

Schauer et al , Opposition Party  
BZA #18852/18853

January 20, 2014

**RE: SBUrban (the Applicant) is not compliant with the Loading Facilities requirement, per 11 DCMR § 2200.**

Dear Members of the BZA,

We want to bring to your attention that, as currently proposed, the M St Lot part of the project fails to comply with 11 DCMR § 2200, which requires the applicant to provide loading facilities.

The Applicant asserts that the M St property is exempt from the loading facilities requirement “due to the inclusion of a historic structure”. We contacted the Development Review Specialist at the Office of Planning, who in consultation with other staff at the OP came to the same conclusion as us – the applicant is not exempted from providing the loading facilities as required in Section 2200.1 and specified in Section 2201.<sup>1</sup>

Presumably the applicant thinks that they are exempt under Section 2200.5. However, Section 2200.5 clearly refers to loading berth requirements for historic buildings **themselves** and not additions thereto. This is clear, since other sections of the zoning code that deal with exceptions for historic buildings explicitly mention additions. For example, 11 DCMR § 2120 - Parking for Historic Buildings, Section 2120.3 reads as follows, “A historic resource **and any additions thereto** ...” If Section 2200.5 was meant to also apply to additions, it would have explicitly stated this.

The Applicant’s project is clearly required to provide loading facilities under Section 2200.6 since the additional component is significantly larger than the threshold specified in Section 2200.7. In fact, the contributing garage at the rear of the Applicant’s lot is essentially insignificant, as the addition constitutes the vast majority of the project. The garage is a one-story brick building and occupies no more than 25% of the lot footprint. The new construction being added adjacent to it will occupy the remaining 75% or ~12,000 sq. ft. The new construction will be four stories high and have some 34,000 sq. ft. By comparison, the garage is only ~ 4,000 sq. ft.

We request that the BZA rule on whether the applicant is in compliance. If you determine that the applicant must provide loading facilities and the applicant decided to pursue another variance instead of changing design, we request that we are provided sufficient time to oppose the variance.

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<sup>1</sup> See enclosed printout of an email from the Development Review Specialist.



Barbara Schauer <schauer.barbara@gmail.com>

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## Blagden Alley project - loading for M St. building

6 messages

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**Jesick, Matthew (OP)** <matthew.jesick@dc.gov>  
To: "schauer.barbara@gmail.com" <schauer.barbara@gmail.com>

Fri, Jan 16, 2015 at 4:52 PM

Ms. Schauer,

Thanks for your phone call today. I looked into the issue of loading and discussed it with my colleagues, and we feel that Chapter 22 would not exempt the M Street building from a loading requirement. Some additions to historic buildings are exempted, but this one would probably have a requirement. We've contacted the applicant's attorney and let him know that our opinion is that loading is required. The applicant would need to get loading relief from the BZA if their project is to be built as designed.

Thanks, and I hope this information helps.

Sincerely,

Matt

**Matthew R. Jesick**

Development Review Specialist

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