

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 20, 2018

SUBJECT: BZA Case 19703 (219 E Street NE) Special Exception relief under U § 203.1 (n) to continue the use of offices for a non-profit organization (Sons of Italy Foundation) and variance relief from the 10,000 square feet requirement in the RF-3 district.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of:

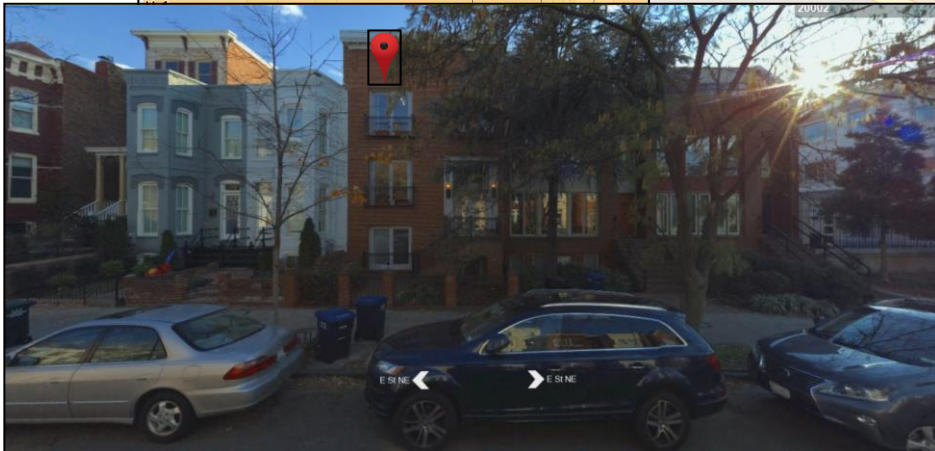
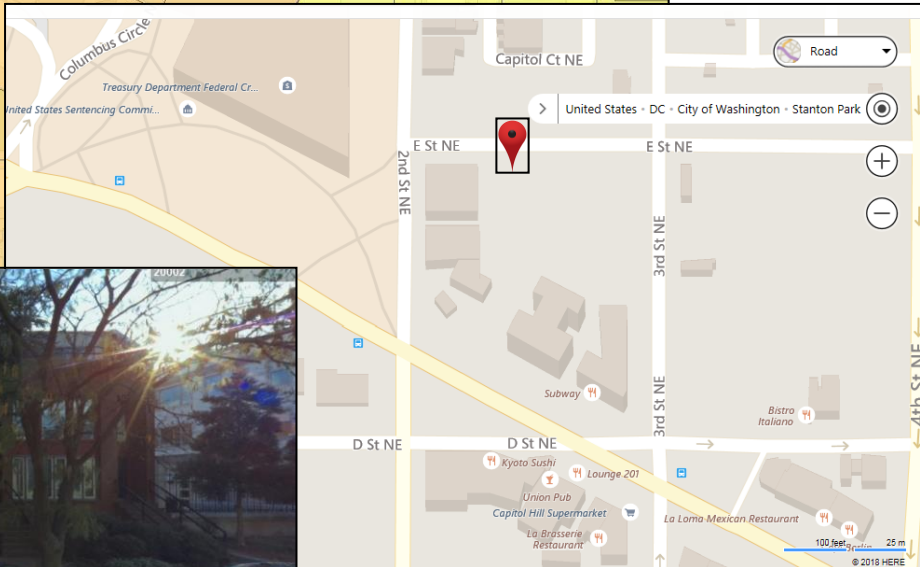
- Special Exception relief under U § 203.1 (n) to continue the use as a nonprofit office; and
- Variance relief from the area requirement of U § 203.1 (n) (2) (GFA 10,000 sf min. required: 3,915 sf existing).

