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June 12, 2012

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: BZA Case No. 18365 – Applicant's Prehearing Statement

Dear Members of the Board:

Enclosed please find one original and 20 copies of the Applicant's prehearing statement in the above-referenced case. The Applicant is requesting area variance relief to construct a residential project. This case is scheduled for a public hearing on June 26, 2012.

In the original application, the Applicant requested a variance for lot occupancy relief. Since filing the original application, the Applicant has revised the plans. The resulting design does not require relief from the lot occupancy requirement, so the Applicant no longer requests such variance relief.

Should you or your staff have any questions, please do not hesitate to contact me.

Sincerely,



Cary R. Kadlecik

Enclosures
DCDOCS\7062449.1

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18365
EXHIBIT NO. 25

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2012, copies of the attached letter and enclosures were delivered via messenger or U.S. Mail to the following:

Stephen Cochran
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024

ANC 2F
5 Thomas Circle NW
Washington, DC 20005



Cary Kadlecek

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of CAS Riegler Real Estate Development
ANC 2F

BZA Application No. 18365
Hearing Date: June 26, 2012

APPLICANT'S PRE-HEARING STATEMENT

This is the pre-hearing statement of CAS Riegler Real Estate Development (collectively, the "**Applicant**") for variance relief to allow the construction of a project consisting of a mixed-use multifamily residential building with ground-floor retail and a separate flat. The property that is the subject of this application is 1250 9th Street, NW and 902 N Street, NW (Square 368, Lots 912 & 891) (the "**Property**").

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment ("**BZA**" or "**Board**") approve variances from the following three sections of the Zoning Regulations¹:

1. Section 770.1 (height): The maximum permitted height is 50 feet.
The proposed building height is 56 feet.
2. Section 2604.1 (floor area ratio): The maximum permitted FAR, as modified by this section, is 3.0. The proposed blended FAR for the project is 3.4 (3.46 for the multifamily building and 2.48 for the flat).
3. Section 2101.1 (off-street parking): The required parking for the flat is one space.² The proposed plan provides no parking for the flat.

¹ The original application also included a request for relief from the lot occupancy standard in Section 2604.2, but the Applicant no longer requests that relief.

² The original application requested relief from five parking spaces for the multifamily building and the flat. Now only the separate flat does not provide sufficient off-street parking.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3103.2 of the Zoning Regulations (11 DCMR § 3103.2).

III. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located in the Shaw neighborhood of Ward 2 and contains a total of approximately 17,259 square feet of land area. The Property is a corner lot bounded by N Street to the north, a two-story vacant building to the south, 9th Street to the east, and a row dwelling and industrial buildings to the west. Directly across 9th Street is the Washington Convention Center.

The Property is partially improved with a three-story brick building constructed in the first decades of the 20th Century. The remainder of the Property is either unimproved or used as a nursery. The building was once an apartment building, but it has long been vacant. The Property is included in the Shaw and Blagden Alley / Naylor Court Historic Districts, and the building contributes to those historic districts.

The surrounding area is a mix of residential, commercial, and municipal uses. To the west, the neighborhood is primarily moderate density residential with two- and three-story townhouses and flats. To the north and south along 9th Street, the neighborhood is characterized by moderate density commercial uses, such as retail stores and small offices. Across 9th Street is the large Washington Convention Center. Other nearby blocks along 9th Street have similar characteristics, and one block to the south is the Whitman residential building, which is nine stories tall.

IV. THE PROPOSED PROJECT

The proposed project will add to the existing historic building to construct a mixed-use residential building with ground-floor retail and will construct a separate flat; both buildings will be

developed as one project. Architectural plans for the project are included in Exhibit A. The existing lots will be subdivided to create two record lots: one for the mixed-use building (approximately 16,317 square feet) and one for the flat (approximately 958 square feet). This subdivision will best accommodate using the existing curb cut on N Street and then allow for the filling-in of a gap on the N Street streetscape between the curb cut and the adjacent row dwelling to the west. Eliminating a gap in the streetscape is an important policy goal for both historic districts and pedestrian-oriented planning.

