



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** *JLS* Matt Jesick, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 21, 2014  
**SUBJECT:** BZA #18852 and 18853 – 90 and 91 Blagden Alley, NW

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### **I. BACKGROUND AND RECOMMENDATION**

The applicant seeks to construct one apartment complex on two separate lots and has requested that the zoning relief associated with each building be considered simultaneously. The Office of Planning (OP), therefore, has reviewed both applications together, and recommends **approval** of the following relief:

#### **M Street Property**

- § 776.3 Court Width
  - West Court: 16'8" required, 5'0" provided
  - East Court: 16'8" required, 7'4" provided (*area variance*);
- § 2604.2 Lot Occupancy (75% permitted, 89% proposed on first floor) (*area variance*);
- § 2120.6 Parking (39 required, 0 provided) (*special exception*);
- § 411 Roof Structures (1 structure, uniform height required; 2 structures, different heights proposed) (*special exception*);

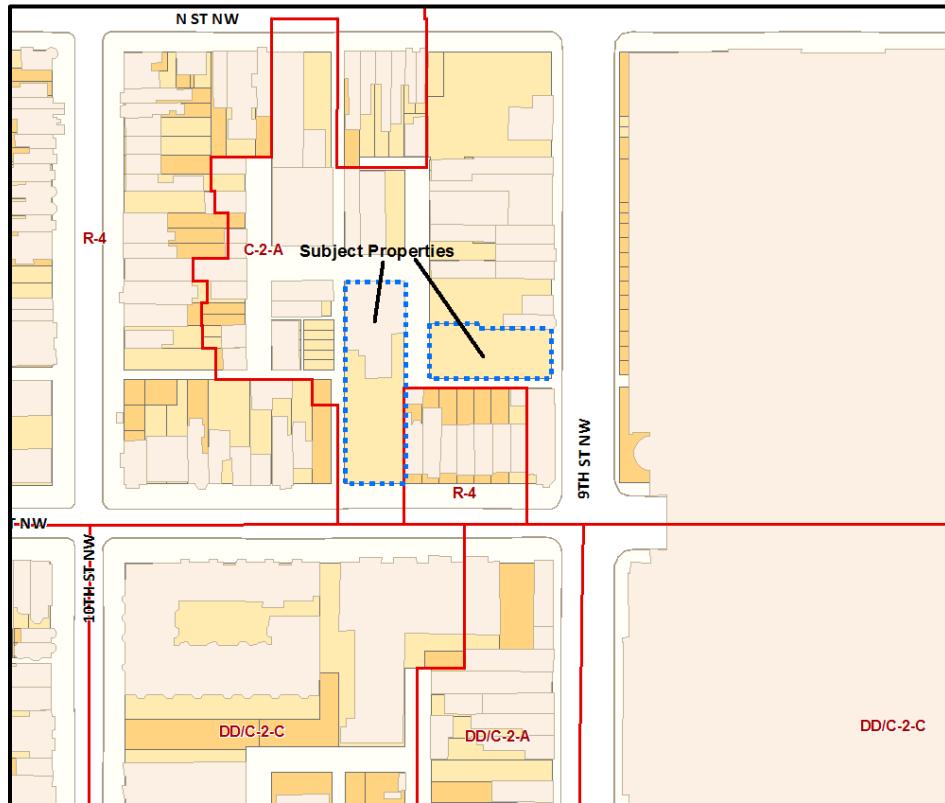
#### **9<sup>th</sup> Street Property**

- § 775.5 Side Yard (8'4" required, 6'0" provided) (*area variance*);
- § 2101 Parking (22 required, 0 proposed) (*area variance*);
- § 411 Roof Structures (1 structure, uniform height, 1-to-1 setback required; 2 structures, different heights, not 1-to-1 setback from open court proposed) (*special exception*).

