

**APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION**  
**ON BEHALF OF SO OTHERS MIGHT EAT**  
**FOR VOLUNTARY DESIGN REVIEW**



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**2 18<sup>TH</sup> STREET SE**  
**SQUARE 1110, LOT 86**

**APRIL 16, 2025**

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## **I. Introduction / Background**

This application is submitted on behalf of So Others Might Eat (the “**Applicant**”) for Zoning Commission Voluntary Design Review and approval of a renovation and expansion of an existing residential building (the “**Application**”). The property is located at 2 18<sup>th</sup> Street SE (Lot 86 in Square 1110) and in the RF-1 Zone District (the “**Property**”).

The Applicant submits this application pursuant to Subtitle X § 601.2 of the Zoning Regulations of the District of Columbia, which permits an applicant to request Voluntary Design Review (“**VDR**”) by the Zoning Commission. This application for Voluntary Design Review includes a request pursuant to Subtitle X § 603.1 for flexibility from the following development standards of the Zoning Regulations:

- Building height (11-G DCMR § 403.1); and
- Rear yard (11-G DCMR § 405.2).

Pursuant to Subtitle X § 603.4, as part of a voluntary design review application, the Commission may hear and decide requests for special exception and variance relief that would otherwise require the approval of the Board of Zoning Adjustment, subject to all applicable special exception criteria and variance standards. The Commission’s ability to grant such relief is separate from the above-described flexibility from the building height and rear yard requirements being requested under Subtitle X § 603.1. As part of the Application, the Applicant is requesting the following relief:

- Special exception from minimum parking requirements (11-C DCMR § 703.2);
- Special exception for conversion of an existing residential building to an apartment house (11-U DCMR § 320.2);
- Special exception from penthouse setback requirements (11-C DCMR § 1504.1(d));
- Variance relief from TDM plan requirement (11-C DCMR § 703.4);
- Variance relief from minimum of 900 square feet of land area per dwelling unit requirement (11-U DCMR § 320.2(c)); and
- Variance relief from the minimum area requirement for VDR (11-X DCMR § 601.3(a)).

The Property is in the Lincoln Park / Hill East neighborhood of Ward 7. The Property contains approximately 6,864 square feet of land area and is located in the Moderate Density Residential land use category of the District of Columbia Comprehensive Plan Future Land Use Map.

The Property is currently improved with a three-story rooming house that contains 57 rooming units (the “**Building**”). The Building, built in 1925, is 35 feet tall and fails to comply with the rear yard requirement because it was constructed prior to May 12, 1958. As a rooming house with more than eight rooms, the Building is a legally nonconforming use in the RF-1 Zone District. The Applicant is proposing to renovate and expand the Building in order to convert it from a rooming house to a four-story apartment building with approximately 61 apartments with individual kitchens and bathrooms (the “**Project**”). The Project will contain approximately 26,075 square feet of gross floor area (“**GFA**”) and have a maximum height of 50 feet (not including penthouse). The lot occupancy will remain unchanged at 80%.

By renovating, converting, and expanding an existing rooming house into an apartment house, the Applicant will better serve Washington D.C.'s most vulnerable and underserved unhoused population. As discussed below, as well as in detail in the attached Comprehensive Plan evaluation, overall, the Project is not inconsistent with Comprehensive Plan when read as a whole using a racial equity lens.

## **II. Jurisdiction of the Zoning Commission**

The Zoning Commission has jurisdiction to grant Voluntary Design Review approval of the proposed development pursuant to Subtitle X § 603 of the Zoning Regulations.

## **III. Property and Surrounding Area**

The Property is a single lot and consists of approximately 6,864 square feet of land area. The lot is bordered by East Capitol Street NE to the north, a public alley to the east, single family row homes in the RF-1 Zone District to the south, and 18<sup>th</sup> Street SE to the west. Further, the Property is adjacent to the Robert F. Kennedy Memorial Stadium Campus, across the street from a four-story high school, and a block away from a large-scale PUD. A plat prepared by the D.C. Surveyor showing the lot is attached as **Exhibit A**. Images of the Property and the surrounding area are included in **Exhibit B**. A context map is attached as **Exhibit C**.

## **IV. Description of the Project**

Architectural plans and drawings for the Project are included in **Exhibit D** (the “Plans”). As demonstrated by the Plans, the primary design driver for the Project is the relationship between the Project and existing residential uses.

The Applicant is proposing a residential project containing approximately 26,075 square feet of gross floor area (“GFA”) and approximately 61 residential apartment units. The Project will stand at four stories tall. The Project will have a maximum building height of 50 feet. The Project also will have a mechanical penthouse with a maximum height of approximately 8.6 feet.

Given existing constraints, the Building cannot be expanded or converted to apartments without significant internal reconfiguration and a meaningful decrease in unit count. Therefore, the Applicant requests Voluntary Design Review to allow for the addition of a fourth story. With this fourth story, the Project will maintain its unit count and ensure the continued functionality of the existing structure.

## **V. Standard of Review for Voluntary Design Review**

Voluntary Design Review is the appropriate process because it allows for an increase in height that makes possible the addition of a fourth story. Further, VDR is the most efficient process because it allows the Applicant to bundle various forms of relief in the same application, giving the Commission to review the entire project at once instead of bifurcating the process between different review agencies.

To obtain Voluntary Design Review approval, including the requested flexibility for building height and rear yard, the Application must satisfy the design review requirements set forth in Subtitle X § 604, as well as the general special exception criteria of Subtitle X, Chapter 9. As described in detail below, the Application satisfies the requirements for such approval.

#### **VI. The Project Satisfies Requirements for Voluntary Design Review (Subtitle X § 601)**

Pursuant to Subtitle X § 601.3, the minimum area required for a Voluntary Design Review application in the RF-1 Zone District is two (2) acres. In addition, under Subtitle X § 601.4, all the property included in a Voluntary Design Review application is required to be contiguous or separated only by a public street, alley, or right-of-way. While the Property is continuous, the lot area is less than two (2) acres at 6,864 square feet so a variance from the minimum area requirement is necessary. This requested variance is described in detail in Section XV. Otherwise, this application satisfies the requirements for VDR approval as explained below.