The mixed-use building will incorporate the existing historic building and will include an addition to it (the “**Main Building**”). The Main Building will include approximately 66 residential units in five stories and, along the 9th and N Street façades, will provide ground-floor retail with a ground-floor ceiling height of 14 feet. The Main Building will attain a height of 56 feet, an FAR of 3.46, and a conforming lot occupancy of 75%. It will provide 33 parking spaces in an underground garage. A separate four-story flat will be constructed as part of the project on a new lot at the northwest corner of the Property (the “**Flat**”). Except for not providing the one required off-street parking space, the Flat will be conforming. Since both buildings are being developed as one project, the true density of the project is its blended FAR of 3.4.

The Main Building will incorporate and surround the majority of the existing historic building, but the fourth and fifth floors will be set back above the historic building to preserve the façade and fabric of the historic building. The fourth floor will be set back ten feet or a 1:1 ratio, and the fifth floor setback from the historic façade will be a total of 23 feet. The Main Building will have a “U” shape with a large, private interior courtyard upon which many of the residential units will open, and it will be available for residents to use recreationally. Residential units will be on all five floors, with first-floor units opening onto the courtyard.

The Main Building will be separated from the adjacent residential neighborhood to the west by 19 feet, where the Flat will provide an additional buffer between the Main Building and the neighboring residential properties to the west. Automobile and bicycle parking will be in an underground facility accessed via a ramp and existing curb cut on N Street. The underground garage will not occupy the entire building footprint in order to preserve most of the historic building's fabric.

The Flat will be located at the northwest corner of the site, just west of the parking entrance. It will be on a separate record lot even though it is part of the same overall project. The Flat will be on a separate lot because feasible design, historic preservation accommodations, and compliance with life safety and Building Code requirements are not feasible if the Main Building included the area of the Flat's lot. The Flat will be four stories tall and will contain approximately 2,377 gross square feet. There will be no off-street parking for the Flat.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF

The burden of proof for area variance relief is well established. The Applicant must demonstrate that (1) the property is affected by an exceptional or extraordinary situation or condition, that (2) the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that (3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. Palmer v. D.C. Bd. of Zoning Adj., 287 A.2d 535, 541 (D.C. 1972). As discussed in detail below, this application meets the three-part test for area variance relief.

A. The Property is Affected by an Exceptional Condition

The Court of Appeals held in Clerics of St. Viator v. D.C. Bd. of Zoning Adj., 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the property, not just the land. The Court in Monaco v. D.C. Bd. of Zoning Adj., 407 A.2d 1091 (D.C. 1979) went even

further and noted that the exceptional situation or condition is not limited to the land or the physical improvements on the land, but applies also to the history of the property. Furthermore, the Court of Appeals held in Gilmartin v. D.C. Board of Zoning Adjustment, 579 A.2d 1164, 1167 (D.C. 1990), that it is not necessary that the exceptional situation or condition arise from a single situation or condition on the property. Rather, it may arise from a “confluence of factors.” Id. Finally, it is not necessary that the Property be unreservedly unique. Rather, applicants must prove that a property is affected by a condition that is unique to the property and not related to general conditions in the neighborhood.

The Property’s exceptional condition arises from the combination of its size and the existing contributing historic building in the center of the site. The Property is considerably larger than most other lots in its vicinity, as shown in Exhibit B. As discussed previously, this neighborhood, especially west of 9th Street, is characterized primarily by row dwellings, flats, and small apartment buildings on small lots. Indeed, the Property contains more land area than any other lot in the Square. Thus, by comparison, the Property is uniquely large for a neighborhood that typically contains much smaller lots, even for the commercially-zoned properties along 9th Street.

Since the Property is so large, it would normally allow for a large range of development potential and more typical layouts. However, the presence and extensive preservation of the large contributing historic building near the center of the Property along 9th Street creates a unique condition and limits any redevelopment. The existing building contains approximately 16,587 gross square feet, and, as required by the HPRB concept approval, the proposed project will preserve most of that structure.³ Further, the historic building is nearly in the center of the Property’s 9th Street frontage, which creates a unique and challenging situation for constructing an addition on three of its sides and above it, as opposed to just one side of it, which is more typical. The historic

³ The HPRB approved the project’s design concept on May 31, 2012. The Staff Report is attached as Exhibit C.

building occupies approximately 50.5 feet of 9th Street frontage and has a depth of approximately 50.25 feet, the vast majority of which will be preserved. The Property is only approximately 142 feet deep. Thus, the Property is characterized by the presence and required retention of a wide and deep historic structure in the center of the site surrounded by an unusually large amount of land area on three sides. This distinguishes it from any other property in its vicinity.