### **II. LOCATION AND SITE DESCRIPTION**

Address	90 and 91 Blagden Alley
Legal Description	Square 368, Lots 164 (9 <sup>th</sup> Street Property) and 165 (M Street Property)
Ward and ANC	2, 2F

Lot Characteristics and Existing Development	M Street Property – 15,976 sf, rectangular lot, Blagden Alley on three sides, slopes up very slightly from M Street, existing one-story historic auto repair garage 9 <sup>th</sup> Street Property – 8,303 sf, generally rectangular lot, Blagden Alley on two sides, slopes up slightly from 9 <sup>th</sup> Street
Zoning	C-2-A (Commercial)
Historic Districts	Blagden Alley / Naylor Court; Shaw
Adjacent Properties	Rowhouses along M Street; Commercial uses along 9 <sup>th</sup> Street
Surrounding Neighborhood Character	Mostly rowhouses around the perimeter of the square; Blagden Alley contains commercial uses; Commercial along 9 <sup>th</sup> Street and the Convention Center is across 9 <sup>th</sup> Street; Larger apartment buildings to the south across M Street.



### III. APPLICATION IN BRIEF

The applicant proposes to construct two apartment buildings that would be part of the same apartment community and linked together by an above-grade bridge over the alley. The M Street building would have 77 units and the 9<sup>th</sup> Street building would have 44 units. The M Street property would incorporate the existing historic structure on site, a one-story former auto repair garage.

## IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The site is zoned C-2-A (Commercial), and the applicant has requested the following areas of relief.

Type	Relief Requested	C-2-A	Building	Requirement	Provided
Variance	Court Width	776	M Street	16'8" 16'8"	East - 7'4" West - 5'
Variance	Lot Occupancy	772 & 2604.2	M Street	75%	89%
Special Ex.	Parking	2120.6	M Street	39	0
Special Ex.	Roof Structures	411.11	Both	One structure Same height 1-to-1 setback	Two structures Multiple heights Not 1-to-1 on 9 <sup>th</sup> St. bld.
Variance	Side Yard	775	9 <sup>th</sup> Street	8'4"	6'
Variance	Parking	2101	9 <sup>th</sup> Street	22	0

## V. ANALYSIS

### M Street Property – Court Variance

In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103.

#### 1. Exceptional Situation Resulting in an Undue Hardship or a Practical Difficulty

The subject property is 68.75 feet wide. This width allows for a double-loaded residential corridor with courts on both sides of the building, but without fully compliant courts. If full-width 16'8" courts were to be provided on both the east and west sides, only 35 feet, approximately, could be used for building program. A double-loaded corridor in that scenario would yield unusually narrow units. A single-loaded corridor would be an inefficient design rarely seen in residential buildings. Please refer to the applicant's diagram on Sheet A-8 of the November 18<sup>th</sup> submission showing the unusual design arising from a "conforming court" condition.

#### 2. No Substantial Detriment to the Public Good

Granting the requested court relief would not impact the public good. While the design would not provide conforming courts, it would provide significant courts that result in a definitive visual and structural break in the building mass and a setback from the adjacent alleys. There should be adequate light and air to residents of the proposed building. The design would further

break down the mass of the building through articulation and changes in materials. The materials would vary from red brick to grey brick to aluminum and glass.

### **3. No Substantial Harm to the Zoning Regulations**

The requested relief would not result in substantial harm to the intent of the Regulations. The Regulations intend to provide light and air to the occupants of structures, but do not intend to so severely restrict the buildable area of a lot.

#### **M Street Property – Lot Occupancy Variance**

##### **1. Exceptional Situation Resulting in an Undue Hardship or a Practical Difficulty**

The ground floor of the M Street building would have a lot occupancy of 89%, but upper floors would comply with the permitted lot occupancy. The subject property is presently developed with an historic auto repair garage that is a contributing structure to the two historic districts and cannot be demolished. The volume of the garage structure must also be preserved, which means that new structure can generally not be placed on top the garage. The design seeks to incorporate the garage, which is located at the rear of the property, while maintaining the street wall along M Street. Sheet A-9 of the November 18 submission shows the volume of a potential building if the ground floor were limited to 75% lot occupancy. Such a configuration would not create a street wall along M Street and would be out of character with that street. A building with a large court between the garage and the new construction could be considered, but would be a highly inefficient use of the property.

##### **2. No Substantial Detriment to the Public Good**

Granting the requested relief would not impact the public good. The design respects both the historic garage and the M Street streetwall, while rehabilitating and repurposing the historic structure. The increase in lot occupancy would not impact light and air available to nearby properties, especially since the upper floors conform to the lot occupancy standard. It is not unusual in commercial zones that a ground floor would occupy up to 100% of its lot, which is permitted if the ground floor is commercial. The scale of the apartment building is not out of character with a neighborhood of various building types, and the increase in residents would increase the number of eyes on the street.

