



July 24, 2020

Anthony J. Hood, Chair
Zoning Commission of the District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: ZC 19-21 (Text Amendment Roof Top and Upper Floor Elements)

Dear Chairman Hood:

In testimony before the Zoning Commission on February 13, 2020, DC Preservation League (DCPL) Vice President Fay Armstrong asked the Zoning Commission to set aside amendments for RF zones proposed in the current case and to reopen the discussion from Case No. 14-11 on how to protect such neighborhoods from oversized additions. We renew that request today. A thorough review of the Board of Zoning Adjustment (BZA) cases applying those amendments is required before any further changes affecting roof top elements in RF zones should be approved.

The 2015 amendments adopted for what were then R-4 zones were incorporated into the 2016 zoning regulations in two places – Section E-206.1 (General Development Standards for RF Zones) and U-320.2(h) (Special Exception Uses for RF Zones). They included both a prohibition on the removal of roof top elements and other restrictions intended to protect neighboring houses, e.g., related to chimney height and a 10-foot limitation on rearward extension of additions. The roof top language now reads as follows: “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.”

In the current case, the Zoning Commission has voted to eliminate that provision from Subtitle U while retaining it in Chapter E. The Office of Planning (OP) has explained that the purpose of changes being proposed is to eliminate duplication and add clarity to the zoning regulations. OP has repeatedly asserted that no changes in the protections adopted in 14-11 are being proposed. However, a careful reading of the proposed text along with just some of the BZA cases decided under the 2015 amendments reveals a contrary intent. It is for that reason that it is imperative that the current action be set aside and a complete analysis undertaken of experience under the R-4/RF amendments.

As pointed out in our February statement, the protections offered for roof top elements were embedded in a web of contradictions. While the prohibition on removal or the significant alteration was stated in clear language, other provisions allowed the BZA to waive it at will in two kinds of cases – where a height limit was being raised from 35 to 40 feet and where a house was being converted to a multi-family dwelling of 3 or more units. It was to be anticipated that there would be great pressure on the BZA to waive the protection of roof top elements wherever permitted by law. However, no one could have imagined that the Office of Planning would encourage the BZA to waive or ignore the protections in other circumstances, which has happened on a regular basis.

The first BZA case to approve removal of a roof top element was No. 19425, decided December 2, 2016. OP recommended removal of a turret in the absence of either an increase in height or conversion to apartment house. The case involved expansion of a two-family flat. With support from OP, BZA has also approved removal of roof top elements in the expansion of a single-family dwelling (Nos. 19516 and 19565) and to accommodate a second as opposed to the required third unit (Nos. 19472 and 19546). In Case No. 19472, OP acknowledged that the existing mansard would be raised, that is, its height would be increased contrary to the explicit language of E-206.1, but found the new roofline to be “a respectful nod to the original mansard roof” and recommended approval – in complete violation of the letter of the regulations.

In addition, OP seems to have consistently encouraged BZA to interpret the terms “removal” and “significant alteration” in such a flexible way as to accommodate alterations that would “substantially intrude upon the character, scale and pattern of houses along the street.” This last phrase is part of the standard special exception test that the latest amendments propose to rely upon in place of the outright prohibition on removal. However, this language has long proven to be ineffective to protect specific architectural features. Cases Nos. 19387, 19425, 19428, 19472, 19546, and 19565 are examples of cases in which OP has supported and the BZA has approved significant alterations to facades that must be seen as substantially intruding upon the character, scale and pattern of houses along the street. An attachment provides more information about the BZA cases that have been cited.

It is against this background that DCPL previously asked the Zoning Commission “to reopen the discussion of how best to protect the character of row house neighborhoods now zoned RF-1 through -3 from continued degradation as a result of conversions to multi-family dwellings and the attendant additions (up and out).” We renew that request today.