B. Strict Application of the Zoning Regulations would Result in a Practical Difficulty

The appropriate test is whether the strict application of the zoning regulations results in a “practical difficulty.” In reviewing the standard for practical difficulty, the D.C. Court of Appeals stated in Palmer v. Board of Zoning Adjustment, 287 A.2d 535, 542 (D.C. App. 1972), that “[g]enerally it must be shown that compliance with the area restriction would be unnecessarily burdensome. [Footnote omitted.] The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case.” In area variances, applicants are not required to show “undue hardship” but must satisfy only “the lower ‘practical difficulty’ standards.” Tyler v. D.C. Bd. of Zoning Adj., 606 A.2d 1362, 1365 (D.C. 1992) (citing Gilmartin v. Bd. of Zoning Adj., 579 A.2d 1164, 1167 (D.C. 1990)). Finally, it is well settled that the BZA may consider “a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty’ . . . Increased expense and inconvenience to applicant for a variance are among the factors for BZA's consideration.” Gilmartin, 579 A.2d at 1171 (citing Barbour v. D.C. Bd. of Zoning Adj., 358 A.2d 326, 327 (D.C. 1976)); see also Tyler v. D.C. Bd. of Zoning Adj., 606 A.2d 1362, 1367 (D.C. 1992). Other factors to be considered by the BZA include: “the severity of the variance(s) requested”; “the weight of the burden of strict compliance”; and “the effect the proposed variance(s) would have on the overall zone plan.” Gilmartin, 579 A.2d at 1171. Thus, to demonstrate practical difficulty, an applicant must show that strict compliance with the regulations is burdensome, not impossible.

In this case, complying with the Zoning Regulations with respect to height, FAR, and off-street parking would create a practical difficulty for the Applicant. The exceptional condition affecting the Property results in a project design that is not otherwise feasible without the requested areas of relief. Extensive preservation of the existing historic building and the fourth and fifth floor setbacks above it result in a building with more height and FAR than is otherwise permitted. A courtyard design type is the most feasible for the constraints imposed by the size of the Property and the historic building, but this design results in many inefficiencies and historically-sensitive design requirements that can only be accommodated through additional height and density. By constructing the addition on three sides of the existing building on a large lot and by setting back the new fourth and fifth floors above the existing building, the new addition is pushed to other parts of the site in a way that makes a conforming design burdensome.

Because the historic structure must be extensively preserved and the new construction must surround the historic building on such a large lot, the only successful and efficient design typology is for a courtyard-type design. The courtyard design is the most workable solution for the large lot and for preservation of air and light for the residential units. Any other typical design typology would result in a building that would be unable to maximize its full development potential and would, therefore, make it much more burdensome to develop a project that is both economically feasible and accommodates historic design considerations. With the presence of the historic building, no other design type comes even close to the efficiency of the proposed courtyard design. In fact, efficient and good design principles would dictate that this large site is much more suited to a T-shaped building, but the presence of the historic building does not allow for this without significant losses of developable area.

The design is a double-loaded corridor separated by a courtyard from a single-loaded corridor. The courtyard will allow for substantial air and light to all units while allowing for the

preservation of the historic building. Thus, in order to accommodate light, air, an efficient circulation pattern, and the existing structure, the addition is effectively “squeezed” in a way that must be accommodated through additional height and FAR.

Historic preservation accommodations require greater setbacks with each successive floor above the historic building (e.g., the fifth floor is set back a greater distance than the fourth floor). As page A1.0A of Exhibit A illustrates, these setbacks account for nearly 2,782 square feet of area that would otherwise be developable in a typical design without the presence of a historic structure. The result of these setbacks is an inefficient design in which it is necessary to connect the two corridors via a bridge in order to comply with the Building Code. Conforming to historic preservation requirements and providing the setbacks on the fourth and fifth floors allow only for a single-loaded corridor for half of the top two floors. Effectively, because of the historic building, the design takes a double-loaded corridor that would not work here but would otherwise be typical, splits it with the courtyard, and links it with a bridge.

