

November 25, 2014

TO: Board of Zoning Adjustment

FROM: Neighboring Residents of Blagden Alley

RE: Opposition to BZA Case No. 18852/18853, Application of SB Urban, LLC for Development of 90 and 91 Blagden Alley

SUMMARY

The applicant wants to build two buildings on the vacant lots in square 368. The buildings will be interconnected with an enclosed bridge over Blagden Alley and will operate as one community of 125 short term rental micro units. The units will be approximately 350 sqft and be comprised of one room and bathroom with shared kitchen, laundry and common facilities. **The development will provide zero parking spaces and no loading facilities.**

The C-2-A zone already provides generous matter of right development options. We believe that the developer's pursuit of variances and special exceptions is motivated by desire to further increase the rate of return at the expense of the neighborhood. This is best demonstrated by developer's refusal to provide any parking and loading facilities, while simultaneously pursuing increased density and rental capacity via lot occupancy/court size variances.

The way developer evaded the loading facility requirement is most indicative of the overall attitude and lack of care for the negative effects on the community. Any multi-unit building over 50 apartments is required to have one. At 125 units the need seems obvious. The two buildings are intended to operate as one: they are connected with an enclosed bridge and all the common facilities are only available in the M St building. Yet, to avoid providing a loading facility the developer opportunistically uses the fact that the two lots are legally separate to claim exemption on the M St lot, while the 9th St building, by itself, is 6 units short of requiring a loading facility.

The interior of Blagden Alley (Square 368) was re-zoned in 1996 from R-4 to C-2-A by Order No. 782 of the Zoning Commission. The order clearly shows that the intent of rezoning was to allow some enhanced options for development but never to the full extent of C-2-A. There was intense deliberation to keep M St facing lots as R-4. None of the parties involved in the rezoning process in 1996 would have imagined or agreed that the proposed development was an example of a compliant project. Inclusionary Zoning credits introduced in 2006 allow for additional density that was not contemplated at the time. If granted, the variances/special exceptions will further guarantee that this project would have been unimaginable during the rezoning process. We request that the BZA analyses how ZC order No. 782 and its deliberation record affect this project, as well as reviews the land records for any covenants that may have been recorded that are relevant to this project.

As far as the variance/special exception requested by the applicant, we believe that the burden of proof has not been met. The Applicant must prove 1) the property is affected by an exceptional or extraordinary situation or condition, 2) that the strict application of the Zoning Regulation will result in a practical difficulty to the Applicant, and 3) that the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zone plan. For special exception the applicant must prove that providing parking will result in significant architectural or structural difficulty to the historic garage on M St lot. A detailed discussion of why the applicant fails the prongs of these tests is presented in the petition organizers' (Barbara Schauer/Sergei Mikhailov) Letters in Opposition. We concur with their rationale.

PETITION

We, the undersigned, are neighboring residents and property owners in the area of the proposed development at 90 and 91 Blagden Alley. We oppose the following variances/special exceptions sought by the applicant and request that the BZA **denies** them.

1. Variance from Section 775.5 for a side yard not providing the minimum required width (9th Street property.)
2. Variance from Section 776.3 for two open courts that do not provide the minimum widths (M Street property.)
3. Variance from Section 2101.1 to not provide any parking spaces even though 22 are required (9th Street property.)
4. Variance from Section 2604.2 to have a lot occupancy of 89% even though the maximum allowed is 75% (on the M Street property.)
5. Special exception under Section 2120.6 to not provide any parking even though 39 spaces are required (M Street property.)

PRINTED NAME _____ DATE _____

EMAIL _____ PHONE _____

ADDRESS _____

SIGNATURE _____

REQUEST ADDITIONAL TIME FOR WITNESS TO SPEAK ON MY BEHALF _____

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EMAIL _____ PHONE _____

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PRINTED NAME _____ DATE _____

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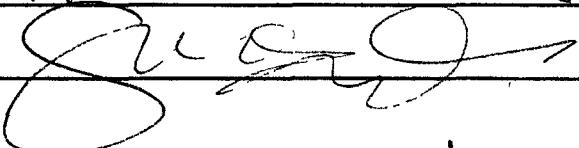
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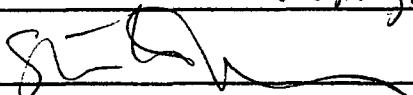
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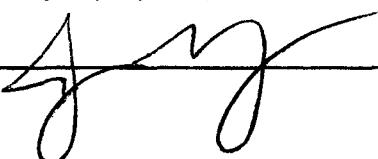
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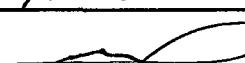
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