

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 19, 2012

SUBJECT: BZA Case No.18365 – 1250 9th Street, NW -- Square 368 Lots 912, 891

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I. OFFICE OF PLANNING (OP) RECOMMENDATION

OP recommends the Board of Zoning Adjustment (BZA) approve the following requested variances for a proposed residential and retail addition to the existing building at 1250 9th Street, NW and the construction of a new flat in the 900 block of N Street, NW. The site is in the C-2-A district.

BOARD OF ZONING ADJUSTMENT District of Columbia				
Section	Topic	Permitted /Required	Existing	Proposed
770.1	Height	50 ft. maximum	approx. 29', measured from N St.	56 feet to parapet
2101.1	parking	34 total (1 per 2 du's) 33 for mixed use building; 1 for flat	none	33 provided for future mixed use building on one proposed future lot. Will conform. O spaces provided for future flat on second proposed lot. Relief requested for one space.

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OP cannot, at this time, recommend Board approval of the following requested relief.

Section	Topic	Permitted /Required	Existing	Proposed
2604.1	FAR with IZ	3.0 total, 1.5 non- residential	0.96	3.4 blended total for entire site; 3. for future mixed use multi-family and retail with historic property.

This OP report analyzes the updated June 6, 2012 plans, which no longer include a previous lot occupancy relief request.

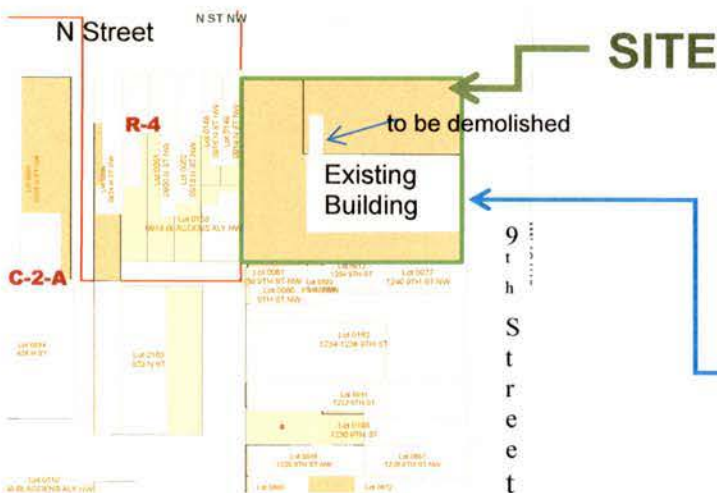
II. AREA AND SITE DESCRIPTION

Fig. 1: Location and Existing Building



Board of Zoning Adjustment
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CASE NO.18365
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Applicant: CAS Riegler Real Estate Development		Legal Description: Sq.368, Lots 892, 912	
Address: 1250 9 th Street, NW		Ward: 2	ANC: 2F (06)
Zoning: C-2-A		Historic Preservation: Blagden Alley / Naylor Court	
Lot Features	The 17,259 square foot site on the southwest corner of 9 th and N Streets, NW measures 120' by 143'. It is flat, divided into two lots that will be re-subdivided, and has a vacant three story building fronting the center of the 9 th Street frontage. For historic preservation reasons most of this building must be retained, but other structures may be demolished.		
Adjacent Properties	<u>North and South:</u> Two to four story mixed use structures undergoing renovation. <u>East:</u> The Washington Convention Center. <u>West:</u> Row houses, flats and apartment buildings.		
Neighborhood Character	A moderate-scaled mixed use late 19 th to early 21st century neighborhood with large, contemporary buildings serving city-wide purposes to the east, northeast and south. The latter include the convention center, and nearby hotels, and the mixed use development being constructed near the former city market at 9 th and O Streets, NW.		
Proposal	The project is across 9th Street from the Washington Convention Center and is in the C-2-A zone and the Blagden Alley / Naylor Court historic district. The site comprises two lots that would be re-subdivided after construction. After demolition of non-historic structures, the applicant would renovate the majority of the existing three story building fronting 9th Street, construct a U-shaped addition to the rear and either side around a closed courtyard, and on a separate lot on the northwest corner of the site, construct a flat facing N Street. . The 6/12/2012 submission states that the completed multi-family building - with its additions ranging from four stories on the south to five stories on the west and north - would have 66 residences, 6,689 to 7,049 square feet of ground floor retail space at the corner of 9th and N Streets, and 33 underground residential parking spaces entered from an existing curb cut on N Street. No loading is required. The separate two-unit flat would be four stories tall. The original filing proposed a building of the same overall height, additions and general size, with 22 apartments, a flat, 5,782 SF of retail and one fewer floors on the portion of the addition that would be south of the existing building.		

