

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** September 23, 2016

**SUBJECT:** BZA #19336 – 2405 Eye Street, NW – Special Exception relief to permit the conversion of office space to multifamily residential (3 units) within an existing apartment building

**I. RECOMMENDATION**

With regard to this proposal to convert nonconforming office space to nonconforming multifamily residential, the Office of Planning (OP) recommends **approval** of the following requested special exception relief:

- C § 204.9 Changes Between Nonconforming Uses.

Although not requested as of this writing, OP has also discussed with the applicant the apparent need for parking relief and would recommend **approval** of the following special exception:

- C § 705 Parking Requirements For a Change of Use (0 spaces required for existing office; 2 spaces required for proposed residential; 0 new spaces provided).

**II. LOCATION AND SITE DESCRIPTION**

Address	2405 Eye Street, NW
Legal Description	Square 28, Lots 157
Zoning	R-17 (Foggy Bottom Residential House Zone)
Ward and ANC	2, 2A
Historic District	Foggy Bottom Historic District
Lot Characteristics and Existing Development	Approximately 40'-wide lot; Existing multistory apartment building with commercial office space on the first floor.
Adjacent Properties and Neighborhood Character	Rowhouse to the west; Smaller apartment building to the east; Neighborhood is a mix of rowhouses, apartment buildings and George Washington University buildings; George Washington University Hospital is to the east.

### III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to convert existing nonconforming office space to three multifamily residential units within an existing nonconforming apartment building. The units would be accessed from the existing internal hallway. No exterior changes to the building are proposed. The size of the space to be converted is 1,937 square feet.



### IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

Pursuant to C § 204.9, one nonconforming use may be converted to another subject to conditions. C § 705 governs the required parking when uses are changed within a building, and OP advised the applicant that relief from the parking requirement would be necessary. According to § 705, parking is required for a new use “only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use...” (C § 705.1). Section 705.2 states that “it shall be assumed that the previous use provided at least the minimum number of spaces required.” The following table outlines the parking requirements.

Use	Parking Regulation (C § 701.5)	Data	Requirement
Office	0.5 per 1,000 sf above 3,000 sf	1,937 sf	0
Residential	1 per 2 units in an R zone	3 units	2

Because the residential requirement would exceed the existing office requirement, the Regulations require that additional parking be provided, though an applicant may seek relief pursuant to C § 703<sup>1</sup>.

## V. ANALYSIS

### Change in Use

In order to convert from one nonconforming use to another, the application must meet the criteria of C § 204.9.

**§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;**
  - (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 existing nonconforming office use is first permitted as a matter-of-right in Subtitle H – Neighborhood Mixed-Use zones. The residential use proposed is also permitted as a matter-of-right in Subtitle H.

- (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 site is zoned R-17, and the applicant proposes multiple dwellings within an existing apartment building.

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<sup>1</sup> OP requested that the applicant provide the number of parking spaces located on the property, but in the absence of that data, assumes that the building does not already have excess parking.

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

The applicant does not propose a corner store.

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

The level of impact of the proposed residential use should be no greater than the existing office use. The residential use would likely have a similar or smaller amount of foot traffic in and out during the day. The amount of noise emanating from the units to public space or adjacent properties should be minimal given the party wall on the east side of the units and interior building-circulation space on the west side.

- (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 development of nearby properties would not be impacted by the conversion of this space to residential, as multifamily residential use is prevalent in the area, and no additions to the building are proposed.

- (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 change from office space to three small residential units should not create negative external effects such as noise, traffic, loading or illumination. OP has advised the applicant that parking relief would be necessary, but not providing the required two parking spaces should not result in a negative impact to the community, especially given the wide range of transit, bikeshare and carshare options and the overall walkability and mix of uses in the neighborhood.

- (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 proposed residential use would be subject to this restriction.

- (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.**

The Office of Planning recommends no special conditions or design modifications.

**X § 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:**

**(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**

The change in use from non-residential to residential would bring the property more in line with the residential purposes of the R-17 zone. Although that zone is specifically designed to protect lower scale development, the multi-family residential use would be in keeping with the existing building – which according to the applicant has existed since 1939 – and would be in keeping with the many other apartment buildings in the area.

**(b) Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**

The proposed change in use should have minimal to no impact on neighboring properties. The change in volume of foot traffic, if there is any, would be minimal. The proposal does not seek to alter the exterior design of the building. The amount of noise or light generated by the residential uses would be minimal.

### **Parking Relief**

The Board may grant special exception relief for the amount of parking, subject to the criteria of C § 703. In the analysis of § 703.2, only the relevant criteria have been reviewed.

**703.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia regulations; or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.**

The subject site is in close proximity to transit, including the Foggy Bottom metro station and several bus lines. It has a very high walk score and many residents of the area do not need or own a vehicle.

**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:**

[...]

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

The subject site is very well served by transit, bicycle and carshare facilities. The Foggy Bottom metro is about one block to the east and there are two bikeshare stations within two blocks of the property. There are also a number of carshare locations in the neighborhood.

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

The neighborhood is very walkable and has many amenities, such as grocery stores, post offices, doctors' offices and places of worship, making it less necessary to own vehicles.

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

The conversion of office space to three small apartment units should create little if any change in the demand for parking in the neighborhood.

[...]

**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 applicant has not provided data or a study demonstrating the reduction in parking demand generated by other travel options. OP, however, believes that the quantity of transit, bikeshare and carshare in the neighborhood, combined with the walkability of the area, would reasonably result in a reduction in parking demand of two spaces.

**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.**

As of this writing the applicant has not provided a transportation demand management (TDM) plan. Because of the small nature of the requested relief, OP would not object to the Board

waiving this requirement in this instance. Should the Board wish to require a TDM plan, OP would defer to DDOT on what the plan should include for a project of this nature.

**X § 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:**

- (a) **Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**

The reduction in the number of required parking spaces would be in harmony with the general purposes of the Regulations. While the Regulations intend to provide enough parking for all uses, they also seek to bring nonconforming uses into greater compliance with the zone in which they are located. The change in use to residential would be more compatible with the R-17 zone. And while the residential use technically has a higher parking requirement, in practice the parking demand should not be higher than for the existing office use.

- (b) **Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**

The reduction in parking from two required spaces to none should not have an adverse effect on the neighborhood. There are a variety of transit, bikeshare and carshare options in the neighborhood. That fact, combine with the numerous amenities in the area that are within walking distance, should reduce the demand of occupants of the units to own cars.

## **VI. HISTORIC PRESERVATION**

The subject property is within the Foggy Bottom Historic District, but because the proposal is for interior changes only, the Historic Preservation Review Board would not review the proposal.

## **VII. COMMUNITY COMMENTS**

As of this writing OP has received no comments from the community.