

## **SUPPLEMENTAL REPORT #2**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 28, 2022

**SUBJECT:** Supplemental Report #2 for BZA Case 20380 (4457-4459 MacArthur Blvd., NW) to construct a 17-unit apartment house in the RA-1 zone.

### **I. BACKGROUND**

At its April 28, 2021 public hearing, the Board considered this BZA application for a special exception to permit an eight-unit apartment house in the RA-1 zone. Since the time of the public hearing, the applicant acquired the adjacent property to the west located at 4459 MacArthur Blvd., NW and revised their application to propose a 17-unit apartment house. The analysis provided in this report is based on the revised proposal.

### **II. OFFICE OF PLANNING RECOMMENDATION**

OP recommends **approval** of the following special exception relief:

- New Residential Development, Subtitle U § 421.1, pursuant to Subtitle X § 901.2 (new multi-family residential development in the RA-1 zone, must be reviewed by the BZA); and
- Side Yard, Subtitle F § 306.2, pursuant to Subtitle F § 5201.1 (Two side yards required, each at least 9.75 ft.; two side yards each 8 ft. existing and proposed).

OP's analysis and recommendation is based on the following:

1. The architectural plans as submitted in Exhibit 86A including, but not limited to:
  - Refurbishment or retention of the front porch as shown on page 2 of the plans,
  - Maintaining the location of the existing front entry stairs accessing the front porch on page 2 of the plans,
  - Retention of the mansard roof above the second story as shown on page 2 of the plans, and
  - Retention of the existing stucco façade as indicated on pages 14 and 15 of the plans.
2. The landscaping plan as submitted in Exhibit 87A.

### **III. LOCATION AND SITE DESCRIPTION**

Address	4457-4459 MacArthur Boulevard, NW
Applicant	Polygon Holdings LLC
Legal Description	Square 1363, Lots 57 and 961
Ward, ANC	3/3D

Zone	RA-1
Lot Characteristics	Rectangular interior lot measuring approximately 61.79 ft. by approximately 141.35 ft. The lot is bounded by MacArthur Blvd. NW to the south, a detached house to the north, and apartment houses to the west and east. There is no alley.
Existing Development	The property is improved with two 2-story semi-detached single household dwellings.
Adjacent Properties	Low-rise apartment houses.
Surrounding Neighborhood Character	Detached, row, and multiple dwelling residential buildings.
Proposed Development	The applicant initially proposed an eight-unit apartment house that would be semi-detached from an existing single household dwelling to the west (4459 MacArthur Blvd.) The applicant has since acquired this property and proposes to turn both semi-detached single household dwellings into a 17-unit apartment house. Three stories plus a cellar are proposed along with five parking spaces in the rear of the property. A penthouse with ancillary space to a roof deck would be provided. The apartment house would be subject to an Inclusionary Zoning requirement resulting in two IZ units.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

RA-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width	n/a	61.79 ft.	No change	None required
Lot Area	n/a	8,410 sq. ft.	No change	None required
Height F § 303	40 ft. max./ 3 stories max.	20 ft./ 2 stories	39 ft./ 3 stories	None required
Floor Area Ratio F § 302	0.9 max. or 1.08 IZ max.	Not provided by applicant	1.08	None required
Lot Occupancy F § 304	40% max.	25.9%	41.1% <sup>1</sup>	None required
Rear Yard F § 305	20 ft. min.	Not provided by applicant	42.2 ft.	None required
Side Yard F § 306	2 side yard required, each 9.75 ft. (3 in. per 1 ft. of height)	8 ft.	No change	<b>Relief: Special Exception</b>
Vehicle Parking C § 701	1 parking space (1 per 3 units in excess of 4)	Not provided by applicant	5 spaces	None required
New Residential Development U § 421.1	New multi-family residential development must be reviewed by the Board	n/a	Apartment House	<b>Relief: Special Exception</b>

<sup>1</sup> The applicant states the Zoning Administrator will allow 41.1% lot occupancy through minor flexibility.

## V. OFFICE OF PLANNING ANALYSIS

### A. Special Exception Relief Under Subtitle U § 421.1, New Residential Development.

421.2 *The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

*(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*

The application was referred to the Office of the State Superintendent (OSSE) for comment and recommendation (Exhibit 30). To date, comments have not been filed to the record, but DC Public Schools' (DCPS) permanent capacity utilization rates, as published on the Deputy Mayor for Education's website, for the area's in-boundary schools for school year 2018-2019 were:

- Key Elementary School – 75%
- Hardy Middle School – 93%
- Wilson High School – 98%

*(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

The application was referred to the District Department of Transportation (DDOT) for comment and recommendation (Exhibit 19). The property is located 140 feet from the D6 Metrobus route on MacArthur Boulevard, NW. The property is also located 1,000 feet from a Capital Bikeshare station at the Hardy Recreation Center. Access to these bus routes and the bikeshare station are all within a short working distance from the subject property. There would also be five parking spaces provided on-site, which is one more parking space than required.