#### **VII. The Project Satisfies Standards for Design Review (Subtitle X § 604).**

The Applicant satisfies the general design review standards as follows.

a) *The Project Is Not Inconsistent with the Comprehensive Plan (11-X DCMR § 604.5)*

The Comprehensive Plan (“**Comp Plan**”) guides the District’s development, both broadly and in detail, through maps and policies that address the physical development of the District. 10A DCMR § 103.2.<sup>1</sup> The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the city and the well-being of its citizens. The Comp Plan provides the “big picture” of how change will be managed in the years ahead and, thus, is intended to be interpreted broadly. 10-A DCMR § 103.5. Where its decision making requires consideration of the Comp Plan, the Commission considers the many competing, and sometimes conflicting, policies of the Comp Plan, along with the various uses, development standards and requirements of the zone districts. To approve the Project, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the request is “not inconsistent” with the Comp Plan when read as a whole.

(i) **Racial Equity and the Comprehensive Plan**

Equity is a primary focus of the Comp Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating / increasing access to opportunity. The Comp Plan emphasizes that considerations of equity, and particularly racial equity, must be part of a District agency’s

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<sup>1</sup> The Comprehensive Plan was adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017, effective August 27, 2020) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020, effective August 21, 2021), which included amendments to the GPM and FLUM. The GPM and FLUM were formally approved on November 16, 2021, pursuant to Resolution No. R24-0292.

evaluation and implementation of Comp Plan policies and actions. To do this, the Implementation Element calls for agencies to prepare and implement tools that will assist in evaluating and implementing the Comp Plan through a “racial equity lens.” The Commission considers racial equity as an integral part of its analysis as to whether a proposed zoning action is “not inconsistent” with the Comp Plan. 10A DCMR § 2501.8.

The focus of the racial equity lens component of a Comp Plan evaluation depends upon the type of zoning action being proposed, the location of the zoning action, and the extent to which the zoning action can address localized and citywide equitable development issues. The Commission has developed a Racial Equity Tool that applicants are expected to utilize for zoning actions that require a Comp Plan evaluation. The Applicant’s Comp Plan evaluation for the Project was guided by the Commission’s Racial Equity Tool, and the D.C. Office of Planning’s (“OP”) Equity Crosswalk (the “**Equity Crosswalk**”), which highlights Comp Plan policies and actions that explicitly address racial equity. The Applicant also considered other planning guidance and data relating to the Capitol Hill (“CH”) Planning Area and District-wide planning goals, which are summarized in **Table 1**.

<b>Table 1: Planning Guidance and Goals</b>
<ul style="list-style-type: none"> <li>· Housing Equity Report (October 2019) housing goals for the CH Planning Area: <ul style="list-style-type: none"> <li>· Total housing production goal: 3,270 units</li> <li>· Affordable housing production goal: 1,400 units (473 units have been produced or newly covenanted since 2019)*</li> </ul> </li> <li>· Comprehensive Plan policies: increasing density and affordable housing near Metrorail and increasing equitable access to transit.</li> <li>· CH planning and development priorities / concerns: Increasing housing costs and displacement, preserving neighborhood character and scale, and directing growth.</li> <li>· Demographic and socio-economic data disaggregated by race for the Capitol Hill Planning Area**.</li> </ul>
<p>* Source: <a href="https://open.dc.gov/36000by2025/">https://open.dc.gov/36000by2025/</a></p> <p>**Source: 2012-2016 and 2017 - 2021 ACS</p> <p>(<a href="https://opdatahub.dc.gov/search?tags=racial%2520equity">https://opdatahub.dc.gov/search?tags=racial%2520equity</a>)</p>

The Applicant has conducted a thorough evaluation of the Project’s consistency with the Comp Plan, including the policies of all applicable Citywide and Area Elements, the Future Land Use Map (“**FLUM**”), Generalized Policy Map (“**GPM**”), and any other applicable adopted public policies and active programs. The Applicant’s full Comp Plan evaluation can be found in **Exhibit E**, including a detailed discussion of the proposal’s consistency with the FLUM and GPM.

**Overall, when viewed through a racial equity lens, the Applicant asserts that the proposal is not inconsistent with the Comp Plan, when read as a whole.**

(ii) Racial Equity Assessment Relative to the Comp Plan

**Comprehensive Plan Policy Guidance**



**Part I (Racial Equity Analysis Submissions – Guidance Regarding the Comprehensive Plan)** of the Racial Equity Tool requires applicants to consider the many policies contained within the various Citywide and Area Elements, and particularly those policies that explicitly focus on advancing racial equity. The Applicant’s full evaluation of these policies is provided in **Exhibit E**.

### **Generalized Policy Map**

The Property is located within a Neighborhood Conservation Area (“NCA”) on the GPM, which encompasses the large majority of the Capital Hill (“CH”) Planning Area and covers areas of varying characteristics. (**Figure 1**).



Figure 1: Excerpt of GPM showing the Property within a Neighborhood Conservation Area.

The proposal is not inconsistent with the GPM as it is: (i) generally consistent with the uses and density contemplated by the FLUM, (ii) consistent with Comp Plan policy guidance related to infill development for housing in historic areas, and with policy guidance regarding compatibility with surrounding lower-scale residential areas, and (iii) is compatible with the diversity of land uses and building types found in the surrounding area. As the Framework Element states, the NCA designation is not intended to preclude development. It is also not intended to be interpreted as requiring conservation of existing development on a particular site or only

permitting small scale development. Perhaps most importantly, the NCA designation is not intended to be interpreted the same way across the District, but rather is intended to maintain “the diversity of land uses and building types” of a particular area.<sup>2</sup> In this case, the proposed height of the building is compatible with the surrounding context. The increased height resulting from the proposed additional story is appropriate given the Property’s location along East Capitol Street, which has a right-of-way width of 160 feet. Further, the scale of the building with the proposed addition is consistent with the scale of Eastern High School to the north, and a nearby multi-family building to the west.

Not only is the proposal consistent with the building types and land uses in the surrounding area, as discussed below, but it is also fully consistent with the FLUM and Comp Plan policy guidance, and particularly policies supporting increased residential density near Metrorail to help address citywide housing needs. Consistent with the guiding philosophy for NCAs, and as more thoroughly discussed in the Capital Hill and Urban Design Element

<sup>2</sup> See PUD and Zoning Map Amendment application of Westminster Presbyterian, Bozzuto Dev. Company et al. (Z.C. Order No. 20-12, Finding of Fact #56).

evaluations below, the design of the proposal employs context-sensitive design strategies that increase housing near Metrorail while achieving neighborhood compatibility, and maintaining a residential character on the site that successfully transitions to lower-scale residential uses to the east and south.

