

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: January 28, 2021
SUBJECT: BZA Case 20380 (4457 MacArthur Blvd., NW) to permit an eight-unit apartment house.

I. OFFICE OF PLANNING RECOMMENDATION

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

- New Residential Development, Subtitle U § 421.1, pursuant to Subtitle X § 901.2 (all new residential development in the RA-1 zone, except for single household detached and semi-detached dwellings, must be reviewed by the Board of Zoning Adjustment); and
- Side Yard, Subtitle F § 306.2, pursuant to Subtitle F § 5201.1 (8 ft. 10.5 in. minimum required; 8 ft. existing; 8 ft. proposed).

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

1. The architectural plans as submitted in Exhibit 33C 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 1 of the plans,
 - Screening of the trash and recycling enclosures and parking spaces with two 48-inch solid screen fences as shown on page 2 of the plans, and
 - Maintaining the size of the proposed penthouse as shown on page 3.
2. The landscaping plan as submitted in Exhibit 33E.

OP appreciates the applicant’s response to concerns raised with the original proposed design.

II. LOCATION AND SITE DESCRIPTION

Address	4457 MacArthur Boulevard, NW
Applicant	Polygon Holdings LLC
Legal Description	Square 1363, Lot 57
Ward, ANC	3/3D
Zone	RA-1

Lot Characteristics	Rectangular interior lot measuring 29.86-36.81 ft. by 141.03-141.35 ft. The lot is bounded by MacArthur Blvd., NW to the south, a detached house to the north, a semi-detached house to the west, and an apartment house to the east. There is no alley.
Existing Development	The property is improved with a two-story semi-detached single household dwelling.
Adjacent Properties	Detached and semi-detached single household dwellings and a low-rise apartment house.
Surrounding Neighborhood Character	Detached, row, and multiple dwelling residential buildings.
Proposed Development	The applicant proposes to retain part of the existing two-story semi-detached single household structure and construct a new third-floor and three-story rear addition. A new penthouse would also be constructed and would provide habitable space. A total of eight dwelling units and four parking spaces would be provided.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width	n/a	29.86 ft.	No change	None required
Lot Area	n/a	4,700 sq. ft.	No change	None required
Height F § 303	40 ft. max./ 3 stories max.	20 ft./ 2 stories	35 ft. 6 in./ 3 stories	None required
Floor Area Ratio F § 302	0.9 max. or 1.08 IZ max.	0.51	0.90	None required
Lot Occupancy F § 304	40% max.	25.9%	40%	None required
Rear Yard F § 305	20 ft. min.	55.2 ft.	37.2 ft.	None required
Side Yard F § 306	1 side yard at 8 ft. 10.5 in. (3 in. per 1 ft. of height)	8 ft.	No change	Relief: Special Exception
Vehicle Parking C § 701	1 parking space (1 per 3 units in excess of 4)	n/a	4 spaces	None required
New Residential Development U § 421.1	New residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board	n/a	Apartment House	Relief: Special Exception

IV. 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 four parking spaces provided on-site, which is three more parking spaces 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

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 the side yard setback, which is analyzed in detail in Section B of this report. The building would be set back 8 feet 10.5 inches from its eastern side property line and this property and the subject property to the east would be separated by at least 30 feet. The subject property is currently and proposed to remain attached

to the building located on lot 961 along its western side property line, which is an anticipated building typology for the RA-1 zone.

A rear yard with four unenclosed parking spaces would be provided at approximately 37 feet. The front building wall would be located 20 feet back from the front property line, consistent with existing, 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. The proposal would generally retain the footprint of the existing house, and would demolish an existing accessory building in the rear, which would provide additional open space on the lot.

OP expressed concern to the applicant about the original proposal, which included the removal of the existing covered front porch and the shifting of the existing entryway stairs further east, because both of these features are attached to a duplicate set of a front porch and entryway stairs on the house immediately to the west on lot 961. OP suggested to the applicant that the existing form of the porch and placement of the entryway stairs be retained to help the proposed apartment house relate better to the building it is attached to, and to improve the streetscape character of the proposal in general. The applicant amended the architectural plans at Exhibit 33D to show that the existing porch will be refurbished, and its form and roofline retained. The architectural plans were also revised to show that the location of the existing entryway stairs will also be retained.

