

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 2, 2020
SUBJECT: BZA Case 20256 - To permit the conversion of a row dwelling into a three-unit apartment house in the RF-1 zone at 3905 Kansas Avenue, NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Conversion of an existing residential building to an apartment house, Subtitle U § 320.2, (two units permitted by right, three units proposed) pursuant to Subtitle X § 900.
- Subtitle C § 701.1, parking (2 spaces required, 0 spaces proposed) pursuant to Subtitle C § 703.

From the review of the plans, it appears that a waiver from Subtitle U § 320.2(h) to allow an alteration to a front rooftop element is also required. If so, OP would recommend approval of the following waiver:

- Alteration of roof top architectural element, Subtitle U § 320.2(h).

II. LOCATION AND SITE DESCRIPTION

Address	3905 Kansas Avenue, NW.
Applicant	3905 Kansas LLC
Legal Description	Square 32906, Lot 830
Ward, ANC	Ward 4, ANC 4C
Zone	RF-1 (Residential Flat Zone) allows two dwelling units by right. The conversion of an existing residential building to an apartment house (three or more units) is permitted by special exception, subject to specified review criteria.
Historic District	Not applicable.
Lot Characteristics	The triangular lot has 2,845 square feet of area, with 62.19 feet of frontage along Kansas Avenue.
Existing Development	The property is currently developed with a two-story row dwelling.
Adjacent Properties	To the northeast is a two-story, row dwelling; to the south are two-story apartments along Randolph Street; to the west are two and three-story row dwellings
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly two-and three-story row dwellings with a few garden apartments.

Site Location



Existing Building

III. PROPOSED DEVELOPMENT

The applicant proposes to convert the existing row dwelling into a three-unit apartment building by adding a third floor on the existing building and a three-story addition on the rear, side and front. Accordingly, the applicant has requested special exception relief to convert the residential building into a three-unit apartment house and a waiver to alter the porch and rooftop architectural elements.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	62.2 ft.	62.2 ft.	None required
Lot Area E § 201	1,800 sq. ft. min.	2,845 sq. ft.	2,845 sq. ft.	None required
Pervious Surface E § 204	20%	64%	24.8%	None requested
Height E § 303	35 ft. max. 40 ft. max. SE	29 ft.	34.62 ft.	None required
Lot Occupancy E § 304	60% max.	27%	60%	None required
Front Setback E § 305	Within range of existing front setbacks (5 ft. to 20 ft.)	11.16 ft.	11.16 ft.	None required
Rear Yard E § 306	20 ft. min.	47 ft.	29.5 ft.	None required
Side Yard E § 207	0 ft. or 5 ft. minimum	16 ft.	0 ft. and 5 ft.	None required
Parking C § 701	1 per 2 dwelling units (2 spaces)	0	0 parking spaces	SE Required
Conversion to Apartment House U § 320.2	3 or more units by special exception, with 900 sq. ft. of lot area per unit	1 unit	3 units (948 sq. ft. per unit)	SE Requested
Rear Wall U § 320.2 (e)	Rear addition may not extend more than 10 ft. beyond rear wall of adjacent dwelling	N/A	2 inches beyond rear wall of adjacent dwelling	None required
Roof Top Elements U § 320.2(h)	Shall not remove or alter original rooftop elements	Mansard roof and porch roof	Alteration by extension of the porch, mansard roof and windows unto the side addition.	Waiver Requested

V. OFFICE OF PLANNING ANALYSIS

1. Special Exception Relief pursuant to Subtitle U § 320.2, Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house in the RF-1 zone.

320.2 *Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

- (a) *The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

The building is currently a single-family residential building. The applicant proposes to convert the existing 29-foot high building, into a 34.63-foot, three-story building, which is within the limit prescribed by this section.

- (b) *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;*

The proposed conversion would have three units, so this provision does not apply.

- (c) *There must be an existing residential building on the property at the time of filing an application for a building permit;*

The lot is currently developed with a single-family row dwelling.

- (d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;*

Based on the lot size of 2,845 square feet, there would be 948 square feet of land area per dwelling unit.

- (e) *An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;*

The proposed building would extend two inches beyond the rear wall of the building to the northeast.

- (f) *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;*

The applicant has provided that the dwelling to the northeast does not have a functioning chimney that would be affected by the proposed third story addition.

- (g) *Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system...*

OP has found no evidence of an existing or permitted solar energy system on the adjacent properties.