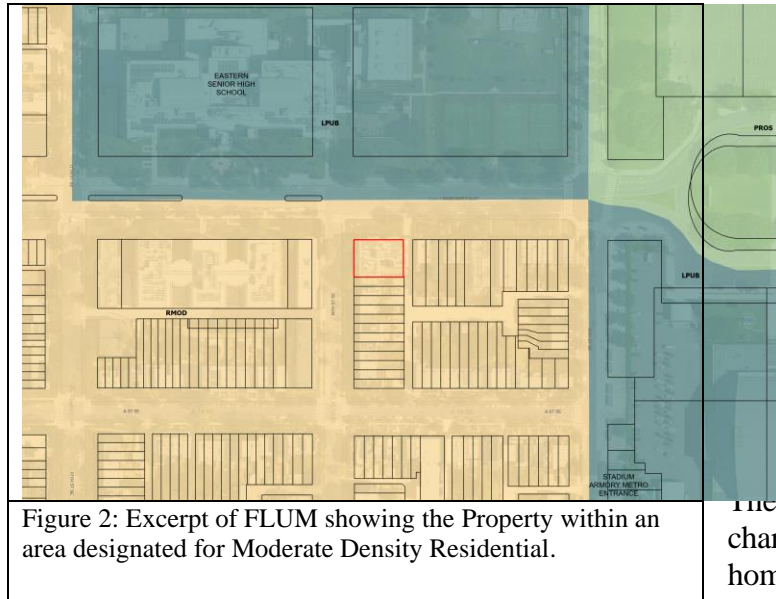


Figure 2: Excerpt of FLUM showing the Property within an area designated for Moderate Density Residential.

### Figure Land Use Map

As shown in **Figure 2**, the Property is located within an area that is designated for Moderate Density Residential development on the FLUM, which generally encompasses the entire Capitol Hill neighborhood. As described in the Framework Element, the Moderate Density Residential FLUM designation means “neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings.

In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply.”

The proposal is not inconsistent with the FLUM. The Property’s is currently zoned RF-1 which as noted above is consistent with the Moderate Density Residential FLUM designation. The Application is not proposing to change the site’s existing zoning. In fact, a change in zoning is not even permitted under the VDR process. From a use perspective, the Applicant is proposing to convert the existing 57-unit rooming house on the Property to an apartment house containing approximately 61-units by fully renovating and expanding (adding a story) the existing building on the Property. With the additional story, the height of the building will be approximately 46 feet. Consistent with the above FLUM description of the Moderate Density Residential designation, an apartment house is a permitted use in the RF-1 zone. Further, the proposed height of 46 feet is well within the height that is permitted in the RF-1 zone under the VDR process (50 feet) and is only six feet higher than the maximum height of 40 feet that can be achieved in the RF-1 zone. The proposed height of the apartment house is also compatible with the height and scale of the surrounding context, and thus will not disrupt the general development pattern of the existing neighborhood, nor be inconsistent with the general pattern of development that is expected under the Comp Plan FLUM in areas that are designated as Moderate Density Residential.



**Table 2** below identifies the specific Comp Plan policies that will be advanced by the Project. Regarding Comp Plan policies that explicitly focus on advancing racial equity, as identified by the Equity Crosswalk, the Project will assist the District in preserving affordable multi-family housing in transit-accessible locations, and particularly in high-cost areas such as Capitol Hill (LU-1.4.2, LU-1.4.3, LU-2.1.1, H-1.1.8). It will also increase equitable transportation access given the Property's proximity to Metrorail (T-1.1.7). Finally, redevelopment of the Property will not only preserve the existing amount of affordable housing that is currently on the Property, but will improve the quality of housing by converting the existing building from a rooming house to an apartment building where all newly renovated units will contain their own kitchen facilities (H-2.1.1, H-2.1.2, H-2.1.9).

<b>Table 2: Summary of Comp Plan Policies Advanced by the Proposed PUD</b>	
Policies in <b><u>bold underlined</u></b> text denote policies that are specifically referenced in the OP Equity Crosswalk as being explicitly focused on advancing equity.	
	<b>Capitol Hill Area Element</b>
CH-1.1.1, CH-1.1.2, CH-1.2.3	
	<b>Land Use Element</b>
LU-1.4.2, LU-1.4.3, <b><u>LU-2.1.1</u></b> , LU-2.1.3, LU-2.1.8	
	<b>Transportation Element</b>
T-1.1.7	
	<b>Housing Element</b>
H-1.1.8, H-1.2.1, H-1.2.6, H-1.2.10, H-1.2.11, <b><u>H-2.1.1</u></b> , <b><u>H-2.1.2</u></b> , <b><u>H-2.1.4</u></b> , <b><u>H-2.1.9</u></b> , H-4.1.1, H-4.1.2, H-4.2.1, H-4.2.2, H-4.2.3	
	<b>Environmental Protection Element</b>
<b><u>E-1.1.2</u></b> , E-2.1.3, E-2.1.5, E-3.2.7, E-4.1.2, E-4.1.3	
	<b>Urban Design Element</b>
UD-2.2.1, UD-2.2.2, UD-2.2.4, UD-2.2.5	

In accordance with guidance provided by the D.C. Court of Appeals and the Implementation Element, the Applicant's Comp Plan evaluation also included a specific assessment and balancing of potential Comp Plan inconsistencies (**Table 3**). Upon review, the Applicant did not identify any instances where the proposed Project is inconsistent with specific Comp Plan policies. As such, there is no need to balance any potential inconsistencies with other competing Comp Plan policies or considerations.

<b>Table 3: Evaluation / Balancing of Potential Comp Plan Inconsistencies</b>	
Policies in <b><u>bold underlined</u></b> text denote policies that are specifically referenced in the OP Equity Crosswalk as being explicitly focused on advancing equity.	
Potential Inconsistency	Competing / Outweighing Policies and Considerations
· None identified	· No balancing necessary

## Racial Equity as a Process

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized,

and low-income communities to fully and substantively participate in decision-making processes. 10A DCMR § 213.7. As a process, a racial equity lens is employed when those most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission’s Racial Equity Tool places a heavy emphasis on community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Commission shall be accompanied by a discussion of efforts taken by an applicant to meaningfully engage the community early in the zoning process.

The information contained in **Table 4** addresses the questions set forth in **Part II (Community Outreach and Engagement)** of the Racial Equity Tool. The Applicant’s engagement with the community involved multiple meetings with Advisory Neighborhood Commission (“ANC”) 7D, and community members. The Applicant has also met with neighbors living within 200 feet of the Property.