Furthermore, we observe that in its March 19, 2020, Supplemental Report in the present case, OP states that it is now reviewing the provision limiting the rear wall extension to ten-feet beyond adjoining rear walls, another element of the earlier RF protections. All aspects of the reforms enacted in Cases Nos. 14-11 and 14-11B should be reviewed together and provided to the Zoning Commission as soon as possible with recommendations for new amendments that will be effective to protect all historic (small h) row house neighborhoods from continued degradation. Any protections available through the zoning code should apply equally to historically designated and undesignated properties.

Sincerely,



Rebecca Miller
Executive Director

The following neighborhood organizations have signed on in support of this letter:

Bloomingdale Historic Designation Coalition

Dupont Circle Citizens Association

Dupont Circle Conservancy

Historic Anacostia Preservation Society

Historic Mount Pleasant

Tenleytown Historical Society

Attachment:
BZA Cases Cited

In BZA Case No. 19472, the Applicant requested relief from E-5203 in order to construct a third floor addition to the existing dwelling and conversion to a flat. The proposal included the addition of a roof deck to the building and an existing porch would be modified. It also included raising the existing mansard roof in order to accommodate the third floor addition, which would include two new dormers. The Office of Planning recommended approval stating that “while this would change the front profile of the building, the new roofline is a respectful nod to the original mansard roof and the existing proportions of the façade.” (OP Report, Exhibit 43, 4/21/2017) (723 Girard St., NW)

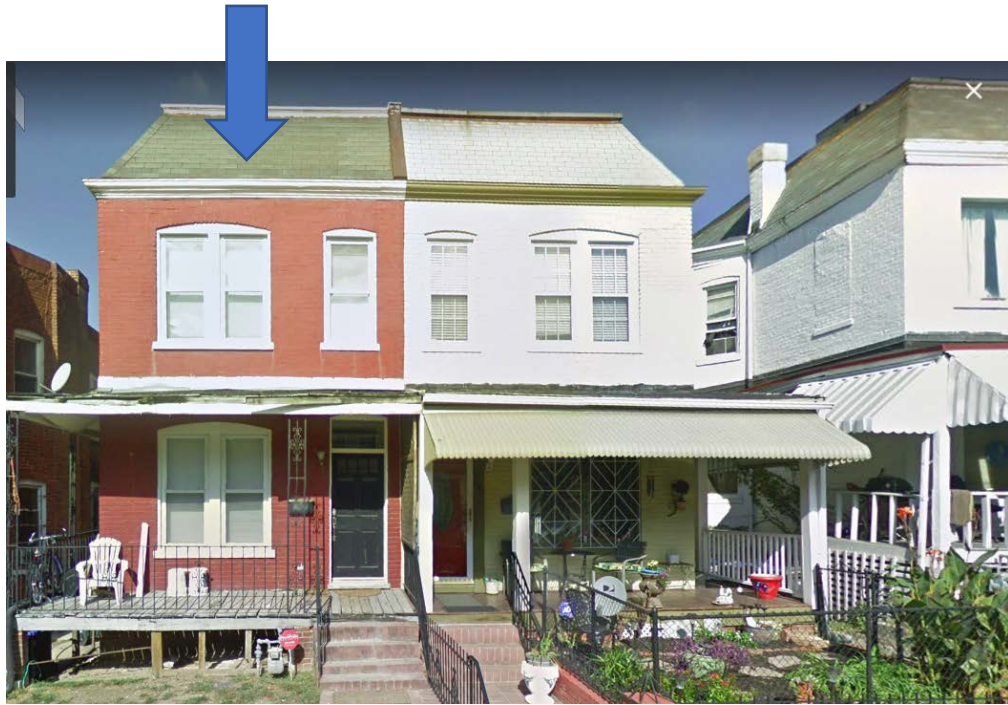


Original Building



BZA Approved Design

In BZA Case No. 19516, the Applicant requested relief from E-206 in order to alter an existing porch roof. The proposal included the expansion of the front porch with a balcony porch roof. The Office of Planning recommended approval stating that the “proposed porch expansion with balcony porch roof would not substantially visually intrude upon the character, scale, and pattern of houses along Gresham ST NW frontage. It would extend 2 feet further into the front yard but would appear similar to the other houses in the neighborhood. This would not be the only house in the vicinity with a porch and balcony roof. The adjacent house to the west and a house immediately across the street from the subject site also have similar porches with balcony porch roofs, and there are others further up the street.” (OP Report, Exhibit 35, 6/16/2017) (765 Gresham Pl St., NW)