### **3. No Substantial Harm to the Zoning Regulations**

A higher lot occupancy on this property would not impair the intent of the Regulations. While the Regulations seek to establish a general form for buildings through tools such as lot occupancy, those standards must work with other goals such as historic preservation and urban design. Also, the Regulations permit a lot occupancy of 100% in the C-2-A zone for commercial uses; The residential standard is only triggered because there are residential units on part of the ground floor.

## **M Street Property – Parking Special Exception**

The M Street property would propose zero parking spaces where 39 are required. Pursuant to § 2120.6, the Board may grant special except relief to reduce the requirement, subject to the following criteria:

**§ 2120.6     ...as a result of the nature or location of the historic resource, providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource.**

The M Street property is quite small and narrow to allow for efficiency in structured parking. The presence of the historic structure magnifies those factors. Parking could theoretically be placed under the historic garage, but the underpinning would be difficult, extremely expensive, and could damage the historic landmark. Structured parking could be built under only the newly constructed portion of the building, but there would need to be five levels of parking to meet the requirement and the levels would be extremely inefficient. Please refer to Sheet A-10 of the November 18<sup>th</sup> submission for a diagram of what a theoretical parking floor would look like. Providing an above-grade parking structure would likely not be compatible with the historic districts, and would suffer from the same inefficiencies as a below-grade garage.

**§ 2120.6(a)   Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;**

The application proposes 77 units, all of which will be studios, likely limiting the occupancy of any unit to one person. Residents could of course have visitors, but according to the application it is expected that the communal gathering spaces would be used for socializing.

**§ 2120.6(b)   Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;**

The submitted traffic study suggests that there will be minimal impacts from automobile traffic. According to the traffic study, the surrounding transit, walking and bicycling networks would accommodate most of the trips to and from the site.

**§ 2120.6(c)   Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and**

According to the applicant's traffic study, there are 41 parking garages within a half mile of the subject site. If any of the residents do own a car, it is likely that they could find a space to lease in one of the 41 garages.

**§ 2120.6(d)   Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation.**

The site is in a very transit-dense area. The property is about one block from the Mt. Vernon Square metro station. There are also several bus lines that serve the neighborhood, as well as bike share stations and car share locations. The area is extremely walkable.

Furthermore, the applicant has committed to a robust TDM program in order to encourage non-auto modes of transportation. The TDM program would include:

- A staff member designated as the transportation management coordinator;
- Prohibition on RPP;
- Information on the building's website about transportation options;
- Transit information screen in the building;
- Bike parking and repair facilities on-site; Easy bike access; Bike helmets for residents;
- Bikeshare memberships for new residents for the first five years the building is open;
- Carshare memberships.

### **M Street Property - Rooftop Structure Special Exceptions**

The design proposes two rooftop structures, one at 13'6" in height and one at 5'0" in height. In order to construct as proposed, the applicant must seek relief, which the Board may grant pursuant to § 411.11. Section 411.11 lists the following criteria:

- 1. Meeting the requirement would be impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.**

The location of the elevator, which requires the 5'0" tall elevator overrun, is located near the building lobby. The application states that the location of the larger structure is dictated by the necessary placement of the mechanical equipment. While the features could be connected and made the same height, the result would be a larger rooftop structure with more visibility than necessary.

- 2. The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

The intent of the regulations is to minimize the visibility of rooftop structures. The multiple heights of enclosing walls and the two separate structures would achieve that by reducing the bulk of the mechanical penthouse to the minimum possible volume.

## **9<sup>th</sup> Street Property – Side Yard Variance**

### **1. Exceptional Situation Resulting in an Undue Hardship or a Practical Difficulty**

The narrow 10' alley adjacent to the 9<sup>th</sup> Street building, while not rare in the District, is an exceptional situation that creates a practical difficulty for the applicant. The design seeks to create a safe pedestrian passage along the alley, providing a dedicated space separate from the cars using the alley. If the project were to propose no side yard, pedestrians would be at risk sharing the alley space with motor vehicles. If a conforming side yard were proposed, the dimensional change would be small in absolute terms (6' to 8'4"), but would have a significant impact on the relatively small units within the project.

