

ANC 1C Resolution to Oppose and Appeal of B2005159 for 1808 Ontario Place NW

(RF-1 REGULATIONS)

Whereas Lanier Heights, in Advisory Neighborhood Commission 1C, in Adams Morgan, was rezoned to RF-1 in 2016 to control density and preserve the character of the neighborhood’s residential single-family homes while permitting conversion of row houses to flats (2 units); and

RF-1 zoning regulations read: “the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.” (Subtitle E-303.1);

(THE PROPERTY)

whereas 1808 Ontario Place NW is currently a vacant, 3-story, single family rowhouse, slated for redevelopment as 2 dwelling units, which is in compliance with Subtitle E-302; and

The DCRA Zoning Administrator (ZA) approved permit application (B2005159) on DATE, which improperly authorizes construction of a four story, 41 feet tall building, in violation of Subtitle E-303.1;

(OVERVIEW OF THE ZONING VIOLATIONS)

whereas this violation is attributable to the ZA’s interpretation to allow the building height to be measured at the natural grade in front of and outside the 7+ foot wide areaway. The proper measurement location is at the finished grade at the face of the building, within the areaway. In doing so, the Zoning Administrator improperly defines the “areaway” as an “existing, non-conforming, exception to grade.” This is contrary to Zoning Commission rule ZC 17-18 (adopted in 2018) and the ZA’s long-standing interpretation that excludes areaways as measurement points only when they project no more than 5 feet from the building face. Again, the areaway at 1808 Ontario Place NW is 7+ feet from the building face; and

With this ruling, the ZA eviscerates the newly minted language of the zoning regulations, which were put into place to prevent the illegal spread of 4 -story buildings in RF neighborhoods; and

(ZONING REGULATION VIOLATIONS IN DETAIL)

whereas the specific zoning definitions and regulations that are violated are: Building Height Measurement Point (BHMP); Areaway; and Exceptions to Grade. What follows is a description of each violation.

Zoning Regulation	ZA Consistent with Regulation
B-308.2. BHMP adjacent to building façade at lower of natural or finished grade	No
B-100.2. Areaway is open to the sky at top	No
B-100.2. Exception to grade for areaways that project <5’ from building face	No

- **BHMP.** The BHMP is improperly taken at the natural grade at the top of the stairs to the lower level entryway. This is contrary to Subtitle B-308.2, which locates the BHMP adjacent to “the mid-point of the building façade” at the lower of natural or finished grade. At 1808 Ontario Place NW, the natural grade adjacent to the mid-point of the building

façade is at an excavated under-porch storage area, which is defined by a retaining wall that is more than 7' away from the facade. The proposed finished grade elevation in this area is an additional 2 feet lower.

- **AREAWAY.** The excavated area under the porch does not meet the current zoning definition that prescribes areaways to be “open at the top or protected at the top by a grating or guard.”
- **EXCEPTIONS TO GRADE.** The excavation under the porch projects more than 7 feet from the building façade and is improperly deemed to be an “exception to grade,” which B-100.2 defines as an areaway that “projects no more than five feet (5 ft.) from the building face.”

Be it resolved that Advisory Neighborhood Commission 1C

opposes the proposed and unlawful expansion of the property at 1808 Ontario Place NW;

appeals the Zoning Administrator’s permit for Application B2005159; and

authorizes any ANC 1C Commissioner(s) or their expert designee(s) to oppose and appeal B2005159.

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RELEVANT ZONING REGULATIONS

B 100.2

Building Height Measuring Point (BHMP): The point used in measuring building heights in a zone in accordance with §§ 307 or 308 of this subtitle except as may be stated elsewhere in this title, as applicable, and subject to limitations in the regulations.

B 308.2

The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line. For any excavations projecting from the building's façade other than an exception to grade as defined at 11-B DCMR § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

B 100.2

Grade, Exceptions to: The following are exceptions to "Finished Grade" and "Natural Grade" as those terms are defined below:

- (a) A window well that projects no more than four feet (4 ft.) from the building face; and
- (b) An areaway that provides direct access to an entrance and, excluding associated stairs or ramps, projects no more than five feet (5 ft.) from the building face.

E-302.1

In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.

E-303 HEIGHT

303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.