Original Building



BZA Approved Design

In BZA Case No. 19387, the Applicant requested a waiver from the architectural elements (U-320.2(h)) as part of a conversion case. The proposal modified the existing roofline, specifically, the rear of the turret would be incorporated into a mansard-type roof that would be added to accommodate the new third floor. The Office of Planning recommended approval, noting that the change to the rooftop would not be in conflict with U-320.2(i) (light, air, privacy test). (OP Report, Exhibit 64, 12/2/2016)
(3616 11th Street, NW)

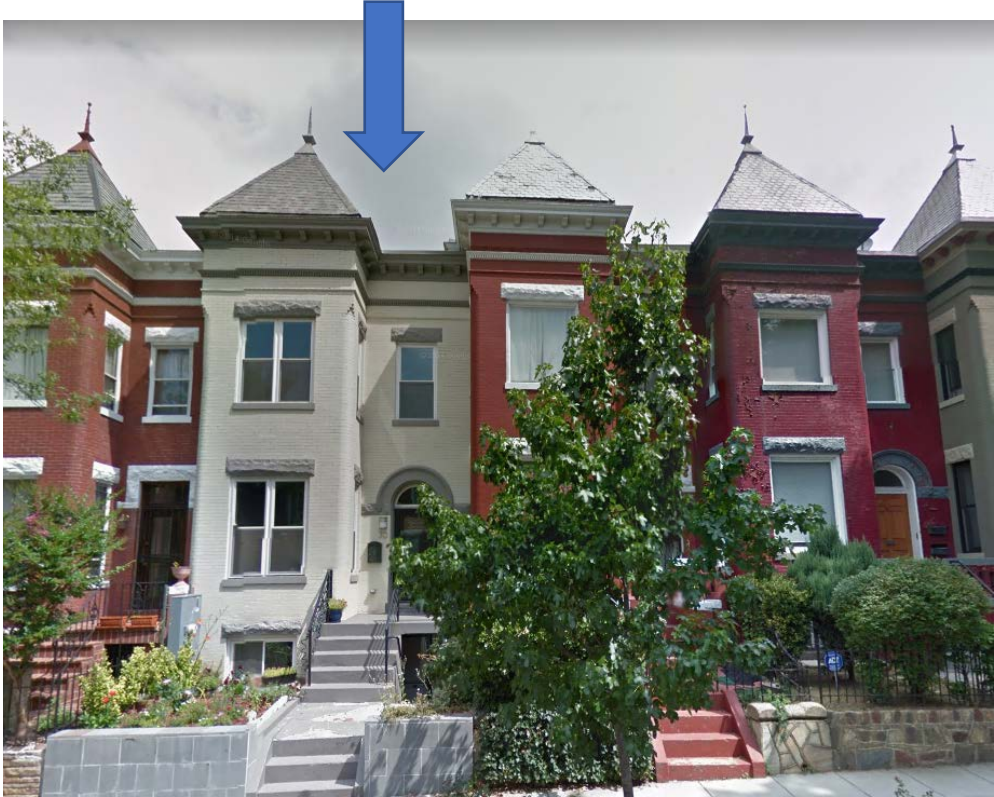


Original Building

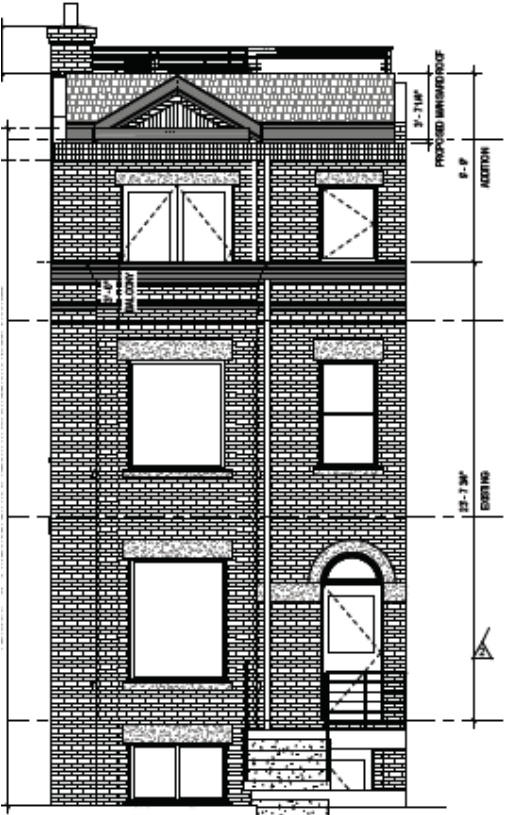


BZA Approved Design

In BZA Case No. 19425, the Applicant requested relief from E-206 in order to construct a third story addition. The proposal included the removal of an existing turret in the middle of a row of identical dwellings. The Office of Planning recommended approval stating that the “removal of the turret should not substantially visually intrude upon the character, scale and pattern of houses along the street and alley as there are