### **2. No Substantial Detriment to the Public Good**

The requested relief to the side yard would not impair the public good. In fact, as noted above, the pedestrian connection would provide a safe refuge for walkers using the alley to access the main entrances to the buildings, as well as other uses in Blagden Alley.

### **3. No Substantial Harm to the Zoning Regulations**

Granting the requested relief would not impair the intent of the Zoning Regulations. The relatively small difference between the required side yard and the proposed side yard would not impact the goal of providing light and air to uses within the building. Furthermore, the side yard abuts an alley so would not have a direct impact on any nearby uses.

## **9<sup>th</sup> Street Property – Parking Variance**

The 9<sup>th</sup> Street property would provide zero parking spaces where 22 are required. The applicant has requested variance relief to develop as proposed.

### **1. Exceptional Situation Resulting in an Undue Hardship or a Practical Difficulty**

The 9<sup>th</sup> Street property is quite small and narrow to allow for efficiency in structured parking. Parking could theoretically be placed under the building, but there would need to be three levels of parking to meet the requirement and the levels would be extremely inefficient. Please refer to Sheet A-11 of the November 18<sup>th</sup> submission for a diagram of what a theoretical parking floor would look like. Providing an above-grade parking structure would suffer from the same inefficiencies as a below-grade garage.

### **2. No Substantial Detriment to the Public Good**

The requested relief would not impact the public good. Based on the submitted traffic study, it is unlikely that many residents would own cars or drive frequently even if they did. As evidenced in the traffic study, there are ample locations within a half mile where parking spaces can be leased. There are many alternative modes of travel available to the residents, including metro,

walking, personal bicycle, bus, bikeshare and carshare. The presence of additional parking spaces would only increase traffic on nearby streets.

### **3. No Substantial Harm to the Zoning Regulations**

Granting the requested relief would not impair the intent and integrity of the Zoning Regulations. The Regulations intend to provide adequate parking where required. In this case, the applicant has demonstrated that parking on-site would not be necessary.

#### **9<sup>th</sup> Street Property - Rooftop Structure Special Exceptions**

The design proposes two rooftop structures, one of which does not meet the one-to-one setback requirement. “Penthouse 2”, as shown on Sheet A-12, is setback only 9'7” from the open court, where its height would require a 13'6” setback. Penthouse 2 would also have two different heights of enclosing walls, with the elevator override being only 5'0” in height. In order to construct as proposed, the applicant must seek relief, which the Board may grant pursuant to § 411.11. Section 411.11 lists the following criteria:

- 1. Meeting the requirement would be impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable.**

The location of the elevator in the 9<sup>th</sup> Street building is dictated by the size of the site and the resulting unit configuration. The elevator is pushed to the northern and western part of the site to leave areas for units and to be near the main entrance. There is also a need for mechanical equipment on both the east and west portions of the building, according to the written statement. While the rooftop structures could be connected and made the same height, the result would be a larger rooftop structure with more visibility than necessary, and likely requiring additional setback relief. Regarding the requested setback relief, the mechanical equipment does not have enough room on the western portion of the building to meet the full setback.

- 2. The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

The intent of the regulations is to minimize the visibility of rooftop structures. The multiple heights of enclosing walls and the two separate structures would achieve that by reducing the bulk of the mechanical penthouse to the minimum possible volume. While Penthouse 2 does not meet the full setback of 13'6”, it does provide a substantial setback of 9'7”. That proposed setback is from the open court, so the reduction should have no impact on any adjacent property, and would have minimal to no impact on residents of the 9<sup>th</sup> Street property. The penthouse would be largely screened from public view.

## **VI. HISTORIC PRESERVATION**

The subject properties are located in the Blagden Alley / Naylor Court and Shaw Historic Districts. The application was heard by the Historic Preservation Review Board (HPRB) on July 31, 2014, and the HPRB provided preliminary feedback on the design. The applicant is expected to return to the HPRB subsequent to the conclusion of the BZA process.

## **VII. COMMUNITY COMMENTS**

As of this writing the Office of Planning has received no comments on the application from the ANC or the community.