

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Case Manager  
*JS* Joel Lawson, Associate Director Development Review  
**DATE:** January 17, 2020

**SUBJECT:** BZA Case 20187 (1101 5<sup>th</sup> Street, N.W.) to permit a gallery attached to an existing artist studio on the first floor, and expand the residential unit on the second floor

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area variance relief:

- Subtitle F § 302.1, Floor Area Ratio (maximum 1.8 permitted; 2.0 existing; 2.25 proposed); and
- Subtitle F § 304.1, Lot Occupancy (maximum 60 percent permitted; 75 percent existing on second floor; 100 percent proposed); and

OP recommends **approval** of the following special exception relief:

- Subtitle U § 420.1(b), to permit an art gallery/studio on the ground floor.

### **II. LOCATION AND SITE DESCRIPTION**

Address	1101 5 <sup>th</sup> Street, N.W.
Applicant	Jon-Joseph Russo
Legal Description	Square 514, Lot 849
Ward, ANC	Ward 6, ANC 6E
Zone	RA-2
Historic District	Mount Vernon
Lot Characteristics	Rectangular corner lot with no alley access
Existing Development	Two-story end-unit row building constructed 1890 with an art studio on the first floor, a one-car attached garage constructed in 1928 accessible from L Street, and a one-bedroom apartment on the second floor.

Adjacent Properties	North: Two-story row houses South: Across L Street and New York Avenue, public park and high-rise apartment buildings, some with ground floor retail East: Three-and-a-half story apartment building and an eleven-story hotel building West: Across 5 <sup>th</sup> Street, three-story apartment buildings
Surrounding Neighborhood Character	Mix of moderate to high density residential, including ground level retail, hotels and a police station
Proposed Development	-Convert first floor from an artist studio to an art gallery/studio; -Construct second bedroom over attached garage to expand second floor apartment; and -Add roof deck over the new bedroom for residential use (no relief needed).

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RA-2	Regulation	Existing	Proposed	Relief
Height F § 303.1	50-foot max.	26 feet	29 feet	None Required
Lot Width	None prescribed	16.67 feet	16.67 feet	None Required
Lot Area	None prescribed	1,000 sq.ft.	1,000 sq.ft.	None Required
Floor Area Ratio F § 302	1.8 max.	2.0	2.25	<b>REQUIRED</b>
Lot Occupancy F § 304				
-1 <sup>st</sup> Floor	60% max.	100%	100%	None Required
-2 <sup>nd</sup> Floor	60% max.	75%	100%	<b>REQUIRED</b>
Rear Yard F § 305	15-foot min.	None	None	None Required
Parking C § 701.5	1-space min.	1-space	1-space	None Required

### IV. OFFICE OF PLANNING ANALYSIS

#### a. Variance Relief from Subtitle F § 302.1, Floor Area Ratio and Subtitle F § 304.1, Lot Occupancy

##### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is smaller and narrower than typical for the zone. Originally constructed in 1890 as a one-family residence, the building on the site was converted to a mixed-use (retail/residential) building with an attached garage added to the rear in 1928. The first floor was converted to a store with a one-bedroom apartment on the second floor. That configuration exists today.

The one-bedroom apartment presents challenges to the applicant to use the space as a family unit. The prior conversion of the first floor to a commercial space, including the addition of two large bay windows facing 5<sup>th</sup> Street and the L Street/New York Avenue, make the ground floor less suitable for residential use.

**ii. No Substantial Detriment to the Public Good**

The increase in lot occupancy on the second floor and the overall increase in FAR would be visible from the L Street frontage of the property, where the one-bedroom addition would fill in a vacant space that was created between the original rear wall of the subject property and the side wall of the three-and-one-half story building that was relocated to the rear of and abutting the subject property approximately five years ago. It would not result in a significant intensification of the use of the property, but would provide an additional bedroom without undue impacts on the light or privacy of adjacently properties.

**iii. No Substantial Harm to the Zoning Regulations**

The subject property is small and the resulting FAR would not be out of scale with the neighborhood or out of character with the intent of the RA-2 zone. The long-established non-residential use on the first floor of the property is not well configured for conversion back to residential and is used as an arts production space, a desired use and a special exception in the RA-2. The proposed increase in lot occupancy and FAR would not appear as a “filled-in” rear yard from the street, but rather a part of a continuous street wall along a major thoroughfare. Therefore, there should be no substantial harm to the Zoning Regulations.

**b. Special Exception Relief from Subtitle U § 420.1(b), Art Gallery or Museum**

- (1) *The art gallery or museum shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions;*

The south side of the subject property faces L Street and New York Avenue, a busy high-traffic arterial roadway that includes several 24-hour uses, including a 160-room Homewood Suites hotel and a 24-hour Safeway supermarket, both within a block of the subject property. Hours of the art gallery are proposed to be less than eight hours day, including weekends. Therefore, the proposed use should not become objectionable to adjacent properties.

- (2) *The Board of Zoning Adjustment shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings;*

The applicant anticipates that between two and four people would visit the art gallery per hour. Group openings would occur one Friday per month between six and nine o'clock in the evening only. As the group openings would be limited in frequency and hours, any impacts to the neighborhood should be minimal.

- (3) *Adequate off-street parking shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile;*

The property includes one off-street parking space in the attached garage for the residence. Visitors to the art gallery would have the option of parking within the public parking garage beneath the Safeway at the southeast corner of 5<sup>th</sup> Street and L Street, or taking advantage of on-street metered parking. The site is also served by six Metrobus lines, and is located approximately one-quarter mile from the Mount Vernon Square Metrorail station and less than one-half mile from the Gallery Place Metrorail station.

- (4) *The proposed use shall not adversely affect the present character or future development of the surrounding area; and*

The proposed use would allow for the applicant to maintain a “maker space” use within the building that would serve as cultural arts use, positively affecting the character and diversification of use within the neighborhood.

- (5) *The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties;*

OP makes no recommendations for special treatment.

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

The Historic Preservation Office informed the Development Review Division that the proposal would be subject to a staff level review.

No other District agency comments were submitted to the record as of the date of the filing of this report.

## **VI. COMMUNITY COMMENTS TO DATE**

ANC 6E, at its regularly scheduled meeting of December 3, 2019, voted to support the application. (Exhibit 24)

Two letters were submitted to the file in support of the application. (Exhibit 26 and Exhibit 27)

Attachment: Location Map