- (h) *A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

The conversion would retain the porch and its roof, the mansard roof and dormers. However, the addition would alter (extend) the mansard roof and add a third dormer. Although not requested in the applicant's filings, OP would support a waiver from this provision to allow these changes, pursuant to subsection (l), which indicates that the requested waiver shall not be in conflict with subsection (i). As provided in OP's analysis of that section, the proposed third story, and extension of these existing architectural elements would not substantially visually intrude upon the character, scale and pattern of houses along Kansas Avenue.

- (i) *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

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

The proposed development would add a third story, and rear and side additions to an existing two-story row dwelling. The rear addition would extend approximately 19 feet but would only be 2 inches beyond the rear wall of the adjacent dwelling to the west. New shadowing would be created by the additions which would fall onto the open space on the side and rear yards of the adjacent buildings but should not unduly affect their light and air. The applicant indicates support from the neighboring property owner to the west.

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

The proposed conversion to an apartment house should not unduly compromise the privacy of use and enjoyment of neighboring properties. The rear addition would not include windows on the west building elevation and on the east elevation would not line up with those on the apartment buildings. The rear façade of the building would be in line with the adjacent house to the west and would have windows, but they would face rear yards rather than interior living areas. Roof decks are proposed, which meet the setback requirements, and would not allow for any direct views in living areas of adjacent buildings. The applicant states that he has the support of the neighboring property owner to the west.

- (3) *The conversion and any associated additions, 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 or alley;*

The applicant has provided renderings illustrating the proposed conversions and photographs of building along Kansas Avenue. There are some conversions with third floor additions along Kansas Avenue. Along with the additions, the conversion would retain the porch, mansard roof and dormers which are characteristics of the row dwellings along Kansas Avenue. The rendering of the new building generally reflect the row dwellings as well as the new apartment buildings nearby. OP has requested that the applicant provide a rendering showing the proposed additions in context with adjacent row dwellings. As viewed from the street, the proposal should not substantially visually intrude upon the character, scale and pattern of houses along the subject street.

- (j) *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

The applicant has provided graphical representations that include elevations, floor plans, photographs (Exhibits 11 and 41).

- (k) *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 or nearby properties, or to maintain the general character of a block;*

OP does not recommend any additional special treatment.

- (l) *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and*

The applicant has requested to waive the requirements of § 320.2(h), related to the addition of a dormer and extension of the mansard and porch roofs. OP is not opposed, in this case, to the waiver requesting the alterations.

- (m) *An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.*

This section does not apply to the proposal.

2. Special Exception Relief from Subtitle C § 703.2, Minimum Parking Number Requirements.

Subtitle C § 703.1 allows for a reduction in required parking by special exception if the parking is “*impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.*” Subtitle C § 703.2 requires the applicant to demonstrate that there is at least one of a list of conditions relative to the site and request. The proposal meets several of the conditions, including:

- 703.2 *The Board of Zoning Adjustment 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 the following:*
- (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 in accordance with Subtitle C § 701.8;*
 - (b) ***The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;***
 - (c) *Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
 - (d) *Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
 - (e) *The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
 - (f) *All or a significant proportion of dwelling units are dedicated as affordable housing units;*
 - (g) *Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
 - (h) ***The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:***
 - (1) ***A curb cut permit for the property has been denied by the District Department of Transportation; or***
 - (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*
 - (i) *The presence of healthy and mature canopy trees on or directly adjacent to the property; or*
 - (j) *The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

The proposal would have a parking requirement of two parking spaces. There is no alley access to the rear of the property and there is currently not a curb cut to allow access for parking on the site. The applicant proposed an option for three parking spaces via a curb cut, but was told by DDOT

that a curb cut would not be granted by Public Space to allow access to the on-site parking. The applicant states they do not have access to a parking facility within 600 feet of the development site.

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 is requesting relief for two parking space and has provided sufficient justification for this level of relief.

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.

The applicant states that the property is served by the Georgia Avenue-Petworth Metro Station served by the Green and Yellow lines and is a five-minute walk from the property. The applicant also proposed a TDM Plan at (Exhibit 38) which includes the following:

- Issuance of a one-time one-year bikeshare and/or car share membership as part of a move-in package for the first lessee or owner of each residential unit. (This measure is for initial owners only, and not in perpetuity).
- Offer a preloaded \$10 SmarTrip card for each unit at the initial sale or lease of units in the building.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

At the time this report, DDOT had not filed a report.

VII. ADVISORY NEIGHBORHOOD COMMISSION

The property is within ANC-4C. At the time of this report, the ANC had not submitted a report.

VIII. COMMUNITY COMMENTS TO DATE

A letter in opposition has been submitted to the record at Exhibit 33.