

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 29, 2018

**SUBJECT:** BZA Case 19781 (524 Jefferson Street, N.W.) to permit the conversion of a residential building to a three-unit apartment house in the RF-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Conversion of an existing residential building to an apartment house, Subtitle U § 320.2, pursuant to Subtitle X § 900 (two units permitted, three units proposed).

As part of the special exception request, OP also recommends **approval** of the following requested waivers:

- Rear addition extending further than ten feet past the rear wall of any adjacent property, Subtitle U § 320.2(e), pursuant to Subtitle X § 900 (10 feet permitted, 18 feet proposed); and
- Removal of roof top architectural element, Subtitle U § 320.2(h), pursuant to Subtitle X § 900.

**II. LOCATION AND SITE DESCRIPTION**

Address	524 Jefferson Street, N.W.
Applicant	ROK Development, LLC
Legal Description	Square 3209, Lot 102
Ward, ANC	Ward 4, ANC 4D
Zone	<b>RF-1</b> (Residential Flat Zone) allows two dwelling units to be located within the principal structure or one each in the principal structure and an accessory structure. The conversion of a residential building to an apartment house is permitted by special exception, subject to specified review criteria.
Historic District	Not applicable.
Lot Characteristics	The rectangular lot has 2,800 square feet of area, with 20-feet of frontage along Jefferson Street. The rear of the lot, also 20-feet in width, abuts a 20-foot wide public alley.
Existing Development	The property is currently developed with a two-story attached dwelling, having a mansard roof punctuated by two dormers.

Adjacent Properties	To the north, across Jefferson Street, are existing attached dwellings and multi-family developments. To the east are existing attached dwellings. To the west, is an existing three-story apartment house. To the south, across the public alley, are existing attached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly moderate density residential, consisting of various residential typologies, including attached dwellings, semi-detached dwellings, and apartment houses.
Proposed Development	<p>The applicant proposes to convert an existing attached two-story residential building into a three-unit apartment house. The conversion would consist of a third story addition that would remove the existing mansard roof and dormers, and replace them with a taller third story with similar dormer details. The conversion would also include a rear addition that would be 18-feet past the rear wall of one neighboring house, which is eight feet beyond what is permitted. Approximately 933 square feet of land area would be provided per unit, compliant with the Zoning Regulations for conversions by special exception. Two legal parking spaces would be provided at the rear of the lot.</p> <p>Accordingly, the applicant has requested special exception relief to convert the residential building into a three-unit apartment house. Waivers to construct a rear addition that extends further than ten feet past the rear wall of the adjacent property and to remove the roof top architectural element have been requested.</p>

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	20 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	2,800 sq. ft.	No change	None required
Court E § 203	Not applicable	0 ft.	No change	None required
Pervious Surface E § 204	20%	Not provided	Not provided	None requested
Height E § 303	35 ft. max.	27.5 ft.	33.1 ft.	None required
Lot Occupancy E § 304	60% max.	41%	53%	None required
Front Setback E § 305	Within range of existing front setbacks (0 ft.)	0 ft.	0 ft.	None required
Rear Yard E § 306	20 ft. min.	90.5 ft.	72.6 ft.	None required
Parking C § 701	1 per 2 dwelling units (2 spaces)		2 parking spaces	None required

Zone – RF-1	Regulation	Existing	Proposed	Relief
Conversion to Apartment House U § 320.2	3 or more units by special exception, with 900 sq. ft. of lot area per unit	1 unit	3 units (933 sq. ft. per unit)	<b>Requested</b>
Rear Wall U § 320.2 (e)	Rear addition may not extend more than 10 ft. beyond rear wall of adjacent dwelling		18 ft. beyond rear wall of adjacent dwelling	<b>Waiver Requested</b>
Roof Top Elements U § 320.2(h)	Shall not remove or alter original rooftop elements		Third story addition with extended mansard roof and new, larger dormers	<b>Waiver Requested</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to Subtitle U § 320.2, Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house in the RF-1 zone.**

320.2 *Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

- (a) *The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

The applicant proposes to construct a third story addition that will increase the height of the dwelling from 27.5 feet to 33.1 feet, which is within the limit prescribed by this section.

- (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 § 1003.6;*

The proposed conversion consists of three units, so this provision does not apply.

- (c) *There must be an existing residential building on the property at the time of filing an application for a building permit;*

The lot is currently developed with an attached dwelling, constructed in 1932.

- (d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;*

Based on the lot size of 2,800 square feet, there would be 933 square feet of land area per dwelling unit.

