

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: March 8, 2019

SUBJECT: BZA #19954 – 1519 4th Street, NW – Special exceptions to permit an addition to an existing mosque

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested relief:

- E § 205.4, Rear Yard / Depth of Rear Addition, pursuant to E §§ 205.5 and 5201 (Addition may not extend more than 10 feet beyond the adjacent building, 40 feet beyond neighbor proposed);
- C § 1502, Penthouse Setback, pursuant to C § 1504.1 (1-to-1 penthouse setback required, zero setback provided for mechanical enclosure and stair tower).

II. LOCATION AND SITE DESCRIPTION

Applicant	Masjid Muhammad, Inc.
Address	1519 4 th Street, NW
Legal Description	Square 521, Lots 804, 805, 806, 807, 824 and 829
Zoning	RF-1 (Moderate density rowhouses and flats, houses of worship permitted as a matter of right)
Ward and ANC	5, 5E
Historic District or Resource	None
Lot Characteristics and Existing Development	Existing mosque on lot 829 and rowhouse on lot 824; Parking lot on lots 804-807; No functional alley access.
Adjacent Properties and Neighborhood Character	Neighborhood is predominantly rowhouses; Rowhouses immediately to the north, south and east; Small commercial uses across 4 th Street.
Project Description	Construct addition to existing mosque, to include additional worship space, offices, classrooms and other ancillary space; Addition will incorporate the existing rowhouse; All lots to be combined into one lot.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant has requested special exception relief in order to allow an addition extending approximately 40' beyond the neighbor to the south, and to construct penthouses with zero setback.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Area E § 201.1	4,000 sf	14,697 sf	No change	Conforming
Lot Width E § 201.1	40'	157.4'	No change	Conforming
Lot Depth	n/a	93.37'	No change	Conforming
Height E § 303.4	60', 3 stories	33.75', 1 story	52.3', 3 stories	Conforming
Lot Occupancy E § 304	60%	28.6%	44.9%	Conforming
Front Setback E § 305	Within range of existing streetscape	Set back approx. 6' from front property line	Build to front property line, matching existing rowhouses	Conforming
Rear Yard E § 306	20'	20'	20'	Conforming
Rear Yard / Depth of Rear Addition E § 205.4	> 10' beyond neighbor requires SE	Applicant's rowhouse currently extends approx. 10' beyond the adjacent rowhouse to the south	~40' beyond the rowhouse to the south	Requested
Penthouse Setbacks C § 1502.1(c)(2)	1-to-1 setback	n/a	0' setbacks	Requested

IV. ANALYSIS

Rear Addition Special Exception

Subtitle E, § 205.5 permits an addition with a rear wall more than 10 feet beyond the neighboring house by special exception, pursuant to certain provisions of § 5201. OP's analysis of that section is below.

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use

or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

Because the building would be located north of the adjacent rowhouse, granting relief to depth of the addition would not result in additional shadow on that property. The addition should not substantially adversely impact the air available to the adjacent property; The square overall has an open center as it is bordered mostly by rowhouses. The subject property would also continue to meet rear yard and lot occupancy limits.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Granting relief to the depth of the rear addition should not impact the privacy or enjoyment of neighboring properties. No windows are planned on the side of the building, so the property to the south should have more privacy than it has today. The rear wall would have some fenestration facing east, but views into neighboring properties would not be greater than in a matter of right design.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

The additional depth of the addition should not be perceptible from a public way, and should therefore have little to no impact on the character of nearby streets.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

The application includes plans, photographs, elevations, renderings and a sun study.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The application proposes a lot occupancy of 44.9%.

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the

protection of adjacent and nearby properties.

OP recommends no special treatments or conditions.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