other three story houses on this street and there are other houses with rooftop front gable features so that the proposed design would not be out of character for the area.” (OP Report, Exhibit 43, 2/3/2017) (30 Quincy Place, NE)



Original Building

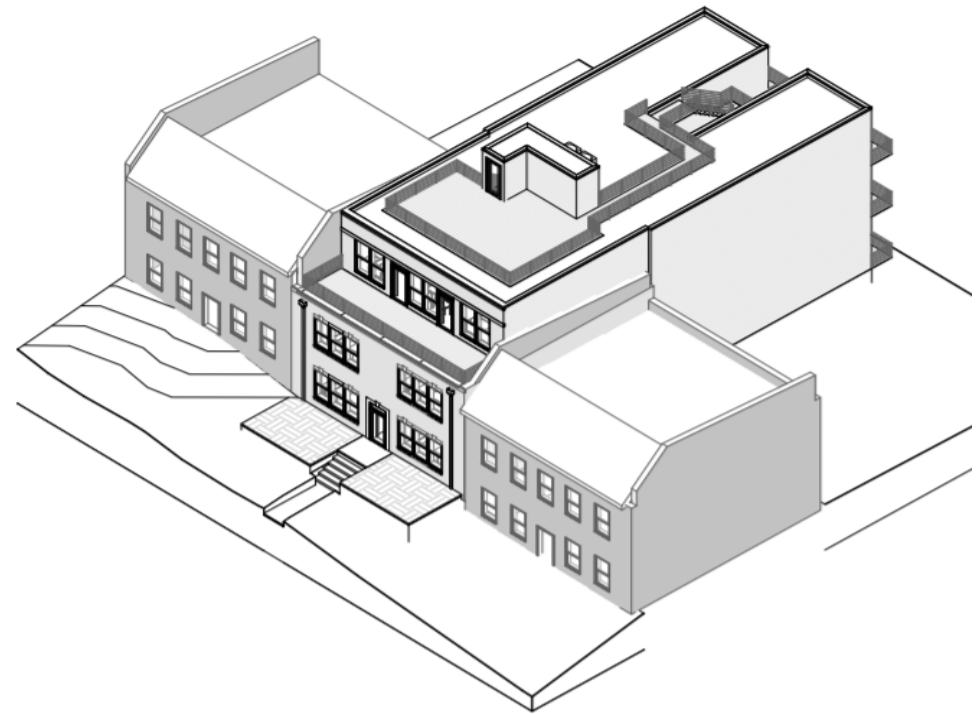


BZA Approved Design

In BZA Case No. 19428, the Applicant requested relief from E-206 in order to construct a third story addition. The proposal included the removal of an faux mansard from the front façade of a residential building as part of the buildings renovation with a third floor and rear addition for an additional dwelling unit. The Office of Planning recommended approval stating that the “removal of the faux mansard should have little if any impact on the adjacent neighboring properties. The removal of the faux mansard would result in the building having a different rooftop appearance than its adjacent neighbors but the new rooftop would be residential in character while the setback from the front façade would help to minimize impact along the streetscape.” (OP Report, Exhibit 40, 2/10/2017) (1937 2nd St, NE)

