



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



February 25, 2020

Mr. Clifford Moy, Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4 th St. NW, Suite 210
Washington, DC 20001

Re: Re: BZA Case No. 20190 (653 8th St NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting¹ on January 9, 2020, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to a) support the Applicant's request for relief from the setback requirements for the roof equipment and b) oppose the Applicant's request to add a fourth unit to a three-unit apartment building in a RF-1 zone as described in the December 13, 2019 Referral Memorandum to ANC 6A. The addition of a fourth unit to this apartment building at 653 8th Street, N.E. (Square 913, Lot 175) would reduce the lot area per unit to far below the standards articulated by Title 11 of the DCMR. The Commission has heard from multiple neighbors who oppose the proposed relief and who expressed concern for the added density and the impact on the adjacent property where bedroom windows would be unduly impacted by the proposed additional unit.

The subject lot sits in a RF-1 zone. The total land area of the lot is 1140 sq. ft. The existing building currently has three (3) residential units with 380 sq. ft. of lot area per unit. The addition of a fourth unit would result in a twenty-five percent (25%) reduction of lot area per unit, down to 285 sq. ft. per unit. That is well below the standards as articulated in Subtitle U § 320.2 and E § 201.4. In determining whether to grant a special exception in this case the BZA must consider whether the relief sought meets the conditions and intent of those sections of the zoning code. The Board of Zoning Adjustment (BZA) may grant a special exception pursuant to Subtitle X § 901.2 where the special exception will (1) 'be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps' and (2) 'meet such special conditions as may be specified in this title'.

The intent of the Zoning Regulations and the special conditions that must be met in this case are set forth in Subtitles E § 201.4: An apartment house in an RF-1, RF-2, or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc6a@yahoogroups.com, and newhilleast@groups.io, at www.anc6a.org, and through print advertisements in the Hill Rag.



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new. This application does not meet the condition that there be 900 sq. ft. of lot area per unit nor does it meet the intent of Subtitle § 201.4 which is to prohibit expansion of a multi-unit dwelling in an RF-1 zone which does not have 900 sq. ft. per unit. As correctly stated in the Referral Memorandum to ANC 6A and others, Subtitle U § 320.2 is a section of the zoning code that applies to this case.

A special exception is permitted by Subtitle U § 320.2(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 (emphasis added). The phrase 'this section' refers to Subtitle U § 320.2 in its entirety.

Thus, the increase in the number of units is prohibited since the application does not meet the requirements of U § 320.2(d): There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit; For the reasons stated above ANC 6A recommends denial of special exception for the application in BZA Case No. 20190.

Please be advised that Brad Greenfield, Nick Alberti and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at amberanc6a@gmail.com and Mr. Greenfield can be contacted at brad.greenfield@gmail.com.

On behalf of the Commission,

Amber Gove
Chair, Advisory Neighborhood Commission 6A