III. ZONING REQUIREMENTS and REQUESTED RELIEF

	Required / Permitted	Existing	Proposed	Relief
Lot Area	none	17,259sf	Same	none
Lot Width	None	143' x 120'	Subdivision into one 124'1" x 120' lot and one 18'11" x 120' lot	none
Lot Occ. Sec. 2604.2	75% residential	Not provided	75%	None
FAR Sec. 2604.1	3.0	0.96 (16,587 sf)	3.4 blending 2 lots, 3.46 on one of two future lots	0.46 FAR requested
Height Sec. 770.1	50'	Approx. 29', from N St.	56' listed in application	6' requested
Parking Sec. 2101.1	33 spaces for future multi-family lot and 1 for future flat lot (1 per 2 du's)	0	33 spaces for multi-family lot. 0 spaces for flat's lot.	1 space relief requested for flat.
Loading	not required. Addition to historic.	0	none	None
Rear Yard	Below 20', 15' from center of alley; Above 20', 15' from rear prop line	Not provided	19 ft.	none
Side Yard	None	n/a	0	None
Open Ct.	n/a	n/a	n/a	
Closed Ct.	15 ft. (width as above; area = 2(req. width) squared, ≥ 350 sf)	None	31.6 ft.	0
Roof Structures	Area ≤ 0.37 FAR, 1/3 roof area One enclosure Equal height walls $\leq 18.5'$ 1:1 setback	Not provided	Not clear (see sheet A1.6)	None requested

Zoning Requirements and Relief Requested, as of June 15, 2012. Information supplied by applicant.

The project is also subject to the Inclusionary Zoning requirements for construction in the C-2-A zone.

IV. OFFICE OF PLANNING ANALYSIS

A. DEVELOPMENT REVIEW

1. Exceptional Situation
2. Resulting in a Practical Difficulty

§ 770.1, Height: The applicant has demonstrated that there are exceptional constraints that would result in practical difficulties if relief were not granted to exceed the zone's height limit. The applicant has explained that a combination of physical factors for this combination of renovation and addition precludes this project from being able to achieve five floors within the fifty foot zoning height limit, unlike projects where there is only new construction. The factors include:

- the location of the approximately 50-foot square historic building near the center of the 9th Street frontage,
- the upper-story and south-side setbacks and step-downs required by historic review, and
- the need to match floor heights between the existing building and the new addition.

§ 2604.1, FAR: At this time OP cannot recommend the Board approve the requested relief from FAR regulations because the applicant has not demonstrated that it meets the combination of the first and second variance tests.

The applicant has demonstrated exceptional conditions impacting FAR. These include the courtyard configuration resulting from the requirement to preserve most of the historic structure, the need to construct FAR-countable bridges to connect corridors on either side of the courtyard, the inability to achieve more than 2.83 FAR on the future multi-family lot within the four floors that could both match the elevation of the existing building's floors and that could be constructed without exceeding 50 feet, and the requirement that even a partial fifth floor have connections to the fire stairs on both sides of the courtyard. The IZ requirements do not constitute an exceptional condition.

However, although the applicant has demonstrated exceptional conditions, the applicant has not demonstrated how they lead to practical difficulties if FAR relief is not granted.

If the applicant provides information substantiating the difficulties resulting from the exceptional conditions, OP would attempt to analyze this in time for the public hearing. It would also be useful for the applicant to provide information about the square footage / FAR that would be attributable to the fifth floor amenity space.

§ 2101.1, Parking: The applicant has explained the logic of the proposed re-subdivision of the lots. Within the context of the planned new lots the applicant has demonstrated the exceptional conditions that would lead to a practical difficulty in providing parking for the flat. The new 18'11" wide lot on N Street would not have vehicular access from the side or the rear. A curb cut serving a garage for the flat would be almost contiguous with the existing curb cut that would serve the garage for the proposed multi-family building. Such a length of driveway entrances could be unsafe for pedestrians, incongruent with the historic district, and would eliminate as much street parking as would be gained on-site..

3. No Substantial Detriment to the Public Good

No substantial detriment to the public good is anticipated from the Board's granting any of the requested relief. The proposed construction in a revitalizing neighborhood adjacent to downtown would revitalize underused lots and a vacant building, provide 68 new residential units, develop retail space on a street designated for commercial development, and fill in a "gap" in the N Street block-face. Granting relief from one parking space on a site located one block from a Metro would not have a substantial detriment for the public. With respect to height and FAR, OP notes while the zoning for the site and the block provide for 50 feet and 3.0 FAR, there are at least eight buildings that are completed or under construction within two blocks of the site that are 90 feet high or taller, including the Convention Center directly across 9th Street from the site. Accordingly, the amount of increased height and FAR is not likely to lead to the project's being out of context.

4. No Substantial Harm to the Zoning Regulations

No substantial harm to the zoning regulations is anticipated from the granting of relief from § 770.1 (height) and § 2101.1 (parking), provided the applicant satisfactorily explains why the construction atop the fifth floor should not be included in calculations of height.

However, there could be substantial harm to the regulations if the requested relief were granted from § 2604.1 (FAR) without the applicant's having demonstrated how the exceptional conditions lead to a practical difficulty without the granting of the 0.46 additional FAR.

B. HISTORIC PRESERVATION

The property is in the Blagden Alley/Naylor Court Historic District and has been given concept review by the Historic Preservation Review Board with the proviso that the applicant “return to the Board to provide renderings and elevations that clearly show the appearance and effect of any penthouses and roof structures...”.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) will be filing a report prior to the hearing. DDOT has indicated that will not recommend denial of the requested parking relief, but that it will need to work with the applicant to ensure appropriate pedestrian safety measures for the garage entrances.

OP is not aware of any other agency having filed or intending to file a report with the Office of Zoning.

VI. COMMUNITY COMMENTS

On May 30, 2012, the Blagden Alley Naylor Court Association voted to support the design in conjunction with the then-upcoming HPRB review.

As of June 14, 2012 there were no other community comments on file with the Office of Zoning.