<b>Table 4: Community Outreach and Engagement</b>
<b>Description of affected community (including defining characteristics).</b>
<b><u>Affected Advisory Neighborhood Commission (“ANC”):</u></b> <ul style="list-style-type: none"> <li>· ANC 7D</li> <li>· SOME’s Constituents</li> </ul>
<b>Characteristics of the affected community that influenced outreach plan / efforts.</b>
The Applicant’s engagement with the affected community began in mid-2024, which involved meetings with and presentations to ANC 7D and community members. ANC 7D is a well-organized ANC that holds regular, duly noticed monthly meetings. As such, the Applicant has looked to the ANC as its primary venue for engagement with the affected community.
<b>Outreach methods utilized (including specific efforts employed to meet community needs and circumstances).</b>
<ul style="list-style-type: none"> <li>· Attendance at ANC 7D monthly meeting;</li> <li>· Posting information to 7D website;</li> <li>· In-person meetings with nearby residents; and</li> <li>· Information provided at neighborhood libraries.</li> </ul>
<b>Community outreach timeframe / dates of major meetings and points of engagement</b>
<ul style="list-style-type: none"> <li>· June 14, 2024: Phone Call with Brian Alcorn, SMD for ANC 7D08; and</li> <li>· September 26, 2024: ANC 7D Economic Development, Housing Justice, Zoning and Alcoholic Beverage / Cannabis Administration (EDHJZABCA) Committee Meeting</li> </ul>
<b>Members of the affected community that would potentially benefit from the proposed zoning action.</b>
Unhoused residents of the affected community and District that need affordable housing would benefit from the proposed zoning action. Because SOME’s mission is to provide material aid and comfort to our vulnerable unhoused neighbors, an expanded residential building will aid them in furthering this goal.
<b>Members of the affected community that would potentially be burdened by the proposed zoning action.</b>

Residents in close proximity to the Project will potentially be burdened by noise and construction-related activity during construction. There may also be increased shadows on some properties along 18 <sup>th</sup> Street SE and East Capitol Street compared to the shadows cast by the current residential building. However, the height of the Project is within the height permitted pursuant to a Voluntary Design Review application in the RF-1 zone. To the extent the Project will increase shadows on those properties, the impact has been mitigated to the maximum extent feasible through the proposed design. In addition, since the Property is on the south side of East Capitol Street, most shadows will be cast onto the street rather than onto adjacent properties.
<b>Community input on existing conditions and current challenges that have resulted from past or present discrimination, and current ongoing efforts in the affected community to address these conditions.</b>
None identified.
<b>Potential positive outcomes of the proposed zoning action identified by the affected community.</b>
The community supported the Applicant's effort to provide housing to vulnerable populations in the District.
<b>Potential negative outcomes of the proposed zoning action identified by the affected community.</b>
None identified.
<b>Changes / modifications made to the proposed zoning action that incorporate / respond to input received from the affected community.</b>
None identified.
<b>Input received from the affected community not incorporated into the proposed zoning action.</b>
None identified.
<b>Efforts taken to mitigate potential negative outcomes identified by the affected community.</b>
None identified.

## Racial Equity as an Outcome

The Framework Element states that “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality” 10A DCMR 213.6. As an outcome, racial equity is achieved when race no longer determines one's socioeconomic outcomes, and when everyone has what they need to thrive no matter where they live or their socioeconomic status. 10A DCMR § 213.9

**Table 5** below correlates the Project with several equitable development indicators. Among others, the indicators addressed below include those that are specifically included in **Part IV (Criteria to Evaluate a Zoning Action through a Racial Equity Lens)** of the Commission's Racial Equity Tool.

As the table shows, the potential outcomes of the Project have the potential to positively advance racial equity in the areas of displacement, housing, and access to neighborhood-serving retail and service uses.










Table 4: Evaluation of Equitable Development Indicators						
Key:	Positive Outcome		Negative Outcome		Neutral Outcome	
Indicator		Aspect(s) of Zoning Action Relating to Racial Equity				Potential Racial Equity Outcome
Displacement						
Physical (Direct)		<ul style="list-style-type: none"><li>• Potential temporary displacement of residents during renovation and expansion of existing building.</li><li>• Applicant will temporarily relocate existing residents to another one of its residential facilities at no cost to the resident.</li></ul>				
Economic (Indirect)		<ul style="list-style-type: none"><li>• Indirect displacement of tenants or homeowners is not expected to occur in the area surrounding the Property since the Property already provides the same number of affordable units and there will not be an increase in housing (market rate or affordable) on the Property as a result of the Project.</li><li>• The Project will maintain the amount of affordable housing that already exists on the Property.</li></ul>				
Cultural (Indirect)		<ul style="list-style-type: none"><li>• Preservation of existing affordable housing on the Property will allow residents to remain in their neighborhood and maintain social connections onsite and in the community.</li></ul>				
Housing						
Availability of Housing		<ul style="list-style-type: none"><li>• The Project will maintain the approximately 57 units that are currently on the Property at the same income levels.</li></ul>				
Preservation of Affordable Housing		<ul style="list-style-type: none"><li>• The Project will maintain the approximately 57 units that are currently on the Property at the same income levels.</li></ul>				
Replacement Housing		<ul style="list-style-type: none"><li>• The Project does not contain any replacement housing.</li></ul>				












Table 4 (continued): Evaluation of Equitable Development Indicators						
Key:	Positive Outcome		Negative Outcome		Neutral Outcome	
Indicator		Aspect(s) of Zoning Action Relating to Racial Equity				Potential Racial Equity Outcome
Housing (continued)						
Housing Burden		· Affordable housing provided in the Project will maintain the supply of affordable housing that is available to households that are currently housing cost burdened.				
Larger Unit Size		· The existing building does not contain any larger units and the Project will not provide any larger units. The number and size of units will be generally maintained with units now containing a kitchen.				
Employment						
Entrepreneurial Opportunities		· The Project is not expected to create new entrepreneurial opportunities.				
Job Creation		· The Project is not expected to create new job opportunities.				
Job Training		· The Project does not directly provide a job training program.				
Access to Employment		· Maintenance of the existing number of affordable units on the Property in proximity to Metrorail will maintain existing access to potential off-site job opportunities.				
Transportation / Infrastructure						
Public Space / Streetscape Improvements		· Renovation and expansion of the existing building and improvements to adjacent public space may trigger District Department of Transportation (“DDOT”) requirements to reconstruct adjacent streetscape to current DDOT standards, including the repaving of sidewalks and installation of standard tree boxes.				
Infrastructure Improvements		· Renovation and expansion of the existing building may require stormwater infrastructure to manage runoff in accordance with current District stormwater regulations. · Renovation and expansion of the existing building may result in improvements in pedestrian infrastructure around the Property.				





















