

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 20, 2015
SUBJECT: BZA Case 18905, 1218 9th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

While the Office of Planning (OP) is generally supportive of this application, it is not able to provide a recommendation because sufficient information has not been provided related to the request for FAR relief. The applicant should provide additional information that demonstrates a practical difficulty related to the increased FAR. Relief from the following has been requested:

Variance

- § 771.2, Floor Area Ratio (1.5 required for commercial use, 2.07 proposed); and

Special Exception

- § 2120.6, Parking for Historic Buildings (21 required, 0 proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1218 9 th Street, N.W.
Legal Description	Square 368, Lot 174
Ward	2, 2F
Lot Characteristics	The rectangular lot is 7,757 square feet in area and has a frontage of 58.38 feet along 9 th Street. The rear of the lot is 52.52 feet wide and abuts a 30 foot wide public alley (Blagden Alley).
Zoning	C-2-A – provides facilities for shopping and business needs, housing and mixed uses near low and medium density residential areas.
Existing Development	Row dwellings, permitted in this zone.
Historic District	Shaw Historic District/Blagden Alley

Adjacent Properties	Adjacent properties are generally commercial along 9 th Street, with businesses that include Wag Time dog day care center, Long View Art Gallery, and other mixed-use or multi-family developments. Uses in Blagden Alley consist of neighborhood serving retail, including a coffee shop, offices and galleries. Properties on M Street and 10 th Street are generally residential in use. The Convention Center is located on the east side of 9 th Street, across the street from the proposed development.
Surrounding Neighborhood Character	The surrounding neighborhood character is a mix of uses, ranging from single family dwellings to multi-family developments, neighborhood-serving retail, and the Convention Center, which is a regional destination.

III. APPLICATION IN BRIEF

Proposal:	<p>The project encompasses three contributing historic structures in the Blagden Alley/Naylor Court and Shaw Historic Districts, and proposes to combine them into one single mixed-use development. The exterior modifications, currently underway by an approved building permit, were approved by the Historic Preservation Review Board on April 25, 2013. The current proposal would not alter the exterior of the structure.</p> <p>The applicant proposes to expand the floor area of the building by adding area to the first through third floors, increasing the FAR from 1.46 to 2.07. The first floor would increase by 151 square feet, the second by 1,631 square feet, and the third by 2,414 square feet, resulting in a gain of 4,196 square feet. Specifically, the applicant seeks to lease the cellar and a portion of the first floor to a restaurant, and the remainder of the first floor to a small fitness studio/gym. A portion of the second floor is intended for a low-occupancy, speakeasy-type bar, and the remainder of the second and all of the third floor would accommodate office space.</p> <p>The increase in floor area also increases the need for parking. The applicant has noted that a total of 21 spaces would be required, and is seeking relief to provide none.</p> <p>Loading is not required for this development, as § 2200.5 of the Zoning Regulations exempt historic and contributing properties in a historic district from this requirement.</p>
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770	50 ft. max.	42 ft., 11 in.	42 ft., 11 in.	None required
Lot Width	No requirement	58.4 ft.	58.4 ft.	None required
Lot Area	No requirement	7,757 sf.	7,757 sf.	None required
Floor Area Ratio § 771	2.5 residential use <u>1.5 other use</u> 2.5 maximum	1.46	2.07 (residential not provided)	Required
Lot Occupancy § 772	100% max (non-residential)	86%	86%	None required
Rear Yard § 774	15 ft. min.	15 ft.	15 ft.	None required
Side Yard § 775	No requirement	No change	No change	None required
Court § 776	12 ft. min.	14 ft.	14 ft.	None required
Parking § 2101	21 spaces	0 spaces	0 spaces	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 771, Floor Area Ratio

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has requested relief from floor area ratio (FAR) in order to provide more suitable spaces for prospective tenants. The proposed FAR of 2.07 for this development would be permitted if 0.57 of that FAR was dedicated to a residential use; however, this development is intended to provide retail and office uses only. The requested relief would result in an additional 4,196 square feet within the existing building footprint. The pre-hearing statement, dated February 24, 2015, notes the following exceptional situations resulting in a practical difficulty:

- To comply with the Zoning Regulations, the floor area for the second floor would be limited to 3,858 square feet (5,489 square feet proposed), and the third floor would be limited to 1,118 square feet (3,532 square feet proposed). The second floor currently consists of two building stairs and an elevator. The staircase at the west end of the floor plan creates a narrow corridor that is primarily occupied by core elements, which creates an inefficient floor plate that makes the space unmarketable to commercial or retail tenants.
- The project would not require relief from FAR if the applicant could dedicate FAR above 1.5 to residential uses. The application notes that this cannot be accomplished due to requirements to provide additional points of access, which would increase floor plan inefficiencies in an already elongated building footprint.

- Providing additional points of access would not comply with the Building Code requirement to provide a 75-foot common path of egress, resulting in an exceptionally high core factor. While a typical efficient core factor is 85-90 percent, residential units would create a less efficient core factor of 67 percent.
- The applicant notes that if residential units were to be provided in the limited space available, they would not include amenities that are commonly provided. Other accommodations, including trash, would be inconvenient to residents.