In order to accommodate the connections between the addition and the historic building, the floors of the addition must be raised to meet the higher floor heights in the existing building. In addition, the floor-to-ceiling height of the ground floor retail is 14 feet, which is consistent with marketability of the space to many retail tenants and with planning policies favored by the District, particularly in vibrant and emerging commercial corridors such as 9th Street.⁴ Because the residential floors must have minimum heights of 10.3 feet, these two factors result in the entire addition having to be taller, with the result that the project is slightly taller than the Zoning Regulations otherwise allow. Without the additional six feet of height, the Applicant would face a considerable burden connecting the addition to the existing building without creating a situation where floors must to change heights, thereby creating disjointed corridors with ramps that do not

⁴ The MVT Overlay (Section 1722.5) and the ARTS Overlay (Section 1903.2) require floor-to-ceiling heights of 14 and 15 feet, respectively, for ground floor retail.

comply with the Building Code and ADA requirements; otherwise, the Main Building would have to lose the entire fifth floor.

Further, historic design accommodations result in the bulk of the mass being located at the corner of 9th and N in order to preserve the historic building's character and fabric. Because of the required extensive preservation of the historic building, it is possible to provide a maximum of six units within the actual historic structure. Thus, more of the height and massing must be concentrated at the corner of 9th and N Street and away from the historic building, per historic preservation concerns. This allows for the prominence of the historic building without the look of a wedding cake that the HPRB wanted to avoid. This means that the addition must be over and around the existing building in an unusual way. Therefore, additional height is required to achieve this design while providing heights of 14 feet for the ground floor and 10.3 feet for the residential floors.

Finally, without the additional requested height, the Applicant would face a burden in attracting retail tenants. If the retail space had a lower ground-floor ceiling height, then potential tenants could easily go to other nearby areas (14th Street NW or K Street NW) where such ceiling heights are mandatory.

Like for height, the extensive preservation of the existing building on a large lot necessitates slightly additional FAR without the design being burdensome to the Applicant. The Building Code requires two means of egress in such a courtyard design. The courtyard design, while adding substantial light and air for the residential units and providing for a courtyard, creates an inefficient corridor and circulation pattern to accommodate the required means of egress. As result of pushing the mass toward N Street and away from the historic building, as a means to make the historic building more prominent, the single-loaded corridor next to the double-loaded corridor can be connected efficiently only by a bridge. Without the bridge, it would be very difficult to comply

with the Building Code, which requires that the two corridors be linked together to connect the two stairs and the two masses. Without the bridges (and additional FAR), the design would be highly inefficient because the connecting corridor would be long, circuitous, and would traverse all the way around the building.

As the illustrations and calculations on page A1.0B of Exhibit A show, the approximately 7,021 square feet of floor area dedicated to corridors and bridges counts toward FAR but does not allow for actual occupiable residential space in a way that a conventional design would. In a situation where the historic building did not exist, that much “unprogrammed” floor area would not count against FAR because the building could be designed in a more conventional way that minimizes such “unprogrammed” space. The net result is that additional density needed for non-habitable spaces, corridors, and connecting the two required egress stairs must be counted toward FAR but does not contribute to the overall impact of the building in terms of density.

In order comply with the Zoning Regulations with respect to height and FAR, the Applicant would face a considerable burden by having to lose the entire fifth floor. Without the fifth floor, the building would achieve a FAR of only approximately 2.83, which is well below the maximum 3.0 that is permitted as a matter-of-right. Because of the matching of floor heights and the 14-foot height of the ground floor (discussed above), it is impossible to have a fifth floor that remains within the 50 foot height limit because a conforming fifth floor would be too short to be habitable. For the same reason, it is not possible to just reduce the height of each floor. Further, because of the required 23-foot setback from the historic building, building a partial fifth floor that would conform to FAR would be extremely inefficient and cost-prohibitive. A partial fifth floor would still be required to have the requisite means of egress and service corridors that consume much of the available density (approximately 1,265 square feet); the result basically would be a partial fifth floor that contains little more than corridors and service space.