Table 4 (continued): Evaluation of Equitable Development Indicators						
Key:	Positive Outcome		Negative Outcome		Neutral Outcome	
Indicator		Aspect(s) of Zoning Action Relating to Racial Equity				Potential Racial Equity Outcome
Access to Transit		· Project is in proximity to Metrorail (Stadium - Armory).				
Pedestrian Safety		· Renovation and expansion of the existing building may result in improvements in pedestrian infrastructure around the Property.				
Education / Health / Wellness						
Schools		· Project will not provide improvements to schools. · Project is not expected to increase utilization of nearby schools since number of units already exist on the Property, and all units are and will continue to be efficiency units.				
Healthcare		· Project will not provide improvements to healthcare. · Project is not expected to increase utilization of nearby healthcare facilities since number of units already exist on the Property.				
Open Space / Recreational		· Project will not provide improvements to open space and recreational uses. · Project is not expected to increase utilization of nearby open space and recreational uses.				
Environmental						
Environmental Changes		· Redevelopment of the Property may improve the general environmental conditions of the Property through compliance with GAR requirements, DC Green Building Act requirements, and DOEE stormwater regulations. · Improved on-site storm water management.				
Sustainable Design		· Transit-oriented development. · Sustainable development carried out in accordance with DC Green Building Act and DOEE stormwater requirements.				
Resilient Design		· Sustainable development carried out in accordance with DC Green Building Act and DOEE stormwater requirements.				
Remediation		· Any remediation that is required will be carried out in accordance with DOEE requirements.				

Table 4 (continued): Evaluation of Equitable Development Indicators						
Key:	Positive Outcome		Negative Outcome		Neutral Outcome	
Indicator		Aspect(s) of Zoning Action Relating to Racial Equity				Potential Racial Equity Outcome
Access to Opportunity						
Neighborhood Retail and Service Uses		<ul style="list-style-type: none"><li>• The Project does not contain retail and/or service uses.</li><li>• Maintenance of existing affordable housing on the Property will continue to provide access to, and utilization of, neighborhood retail and service uses.</li></ul>				
Residential Amenities		<ul style="list-style-type: none"><li>• All dwelling units resulting from the Project will now contain separate kitchens, thus providing increased quality of living and independence for residents.</li><li>• Building amenities will be available to all residents of the Project.</li></ul>				
Arts & Culture		<ul style="list-style-type: none"><li>• Project will maintain access to any arts and culture opportunities in the surrounding area by preserving the amount of affordable housing that currently exists on the Property.</li></ul>				

- b) Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented or minimized; and (5) Wide sidewalks are provided. (11-X DCMR § 604.7(a))

The Project will continue to enhance the pedestrian environment in and around the Property and ensure these areas are safe and comfortable for all pedestrians. The Project will have no blank facades. In addition, the Project employs a varied materials palette that further articulates the Building's facade. Wide sidewalks on two sides of the Property will be maintained, and the Project will not affect the favorable pedestrian conditions around the Property.

- c) Public gathering spaces and open spaces are encouraged, especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront. (11-X DCMR § 604.7(b))

By maintaining open space between the sidewalk and building, the Project provides public gathering space along East Capitol Street. The front yard of the Building will give pedestrians a buffer from the street while also providing a space for gatherings and outdoor events. Further, this buffer zone will create space for landscaping and visible vegetation for the enjoyment of residents and community members alike.

- d) New development respects the historic character of Washington's neighborhoods, including: (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places. (11-X DCMR § 604.7(c))

The Project respects the character of the neighborhood. While taller than the immediately surrounding buildings, the Property's location at the intersection of 18<sup>th</sup> Street SE and East Capitol Street makes it an appropriate place for additional height. There is a PUD to the west and a high school to the north, both of which are at least four stories. Therefore, the Project is respectful of, and purposely seeks to complement, the design aesthetic of the surrounding neighborhood, but also endeavors not to imitate such character.

- e) Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and (2) Incorporate contextual and quality building materials and fenestration. (11-X DCMR § 604.7(d))

As shown in the Plans, while the existing stories will remain unchanged, the fourth-floor addition is differentiated with an attractive design that complements the building. This design will also minimize the appearance of an additional floor with minimal intrusions.

- f) Sites are designed with sustainable landscaping. (11-X DCMR § 604.7(e))

The Project's landscaping will be designed to comply with all applicable green building codes and stormwater management regulations so that it is sustainable.

- g) Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront. (11-X DCMR § 604.7(f))

The Project includes improvements to the pedestrian space along 18<sup>th</sup> Street SE and East Capitol Street to ensure highly designed public spaces that are safe and accessible for

pedestrians. Further, the Project provides short- and long-term bicycle parking.

### **VIII. The Project Satisfies the General Special Exception Requirements**

Pursuant to Subtitle X § 604.6, the Commission must find that the Application meets the general special exception requirements of the Zoning Regulations. The application satisfies these requirements as follows.

#### **The Project Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map. Broadly, the RF zones are designed for low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. While apartment houses are not favored in the RF-1 Zone District, this is an existing multifamily building, and the Project will only marginally increase the overall number of residents or intensity of the residential use. Therefore, because the Project doesn't change existing conditions relating to residential density, its use is fully consistent with the RF-1 zone. The Project features an inviting entryway that can be used for informal gatherings. Thus, the overall design of the Project is consistent with the Property's zoning.

The Project's request for zoning flexibility is in harmony with the general purpose and intent of the provisions of the Zoning Regulations because the resulting building will still be moderate density with height and massing appropriate for the context. As described below, the requested zoning flexibility results from the Applicant's desire to provide housing to the same number of individuals but in more modern efficiency apartments, rather than rooming units. Accordingly, approval of the requested VDR will not tend to adversely affect the use of neighboring property and be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

#### **The Project Will Not Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Map.**

The Project will not adversely affect the use of neighboring properties in accordance with the Zoning Regulations. In fact, the Project will enhance the community at large by providing housing for the District's most vulnerable unhoused populations. While the Applicant is requesting flexibility from the building height and rear yard requirements, the additional building height and rear yard relief will allow for larger residential units and increased independence for residents, while only nominally increasing the number of residential units. The Applicant has also considered the safe pedestrian experience along the Property's street frontages by providing improved streetscapes and bicycle parking.