OP agrees that residential uses would be practically difficult to provide due to the issues noted by the applicant. The report to the Historic Preservation Review Board notes that 9th Street was generally a commercial area after the 1920s, and the applicant has verified that the structure most recently provided 10,748 square feet of commercial use. Commercial uses continue to be prevalent along the 9th Street corridor, with establishments like dog boarding, an art gallery, barber shop and liquor store being the predominant uses, although the applicant notes that additional commercial uses are planned. Providing residential uses would increase the building inefficiencies related to the core, floor plates and plumbing in a structure that previously provided commercial uses. Further, residential uses would require additional parking, which the site is unable to accommodate.

While OP is generally supportive of this application, there is concern that the amount of floor area gained through the requested FAR is excessive, as it does not merely accommodate the circulation and access needs for the structure, but rather completes the second and third floors for future tenants. The proposed total floor area for this development is 15,828 square feet (minus the cellar, which is not included in FAR calculations), and the 4,196 square feet that would be gained constitutes 26% of the total FAR. The applicant should better demonstrate how the additional floor area adds to the circulation and access of the structure, which is practical difficulty that could be supported.

ii. No Substantial Detriment to the Public Good

The requested variance for FAR should not pose a substantial detriment to the public good. The proposed floor area is within the existing building footprint and would not have a visible impact on the neighborhood. Given that alterations to the contributing structure have been approved by the Historic Preservation Review Board, the proposed development has been deemed to be compatible with the Historic District. Should the FAR variance be approved, the retail and office uses would activate the neighborhood during the day, adding to the vibrancy of the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The development would still comply with the overall FAR requirement for this District, having an FAR of 2.07 where a maximum of 2.5 is permitted. This ensures that the massing of the development is appropriate for the size of the site. However, the applicant should provide additional information that confirms that providing commercial uses in lieu of residential uses would not compromise the integrity of the Zoning Regulations.

b. Special Exception Relief pursuant to § 2120.6, Parking for Historic Buildings

- i. Providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource;**

The applicant has demonstrated that providing the required parking will result in significant architectural and structural difficulty in maintaining the historic integrity and appearance of the historic resource. The application confirms that a total of 21 parking spaces would be required to accommodate additions to the development. The narrow court provided on the lot is not significant enough to accommodate surface parking.

The applicant also notes the presence of a transformer vault beneath the property that would require relocation for parking to be provided below grade. This option would also result in the partial demolition of a contributing building in a historic district.

- ii. 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 applicant has indicated that the variety of uses in the development will attract peak users at different times. In the case of the proposed office use, employees would be on site during the day, and will leave before patrons of the speakeasy bar begin to arrive. The restaurant is intended to provide lunch and dinner service, while the small gym would have a steady stream of mainly local customers throughout the day and into the evening. While the applicant notes that each establishment is relatively small in size, it is unclear what constitutes “small” in this case. The applicant should provide additional information that verifies the intended maximum occupancy of each business.

- iii. Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;**

The applicant has stated that the proposed development is intended to provide neighborhood-serving services and attract residents, visitors to the Convention Center, nearby employees or visitors staying in the area. As a result, and as verified by the Parking and Loading Memorandum provided in the submission, the historic resource should not increase traffic congestion significantly. Rather, it is anticipated that patrons will walk, bike and use public transportation to access to the establishments. For those that arrive by vehicle, metered parking on 9th Street is available, as well as nearby private parking garages.

- iv. 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**

The amount of available parking within the vicinity has been detailed in the Parking and Loading Memorandum. The Memorandum points to 22 spaces located within the vicinity of the site, which are available during the busiest time of the week, and would be sufficient to accommodate vehicle trips that do occur. Additionally, it identifies the location of public parking available for a fee in parking garages located within close proximity. The Memorandum concludes that sufficient parking exists to accommodate the proposed development.

v. 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 property is located in a transit-rich area, as it is located 0.1 miles from the Mount Vernon Square Metrorail Station, 0.5 miles from the McPherson Metrorail Station, and is within walking distance of several Metrobus routes. The site is also accessible via car-sharing services and Capital Bikeshare. The Parking and Loading Memorandum contained in the submission identifies sufficient public transportation opportunities near the site.

vi. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in general harmony with the general purpose and intent of the Zoning Regulations and Map. Blagden Alley is intended to be a pedestrian-oriented place, and locating parking off the alley, or providing a curb cut on 9th Street, would be counter-intuitive to that goal. In addition, the applicant has demonstrated that there is adequate public transportation that services the area, and that parking is available along 9th Street and in adjacent parking garages. Therefore, the applicant has identified mitigation measures that replace the need for on-site parking.

vii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal does not appear to adversely affect the use of neighboring property. While parking would not be provided on-site, the applicant has identified other locations where parking can be achieved. Furthermore, the development is intended to provide neighborhood-serving retail, which should attract visitors within closer proximity to the site that would arrive by means other than vehicle.

While the lack of on-site parking does not appear to be a detriment based on information provided by the applicant, OP has discussed the impact of this relief with the party in opposition and other adjacent neighbors, and anticipates that additional information demonstrating the alternative will be provided at the public hearing.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies have not been received. However, it is anticipated that DDOT will provide comments under separate cover.

VII. COMMUNITY COMMENTS

At its regularly scheduled meeting on December 10, 2014, ANC 2F voted unanimously to recommend approval of the proposed relief.

OP has discussed the proposed relief with the party in opposition, and is aware of concerns related to both the requested parking and FAR relief. Concerns related to loading were also voiced; however, the applicant has not requested loading relief.

Location Map