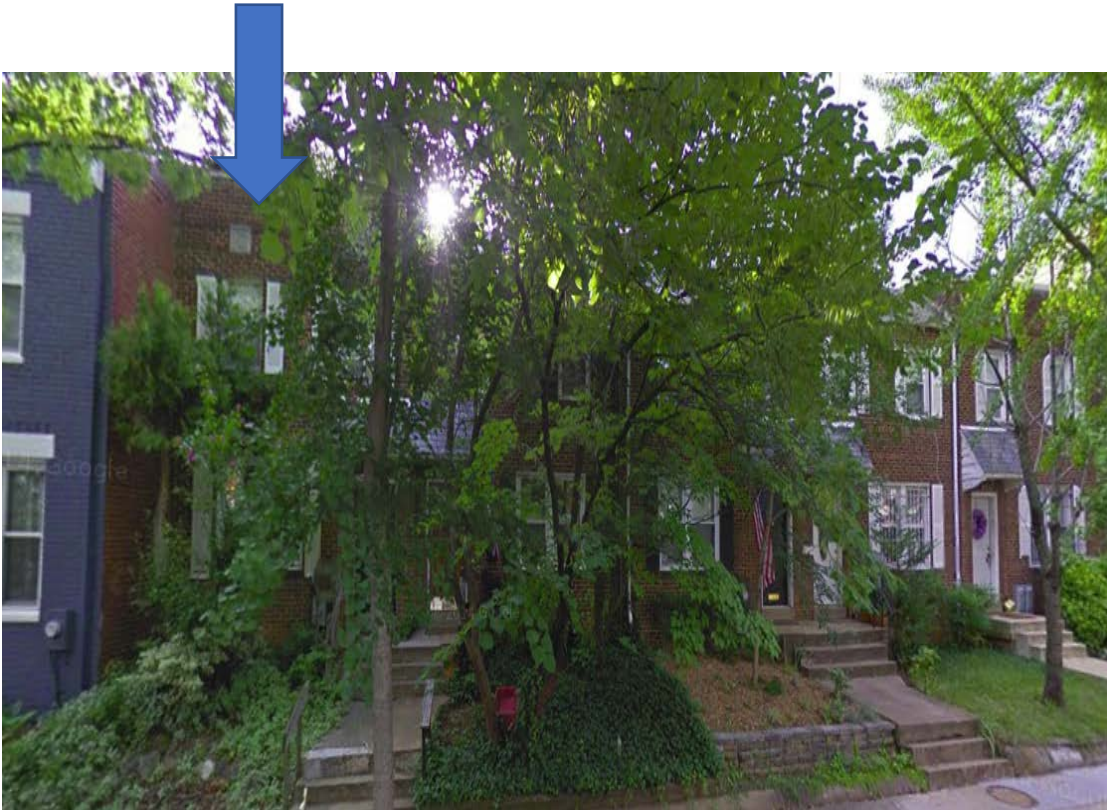


Original Building



BZA Approved Design

In BZA Case No. 19565, the Applicant requested relief from E-206 in order to construct a rear addition that will extend more than ten feet beyond adjoining buildings. The proposal included the removal of the existing mansard roof. The proposed third story would have a new mansard roof with former windows at the front. The Office of Planning recommended approval stating that “the proposed addition would be visible from the street and alley but should not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage. The proposed addition maintains a residential character and aesthetic that would not be incompatible with neighboring properties.” (OP Report, Exhibit 46, 9/8/2017) (237 Warren St., NE)

