



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 17, 2025

SUBJECT: BZA #21335 – 2016 1st Street, NW – Request for relief to legalize an existing 3rd unit

I. RECOMMENDATION

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

- U § 320.2, pursuant to X § 901 – Conversion of existing residential building in the RF-1 zone to an apartment building; *special exception*
- U § 320.2(c), pursuant to X § 1000 – Lot Area for a conversion (900 square feet per unit required; 1,800 square feet existing; 2,700 square feet required for three units); *area variance*
- C § 701.5, pursuant to C § 703.2 and X § 901 – Vehicle parking (2 spaces required; 1 provided). *special exception*

II. LOCATION AND SITE DESCRIPTION

Address	2016 1 st Street, NW
Applicant	Pamela Wilson, Owner
Legal Description	Square 3116, Lot 11
Ward / ANC	Ward 5, ANC 5E
Zone	RF-1 (Low to Moderate Density Rowhouses and Flats)
Historic District or Resource	Bloomingdale Historic District
Lot Characteristics and Existing Development	Existing rowhouse-type building, originally constructed in 1907 as a flat; A third unit was added on the ground floor at some point in the early 2000s; 3-story building; Lot is 18 ft. x 100 ft.; Two tandem parking spaces at the rear, accessed from a 15 ft. wide alley.
Adjacent Properties and Neighborhood Character	Adjacent buildings are similarly-scaled rowhouse buildings. Immediate surroundings are almost entirely rowhouses.
Proposal	Legalize the existing third unit; No physical changes to the property.



III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests to legalize an existing third unit in the building by seeking special exception relief to convert a residential building to a three-unit multiple dwelling. Because the lot is less than 2,700 square feet, they also request an area variance to the rule requiring 900 square feet per unit. Finally, the application requests relief to the minimum number of parking spaces.

Item	Requirement	Existing	Proposed	Relief
Conversion to an apartment building U 320.2	Multiple requirements	Three units existing, but only two permitted	Three unit apartment building	Requested
Lot area requirement for conversion to apartment U 320.2(c)	900 sq.ft. per unit	1,800 sq.ft. of lot area	3 units – 600 sq.ft. per unit	Requested
Lot Width E 202	18 ft. min.	18 ft. min.	No change	Conforming
Lot Depth	n/a	100 feet	No change	Conforming
Lot Area E 202	1,800 sq.ft. min.	1,800 sq.ft.	No change	Conforming
Height E 203	35 ft. min. 3 stories	Height in feet not provided 3 stories	No change	Conforming
Rear Yard E 207	20 ft. min.	Not provided; estimate ~37 ft.	No change	Conforming
Lot Occupancy E 210	The greater of 60% or the lot occupancy as of the date of conversion	Not provided; OP estimates ~57%	No change	Conforming
Vehicle Parking C 701	RF zone: 1 per 2 units = 2 spaces	1 legal space [2 tandem spaces]	No change	Requested

IV. ANALYSIS

Special Exception for a Conversion to an Apartment Building

The applicant seeks to legalize an existing third unit in the building. This can be achieved by requesting a conversion of a residential building to an apartment building pursuant to U § 320.2. The criteria of that section are reviewed below.

320.2 The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment

as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

The building has been in existence as a residential building since its construction in 1907.

- (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 § 1003.10; and*

N/A

- (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.*

The lot has 1,800 square feet of land area, equal to 600 square feet per each of the three units. The applicant, therefore, requests relief from the 900 square foot standard. That relief is analyzed below.

Area Variance to the 900 Square Foot Rule

The application requests area variance relief for the minimum lot area required for conversion of a residential building to a multiple dwelling. The requirement is 900 square feet per unit, and the subject property would have 600 square feet per unit. The Board is authorized to grant the relief pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

- i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner*
 - a. Extraordinary or Exceptional Situation*

The subject property is encumbered by exceptional conditions. The present owner was not the owner when the third unit was added. According to the application, the third residential unit appears to have been added to the building in the early 2000s, and has existed in that state for over two decades. When the present owner inherited the property, they assumed that the configuration was allowed. The present owner even invested in renovations to all three units after a fire in 2020 damaged the property, and appropriate permits were obtained for improvements to all three units. The discrepancy was discovered after the renovations were complete, and an updated Certificate of Occupancy reflecting the change in ownership was sought. Once the two-unit limitation was identified, the owner began the process to legalize the unit, ultimately resulting in the present BZA

application. Furthermore, the application also contends that the design of the building makes communication between the different floors difficult to construct. See Exhibit 22A, p. 7.

b. Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties

The applicant is impacted by a practical difficulty resulting from the exceptional conditions affecting the property. In order to bring the property into compliance with the Regulations, the existing ground floor unit would need to be combined with the first floor unit, or simply vacated. A significant renovation to combine units would be expensive and practically difficult, including construction of a new interior stair and removal of a kitchen. Vacating two units through the reconstruction process and then losing one unit would significantly impact rental income or potential sales price. See economic information from the applicant at Exhibit 22A, p. 8. The application also states that the property has been offered for sale, but that the lack of a valid Certificate of Occupancy has meant that offers have been below what would be anticipated for a three-unit building.

ii. No Substantial Detriment to the Public Good

Granting the requested relief should not result in a substantial detriment to the public good. The unit in question has existed at this site since the early 2000s. The applicant states that “The existence of the 3rd dwelling unit has resulted in no impacts on light, air, or privacy with respect to adjacent homes, nor has it increased traffic or congestion” (Exhibit 22A, p. 9). OP also agrees with the idea that any light, noise or privacy impacts should be minimal as there would be no additions or alterations to the existing structure. OP defers to DDOT on transportation issues, but it is not anticipated that the retention of a single unit should impair the local transportation network, especially given the areas rich concentration of transit. In addition, the visual appearance of the front of the building would not change from its current, historic state. There are several other 3-unit buildings in the neighborhood, so this property would not be out of character with a varied rowhouse community. The applicant contends that not granting relief would detract from the public good, by effectively creating a permanent vacant unit. Or, should the owner attempt to revert the building to two units, that could result in unnecessary construction-related disruption to nearby residents.

iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

Granting the requested relief should not impair the intent of the Regulations. The RF-1 zone anticipates and permits, by special exception, apartment buildings, and the subject property has existed as an apartment building since the early 2000s. The Regulations require that, for a conversion to an apartment building in the RF-1 zone, the property must have 900 square feet of land area per dwelling unit. While the property is unable to meet the land area restriction for a three-unit building, no changes to the existing building are proposed. Particularly given that the current owner is not responsible for the addition of a third unit, granting the area variance would not significantly impair the integrity of the zoning regulations.

Special Exception for Vehicle Parking

The vehicular parking requirement for a three-unit building in the RF zone is two parking spaces. The subject site has two parking spaces, but they are in a tandem configuration. The applicant, therefore, requests relief to provide only one conforming parking space, relief that the Board may grant pursuant to the criteria of C § 703.2. Under that section, the Board need only find that one of the ten listed criteria is met, and this application would meet three of the factors. OP's review of the applicable criteria is below.

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:

- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

The property is well served by alternative modes of travel. The property is within walking distance of three priority bus corridors – Rhode Island Avenue, North Capitol Street and Florida Avenue. The property is also about two blocks away from a Capital Bikeshare station at Rhode Island Avenue. The subject site is also about seven-tenths of a mile from the Shaw Metro station.

- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*

OP defers to DDOT's analysis of any traffic impacts from the development, but it is not anticipated that the project would impact traffic in the neighborhood. The building would continue to have three units and two parking spaces would be provided, but in a tandem configuration. Not providing one additional conforming parking space should not result in undue impacts.

- (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;*

It can reasonably be expected that two vehicular parking spaces would be available on the site, although only one of them would count for zoning purposes.

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;*
- (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*
- (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.*

Only two parking spaces are required in this case and the relief is for one space.

Subtitle X § 901.2

901.2 (a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the requested parking relief should not impair the intent of the Regulations. While the Regulations are intended to ensure the provision of enough vehicular parking for a given use, they also provide for relief from that requirement where physical constraints of the property or characteristics of the neighborhood make parking impossible to provide or unnecessary. In this case, given the multiple alternative travel modes available nearby, the small degree of relief, and that the required number of spaces would actually be present on the property, the requested relief would comply with the intent of the Regulations.

901.2(b) [Granting the special exception] Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

As addressed in the above analysis, the requested special exception for one parking space would not appear to adversely affect the use nearby property. There should be no undue impacts from parking demand or traffic impacts.

V. HISTORIC PRESERVATION

Staff of the Historic Preservation Office at OP indicated that they have no concerns with the requested relief.

VI. COMMENTS OF OTHER GOVERNMENT AGENCIES

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

VII. ANC COMMENTS

As of this writing the record contains no comments from the ANC.

VIII. COMMUNITY COMMENTS

At Exhibit 8 are letters of support from neighbors.

IX. VICINITY MAP