OP provided comments to the applicant that the originally proposed penthouse may not be zoning compliant in several aspects. The applicant revised the architectural plans to reduce the size of the penthouse, which appears to make the proposal consistent with the regulations, and makes the proposal relate better to the surrounding neighborhood. While OP prefers the Inclusionary Zoning housing requirement resulting from penthouse habitable space be fulfilled on-site, especially given the lack of affordable housing in this part of the District, the applicant has opted instead to fulfill the requirement by making a contribution to the Housing Production Trust Fund (HPTF), as permitted by the regulations.

OP also expressed concern to the applicant about the originally proposed multiple entrances located along the eastern side as being not typical and unfriendly to the street. However, OP acknowledges that placing the entry to all units on the front facade would result in considerable internal layout inefficiency. The applicant did revise the architectural plans and the landscaping plan at Exhibit 33E to show several large, raised planters along this side entry path. The planter boxes are also proposed to have the unit numbers to the side front entrances. The applicant also consolidated two of the staircases and areaways along this side entry path into one staircase leading to a single areaway with two entrances. These changes are an improvement over the original proposal, as they better indicate the location of the front entrances and create a more hospitable entry to these units.

Lastly, the applicant had originally proposed to have the trash stored outside in the rear of the property and have it moved to the front of the property for trash collection. OP was not in favor of this trash management plan and advised the applicant that trash should be stored inside the building. Though trash is still proposed to be stored outside in the rear, the applicant informed OP that the trash company will be able to pick up trash in the rear, which is a better solution than initially proposed.

Parking, Recreation, Landscaping, and Grading

The on-site parking would exceed the minimum parking requirement by providing a total of four parking spaces where only one parking space is required. Though the subject property is landlocked, the applicant states that they have agreements to use an existing easement along lots 961 and 976 to access the parking in the rear of their lot (Exhibits 33 and 33G).

The architectural plans indicate that a 48-inch solid screen fence would be located along the surface parking spaces in the rear. A bicycle room would be located on the cellar level and would accommodate storage for four bicycles, and one short-term bicycle space 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 applicant provided a landscaping plan (Exhibit 33E) indicating the location of the raised planters along the side entry path, new landscaping along the side entry path and in front of the property, and one short-term bicycle space. In addition, the applicant proposes to create a “garden path” with pavers in the front yard that would connect the front entry walk with the side entry walk.

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 because 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 (8 ft. 10.5 in. required; eight feet proposed).

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;*

The proposed third floor and three-story rear addition should not unduly block light and air available to the property to the west (lot 961, the attached dwelling), as this property is already attached to the subject property, and there is no side yard requirement for this side of the property, and the building otherwise conforms to height, rear yard, and lot occupancy requirements.

An existing compliant side yard of eight feet is located on the eastern side of the property. The applicant proposes to maintain this existing setback and extend the side yard 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 yard would increase by 10.5 inches for a total of 8 feet 10.5 inches. There should not be an undue impact on light and air available to the property to the east (lot 865, a small apartment building) because this property and the subject property would be separated by adjoining side yards that are 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.

(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 there would be no windows facing the property to the west (lot 961), and the windows that are proposed to face the property to the east (lot 865) would be separated by at least 30 feet and the adjacent building's parking area. 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 approximately five feet from the existing mansard roof, which matches the mansard roof on the property to the west and would be retained, 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 in the rear. The proposal would maintain both the existing side yard and the existing semi-detached building typology.

(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.

V. OTHER DISTRICT AGENCIES

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

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 3D voted to recommend that the Board cancel the scheduled public hearing for this application (Exhibit 28 and 31).

VII. COMMUNITY COMMENTS TO DATE

The adjacent property owner to the west filed a request for party status in opposition (Exhibit 27).

Location Map

