconforming use may be changed to another nonconforming use, subject to the general special exception criteria of Subtitle X, Chapter 9, and the following conditions:**

**(a) The proposed non-conforming use would be permitted as a matter-of-right in the most restrictive subtitle in which the existing non-conforming use is permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:**

- (1) Subtitle D – Residential House (R) zones;**
- (2) Subtitle E – Residential Flat (RF) zones;**
- (3) Subtitle F – Residential Apartment (RA) zones;**
- (4) Subtitle H – Neighborhood Mixed-Use (NC) zones;**
- (5) Subtitle G – Mixed-Use (MU) zones;**
- (6) Subtitle I – Downtown zones (D);**
- (7) Subtitle J – Production, Distribution, and Repair (PDR) Zones; and**
- (8) Subtitle K – Special Purpose Zones.**

In this case, the existing nonconforming commercial uses are first permitted in Subtitle H – Neighborhood Mixed-Use (NC) zones. The retail use is allowed pursuant to Subtitle H § 1103.1(n)) and the salon use (which is under the Service (general) use category) is allowed pursuant to Subtitle H § 1106.1(k)). The residential use proposed is also permitted as a matter of right in Subtitle H, specifically § 1103.1(m).

**b) In the R, RF, or RA zones, the proposed use shall be either a single dwelling unit, flat, or a multiple dwelling unit development; except on an alley lot, the proposed use may only be a single dwelling unit;** Thee Property is zoned R-1-B and the Applicant proposes multiple dwellings within an existing apartment building.

**(c) In the R and RF zones, the corner store provisions of the relevant subtitle shall apply;** The Applicant does not propose a corner store.

**(d) The external impacts of the proposed use will be deemed to be no greater than the existing use;** The level of impact of the proposed residential use should be no greater than the former retail and salon use commercial uses. The residential use would likely have a reduced amount of foot traffic in and out during the day.

**(e) The proposed use shall not adversely affect the present character or future development of the surrounding area within at least three hundred feet (300 ft.) of the site;** The development of nearby properties would not be impacted by the conversion of this space to residential as multifamily residential use is prevalent in this area and no additions to the building are proposed.

**b) In the R, RF, or RA zones, the proposed use shall be either a single dwelling unit, flat, or a multiple dwelling unit development; except on an alley lot, the proposed use may only be a single dwelling unit;** The Property is zoned R-1-B and the Applicant proposes multiple dwellings within an existing apartment building.

**(c) In the R and RF zones, the corner store provisions of the relevant subtitle shall apply;** The Applicant does not propose a corner store.

**(d) The external impacts of the proposed use will be deemed to be no greater than the existing use;** The level of impact of the proposed residential use should be no greater than the former retail and salon use commercial uses. The residential use would likely have a reduced amount of foot traffic in and out during the day.

**(e) The proposed use shall not adversely affect the present character or future development of the surrounding area within at least three hundred feet (300 ft.) of the site;** The development of nearby properties would not be impacted by the conversion of this space to residential as multifamily residential use is prevalent in this area and no additions to the building are proposed.

- (f) The proposed use shall not create any deleterious external effects, including, but not limited to, noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects;** The proposed change from commercial to residential use will not create any deleterious external effects such as noise, traffic, parking, loading, illumination, vibration, odor or design and siting effects. The requested relief for one parking spot, discussed in more detail below, should not result in a negative impact to the community.
- (g) When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use; and** The proposed residential use would be subject to this restriction.
- (h) The Board of Zoning Adjustment may require the provision of changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.** The proposed residential use would be subject to any requirements the BZA deems necessary.

**The Applicant is entitled to Special Exception Relief for this requested change in nonconforming use**

**Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;** Despite being located in the R-1-B Zone District, the Property is located in a neighborhood characterized by schools, church, residential and some commercial uses. The Building has a long history of residential and commercial uses. The Applicant proposes changing the commercial uses into residential ones, which will be more in keeping with the residential zone in which it is located.

**Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and** The proposed change should have no impact on neighboring properties. The proposal does not seek to alter the exterior design of the building.

## PARKING

Pursuant to Subtitle C §705, zoning requires one (1) parking space for every two (2) dwelling units in any R or RF Zone.

The proposed increase to eight (8) residential units would mean that four (4) parking spaces would be required.

Due to the size and placement of the Building on the Property, parking has never been provided on-site.

**705 MINIMUM PARKING REQUIREMENTS FOR AN EXPANSION OR CHANGE OF USE WITHIN AN EXISTING BUILDING OR STRUCTURE**

**705.1 Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same gross floor area.**

**705.2 When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided at least the minimum number of spaces required.**

This section allows us to assume the minimum number of parking spaces are provided, resulting in **three (3) grandfathered parking credits** generated by the prior use which can be credited toward the parking requirement for the Project. Therefore, the increase of dwelling units to eight (8) requires the Applicant to provide one (1) parking space [four (4) spaces would be required for eight (8) residential units – three (3) grandfathered spaces = one (1) required space).