Particularly in the C-2-A zone where there is no height bonus for Inclusionary Zoning, every bit of the bonus density is essential to a viable project that can provide the requisite affordable units. The loss of the fifth floor would mean that the building would still have the “stick” of having to provide affordable units without the “carrot” of additional density that makes those affordable units possible. Thus, the Applicant would face a considerable burden if it were to comply with the Zoning Regulations with respect to height and FAR.

If the Applicant were to provide the required one space of off-street parking for the Flat, then the Applicant would face a considerable burden rendering the construction of the Flat infeasible. This burden results from the location of the Flat that, itself, results from the size of the Property, the presence of the existing curb cut on N Street, and the preservation of the historic structure that all drove the design of the Main Building. The Flat has no rear access from an alley or street, and the width of the lot would not permit a drive aisle along side of the building. Thus, there is no place to locate a parking space. If the Applicant were required to provide the one required parking space, then it would have to be subterranean and via another curb cut on N Street. For a flat, a single subterranean parking space is not economically feasible, and a curb cut immediate adjacent to that for the Main Building would likely face considerable opposition from the District Department of Transportation. Constructing the Flat would be virtually impossible if the Applicant were required to provide parking space because the resulting lot for the Flat does not reasonably allow for the location of a parking space.

C. Relief can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan

The requested variance relief would not be detrimental to the public good or the Zone Plan. The proposed mixed-use Main Building is compatible with the neighboring buildings, particularly on 9th Street. The properties to the south are not residential and could be developed with similarly tall and dense buildings. In addition, the height and massing of the Main Building are similar to the

Washington Convention Center across 9th Street and are considerably smaller than the Whitman residential, one block south on M Street. The Main Building's design, height, and massing are appropriate for its location. This is all to say that the marginal additional height and FAR for the Main Building will not adversely impact neighboring properties and will be appropriate for its location. The ground-floor retail with residential above fulfills many of the District's planning goals for commercial corridors such as 9th Street. Because the Main Building is on such a large site, the additional height and FAR will not result in a building that appears overly imposing. Also, it will not block light and air to adjacent properties for the same reason. The fourth and fifth floor setbacks above the existing historic building will help reduce the appearance of height and bulk along 9th Street while allowing the design to prominently feature the historic building.

The additional six feet of height will not harm the public good. Indeed, as the elevations on pages A2.1 and A2.3 of Exhibit A illustrate, very little of the actual Main Building mass exceeds 50' in height; it is not the case that the entire façade will be uniformly 56 feet tall. Instead, the height will vary, with only portions exceeding the matter-of-right limit. Thus, for all practical purposes, the appearance and shadows of the Main Building would be only negligibly different than what would be occur if the Main Building's height were matter-of-right. The buffer of the Flat to the west (with its nearly 19-foot wide lot) will effectively eliminate any nominal obstructions of light and air to properties to the west that would otherwise result from the six feet of additional height. Similarly, N Street (80 feet wide) to the north will provide a sufficient buffer to prevent the any nominal obstruction of light and air to properties to the north that would otherwise result from the additional six feet of height.

The additional 0.4 of Property-wide FAR will not harm the public good. As the illustrations and diagrams on pages A1.0A and A1.0B of Exhibit A demonstrate, a large portion

(approximately 12%) of the Main Building's gross floor area is dedicated to necessary unconditioned and circulation space that counts toward FAR. This FAR is not "productive" in the sense that it does not contribute to residential density in a way, such as massing or scale, that impacts the public good. This additional FAR does not allow for additional retail space or residential units, but it is necessary to accommodate a design that incorporates extensive preservation of a historic building in the center of a large lot. Without the "nonproductive" FAR – but not accounting for the other design requirements that resulted in the need additional FAR – the building would have a FAR of approximately 3.0. Thus, the "true" residential space effectively conforms to the matter-of-right limit.

