

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 29, 2018  
**SUBJECT:** BZA Case 19757 1201 Staples Street NE to permit conversion of an existing non-residential building to a three-unit apartment house in the RF-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle U § 320.3, Conversion of an Existing Non-Residential Building to an Apartment House; and
- Penthouse setback, Subtitle C § 1502.1(c)(2), pursuant to Subtitle C § 1504.1 (one-to-one setback required; no setback provided).

The conversion of a non-residential building to an apartment building in the RF zones is permitted by-right, subject to the conditions of U § 301.2, which this proposal does not meet. Subtitle U § 320.3 permits conversion of non-residential buildings not meeting the conditions of U § 301.2 by special exception. In consultation with the Applicant and DCRA, it was determined that the appropriate relief is special exception pursuant to U § 320.3. OP supports the addition of appropriate infill residential development and is not opposed to this proposed conversion in concept; however, the Applicant has not demonstrated that the associated additions which would facilitate the conversion are in keeping with the neighborhood character and would not have an adverse impact to neighbors.

**II. LOCATION AND SITE DESCRIPTION**

Address	1201 Staples Street NE
Applicant	Teass \ Warren Architects on behalf of 1201 Staples LLC
Legal Description	Square 4067, Lot 0002
Ward, ANC	5 / 5D
Zone	RF-1 - The purpose of the RF-1 zone is to allow for detached, attached, semi-detached, single-family dwellings and flats.
Lot Characteristics	The property is a rectangular, corner lot that measures 34.33 feet in width and 82.5 feet in depth. The property is bounded by an adjoining lot to the north, a 15-foot wide, improved public alley to the east, Morse Street NE to the south, and Staples Street NE to the west.

Existing Development	The property is improved with a two-story semi-detached building that was most recently used for religious based institutional purposes (Certificate of Occupancy 1891916).
Adjacent Properties	The property to the north is improved with an attached, two-story building in one-family residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential in character with commercial uses in mixed-use zones to the south and east along Florida Avenue NE and Bladensburg Road NE.
Proposed Development	The Applicant is proposing to convert the existing non-residential building to an apartment house with three units, including rear and third story additions.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED<sup>1</sup>**

Zone – RF-1	Regulation	Existing	Proposed	Relief
Height (ft.) E § 303	35 ft./3 stories	30 ft./2 st.	35 ft./3 st.	None Required
Lot Width (ft.) E § 201	18 ft.	34.3ft.	34.3 ft.	None Required
Lot Area (sq. ft.) E § 201	1,800 sq. ft.	2,832 sq. ft.	unchanged	None Required
Lot Occupancy E § 304	60%	21%	41%	None Required
Rear Yard (ft.) E § 306	20 ft.	41.8 ft.	20 ft.	None Required
Side Yard (ft.) E § 307	Not required, but 5 ft. minimum if provided	15 ft.	15 ft.	None Required
Parking C § 701	1 space/2 du	2 spaces	2 spaces	None Required
Penthouse C § 1502	1:1 setback	N/A	None provided	<b>Requested</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief from Subtitle U § 320.3**

*U 320.3 Conversion of a non-residential building or other structure to an apartment house and not meeting one (1) or more of the requirements of Subtitle U § 301.2, 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 provisions:*

*(a) No special exception relief shall be available from the requirements of Subtitle U § 301.2(a);*

The Applicant is proposing a third-floor addition that would increase the height of the building from 30 feet to the maximum permitted height of 35 feet.<sup>2</sup>

<sup>1</sup> Information provided by Applicant, Exhibit 39, dated June 19, 2018.

*(b) 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 Applicant is proposing a rear and third story addition that could unduly impact the light and air available to the adjoining property. The Applicant provided a solar study showing the anticipated impact of the proposed development, as well as the impact of a matter-of-right conversion with rear and third floor additions.<sup>3</sup> The Applicant did not provide a baseline condition as part of the solar study. Therefore, OP is not able to fully evaluate the extent of the potential impacts to light and air of the neighboring property. The solar study shows that the light available to the adjoining property would be impacted at midday and evening during the fall/spring equinox and winter solstice in both the proposed and matter-of-right scenarios.