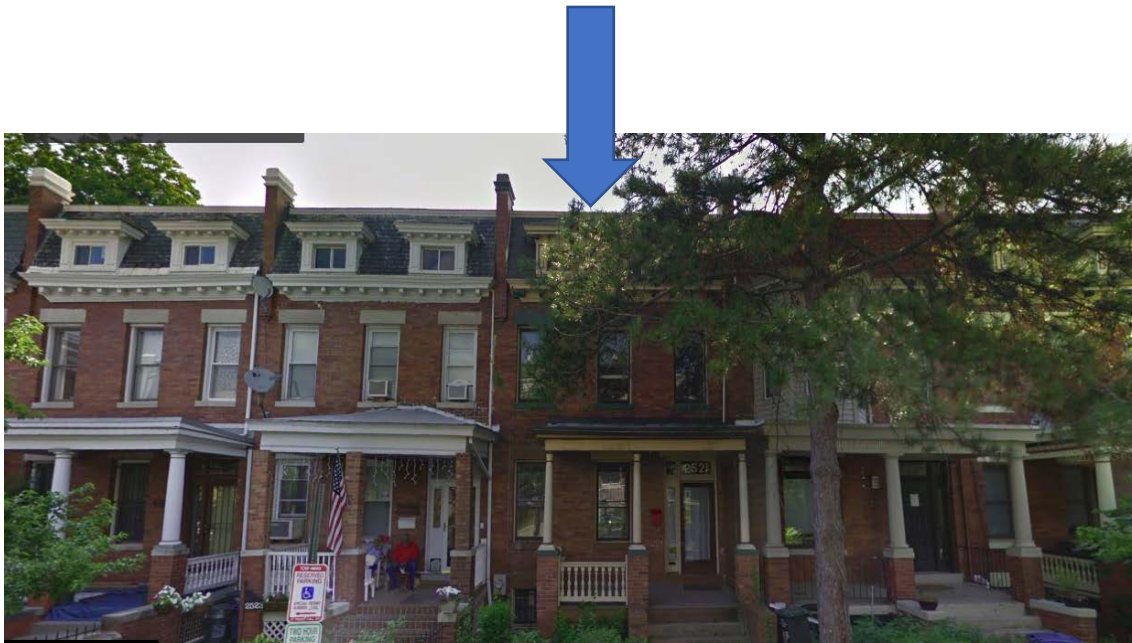


Original Building



BZA Approved Design

In BZA Case No. 19546, the Applicant requested relief from E-206 in order to expand and convert a row house to a flat. The proposal included the removal of a detached garage that would be replaced with surface parking. It also included a modification of rooftop architectural features and the addition of a penthouse as part of the conversion of a row house to a flat. The Office of Planning recommended approval stating that “although modified, the exterior of the dwelling would generally maintain the existing design and style of the structure, as intended by this section, while allowing for its expansion and modernization.” (OP Report, Exhibit 39, 8/25/2017) (2521 12th St., NW)



Original Building



BZA Approved Design

In BZA Case No. 19619, the Applicant requested relief from E-206 in order to construct a third story addition. The proposal included a roofline modification with the conversion of a single-family home dwelling to a flat, altering the existing front porch and the fenestration of three sides of the building. The dwelling shared a party wall with a similarly designed “mirror-image” east-adjacent semi-detached dwelling. A similar pair of semi-detached houses, but without mansard roofs, is to the west. The Office of Planning recommended approval stating that “the proposal would change the appearance of the building, but the modification should not substantially intrude upon the character, scale, or pattern of houses visible from Girard Street or from the alley at the rear. The general neighborhood has a variety of architectural types, including 19th century buildings that have been renovated with a modern industrial aesthetic.” (OP Report, Exhibit 89, 12/1/2017) (765 Girard St., NW)