- (e) *An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;*

The proposed rear addition would extend 18 feet beyond the furthest rear wall of the adjoining principal residence to the east. The applicant has requested a waiver from this provision, pursuant to subsection (l), which indicates that the requested waiver shall not be in conflict with subsection (i). As provided in OP's analysis of that section, the proposed rear addition should not intrude upon the character of the street or alley and should not have an undue impact on neighboring properties.

- (f) *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;*

The applicant has provided that the third story addition would not block or impede the functioning of a chimney or other external event on an adjacent property.

- (g) *Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system...*

OP has found no evidence of an existing or permitted solar energy system on adjacent properties.

- (h) *A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

The applicant has proposed to construct a new third story, which would increase the height of the mansard roof and replace the existing dormers with new, taller dormers. The applicant has requested a waiver from this provision, pursuant to subsection (l), which indicates that the requested waiver shall not be in conflict with subsection (i). As provided in OP's analysis of that section, the proposed third story and removal of existing architectural elements should not substantially visually intrude upon the character, scale and pattern of houses along the street.

- (i) *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (1) *The light and air available to neighboring properties shall not be unduly affected;*

To the west of the property is an existing three-story apartment house that extends beyond the existing dwelling by approximately 50 feet. Once the proposed rear addition is constructed, the

apartment house would extend approximately 30 feet beyond the new rear wall of the proposed apartment house conversion. The shadow study provided by the applicant ([Exhibit 7](#)) demonstrates that the proposed third story and rear additions to the dwelling would have minimal impact to adjacent properties due to the presence of the apartment house to the west. The proposed additions would be located in an area that is already frequently shadowed by the apartment house to the west, and the impact of the additions have been minimized so that most of the new shadowing is limited to the two properties to the east. The property owner to the east, at 522 Jefferson Street, N.W. has provided a letter of support to the record ([Exhibit 28](#)). As a result, the available light throughout the course of the day to neighboring properties should not be unduly impacted.

- (2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*

The proposed conversion to an apartment house should not unduly compromise the privacy of use and enjoyment of neighboring properties. The rear addition would not include windows on the east or west building elevations, and a court approximately ten-feet in width would be provided between the apartment building to the west and the proposed rear addition. The balcony provided along the rear elevation would permit some visibility into adjacent properties, but not to a higher degree than a matter-of-right project on the subject site would allow.

- (3) *The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley;*

The applicant has provided renderings illustrating how the third story and rear additions would appear to not substantially visually intrude upon the character, scale and pattern of houses on the street ([Exhibit 35](#)). The conversion includes a third story addition that would extend the mansard roof 3.2 feet higher than the apartment house to the west and 5.6 feet higher than the row dwelling to the east. The third story addition would also entail removing the existing dormers and replacing them with taller dormers with windows. While the applicant proposes to remove existing architectural elements from the roof, they would be replaced with similar details consistent with the prevailing materials and design found on the block. The third story provides an appropriate transition and scale from the three-story apartment house down to the row of two story row dwellings to the east.

The second story balcony provided above the porch is partially located within public space, and will be required to be reduced in order to comply with public space requirements. Porches that are more than one-story in height must comply with the width requirements for bay windows, which is 11-feet in this case. Given that there are no other second-story balconies along the street frontage, the applicant has been advised to remove this feature in order to provide a design more consistent with the existing row dwellings.

The applicant has also proposed a three-story rear addition that extends 18-feet beyond the rear wall of the dwelling to the east. The existing apartment house to the west would extend approximately 30 feet beyond the proposed rear addition. The addition would not be out of character with the scale or pattern of houses along the public alley, particularly as it is immediately proximate to a mid-block apartment house.

- (j) *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section*

*drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

The applicant has provided graphical representations that include elevations, floor plans, photographs, and a sun study.

- (k) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;*

OP recommends the removal of the second story balcony on the front façade in order to provide a design that is more consistent with the prevailing character of the block. At a minimum, a reduction in the size of the balcony will be necessary to comply with public space requirements.

- (l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and*

The applicant has requested to waive the requirements of § 320.2(e) and § 320.2(h), related to the rear yard addition exceeding a length of ten feet beyond neighboring rear walls, and the removal or alteration of rooftop architectural elements, respectively. OP is not opposed, in this case, to either of those two waivers.

- (m) An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.*

This section does not apply to the proposal.

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

District Department of Transportation has filed a report noting that it has no objection to the requested special exception ([Exhibit 39](#)).

## **VI. COMMUNITY COMMENTS**

As of the date of this writing, comments from the ANC had not been provided to the record. Letters of support have been provided to the record, including from the neighbor to the east, who stands to be most impacted by the proposal (Exhibits [28](#), [33](#), and [34](#)). Letters in opposition have also been provided to the record (Exhibits [30](#) and [38](#)).

Attachment: Location Map

### Location Map

