

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 9, 2018

**SUBJECT:** BZA Case 19699: Request for special exception relief pursuant to Subtitle § 5201.1 to permit the conversion of two commercial spaces to two residential units and reduce required parking from one to zero.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- C § 204, Nonconforming Use (two retail spaces existing; two residential units proposed); and
- C § 705, Minimum Parking Requirements (1 space required, none existing; none proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address	1800 Newton Street, N.E.
Applicant	1800 Newton Street NE LLC
Legal Description	Square 4202, Lot 191
Ward, ANC	Ward 5, ANC 5B
Zone	R-1-B
Lot Characteristics	Corner lot with rear alley access
Existing Development	Two-story mixed use residential/commercial building with no off-street parking
Adjacent Properties	North: Row Houses and an apartment building South: Across Newton Street, Burroughs Elementary School East: Semi-attached and triple attached dwellings West: Across 18 <sup>th</sup> Street, row houses
Surrounding Neighborhood Character	Low to moderate density residential with schools, institutional and commercial uses
Proposed Development	Conversion of two nonconforming commercial spaces to two apartment units

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-1-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height D § 303	3-story max.	2-stories	No change	None Required
Lot Width D § 302	50-foot min.	42.63 feet	No change	None Required
Lot Area D § 302	5,000 sq. ft. min.	3,675 sq. ft.	No change	None Required
Parking C § 705	1 space	None	No change	<b>REQUIRED</b>
Nonconforming Use C § 204	Apartments not permitted	2 commercial spaces	2 residential apartments units	<b>REQUIRED</b>

**IV. OP ANALYSIS**

**A. Subtitle C Section 204, Nonconforming Uses**

**204.8. A non-conforming use may be changed to a use permitted as a matter of right in the zone in which the property is located.**

**204.9 If approved by the Board of Zoning Adjustment, a nonconforming use may be changed to another nonconforming use, subject to the general special exception criteria of Subtitle X, Chapter 9, and the following conditions:**

**(a) The proposed non-conforming use would be permitted as a matter-of-right in the most restrictive subtitle in which the existing non-conforming use is permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:**

- (1) Subtitle D – Residential House (R) zones;**
- (2) Subtitle E – Residential Flat (RF) zones;**
- (3) Subtitle F – Residential Apartment (RA) zones;**
- (4) Subtitle H – Neighborhood Mixed-Use (NC) zones; Subtitle C-10**
- (5) Subtitle G – Mixed-Use (MU) zones;**
- (6) Subtitle I – Downtown zones (D);**
- (7) Subtitle J – Production, Distribution, and Repair (PDR) Zones; and**
- (8) Subtitle K – Special Purpose Zones.**

The two commercial spaces were last utilized as a hair salon and a clothing store, and the most restrictive subtitle those two uses are permitted is Subtitle H. The most restrictive subtitle for apartments is Subtitle F, a more restrictive subtitle than Subtitle H. Therefore, the subject application conforms to this provision.

**(b) In the R, RF, or RA zones, the proposed use shall be either a single dwelling unit, flat, or a multiple dwelling unit development; except on an alley lot, the proposed use may only be a single dwelling unit;**

The subject property is located within a R zone and the application requests to permit two additional apartment units within an existing multiple dwelling unit building.

**(c) In the R and RF zones, the corner store provisions of the relevant subtitle shall apply;**

Not applicable. A corner store is not proposed.

**(d) The external impacts of the proposed use will be deemed to be no greater than the existing use;**

The two apartment units would likely have fewer impacts than the two existing commercial spaces, as the two new apartments would be more consistent with the existing residential character. Fewer people would be expected to visit the two residential units than the two retail spaces.

**(e) The proposed use shall not adversely affect the present character or future development of the surrounding area within at least three hundred feet (300 ft.) of the site;**

The addition of two apartment units to an existing six-unit apartment building should not have a negative effect on the surrounding neighborhood. The square in which the subject property is located is developed almost entirely with low to moderate density residential uses, and the addition of two apartment units to an existing apartment building would be consistent with the character of the surrounding neighborhood. One of the apartment units would have direct access via the lobby of the existing apartment building, consistent with the existing character of that building and of the street.

**(f) The proposed use shall not create any deleterious external effects, including, but not limited to, noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects;**

The proposed uses are residential, the same as those existing within the building and similar to those located on adjoining lots. Although the application requests relief from the provision of one parking space, this is consistent with the existing situation.

**(g) When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use; and**

The applicant is aware of this requirement.

**(h) The Board of Zoning Adjustment may require the provision of changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.**

OP makes no recommendations for any changes, modifications or amendments.

**B. Subtitle C Section 703, Special Exceptions from Minimum Parking Number Requirements**

**703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration 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 building has no rear or side yards. No on-site parking can be provided as the building abuts the rear alley. Within 600 feet of the site the neighborhood is developed primarily with low density residential housing, including public parks schools and churches.