II. LOCATION AND SITE DESCRIPTION

Address	219 E Street N.E.
Applicant	Sons of Italy Foundation
Legal Description	Square 0755, Lot 032
Ward, ANC	Ward 6/ANC 6C
Zone	RF-3
Historic District	Capitol Hill HD
Lot Characteristics	The lot is rectangular, with unremarkable topography and abuts a 20 feet wide alley at the rear.
Existing Development	It is developed with a three-story plus basement brick building, which is a contributing structure in the historic district.
Adjacent Properties	The abutting properties are both residential properties within the historic district.
Surrounding Neighborhood Character	Mix of residential row homes and offices located within row buildings, as well as the larger office building of the Heritage Foundation. Across 2 nd Street to the west are federal buildings and Union Station.
Proposed Development	The applicant seeks to bring its long-standing office use within the residential building into compliance with the existing regulations. No changes are contemplated to the building, including no new construction or addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- RF-3 (All other structures)	Regulation	Existing	Proposed	Relief
Height (ft.) E § 503	35 ft.	less than 35 ft.	unchanged	None Required
Lot Width (ft.) E § 201.1	40 ft.	approx. 23 ft.	unchanged	Existing nonconforming
Lot Area (sq. ft.) E § 201.1	4,000 sq.ft.(min)	2,394 sq.ft.	2,394 sq.ft.	Existing nonconforming
Lot Occupancy E § 504.1	40%	Not provided	unchanged	None required
Parking C § 701.5 0.5 per 1,000 sq. ft. > 3,000 sq. ft	0	3 spaces	3 spaces	None required
Uses – U §§§ 201, 202, 301.1	SF dwellings, flats	Office	Office	SE, Area variance relief



Zoning and Location Map

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from U § 203.1 (n) (2)

i. Exceptional Situation Resulting in a Practical Difficulty

Since 1980, the residential building has been occupied as a non-profit office use, which is a permitted use by special exception, subject to the conditions of U § 203.1 (n) (1-6). The required 10,000 sf. minimum gross floor area of the building could not be met since the building is 3,915 sf in gross floor area and no additions to the building are contemplated or proposed. Although this was a requirement that predated the existing regulations, current management of the non-profit use cannot produce a certificate of occupancy for the operation¹. The applicant has produced evidence that the foundation paid commercial property taxes and obtained business licenses for its continued operation. The long-standing use and ownership of the building for 37 years, creates a practical difficulty for the applicant in vacating its building and converting the interior's designed office space back to residential use.

ii. No Substantial Detriment to the Public Good

During the foundation's tenure, there have been no known complaints regarding the non-profit's operation. Given the number of employees (4) and its proximity to several transit options, there have been no adverse impacts to the neighborhood's on-street parking. There are three parking spaces at the rear and only one employee drives. The office does not host functions or other events, so there have been limited visitor, trash, or noise impacts on the residential neighborhood. The square is also home to other organizations including the Heritage Foundation, which occupies more than 50% of the square's area and has significantly more employees with potentially greater impacts on the neighborhood than the subject non-profit. Several letters of support are included in the record (Exhibits 31-38, and 42-45, and 47-49) including the abutting neighbor at 215, 213 E Street NE to the west.

iii. No Substantial Harm to the Zoning Regulations

While OP would not typically support the conversion of a residential building to a non-profit use, in this case this is a use that has been in existence for many years. Although the use is permitted only by special exception subject to conditions including a minimum building size (intended to minimize conversions of residential buildings to non-residential use), in this case the use and day-to-day operation seems proportionate to the building's size, as managed by four employees.

b. Special Exception Relief pursuant to U § 203.1 (n)

Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:

¹ In addition, OP also researched DCRA's records and archived materials for a certificate of occupancy for this location and none could be found.

- (1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites;*

The building is a contributing structure within the Capitol Hill Historic District.

- (2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater;*

The gross floor area of the building is 3,915 square feet, which is less than required and for which an area variance was requested, as discussed prior.

- (3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;*

The residential structure's use as an office for the Sons of Italy Foundation for 37 years has not appeared to disrupt the residential character of the neighborhood, in terms of noise generation, trash or traffic. Only four employees work at this transit accessible location, within walking distance of Union Station and other transit options. Three on-site parking spaces are available at the rear, and only one employee drives.

- (4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;*

As stated, three spaces are available at the rear, but none is required based on the gross floor area of the office space per C § 701.5, as shown in the table above.

- (5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization; and*

No goods are sold or commercially created within the building.

- (6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located;*

No additions or other changes are proposed to the structure.

V. COMMENTS OF OTHER DISTRICT AGENCIES

At the writing of this report, the DDOT report noting no objection was filed at Exhibit 50; comments from other District agencies were not received to the record.

VI. COMMUNITY COMMENTS

The ANC 6C voted to approve the application at its regularly scheduled meeting on April 11, 2018.

The Capitol Hill Restoration Society also voted to support the application (Exhibit 51).

At the writing of this report there are many neighborhood letters in support of the applicant's request, as noted prior in the report, and no letters in opposition.