### **IX. Technical Zoning Flexibility for Building Height and Rear Yard**

While the Project is not subject to an FAR maximum in the RF-1 zone, flexibility is requested to allow additional building height to allow for additional residential units and

reconfigured layouts. Further, as part of this application, the Applicant is also requesting flexibility from the rear yard requirement of the RF-1 zone. The need for flexibility from the rear yard requirement stems from the building's existing design, which predates the current Zoning Regulations and does not comply with the current requirement.

The zoning flexibility requested may be granted by the Commission pursuant Subtitle X § 603.1 and is necessary for the Applicant to fully satisfy the design review standards of Subtitle X § 604. Pursuant to Subtitle X § 603.3, the amount of flexibility is at the Commission's discretion, except for building and penthouse height, which is limited to what is permitted under a planned unit development. A RF-1 PUD is permitted a building height of 50 feet and the proposed height of the Project is 46 feet. The rear yard flexibility is necessary for the fourth floor addition to have the same floor plate as the rest of the Building, making for a better and more seamless building design. As demonstrated by the Plans and the Applicant's evaluation of the Project against the relevant design review criteria included above, the overall design of the Project is superior to any matter-of-right development possible on the Property and is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens.

#### **X. Special Exception from Minimum Parking Requirement**

Because the Project will not provide any parking, the Applicant seeks special exception relief pursuant to Subtitle C § 703.2 from the minimum parking requirement. Relief from the minimum parking requirement is permitted by special exception pursuant to the criteria set forth in Subtitle C § 703.2, and the general special exception standards of Subtitle X, Chapter 9. As discussed below, the Applicant fully satisfies all applicable criteria.

Pursuant to Subtitle C § 701.5, a residential, multiple dwelling unit and residential, rooming house require 1 space per 2 dwelling units in excess of 4 units and 1 plus 1 for each 5 rooming units, respectively. Here, the Project will not provide any on-site parking, and the renovation will result in greater parking requirement even for the same number of residents and residential units. The parking requirement for the proposed configuration of 61 apartment units is 31 spaces, so relief from this 31-space requirement is necessary.

Subtitle C § 703.2 allows for relief from the minimum parking requirement 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;*

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

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

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



*(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*

*(f) All or a significant proportion of dwelling units are dedicated as affordable housing units;*

*(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;*

*(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*

*(1) A curb cut permit for the property has been denied by the Public Space Committee; or*

*(2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

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

*(j) The nature or location of an Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.*

*a. The physical constraints of the property, the required spaces cannot be provided either on the lot or within six hundred (600 ft.) of the lot in accordance with Subtitle C § 701.8.*

The site is physically constrained and does not currently offer any parking. As shown on the Plans, the Property does not have enough open space to accommodate any parking, let alone additional parking. Therefore, it is not possible to add parking without significantly comprising the number of available units by removing portions of the Building. Accordingly, this requirement is met.

*b. The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities.*

The Property is well served by transit. Not only is the Stadium-Armory Metro Station less than one mile from the Property, but also the 96 and B2 Metrobus lines along 18<sup>th</sup> Street SE connect the Property to Metrorail and other bus lines. Therefore, this requirement is met.

- c. The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards.*

Because the residents are unlikely to have a vehicle, the renovation will generate demand for less parking than the minimum parking standards. Since the Building is already occupied, SOME knows the driving and car ownership habits of residents; few, if any, of the residents currently own or will own cars. The Project will result in only a nominal increase in parking demand, if any, since the number of residents will increase only minimally. Furthermore, a majority of the residents currently use public transportation, and future residents are expected to take advantage of the Project's proximity to Metro and Metrobus. Therefore, this requirement is met.

- d. All of the dwelling units are dedicated as affordable housing units.*

As stated previously, this will be an all-affordable building with the apartments reserved for individuals earning at or below 50% MFI. Therefore, this requirement is met.

The Application also meets the general special exception standard. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations. Underscoring the District's need for affordable housing, the renovation of Jeremiah House will improve existing affordable units, even if the Project does not offer parking to residents. The Project will also not tend to affect adversely the use of neighboring property. Despite a renovation and modest expansion, the total number of units and intensity of use will only marginally increase, and not result in new parking demand. Considering these efforts, this requirement is met.

## **XI. Special Exception for the Conversion of an Existing Residential Building to an Apartment House**

Because the Project is a conversion from an existing rooming house to an apartment house in the RF-1 zone, special exception relief is required. Relief from this requirement is permitted pursuant to the criteria set forth in Subtitle U § 320.2, and the general special exception standards of Subtitle X, Chapter 9. As discussed below, the Applicant fully satisfies all applicable criteria.

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;*

*(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*

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

As set forth below, the proposed conversion meets these conditions and warrants approval.

- 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 since 1925 and, based on its current Certificate of Occupancy, is an existing rooming house, so this condition is met.

- 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.*

SOME's affordable housing program for single adults focuses on offering every unit at 50% MFI or below. Jeremiah House is no exception and will be an all-affordable housing project in which every unit will be reserved for individuals making at or below 50% of the MFI, which exceeds the IZ requirements under the Zoning Regulations. Accordingly, this Project will be exempt from IZ in accordance with Subtitle C § 1001.6(a) but will still satisfy this condition.

- 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 Applicant seeks a variance from this condition. A full justification can be found below.

- d. *The requested special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.*

The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties. Generally, the need for improvements to outdated affordable housing is high, and this Project aims to

increase the quality of the affordable housing available by offering efficiency apartments for the residents rather than rooming units. The addition of kitchens to each unit will increase independence for residents, another offering that is lacking in the affordable housing market. With the Application, the Applicant seeks to convert from one type of multifamily housing to another to better accommodate the modern affordable housing needs of the population that it serves. Altogether, the requested relief meets the general exception requirement in the Zoning Regulations.

## **XII. Special Exception from the Penthouse Setback Requirements**

The stairwell penthouse on the roof of the Project will not set back the required distance from the open court at the southeast part of the Property, so relief is necessary. Relief from the penthouse setback requirements in Subtitle C § 1504.1 may be granted as a special exception pursuant to the criteria in Subtitle C § 1506.1 and the general special exception standards of Subtitle X, Chapter 9. As discussed below, the Applications fully satisfies all applicable criteria.