The adjoining property at 1203 Staples Street NE has an existing solar array; however, the solar array was permitted on May 3, 2018 (SOL1800411) after the subject Board of Zoning Adjustment application was filed in the Interactive Zoning Information System (IZIS) on April 4, 2018. Therefore, the requirements of U § 301.2(g) are not applicable.

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

The Applicant is proposing to introduce a new second story deck on the front façade of the property and a roof deck, which could impact the privacy of use and enjoyment of neighboring properties. The Applicant should address concerns related to the potential impacts of the proposed decks.

*(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;*

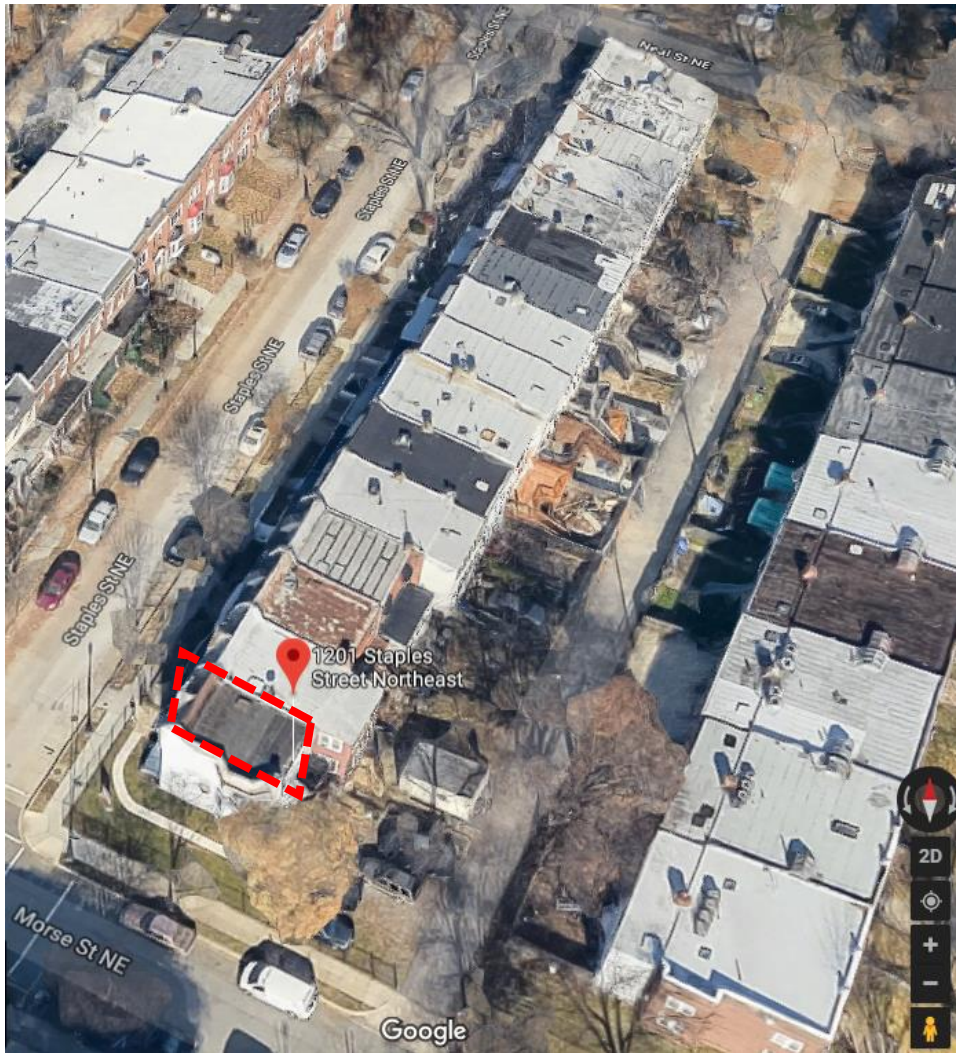
As currently designed, the proposed third floor and rear additions would intrude upon the character of the 1200 block of Staples Street NE. While there are third floor additions in the surrounding Trinidad neighborhood, this block retains its two-story character, and any third-floor addition to this building should better reflect that character.

