

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Michael Jurkovic, AICP, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: July 2, 2025

SUBJECT: BZA Case 21312, to permit a new twenty-nine (29) unit Apartment House at 2200 – 2212 40th Place NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle U § 421, New Residential Developments (all new residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board of Zoning Adjustment).
- Subtitle C § 701.5, Minimum Parking Requirements (0 existing, 0 proposed, 3 required¹)

OP's recommendation is based on the following conditions of approval, intended to ensure that review criteria regarding potential external impacts, including trash collection and fencing, and landscaping are met:

1. Compliance with the proposed site and landscaping plans in the architectural plans on pages 13 & 14 in Exhibit #16A and Exhibit#10, including trash storage location and storage, with the exception of modifications noted below;
2. Enhancement of the site plan to address trash pickup by means of providing a path for external trash pickup.

II. LOCATION AND SITE DESCRIPTION

Address	2212 40th Place NW
Applicant	Venable LLP and District Line Development, LLC. on behalf of United Property Owners USA, Inc.
Legal Description	Square 1317W; Lots 7, 8, 9, and 10
Ward, ANC	Ward 3; ANC 3B
Zone	RA-1
Historic Districts	N/A
Lot Characteristics	Rectangular lots three of which are interior lots and one corner lot all with a 16 ft. unimproved public alleyway to the rear.
Existing Development	Four Semi-detached 4-unit apartment houses.

¹ Determined by the applicant.

Adjacent Properties	Large Residential Apartments to the West with similarly sized apartment houses to the north and east; with Whitehaven Parkway to the south.
Surrounding Neighborhood Character	Moderate Density Residential Neighborhood surrounded by public parklands to the south and west.
Proposed Development	Conversion of 4 – four unit Apartment Houses into one Apartment House with 29 dwelling units.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RA-1	Regulation	Existing	Proposed ¹	Relief
Apartment House / Rowhouse U § 421	Permitted by sp.ex.	16 units	29 units	Relief Requested
Density F § 201	FAR 0.9 max.; 1.08 max with IZ.	0.34	1.08	None Requested
Lot(s) Width F § 202	N/A	197	No Change	None Requested
Lot(s) Area F § 202	N/A	21,634 sq. ft.	No Change	None Requested
Height F § 203	40 ft. max.	22.75	33 ft.	None Requested
Rear Yard F § 207	20 ft. min.	21 ft.	No Change	None Requested
Side Yard F § 208	Two 8 ft. min. or 3 in. per ft. of height, whichever is greater.	N/A	11.5 ft. & 16.7 ft.	None Requested
Lot Occupancy F § 210	40% max.	34%	40%	None Requested
GAR F § 211	0.4 min.	N/A	0.4	None Requested
Parking C § 701	Required for additional units – 3 spaces per applicant	0 spaces	0 spaces	Relief Requested

IV. OFFICE OF PLANNING ANALYSIS

A. Subtitle U § 421, NEW RESIDENTIAL DEVELOPMENTS (RA-1)

421.1 In any of the RA-1 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions pursuant to Subtitle X, Chapter 9, in accordance with the standards and requirements in this section.

The application proposes converting 4 – four unit apartment buildings into a 29-unit detached Apartment House, a use permitted by Special Exception in the RA-1 zone.

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 of Education (OSSE) for comment. 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 website², for Ward 3's in-boundary schools for school year 2024-2025 were 96% utilized with 11 facilities.

- (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. The property is located approximately 0.42 miles from a priority bus route.

The application was referred to the Department of Parks and Recreation (DPR) for comment and recommendation. To date, comments have not been filed to the record.

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 proposal shows the building would front along 40th Place NW with the trash area to the rear. Access to the property would be through a pedestrian entrance along 40th place, where there will be two short-term bicycle spaces, and another pedestrian access from 40th to the southern end of the building, both of which would provide access to the 1st floor. No dedicated parking areas are proposed.

The applicant has provided a series of sun studies at Exhibit #16A, pg. 16. These show that there would be limited new impacts to the available light on nearby properties past what currently exists. Air flow through the square should also be minimally impacted.

The applicant proposes that the trash area, located close to the south-west corner of the lot, would be screened with a partial brick wall and picket fence. It would be accessed from the 1st floor of the building via a walkway stemming from the rear of the building. There is no indication of how trash would then be picked up, unless it is to be brought back through the building to 40th Place, which does seem like an appropriate solution. OP recommends a condition to any Order of approval requiring adherence to the proposed screening of the trash area to minimize impacts to

² <https://edscape.dc.gov/page/facilities-utilization>

neighboring properties; and a condition that an additional path to be added to better facilitate trash pickup. Depending on where trash pickup is to occur this could either be a short path from the trash storage area to W Street NW or a connection to the proposed path from the southern entrance to 40th Place NW.