**(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;**

The subject property is located 0.8 miles from the Brookland Metrorail station. Metrobus service one block north provides service the Brookland Metrorail station and additional bus service is available on 18<sup>th</sup> Street, in front of the subject property.

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

No parking is provided on-site and the applicant requests to continue the existing situation.

**(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;**

No affordable dwelling units are proposed and inclusionary zoning is not required.

**(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 District Department of Transportation; 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;**

Due to the location of the building on the property an off-site parking space could only be located to the front of the building, either on 18<sup>th</sup> Street or Newton Street.

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

Not applicable.

**(j) The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.**

Not applicable.

As described above, the applicant has demonstrated conformance with at least one of the above listed provisions.

**703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.**

The existing building has no side yards and is built up to the alley, making it impossible to provide any off-street parking on-site.

**703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.**

DDOT informed the applicant that a TDM plan would not be required for this application. (see Exhibit 26)

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

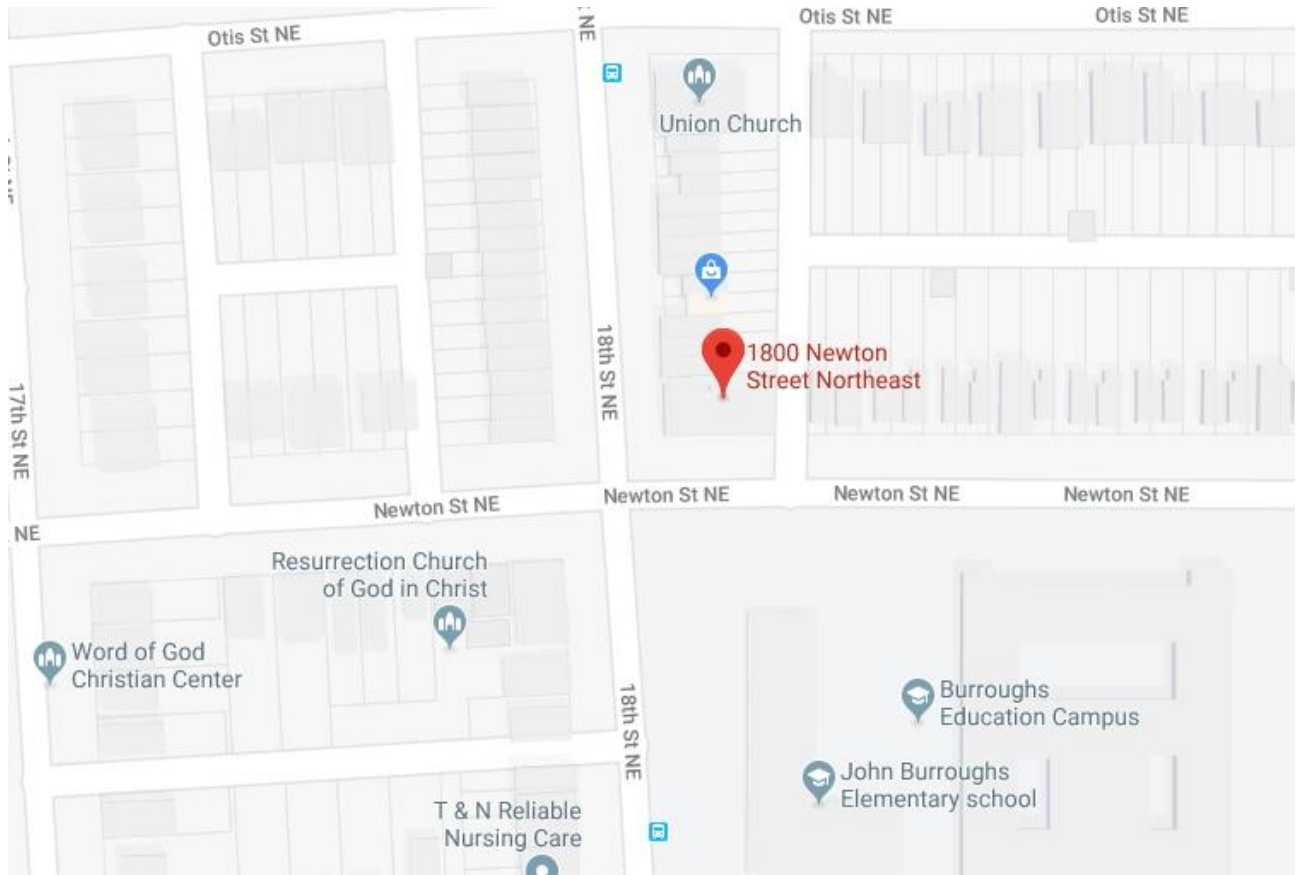
No comments were received from other District agencies.

## **VI. COMMUNITY COMMENTS**

ANC 5B, at its regularly scheduled meeting of February 28, 2018, voted to support of the application.

No other community comments were received.

Attachment: Location Map



Source: Google Maps