Furthermore, the subject street is characterized by porches that span the width of the front façade. The Applicant is proposing to remove the existing full-width, first floor porch and replace it with a two-level porch that truncates three-quarters of the way across the first bay of windows. The proposed porch configuration is not in keeping with the character, scale and pattern of porches in the 1200 block of Staples Street NE.

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<sup>2</sup> See Exhibit 7, April 4, 2018, sheet 9.

<sup>3</sup> See Exhibit 42, June 20, 2018, sheets 17-22.



Source: Google maps, imagery 2018

*(c) In demonstrating compliance with Subtitle U § 320.3(b) 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; and*

The application materials include floorplans, elevations, and photographs.<sup>4</sup> OP has elsewhere in this report noted additional information, such as an augmented sun and shadow study, that should be provided.

*(d) 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 has recommended that the existing full-width front porch be maintained and that the third-floor addition be set back from the existing front façade and that the Flemish-style dormer be retained at its current scale.

<sup>4</sup> See Exhibits 6 and 7, April 4, 2018 and 42, June 20, 2018

The application does not meet the following requirements of U § 301.2.

*U 301.2 Conversion of an existing non-residential building or structure to an apartment house shall be permitted as a matter of right in an RF-1, RF-2, or RF-3 zone subject to the following conditions:*

...

- (e) A roof top architectural element original to the structure 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 is proposing to significantly alter the front and side facades, including removal of an existing porch and construction of a third-floor addition that would alter the existing Flemish-style dormer<sup>5</sup> and would extend the height of the bay projection on the Morse Street façade<sup>6</sup>. OP does not support this particular design direction and has recommended changes to the design to better conform to this provision.

**b. Special Exception Relief from Subtitle C § 1502.1**

*C 1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:*

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The Applicant is requesting relief from the setback requirement along the shared property line with 1203 Staples Street NE to permit a stair enclosure for roof access not meeting the one-to-one setback requirement. The Applicant could provide roof access in a conforming location, or through a low-profile hatch that would comply with the setback requirement from the side property line.

- (b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The Applicant should provide a sight line study to demonstrate that the proposed roof access enclosure would not be visible from Staples and Morse Streets NE. The enclosure reads as a large solid volume projecting above the roof from Morse Street.<sup>7</sup>

- (c) The relief requested would result in a roof structure that is visually less intrusive;*

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<sup>5</sup> See Exhibit 42, June 20, 2018, sheet 8.

<sup>6</sup> See Exhibit 42, June 20, 2018, sheet 11.

<sup>7</sup> See Exhibit 42, June 20, 2018, sheet 11.

As designed and sited, the roof structure would potentially be visually intrusive. The Applicant could provide access to the roof deck through a low-profile roof hatch that would result in a less visually intrusive solution.

- (d) *Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

Not applicable.

- (e) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The Applicant states that every effort has been made to comply with the setback requirements for all other features. The Applicant should confirm that all mechanical equipment meets the setback and other penthouse requirements.

- (f) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

As sited and designed, the proposed roof access structure would be visible on the subject corner property, would impact the light available to the adjacent property, and would not be in keeping with the intent and purpose of the Zoning Regulations.