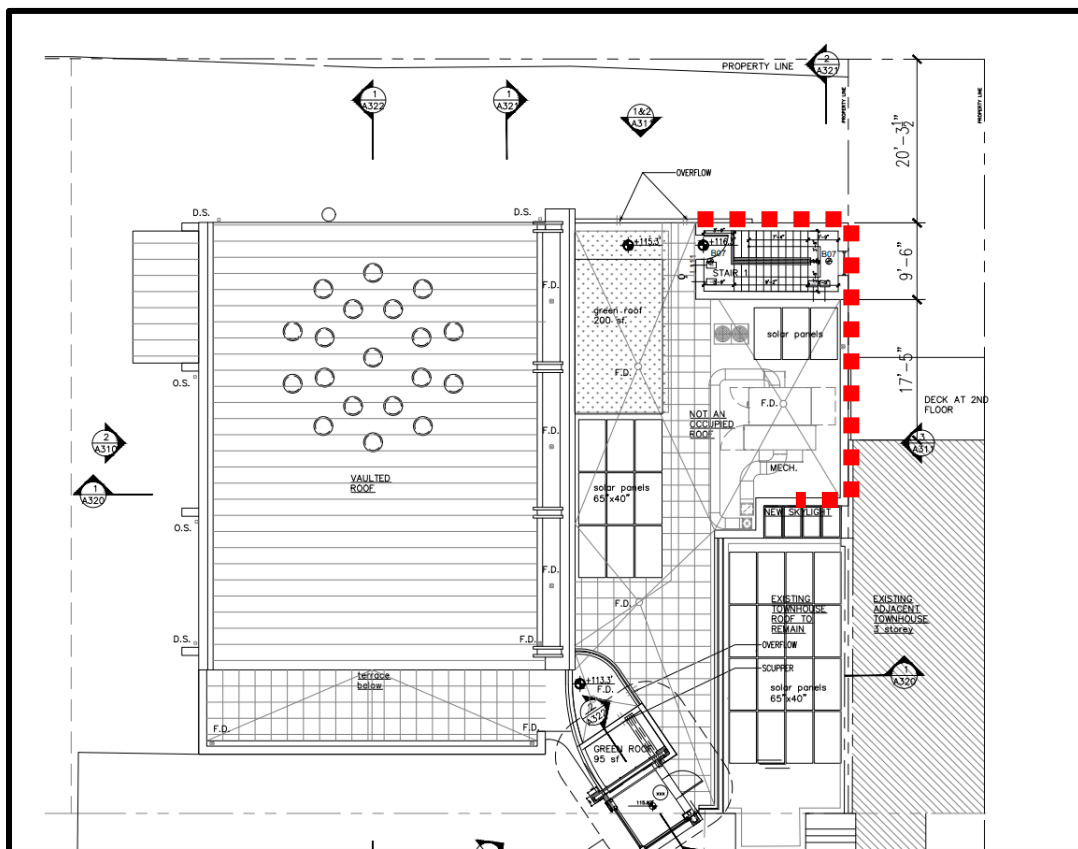
The applicant intends to continue the existing conforming use of the property as a place of worship.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed height would be conforming.

Penthouse Setback Special Exception

Subtitle C, § 1504.1 allows relief from the penthouse setback requirements. The applicant requests relief to permit a zero-foot setback for the rooftop stair tower and mechanical screen, as seen in the image below. OP's analysis of the criteria of § 1504 follows.



Roof Plan, excerpted from Exhibit 6, Sheet 9, showing with a red dashed line the location of the stair tower and mechanical screen that do not meet the 1-to-1 setback.

1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

Because of the layout of the first floor, with a large, open worship space, the possible locations for a stair tower are extremely limited. Please refer to Sheet 4 of Exhibit 6. Unlike an office building, for example, where the core functions are located in the middle of the building, in a place of worship, the “core” tends to be pushed to the exterior of the building’s footprint. Because of the location of the stair tower on the roof, the most logical and efficient location of the mechanical equipment would be in the open area created along the southern wall of the building, between the stairs and the existing rowhouse.

- (b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The overall design of the building should be improved by minimizing the visibility of the roof structures from 4th Street. The penthouses would be more visible from the nearby properties on the south and east, but the applicant has indicated to OP that the brick used on the exterior walls, including the stair tower, would be varied with horizontal banding and patterns to add visual interest to those surfaces.

- (c) The relief requested would result in a roof structure that is visually less intrusive;*

Locating the roof structures at the southern and eastern edges of the building should minimize the penthouses visibility from 4th Street.

- (d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

Full compliance would be unreasonable given the layout of the lower floors of the building. Because of the large prayer hall on the first floor, the possible locations for a stair tower are extremely limited. Please refer to Sheet 4 of Exhibit 6. Transferring the locations of the stairs on upper stories would result in an unreasonable loss of efficiency on those floors. Because of the

location of the stair tower on the roof, the most logical and efficient location of the mechanical equipment would be in the open area created along the southern wall of the building, between the stairs and the existing rowhouse.

- (e) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The applicant has stated that they made every effort to locate the penthouses in conformance with the required setbacks. Please refer to Exhibit 5, page 4. OP was also informed by the applicant that the mechanical equipment must be located where it is proposed because of programmatic constraints in the building below that govern where mechanical shafts and ducts can be located. The applicant also stated that moving the equipment to the north would impede maintenance access to the green roof and solar panels.

- (f) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

One intent of this chapter is to minimize the appearance of rooftop structures from public rights of way. The proposed design would push the stair tower and mechanical equipment away from the 4th Street side of the building, minimizing their visibility from the west, with very little to no impact on the light or air available to adjacent properties. When compared to a conforming solution, the position of the stair tower at the eastern edge of the building may result in a fractionally greater amount of afternoon shadow on properties to the east, but not to a degree that would result in an undue impact.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

VI. COMMUNITY COMMENTS TO DATE

Exhibit 12 is an ANC letter in support of the application. The applicant has informed OP that the Bates Area Civic Association is also in favor of the application.