The requested parking relief for one space for the Flat will not adversely affect the availability of on-street parking in the neighborhood or the public good. The amount of off-street parking provided in the Main Building satisfies the minimum requirement for both the Main Building and the Flat, but relief is required for the Flat since parking is not provided on the same lot. Nevertheless, given the location of Flat, it is unlikely that residents would demand much parking, if any at all. The Mt. Vernon Square – Convention Center Metro station is approximately two blocks away. A Capital Bikeshare station is approximately two blocks away. In addition, Metrobus and Circulator lines run along 9th Street directly in front of the Property. Many services, such as a grocery store, drug store, and restaurants are within ¼ mile of the Property. Accordingly, the Applicant anticipates that the demand for parking will be very limited. In the event that parking is necessary, the Main Building has at least one space in excess of its required minimum, so a space could be used by the Flat with no impact on the public good.

The proposed variances would not impair the intent of the Zoning Regulations. The design that results from the retention and incorporation of the historic structure on a large lot necessitates

the requested height, FAR, and parking variances. As demonstrated above, complying with these three zoning standards would be *burdensome* because of the Property's exceptional condition. Since the standard for the practical difficulty element of the variance test (as articulated in the Zoning Regulations and as clarified by the courts) is that complying with the Zoning Regulations is burdensome, successfully satisfying this standard means that the requested variances do not impair the intent of the Zoning Regulations. In addition, it is worth noting that this is one of the first (if only) new construction projects in the C-2-A zone since the adoption of Inclusionary Zoning, and the requested relief is critical to providing the affordable housing. Finally, the Property's designation on the Future Land Use Map is mixed-use medium density residential / medium density commercial, with which the proposed project is consistent.

VI. EXHIBITS

EXHIBIT A	Architectural Plans and Drawings
EXHIBIT B	Illustration of other Lots in Square 368
EXHIBIT C	HPO Staff Report

VII. CONCLUSION

Because of the foregoing reasons, this application satisfies the criteria for area variance relief and respectfully requests that the Board approve this application.

Respectfully submitted,
GOULSTON & STORRS, P.C.


John Epting


Cary Kadlec

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	1250 9th Street NW	(X) Agenda
Landmark/District:	Shaw Historic District, Blagden Alley/Naylor Court Historic District	() Consent Calendar
ANC:	2F	() Denial Calendar
Meeting Date:	May 31, 2012	(X) Concept Review
H.P.A. Number:	#12-301	(X) Alteration
Staff Reviewer:	Brendan Meyer	(X) New Construction
		(X) Demolition
		(X) Subdivision

The applicant, owner CAS Riegler and CityInterests, seeks concept review for a new five-story with penthouse, multi-unit residential building with a commercial ground floor. The new construction will surround and be built partially on top of an existing apartment building at 1250 9th Street NW which is a contributing property in both the Shaw and Blagden Alley/Naylor Court Historic Districts. Plans were prepared by PGN Architects, PLLC.

Property Description and Context

The project site will join two lots at the southwest corner of 9th and N Streets NW. The corner lot at 902 N Street is mostly vacant, but the rear is occupied by the remnants of a Mission style gas station built in 1931 which is listed as a contributing structure in the application for the historic district. The site is used as a temporary garden supply store. The second lot at 1250 9th Street is L-shaped, wrapping around 902 N Street and fronts on both 9th and N streets. On it stands a three-story brick colonial revival apartment building built in 1923 and designed by Upman & Adams. The original T-shaped plan and ground floor have been highly altered by a circa 1950 large brick and CMU rear addition.

This part of 9th Street NW is representative of more than 150 years of development along a major commercial corridor. Victorian rowhouses dating from 1870 to 1890 survived as commercial uses were introduced after 1920. Interspersed among the two and three-story rowhouses are smaller one and two story commercial structures and an early automotive showroom. Taken together, the immediate blocks are a diverse collection of heights, materials and architectural styles reflective of the accretion of generations of development. The same variety of height and form is also seen on the 900 block of N Street, with no one style or type of rowhouse dominating.

The opposite side of 9th Street is dominated by the Walter E. Washington Convention Center which spans between 7th and 9th Streets from Mount Vernon Square to N Street. As a series of diminishing volumes, the Convention Center stands about 40 feet tall at its north end across from the project site.

Proposal

The design breaks the project down into several distinct components in order to give the project the appearance of several medium sized buildings. Ninth Street would be the primary retail face of the building with individual entrances along the length of the street. The retail spaces would extend past, and incorporate, the original footprint of the 1923 apartment building. Behind the retail spaces, a 30 x 120 foot enclosed courtyard parallel to 9th Street would be the center piece of the residential component and have its main entrance at N Street. Floors above the

ground floor would have residential units served by an H-plan corridor system, part of which would be elevated above the open courtyard.