Original Building

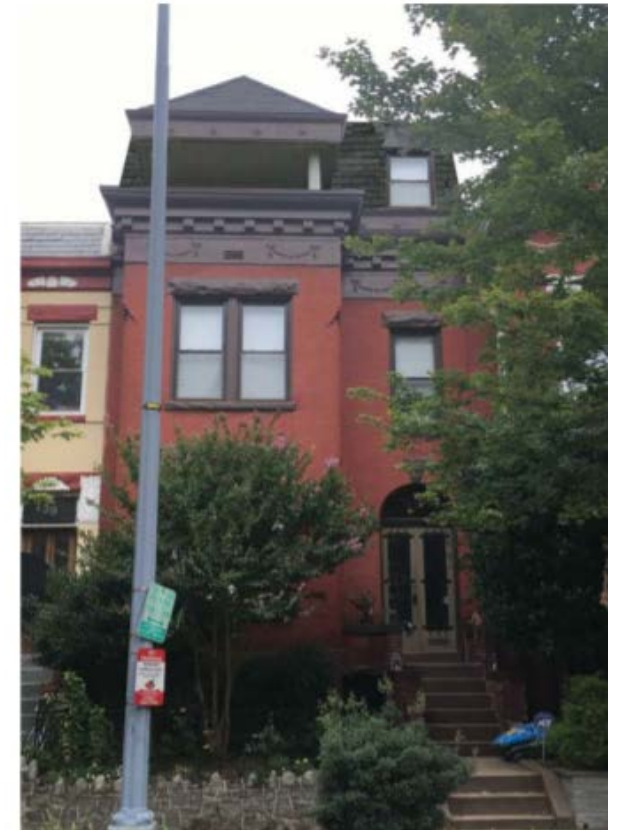


BZA Approved Design

In BZA Case No. 19624, the Applicant requested relief from E-206 in order to construct a third story addition with a front balcony. The proposal included the modification of existing roof top elements and creating a new mansard roof. The Office of Planning recommended approval stating that the “addition and its front balcony would be set back 12 ft. 10 in from the front building façade. The building with the proposed alterations would appear similar to the existing building because the existing hip roof, cornice and trim would be retained.” (OP Report, Exhibit 33, 11/22/2017) (137 S St., NW)



Original Building



BZA Approved Design

In BZA Case No. 19674, the Applicant requested relief from E-206 in order to construct an addition to the third floor and the rear of the building. The proposal included that the front of the third floor would be set-back three feet from the existing cornice and turret. The existing dwelling sits in the middle of a row of identical dwellings. The Office of Planning recommended approval stating that the “ OP has encouraged the applicant to use material or color on the front face of the addition that would contrast with the two existing stories, to make a clear distinction between the existing building and the proposed addition.” (OP Report, Exhibit 83, 4/13/2018) (1139 6th St., NE)



Original Building



BZA Approved Design

In BZA Case No. 19416, the Applicant requested a waiver from the architectural elements (U-320.2(h)) as part of a conversion case. The proposal modified the existing roofline, specifically the existing dormers were modified to retain the proportions with the increased roof height. The Office of Planning recommended approval, noting that the change to the rooftop would be roughly equivocal to the roof and “the proposal is well designed to be in keeping with the existing character of the row house.” (OP Report, Exhibit 88, 1/27/2017) (1412 Shepherd Street, NW)



Original Building



BZA Approved Design

In BZA Case No. 19300, the Applicant requested special exception approval pursuant to § 3104 and § 336 (1958 regulations) and variance relief pursuant to § 3103 and § 403, lot occupancy, as part of a conversion case. The proposal included the removal and relocation of a cornice and the expansion of an existing porch. The Office of Planning recommended approval, noting that “the porch, cornice and window shutters and ‘eyebrows’ will fit with the scale and pattern of the houses along G Street. Therefore, the conversion and addition, as viewed from the street, will not substantially visually intrude upon the character, scale and pattern of the houses along G Street.” (OP Report, Exhibit 32, 7/5/2016) (1121 G St., NE)



Original Building



BZA Approved Design