

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 7, 2019

SUBJECT: BZA Case 19929 (614 Otis Place, N.W.) to permit the conversion of a row dwelling into 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 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 recommends **approval** of the following requested waiver:

- 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, 52 feet proposed); and

As part of the special exception request, OP recommends **denial** of the following requested waiver:

- Removal of roof top architectural element, Subtitle U § 320.2(h), pursuant to Subtitle X § 900.

II. LOCATION AND SITE DESCRIPTION

Address	614 Otis Place, N.W.
Applicant	R. Michael Cross Design Group for 614 Otis LLC
Legal Description	Square 3035, Lot 63
Ward, ANC	Ward 1, ANC 1A
Zone	RF-1 (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 an existing 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 2,840 square feet of area, with 20 feet of frontage along Otis Street. The rear of the lot, also 20 feet in width, abuts a 16-foot wide public alley.
Existing Development	The property is currently developed with a two-story attached dwelling with a mansard roof.

Adjacent Properties	To the north, across Otis Place, are existing two-story attached dwellings. To the south, across the public alley, are two to three-story attached dwellings. To the east and west are existing two-story attached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly moderate density residential, consisting predominantly of attached row dwellings.
Proposed Development	<p>The applicant proposes to convert an existing attached two-story residential building into a three-story, three-unit apartment house. The conversion would consist of a third story addition that would remove the existing mansard roof and replace it with a taller third story with a mansard roof and three windows. The conversion would also include a rear addition that would be 52 feet beyond the rear wall of the neighboring house, which is 42 feet more than permitted. The rear addition would include a single story, air-conditioned meaningful connection between the existing building and proposed dwelling in the rear portion, where the third unit would be located. Approximately 946 square feet of land area would be provided per unit, compliant with the Zoning Regulations for conversions by special exception. Two parking spaces would be provided at the rear of the lot.</p> <p>Roof decks are proposed above each unit, including above the rear portion of the rear addition. The applicant has indicated that the roof decks would comply with the penthouse regulations.</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 rooftop 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.	2,840 sq. ft.	No change	None required
Court E § 203	Not applicable	0 ft.	305 sq. ft.	None required
Pervious Surface E § 204	20%	Not provided	Not provided	None requested
Height E § 303	35 ft. max.	20.33 ft.	28.83 ft.	None required
Lot Occupancy E § 304	60% max.	34%	45%	None required
Front Setback E § 305	Within range of existing front setbacks (5 ft. to 20 ft.)	20 ft.	20 ft.	None required

Zone – RF-1	Regulation	Existing	Proposed	Relief
Rear Yard E § 306	20 ft. min.	72 ft.	20 ft.	None required
Parking C § 701	1 per 2 dwelling units (2 spaces)	Not provided	2 parking spaces	None required
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 (946.7 sq. ft. per unit)	Requested
Rear Wall U § 320.2 (e)	Rear addition may not extend more than 10 ft. beyond rear wall of adjacent dwelling	N/A	52 ft. beyond rear wall of adjacent dwelling	Waiver Requested
Roof Top Elements U § 320.2(h)	Shall not remove or alter original rooftop elements	Mansard roof	Third story addition with extended mansard roof and three new windows	Waiver Requested

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 20.33 feet to 28.83 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 1922.

- (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 2,840 square feet, there would be 946.7 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 52 feet beyond the furthest rear wall of the adjoining principal residences to the east and west. 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 dwelling to the west, 616 Otis Place, N.W., has a functioning chimney that would be affected by the proposed third story addition. A chimney extension agreement has been obtained from the neighbor to allow extension of the chimney in compliance with building codes.

- (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 building from 20-feet to 28-feet and add three windows to the front elevation. 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 would 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;*

The proposed development would add a third story to an existing two-story row dwelling that would increase the height to 28-feet, which is seven feet less than the maximum permitted in the RF-1 zone. A rear addition extending 52-feet beyond the rear wall of adjacent dwellings is also proposed; although 22-feet of that addition would be a single story meaningful connection creating a courtyard between the existing portion of the primary dwelling and the new rear portion of the addition. The rear portion of the addition would have a height of 21-feet, where 35-feet is permitted. A detached structure would be permitted a height of 20-feet.

The applicant has provided a shadow study at Exhibit 35 demonstrating how the addition would impact light and air to adjacent properties. The study does not include a by-right scenario, so OP is unable to evaluate if the proposal would have more impact on adjacent properties than a matter-of-right development. However, any new shadowing created by the third story addition would have minimal impact, as it would mostly occur on the existing roofs of neighboring dwellings. Most of the new shadowing would be attributed to the rear portion of the addition and its impact would generally be limited to both adjacent properties at different times during the day. The shadowing by the rear portion of the addition would be similar to that of existing detached structures on neighboring properties. The property owner to the west, at 616 Otis Place, N.W. has provided a letter of support to the record (Exhibit 19). 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. The 22-foot deep court would provide separation between the units which may allow for better use of the neighboring properties' rear yards. In addition, only roof decks are proposed, which provide greater separation between the adjacent rear yards and proposed outdoor space for the conversion.

The rear portion of the addition would function similar to an accessory apartment in a detached structure, which is regulated by a different set of standards in Subtitle U § 253. These standards specify that roof decks are not permitted on detached structures housing accessory apartments. The proposed rear portion of the addition is permitted to have a roof deck, as provided in the architectural drawings. However, given the design of the rear portion of the addition and how it is intended to function, OP would recommend that the roof deck be removed, consistent with the intent to maintain the privacy of use and enjoyment of neighboring properties.

- (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 the impact of the third story and rear additions upon the character, scale and pattern of houses on the street (Exhibit 35). The applicant has also provided a rendering showing the proposed third story in context with adjacent row dwellings, as well as a matter-of-right rendering showing the proposed third story pushed back from the existing façade three feet and retaining the existing mansard roofline (Exhibit 37). Based on the information provided, OP does not support the removal of the existing mansard roof.

The row dwellings on the eastern half of Otis Place are identical and intact, having two stories, brick facades, and mansard roofs aligned with neighboring properties. The proposed third story addition introduces a horizontal window element that is out of character with the block in general.



Given the intact character of the roofline, the proposal would intrude upon the character, scale, and pattern of houses along the block. Alternatively, the applicant could propose an addition that would be set back at least three feet from the existing roof line and incorporate materials common to the neighborhood into the addition so that it is more sensitive to the context.

The applicant has also proposed a rear addition that extends 52-feet beyond the rear wall of the dwellings to the east and west. Given that the middle 22-feet of the addition would be single story and not visible beyond the property lines, the rear two-story portion of the addition would appear more like a detached structure in the rear yard, similar to others along the public alley on adjacent properties. As such, the rear addition would not be out of character with the scale or pattern of houses along the public alley.

- (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 (Exhibits 2 and 35).

- (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 applicant redesign the proposed third story addition above the existing dwelling by setting the addition back three feet from the existing mansard roof, keeping the roofline for the block intact. Materials that are commonly found along the block should be used on the addition to ensure that it is sensitive to its context.

OP further recommends the removal of the roof deck on the rear portion of the rear addition above the third unit in order to lessen potential visual impact and impacts on the privacy of use and enjoyment of neighboring properties.

- (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 the waiver requesting the rear yard addition, but does oppose the alteration of the rooftop.

- (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

As of the date of this writing, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS TO DATE

At its regularly scheduled meeting on September 1, 2018, ANC 1A voted unanimously to approve the requested relief (Exhibit 21). A letter in support of the relief has been submitted to the record by the neighbor to the west (Exhibit 19). A letter in opposition has been submitted to the record at Exhibit 18.

Location Map