Parking

The applicant has requested relief to maintain the absence of parking on the site.

Recreation

The proposal does not include any dedicated external or internal recreation spaces. However, the site is located approximately 0.15 miles from a trail entrance to Whitehaven Parkway where there exists a community garden and further connections to the nearby trail network.

Landscaping, and Grading

As shown in the existing site plan at Exhibit #16, pg. 3, & proposed landscaping in Exhibit #10, the applicant proposes a re-grading of the property to accommodate the construction of the building connection, window wells, walkways, and trash area.

At Exhibit #10 the applicant has provided a landscaping plan which indicates the existing trees, including Heritage and Special Trees, which would remain on site. Additionally, the Plan shows seven new trees to be planted along the frontage of 40th Place NW as well as seven boxwood landscape areas around the building and between the main pedestrian access.

- 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.*

The applicant has provided filings sufficient for the review of the proposal against the relevant criteria.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

- 901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The RA-1 zone permits moderate density development including low-rise apartments through Special Exception. The proposal is consistent with the provisions of the regulations, and the building would be within the development requirements of the zone and not be inconsistent with the intended use or building bulk or height. Therefore, the proposed Apartment House should be consistent with the intent of the RA-1 zone requirements.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance*

with the Zoning Regulations and Zoning Maps; and

The requested relief should not result in an undue impact on the use of neighboring properties, particularly if conditions recommended by OP related to the proposed landscaping and trash area are met. 40th Place NW and the surrounding roadways contain a series of apartment houses, so the use itself should be in character with the neighboring properties. The proposal would front on 40th Place NW with proposed plantings along the frontage and the existing vegetation in the rear of property will be preserved maintaining the natural buffer between this and nearby developments.

(c) Subject in specific cases to the special conditions specified in this title.

The form of relief is within the allowed criteria of Subtitle U § 421, provided above.

B. Subtitle C § 701.5, MINIMUM PARKING REQUIREMENTS

703.1 This section provides flexibility from the minimum required number of parking spaces when providing the required number of spaces would be:

- (a) Impractical due to the shape or configuration of the site;*
- (b) Unnecessary due to a lack of demand for parking, or the site's proximity to transit options; or*
- (c) Contrary to other District of Columbia regulations.*

There is currently no curb cut or parking to the site. The applicant attests that the addition of parking to the site would be impractical due to the shape and configuration of the site.

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:

...

- (i) The presence of healthy and mature canopy trees on or directly adjacent to the property;*

At Exhibit #10, the applicant shows that there are a series of mature canopy trees, some of which are heritage or special trees, located in the adjacent unimproved alley. Additionally, those trees have Critical Root Zones over a significant portion of the site.

...

703.3 Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:

- (a) Proportionate to the reduction in parking demand demonstrated by the applicant;*

The existing properties with sixteen (16) units do not provide on-site parking. Per the applicant this demonstrates the lack of parking demand and that adding thirteen (13) units would not increase said demand.

- (b) *Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and*

Per the applicant, the existence of the heritage tree in combination with the desired design maintaining large portions of the exiting structures prevents the addition of any parking on the site. Additionally, the applicant claims that a new curb cut to the site would not likely be permitted and the cost of improving the alleyway is not feasible for the development proposal.

- (c) *Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.*

Not applicable as the applicant's request is limited to relief from the minimum required parking.

703.4 *Any request for a reduction of more than four (4) spaces from the required number of parking spaces 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 requested relief would maintain the existing situation of no vehicle parking on site. Per the applicant, the requested relief is for only 3 spaces. However, OP would defer to DDOT on whether the size of the development requires a transportation demand management plan.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The change in use from four small 4-unit apartment houses to one 29-unit apartment house is consistent with the intent of the RA-1 zone requirements as the use is permitted by special exception, discussed earlier in this report. The applicant has demonstrated that at least one of the criteria under C § 703.2 is being met. Therefore, the proposal would therefore be in harmony with the intent of the Regulations.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The use of neighboring property should not be significantly adversely impacted

by the relief requested, including any adverse impact to light, air, or objectionable noise to the adjacent apartment house properties. The property currently contains no parking, and this would continue.

(c) *Subject in specific cases to the special conditions specified in this title.*

The form of relief is within the allowed criteria of Subtitle C § 703, provided above.

V. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no comments from other District agencies in the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, there is no report from ANC 3B in the record.

VII. COMMUNITY COMMENTS

As of the writing of this report, there are no public comments in the record.

Location Plan:

