

MEMORANDUM

TO: Board of Zoning Adjustment for the District of Columbia

FROM: Philip Y. A. Isaiah, Development Review Specialist
^{MBR} Maxine Brown-Roberts, Associate Director, Development Review

DATE: September 11, 2026

SUBJECT: BZA Case 21490 - Request for special exception relief to permit two stories of residential atop an existing one-story commercial building at 75% lot occupancy and without the one-space off-street vehicular parking requirement in the MU-4 Zone.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to Subtitle E § 5201 and Subtitle X § 901:

- The lot occupancy requirements of Subtitle G § 210.1
(60% required, 75% (second & third floor residential) proposed)
- The minimum vehicle parking requirements of Subtitle C § 701.5
(1 required, 0 existing, 0 proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	827-829 Upshur Street, NW
Applicant:	District Line Development, LLC – Representation: Venable
Legal Description:	Square 3024, Lots 71 & 72
Ward / ANC:	Ward 4/ANC 4C
Zone:	MU-4
Historic Districts	N/A
Lot Characteristics:	The subject property is comprised of two rectangular-shaped parcels that combined measures 37.7 feet wide and 80.0 feet deep and was originally subdivided in 1922. The property fronts on the Upshur Street right-of-way to the south and two 15-foot-wide public alleys along the western side lot line and the rear lot line to the north
Existing Development:	The subject property is developed with a one-story brick façade, commercial building constructed at 99% lot occupancy and without off-street parking. Bay windows and ramps appear to extend into the Upshur Street right-of-way.

Adjacent Properties:	The adjacent lots 70 and 69 to the east and lots 819, 56, and 55 to the east are also rectangular and similar in size. It should be noted that the nearby irregular lot 80 extends eastward in the center of the square such that the subject property's is significantly shallower than the similar lots on the eastern half of the block.
Surrounding Neighborhood Character:	One-story commercial buildings of similar character are located to the east of the subject property, while multi-story mixed use buildings are located to the west. Across the street are residential, commercial, and mixed-use buildings of varying heights and styles.
Proposed Development:	The applicant proposes to construct two stories of residential units atop the existing single story commercial building. The lot occupancy for the first floor of the building would remain at 99% and the new second and third floors would be constructed at 75% lot occupancy where the permitted matter-of-right residential maximum is 60%. The building would also continue to not provide on-site parking where the required minimum would be one space. The project would add 7 three-bedroom units ranging from 600 to 786 sq. ft. in GFA at an FAR of 2.49. Six of the units would be located on the second and third floors, and the rear of the existing ground floor would be converted into one additional unit. The proposed addition would contain fiber cement paneling with fenestration at the rear and to the west adjacent to the alley.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

MU-4 Zone	Regulation	Existing	Proposed	Relief:
Density G § 201.1	2.5 FAR 3.0 FAR (IZ)	0.99 FAR	2.49 FAR	None requested
Height G § 203.2	50 ft. max.	12 ft.	33.9 ft.	None requested
Rear Yard G § 207.5	15 ft. min.	0 ft.	20.1 ft.	None requested
Side Yard E § 208.2	None required	0 ft.	No change	None requested
Lot Occupancy G § 210	60% max. (residential)	99%	99% - floor 1 75% - Floors 2 & 3	Special Exception Requested
Vehicular Parking C § 701.5	1 min.	0	0	Special Exception Requested
Bicycle Parking C § 802.1	0 spaces min. (res. less than 8 units and non-res less than 4,000 sq. ft.)	0	3 (short term)	None requested

IV. OFFICE OF PLANNING ANALYSIS

Subtitle G Chapter 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES

5200.1 Except for density, height, and penthouse and rooftop structure, the Board of Zoning Adjustment may grant relief from the development standards of this subtitle, as a special exception subject to the criteria at Subtitle X, Chapter 9.

The applicant requests relief from the lot occupancy standards of Subtitle G § 210.1. The analysis pursuant to Subtitle X, Chapter 9 is contained below.

Subtitle C Subsection 703 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

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:

(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 lot in accordance with Subtitle C § 701.8;

The existing commercial structure occupies 99% of the lot, leaving no remaining space to accommodate the parking requirement onsite. As such, the configuration of the existing development on the site causes it to be impractical to provide the parking space required. This standard is demonstrated.

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

The subject property is located 0.4 miles from the Georgia Avenue-Petworth metro station and located 0.1 miles from Georgia Ave., where the nearest bus stops are served by the high-frequency D4X route, offering limited-stop service along the whole Georgia Avenue corridor, and the medium-frequency D40, D74, and C75 routes, all of which also connect to the Georgia Avenue metro station. Upshur St. contains dedicated bicycle lanes with connections to the 7th St. and 5th St. protected bicycle lanes. Therefore, it appears that the combination of mass transit and bicycle facilities serves the subject property particularly well, thereby demonstrating this standard is met.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

Upshur St. is a small, mixed-use area with many amenities located within ¼ mile of the subject property, including the Petworth recreation center, Petworth library, Theodore Roosevelt High school, and multiple fresh food merchants. The walkable nature of the surrounding area combined with reasonable multimodal access minimizes the need for the required parking space, therefore demonstrating this standard is met.

Subtitle X Section 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 intent of the MU-4 zone is to provide mixed-use development outside of the central core. The lot occupancy and parking reduction requests would allow for the addition of 7 residential units to coincide with the existing ground floor commercial use. Having mixed-use development on the subject property therefore harmonizes with the intent of the zone and thus meets this standard.

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

Lot Occupancy

The applicant has provided a solar study as part the plans contained as Exhibit 17A, sheet A202 of the record. While the study shows that additional shadow cast to the northwest and northeast, it should not adversely impact neighboring property. The properties to the north and west are separated by the public alley and the property to the rear contains a gravel surface parking lot associated with Lot 80. Additionally, the new construction would be set back from the rear lot line by about 20 feet, further mitigating the additional shadow.

Parking Reduction

The intent of offering parking flexibility, as enumerated in Subtitle C § 703.1 of the Zoning Regulations, is where requiring the minimum parking requirement would be impractical or unnecessary. The existing building occupies 99% of the lot and leaves no practical space to insert the required off-street parking without major building alterations. The subject property is within a 10-minute walkshed of metro, adjacent to relatively frequent bus service, and is adjacent to limited, but expanding bicycle infrastructure. The smaller main street-type corridor on which the subject property fronts is also in close proximity to several public services. Therefore, to provide the required parking space appears both impractical and unnecessary, which therefore meets the intent of the regulations.

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

The subject application meets the development criteria for a special exception from lot occupancy contained in Subtitle G § 5200.1 and for a parking reduction contained in Subtitle C § 703.2, as shown above.

V. OTHER DISTRICT AGENCIES

No comments from other District agencies have been supplied to the record at this report's publication.

VI. ADVISORY NEIGHBORHOOD COMMISSION

No report from ANC 6C has been supplied to the record at this report's publication.

VII. COMMUNITY COMMENTS

No public comments have been submitted to the record at this report's publication.

Figure 1: Location Map