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

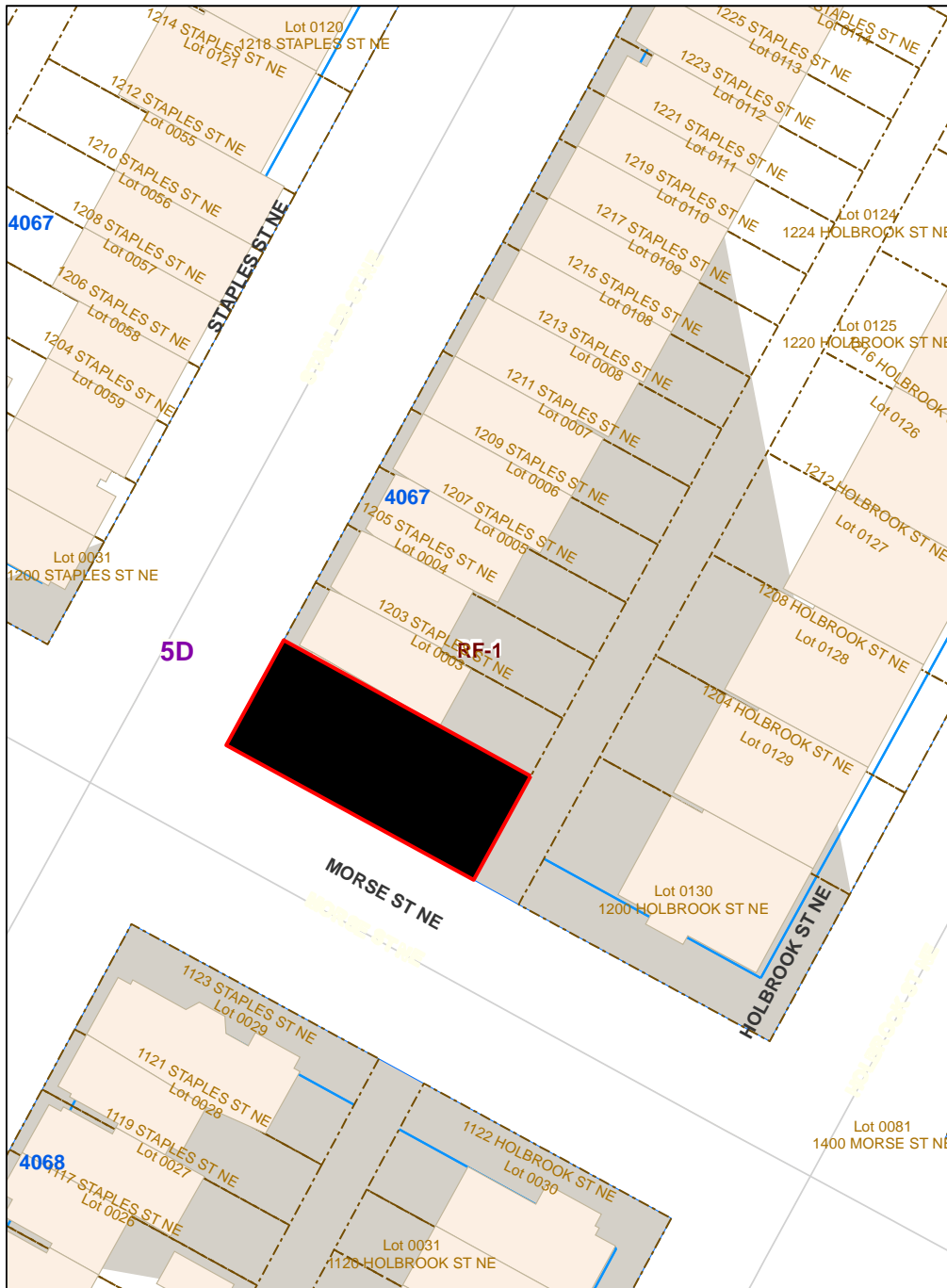
The District Department of Transportation, in its May 11, 2018 report indicated that it had no objection to the approval of the requested special exception.

## **VI. COMMUNITY COMMENTS**

Two letters from community members were entered in the record at Exhibits 34 and 37. A request for party status in opposition was filed at Exhibit 46.

Comments from ANC 5D had not been submitted at the time this report was drafted.

Attachment: Location Map



Location Map: 1201 Staples Street NE