Use	Parking Regulations (Sub C §701.5)	Data	Requirement	Parking Spaces Provided
<b>Retail</b>	Existing: 1.33 per 1,000 sq.ft. in excess of 3,000 sq.ft.	Existing: 854 sq. ft. <u>+656 sq. ft.</u> <b>1,510 +/- sq. ft.</b>	0	0
		Proposed: 0	0	0
<b>Residential</b>	1 per 2 dwelling units for any R or RF zone	Existing: 6 units	3 “grandfathered spaces”	0
		Proposed: 8 units	4	0

The Applicant is unable to provide this parking space due to the size of the existing building on the lot and, as a result, requests zoning relief for this one parking space.

The Board may grant special exception relief for the amount of parking, subject to the criteria of Subtitle C § 703.

**703.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia regulations; or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.**

The Project is unable to provide the minimum one (1) parking space. Due to the size and placement of the Building on the Property, parking has never been provided on-site.

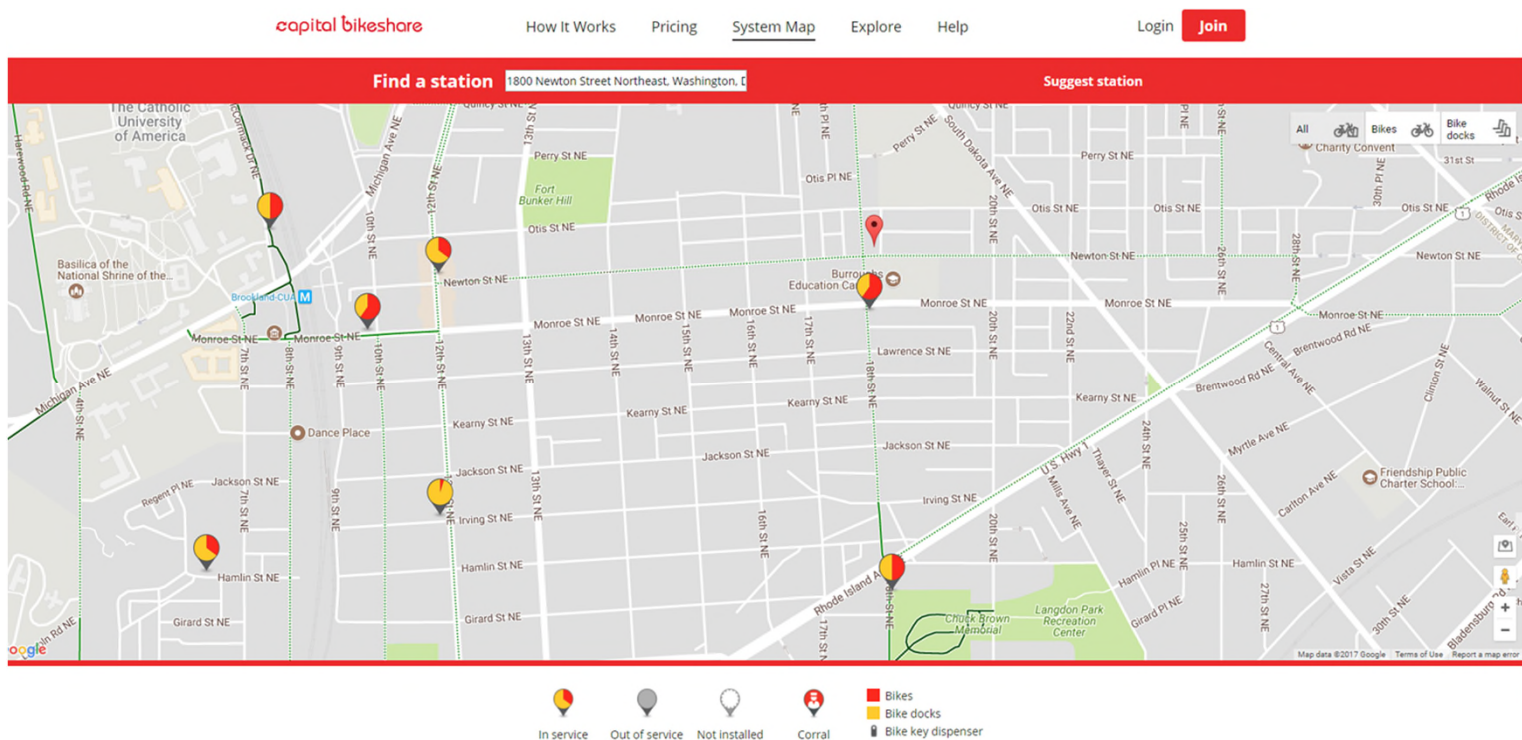
The BZA may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of criteria under § 703.2. The Project meets the following criteria:

**(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;** Since the Building has no rear yard and abuts the rear alley there is no on-site parking.