- a. *The Project satisfies the standards for granting special exception relief from the penthouse setback requirements because strict application of the requirements would result in construction that is unduly restrictive, prohibitively costly, or unreasonable.*

Compliance with the setback requirements would result in construction that is unduly restrictive and unreasonable. This relief is necessary to provide stair access to the mechanical equipment on the roof of the Project and to be able to use the existing stairwell in the floors below. To accommodate the Building's existing design with minimal disruption, the Project must extend the existing stairwell at its present location, which currently abuts an open court. Therefore, penthouse setback relief is required for the Project.

The Applicant revised the roof plan several times for the Project to meet the setback requirements as much as possible. However, to accommodate the Building's existing design and configuration, a portion of the stair tower cannot achieve the full 1:1 setback from the open court. Moreover, since all other penthouse structures comply with the setback requirements, the request is minimal and minimally visible. This stair tower is critical to provide access to mechanical equipment on the roof, and requiring compliance with the setback restrictions would prevent the extension of the existing stairwell to the roof and prevent the penthouse space from being appropriately accessible. Complying with the setback requirement would require moving the fourth floor stairwell away from the existing stairwell below, which would be significantly more difficult to construct and ultimately unreasonable for only one floor. Therefore, by complying with the setback requirements, construction would be unduly restrictive considering the Building's existing stairwell location.

- b. *The requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect or impact surrounding areas.*

The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties. Generally, the need for improvements to outdated affordable housing is high, and this relief allows for

stairwell access to the proposed fourth floor addition by extending the existing stairwell in its present location through the proposed new fourth floor. The new stair tower will not be visible from the streets and will not have an adverse visual impact on surrounding properties. Further, the proposed stair tower will facilitate access to the mechanical equipment on the roof, which is essential to the Project's success and continued functionality. Therefore, the requested relief meets the general exception requirement in the Zoning Regulations.

### **XIII. Variance Relief from TDM Plan Requirement**

Because the Applicant will not provide a TDM Plan for the Project, the Applicant seeks an area variance from the TDM Plan requirement of Subtitle C § 703.4. For the reasons described below, a TDM Plan is unnecessary because there will not be a notable change in the demand for parking even though the number of residential units will marginally increase. As discussed below, the Applicant fully satisfies all applicable criteria for an area variance.

The burden of proof for an area variance relief is well established. Under the Zoning Regulations and relevant case law, the applicant must demonstrate that (1) the property is affected by an exceptional or extraordinary situation or condition, (2) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and (3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. *See* D.C. Code § 6-641.07(g)(3). Additionally, because the Applicant, SOME, is a nonprofit entity that meets an essential public need by providing income-restricted affordable housing for the unhoused, SOME is also eligible for public good flexibility with respect to the area variance standards. Under the public good flexibility doctrine, SOME may demonstrate that its needs are an “exceptional condition” by showing: (1) that the specific design it wants to build is institutionally necessary, and (2) how the needed design features require the specific variance sought. *See McDonald v. D.C. Bd. of Zoning Adjustment*, 291 A.3d 1109, 1124 (D.C. 2023).

#### *a. The Property is Affected by an Exceptional Situation or Condition*

Here, the Property meets the “exceptional conditions” element of the variance test and qualifies for the public good flexibility doctrine. The Building is the only rooming house in a multiple block radius of the RF-1 zone. Absent a conversion to an apartment house, this rare use significantly limits any changes to the Building, resulting in a unique condition that affects only the Property and Building among many other properties in a multiple block radius. The main distinction between a rooming house and apartment building is that the latter includes a kitchen or kitchenette in each of the units. Conversely, rooming houses require residents to use a communal cooking space, and kitchens are not in individual units. By converting the Building from a rooming house to an apartment building, the Applicant will give its residents more independence and autonomy, and better accommodates the needs of the low-income residents that it serves.

Further, SOME is a nonprofit service-oriented leader in the local community. “Breaking the Cycle of Poverty and Homelessness” since 1970, SOME opened the all-affordable Jeremiah House in 1993. Since then, Jeremiah House has offered robust housing and support services to its



residents and remains a long-standing pillar of the community. Suffice it to say, the Applicant meets a public need and serves the public interest.

### **1. The Specific Design is an Institutional Necessity**

The increased parking and TDM requirements stem from the Building's conversion from rooming house to apartment building, which have different parking requirements, and a marginal increase in unit count. This results in a much larger parking requirement even though the increase in residents – approximately five (5) residents – will be nominal. As described above, the conversion from rooming house to apartment house is necessary because SOME wants to offer its residents more independence and autonomy by providing them with efficiency apartments rather than rooming units. Despite the conversion to an apartment house, the Building is still unable to accommodate any parking at the Property because, absent significant changes to the Building's design, there is no space available. The Applicant does not foresee a lack of parking as an issue; however, since most residents do not have automobiles and use other modes of transportation. Accordingly, the Project will not result in more residents who use cars for transportation, which renders a TDM plan unnecessary for the proposed parking relief.

### **2. The Needed Design Features Require a Variance to Avoid the Parking and TDM Requirements**

The Building currently offers no parking and cannot do so, given its footprint that occupies nearly all of the Property, so relief from the TDM plan requirement, which stems from the increased parking requirement for an apartment, is necessary. Additionally, as individuals who previously experienced homelessness, the majority of residents do not have vehicles and the total number of units, approximately 61, will remain nearly constant as the current condition, mitigating any changes in the intensity of use. Therefore, in order to offer residents more autonomy and independence, the Building must be converted from a rooming house to apartment building without providing any parking.

#### *a) Strict Application of the Zoning Regulations would Result in a Practical Difficulty*

The second requirement for area variance relief, that strict application of the Zoning Regulations would result in a "practical difficulty," is satisfied. The practical difficulty in complying with the parking and TDM plan requirements stem from the institutional necessity to (1) convert the Building from a rooming house to an apartment building to better serve the residents; (2) offer zero parking due to constraints of the Building and Property; and (3) avoid costs associated with the TDM plan requirement to conserve financial resources. As explained above, complying with the zoning standard that requires a TDM plan would unnecessarily add significant cost and process, burdening a nonprofit affordable housing provider with limited resources. This TDM requirement is especially burdensome since the demand for parking will not change and the Building's intensity of use will remain constant.

#### *b) Relief can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan*

The third part of the test for area variance relief, that granting the requested relief will not cause substantial detriment to the public good and will not impair the intent, purpose, or integrity of the zone plan, is also satisfied here. Relief from the required TDM plan will not result in adverse effects. The number of residents and intensity of use will only marginally increase. Therefore, without the required TDM plan, the demand for on-street parking in the neighborhood will be marginally affected at worst. Thus, the intent of the zone plan to minimize adverse parking impacts by mandating a TDM plan will not be negatively affected by the proposed variance relief.