The application was referred to the Department of Parks and Recreation (DPR) for comment and recommendation (Exhibit 29). To date, comments have not been filed to the record, but the property is located 1,000 feet from the Hardy Recreation Center and Park and 0.3 miles from Foundry Branch Valley Park.

421.3 *The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.*

#### Site Plan and Arrangement of Buildings and Provision of Light and Air

The applicant, after the first public hearing, acquired the property to the west and proposes to turn both semi-detached single household dwellings into a 17-unit apartment house. This creates for an overall better site plan and arrangement of buildings because the proposal is a more cohesive design than what was originally proposed. The revised proposal also allows the applicant to provide additional dwelling units, including IZ units.

There would only be one building located on the property and it would comply with the development standards of the RA-1 zone, except for side yard setback, which is analyzed in detail in Section B of this report. The building would be set back eight feet from both its eastern and west side property lines.

A rear yard of approximately 42 feet would be provided, with five unenclosed parking spaces. The front building wall would be located 20 feet back from the front property line, consistent with the existing front wall, and there would be an additional 15 feet of public space between the front property line and the sidewalk. There should not be undue adverse impacts to the provision of light and air as they relate to the surrounding neighborhood, as the proposed building would provide the required rear yard setback and comply with the required maximum height and number of stories for the zone.

OP expressed concern to the applicant about the revised proposal, which altered the slope of the existing mansard roof and removed some of the original stucco from the exterior walls of the existing houses. The applicant amended the architectural plans at Exhibit 86A to show that the existing slope of the mansard roof will be retained as well as the original stucco façade. The location of the existing entryway stairs will also be retained.

#### Parking, Recreation, Landscaping, and Grading

The on-site parking would exceed the minimum requirement by providing a total of five parking spaces where only four parking spaces are required. Though the subject property is landlocked, the applicant states that they have agreements to use an existing easement along lot 976 to access the parking in the rear of their lot (Exhibits 33 and 33G).

A bicycle room would be located on the cellar level and would accommodate storage for six bicycles, and two short-term bicycle spaces would be provided towards the front of the property. As noted above, the subject property is in proximity to numerous parks and a recreation center.

The landscaping plan (Exhibit 87A) indicates that a four-foot solid wooden fence would be located along the surface parking spaces and trash enclosure in the rear. The landscaping plan also shows proposed landscaping along the eastern side entry path as well as the front and rear of the property. In addition, the applicant proposes to create a “garden path” in the front yard that would connect the front entry walk with the two side entry walks.

*421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.*

All required plans have been filed except for the grading plan. The applicant states that the existing grade is not proposed to be changed.

#### **B. Special Exception Relief Under Subtitle F § 5202.1, Special Exception Relief from Certain Required Development Standards:**

*5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general*

*special exception criteria at Subtitle X, Chapter 9:*

- (a) *Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) *Yards, including alley centerline setback;*
- (c) *Courts; and*
- (d) *Green Area Ratio.*

The applicant proposes to construct an addition to a principal residential building on a non-alley lot, with relief from the side yard setback requirement.

*5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, 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 compromised;*

An existing compliant side yard of eight feet is located on both the western and eastern sides of the property. The applicant proposes to maintain both existing setbacks and extend the side yards as part of the proposed three-story rear addition. However, because the height of the building would increase under the proposal, the setback requirement for the side yards would increase by 1.75 feet for a total of 9.75 feet.

There should not be an undue impact on light and air available to the property to the east (4455 MacArthur Blvd., NW, a small apartment house) because this property and the subject property would be separated by adjoining side yards that provide at a minimum of 30 feet. The adjacent property is angled away from the subject property and has its parking area between the building and the subject property, thus the separation between both buildings increases further back on the lots. Similarly, the proposed third floor and three-story rear addition should not unduly block light and air available to the property to the west (4465 MacArthur Blvd., NW, a small apartment house) as property is detached from the subject property and is separated by adjoining side yards that are approximately 22 feet in width.

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

Privacy and enjoyment of neighboring properties should not be unduly compromised as the subject apartment house would be sufficiently separated from the properties to the west and east. Because the property to the east is angled away from the subject property there should be no windows directly facing each other and the distance between the windows would increase further back on both lots.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The proposed third floor would be set back several feet from the existing mansard roof, although the regulations for this zone do not require them to do so. Along the street frontage there are a variety of building uses and typologies such as apartment houses, semi-detached and detached houses, and row houses, including three-story buildings. The subject square

does not have an improved public alley system and the addition would be similar in height and number of stories as the apartment houses to the east and west. The proposal would maintain both existing side yards.

*(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.*

The applicant submitted a survey, architectural plans, and photographs to illustrate the proposed addition and surroundings.

*5201.5 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.*

No special treatment of the proposed addition is recommended.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The number of stories and total height created by the addition would be conforming.

## **VI. OTHER DISTRICT AGENCIES**

No other comments had been filed to the record as of the date of this report.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 3D revised their initial recommendation to recommend approval (Exhibit 85).

## **VIII. COMMUNITY COMMENTS TO DATE**

No additional community comments about the revised proposal were filed to the record.



### Location Map