**(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;** The Property is well served by transit and bicycle facilities. It is located 0.80 miles directly east of the Brookland-CUA Metrorail Station. The occupants of the Building can walk eight (8) blocks west on Newton Street or walk south to Monroe Street and take the G8 Metrobus line to the Metrorail Station. The Property is also accessible to the E2 Metrobus line, which runs north/south on 18<sup>th</sup> Street. In addition, there are several Capital Bikeshare stations. The closest is one block to the south at the corner of 18<sup>th</sup> and Monroe Streets.

## NEARBY CAPITAL BIKESHARE LOCATIONS

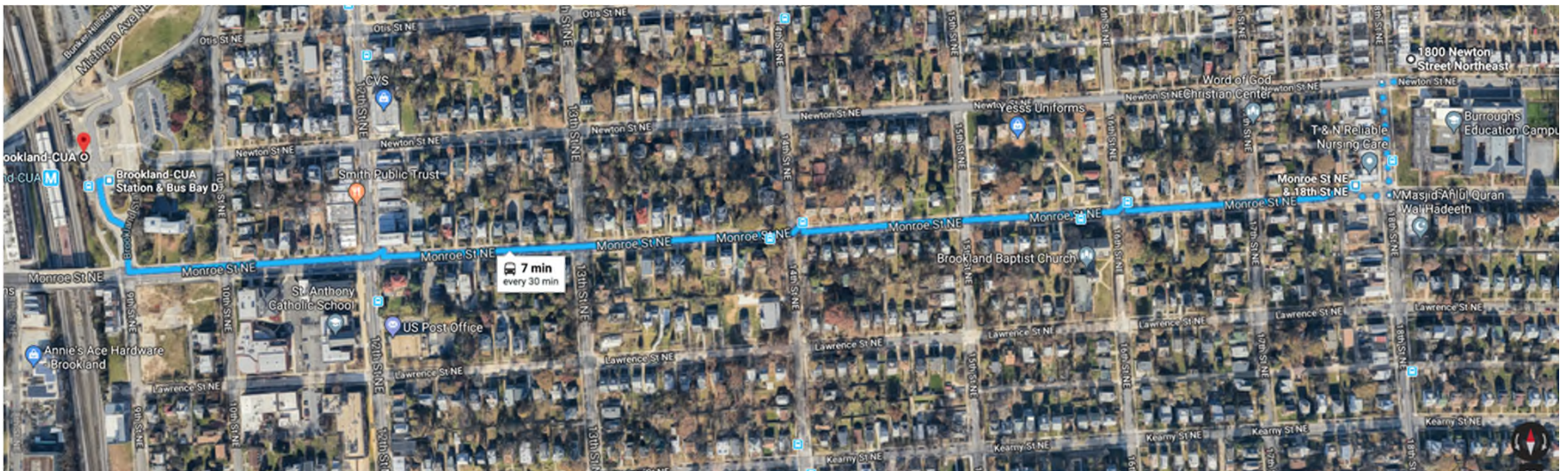


# ACCESSIBILITY TO BROOKLAND-CUA METRORAIL STATION

## Walk to Brookland-CUA Metro (0.8 miles)



## G8 Metro Bus to Brookland-CUA Metro



**(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;** The conversion of the two commercial spaces to residential spaces should create little if any change in the demand for parking in the neighborhood.

**703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.** The Applicant requests relief from only one parking space since it is impossible, due to the configuration of the Building on the Property, to provide any spaces.

**703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.** Due to the small nature of the requested relief (one parking space), the Applicant requests that the Board waive the requirement for a transportation demand management plan to be approved by the District Department of Transportation and to be a condition in the Board's order.

**The Applicant is entitled to Special Exception Relief from the parking space requirement**

**Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;** The reduction in the number of required parking spaces would be in harmony with the general purposes of the Regulations. The change in use to residential will be more compatible with this residentially zoned Property. In addition, in practice the parking demand will be less for two residential uses than it was for two commercial uses.

**Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.** The proposed change from one required parking space to none should not have an adverse effect on the neighborhood since there are readily accessible Metrorail, Metrobus and Bikeshare transportation options nearby. These options will reduce the demand for the new residential occupants to own cars.