The complex is anchored at the corner by a five story brick and stone block tower with metal and glass bays. The corner element is capped by a prominent gull-wing metal canopy stemming from a steel pier that runs continuously from just above the ground floor. The fifty foot wide face on 9th Street is dominated by the metal and glass skin which projects into public space above the ground floor. The same materials are carried around the corner and along the 130 foot length of N Street, with the relationship inverted so that the metal and glass sections are set on the property line while the brick and stone sections are the projections. The arrangement on N Street produces three brick projections framed by giant order piers with large industrial style windows. The bay farthest west houses the main entrance to the courtyard and the residential lobby and is demarcated by a steel canopy.

Both the south flank and west flank of the project are held down by sections that appear as separate buildings. On 9th Street, a 19 foot wide 4-story brick façade is punctuated by a 2-story central oriel that projects above a single storefront at the ground floor. On N Street, a fee-simple 16-foot wide brick residential building has been carved out and is a contemporary version of a Washington projecting bay rowhouse.

Upper floors include a number of setbacks to provide relief above the historic apartment building. Along 9th Street the fourth-story is setback ten feet and the fifth-story is setback an additional 13 feet. Both floors, unlike the other brick and steel façade elements, are to be clad in fiber cement panels and include glass railings.

A penthouse--which is not rendered in elevation but is shown in roof plan (Drawing 20) and section (Drawing 11)—would be setback a total of 32 feet from 9th Street.

Evaluation

The variation of forms, materials and arrangement of projections successfully breaks down the new construction into smaller pieces that relate harmoniously in size and scale to the historic buildings on 9th and N Street. The historic 1923 apartment building is surrounded by the taller new construction on either side at a scale not out of character for the varied heights found in this part of the historic district.

What could have been a very problematic “wedding cake” profile of successive setbacks on the south end of the project has been significantly mitigated by the separate four-story component south of the 1923 apartment building. It acts as a bookend to the overall composition and blocks the long sight lines along 9th Street from the south.

The arrangement and orientation of the corner coupled with the long N Street elevation infer a building of medium size, broken down by projections and balconies. It offers a contemporary primary facade to the 9th Street thoroughfare, which relating to the rowhouses on N Street with its repetitive masonry forms. Here again, the project is successfully bookended, but in this case with a rowhouse form that steps down to the smaller heights of the historic rowhouses.

While the amount of demolition to the 1923 apartment building is not substantial, the project would result in the demolition of what remains of the 1931 gas station. However, the integrity of the gas station is significantly compromised by large portions of demolition to offices, ancillary

facilities and site layout. The surviving remnant stands without context and should be determined a non-contributing structure to either historic district.

The visibility and impact of the penthouse floors above the subject historic building and the other historic buildings along 9th Street is difficult to determine without including them in the elevations and perspective renderings as seen from the south. The sight line studies for 9th Street and the perspective rendering of the N Street view both indicate visible penthouses. The HPO recommends that HPRB require that prior to making a final determination on the compatibility of the proposal additional renderings be prepared that unambiguously exhibit the significance that all penthouses will have on the historic district.

Recommendation

The HPO recommends that the Board determine the existing structure at 902 N Street NW to be a non-contributing structure in the Shaw Historic District and a non-contributing structure in the Blagden Alley/Naylor Court Historic District.¹

The HPO recommends that the Board find the extent of removal of the rear portion of 1923 apartment building at 1250 9th Street, NW to constitute an acceptable level of alteration to the building, not constituting demolition under the act.

The HPO recommends that the Board find the general concept for the proposed five-story building compatible with the historic district, but direct the applicant to return to the Board to provide renderings and elevations that clearly show the appearance and effect of any penthouses and roof structures before the Board delegates final approval to staff.

No part of this recommendation shall be construed as a recommendation for approval or disapproval for any necessary zoning relief or interpretation.

¹ *Certification of buildings proposed for demolition, DCMR 10A, 705.2. Considerations for determining non-contributing status, DCMR 10A, 703.1(a), (b).*