#### **XIV. Variance Relief from the Minimum of 900 Square Feet of Land Area Per Dwelling Unit Requirement**

Because the Project will not provide a minimum of 900 square feet of land area per dwelling unit, the Applicant seeks an area variance from the minimum 900 square feet of land area per dwelling unit requirement of Subtitle U § 320.2(c). As discussed below, the Applicant fully satisfies all applicable criteria for an area variance.

The standard for an area variance is outlined above. As outlined below, this application satisfies the three-part test for area variance relief.

*a) The Property is Affected by an Exceptional Situation or Condition*

Here, the Property meets the “exceptional conditions” element of the variance test. The Building was originally constructed as a 23-unit apartment house and converted to a rooming house in 1993. Furthermore, this Building provides a significant amount of affordable housing in a desirable neighborhood. This history highlights the Building’s uniqueness amongst existing buildings and underscores the need for affordable housing in Capitol Hill. Lastly, the existing number of units to land area ratio was non-compliant with the 900 square foot per apartment unit requirement when it was constructed. Thus, based on the Building’s unique history and significant contribution of affordable housing, the Property meets the “exceptional conditions” element of the variance test.

*b) Strict Application of the Zoning Regulations would Result in a Practical Difficulty*

The second requirement for area variance relief, that strict application of the Zoning Regulations would result in a “practical difficulty,” is satisfied. The practical difficulty in complying with the minimum square feet requirement stems from (1) the need to provide modern and fully self-sufficient all-affordable apartment units; (2) the harm to both SOME and the vulnerable population that it serves if the number of units were reduced to meet the 900 square feet requirement; and (3) SOME’s programmatic and mission necessity to maintain the same number of units that currently exist in the Building.

Because the Building’s footprint is constrained by the site, the Applicant is prevented from meeting the 900 square feet requirement other than by drastically reducing the number of units, which would result in a loss of much-needed affordable housing for a vulnerable population. As explained above, complying with the zoning standard that requires 900 square feet of land area for each dwelling unit would compromise the Building’s functionality, add

significant cost and process, and cause a significant loss in residential units critical to the SOME's mission.

*c) Relief can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan*

The third part of the test for area variance relief, that granting the requested relief will not cause substantial detriment to the public good and will not impair the intent, purpose, or integrity of the zone plan, is also satisfied here. The proposed expansion, modernization, and renovation will not impair the intent, purpose, or integrity of the zone plan or negatively impact neighbors' access to air or light. While the addition of a floor will moderately alter the massing and height of the Building, these alterations will be mitigated by the Building's location on a corner. Furthermore, the renovation will only marginally increase the unit count, limiting the overall intensity of the residential use notwithstanding the land area per unit requirement. Therefore, the intent of the zone plan will not be negatively affected by the proposed variance relief.

**XV. Variance Relief from Voluntary Design Review Minimum Area Requirement**

Because the Property is not two (2) acres, the Applicant requests a variance from the Voluntary Design Review minimum area requirement of Subtitle X § 601.3. As discussed below, the Applicant fully satisfies all applicable criteria for an area variance.

The standard for an area variance is outlined above. As outlined below, this application satisfies the three-part test for area variance relief.

*a. The Property is Affected by an Exceptional Situation or Condition*

Here, as discussed above, given the Building's unique zoning history and requested relief, the VDR process is the most streamlined process to convert the rooming units into apartments units while maintaining the existing unit count. By consolidating all relief into one process, this is the most efficient approach and subjects the Project to heightened scrutiny from the community and Commission. Thus, based on the Building's unique zoning history and requested relief, the Property meets the "exceptional conditions" element of the variance test.

*b. Strict Application of the Zoning Regulations would Result in a Practical Difficulty*

The second requirement for area variance relief, that strict application of the Zoning Regulations would result in a "practical difficulty," is satisfied. The practical difficulty in complying with the minimum area requirement is the same as above: (1) a need to provide modern and fully self-sufficient all-affordable apartment units; (2) the organizational desire to avoid harm to both SOME and its constituents if it cannot avail itself to the VDR process; and (3) SOME's programmatic and mission necessity to maintain the same number of units that currently exist in the Building.

- c. *Relief can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan*

The third part of the test for area variance relief, that granting the requested relief will not cause substantial detriment to the public good and will not impair the intent, purpose, or integrity of the zone plan, is also satisfied here. The VDR process, in and of itself, will not impair the intent, purpose, or integrity of the zone plan or negatively impact neighbors' access to air or light. To the contrary, it will subject the Project to heightened scrutiny from the community and Commission than if it was renovated as a matter of right. Therefore, the intent of the zone plan will not be negatively affected by the proposed variance relief.

## **XVI. Design Flexibility**

As part of the VDR application, the Applicant requests the following minor design flexibility:

- Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the final plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the final plans;
- Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the final plans;
- Number of Units: To provide a range in the approved number of apartment units between 58-64;
- Streetscape / Site Design: To vary the location, attributes, and general design of the approved streetscape and site design elements to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee;
- Sustainable Features: To vary the approved sustainable features of the Project, provided the Project maintains compliance with all applicable D.C. Green Building Act and Green Building Code requirements; and
- Landscape Materials: To vary the final selection of landscaping materials utilized based on availability at the time of construction.

## **XVII. List of Exhibits**

The following exhibits are attached to this submission:

- Exhibit A:** Office of the Surveyor Plat
- Exhibit B:** Photographs of Existing Conditions of the Property
- Exhibit C:** Map showing the Property and its Surrounding Context
- Exhibit D:** Architectural Plans and Drawings
- Exhibit E:** Comprehensive Plan Evaluation
- Exhibit F:** Notice of Intent and Certificate of Notice
- Exhibit G:** 200-Foot Property Owner and Tenant List
- Exhibit H:** Letter of Authorization

## **XVIII. Conclusion**

For the foregoing reasons, the Applicant asks that the Commission approve the Project pursuant to the Voluntary Design Review standards, including the requested zoning flexibility from the building height and rear yard requirements of the RF-1 zone, and the special exception and variance relief as described above.

We look forward to presenting this application to the Commission at the public hearing and appreciate your time reviewing the application.

Respectfully,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Cary R. Kadlecek

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Derick O. Wallace