



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: February 2, 2016

SUBJECT: BZA #19167 – 445 M Street, NW

I. RECOMMENDATION

With regard to this proposal to construct a flat on a vacant lot, the Office of Planning (OP) recommends **approval** of the following variance relief:

- § 403 Lot Occupancy (60% maximum, 66% proposed);
- § 2101 Parking (1 space required, 0 proposed).

While neither the application form (Exhibit 1) nor the written statement (Exhibit 5) reference it, the data sheet attached to the Self-Certification form (Exhibit 11) indicates that the building would be above the matter-of-right height. But because of the lack of information in the record, OP **cannot make a recommendation** regarding the required special exception relief:

- § 400 Height (35' maximum, 36.5' proposed).

II. LOCATION AND SITE DESCRIPTION

Address	445 M Street, NW
Legal Description	Square 513, Lot 925*
Zoning	R-4
Ward and ANC	6, 6E
Historic District	Mt. Vernon Square
Lot Characteristics and Existing Development	13' wide vacant rectangular lot; Existing party walls encroach onto subject property; No alley access.
Adjacent Properties and Neighborhood Character	Mix of rowhouses and moderately sized apartment buildings on M Street; Larger apartment buildings on New York Avenue.

* Portions of the application refer to the property as Lot 161, but the District's GIS and the official plat from the Office of the Surveyor describe it as Lot 925.

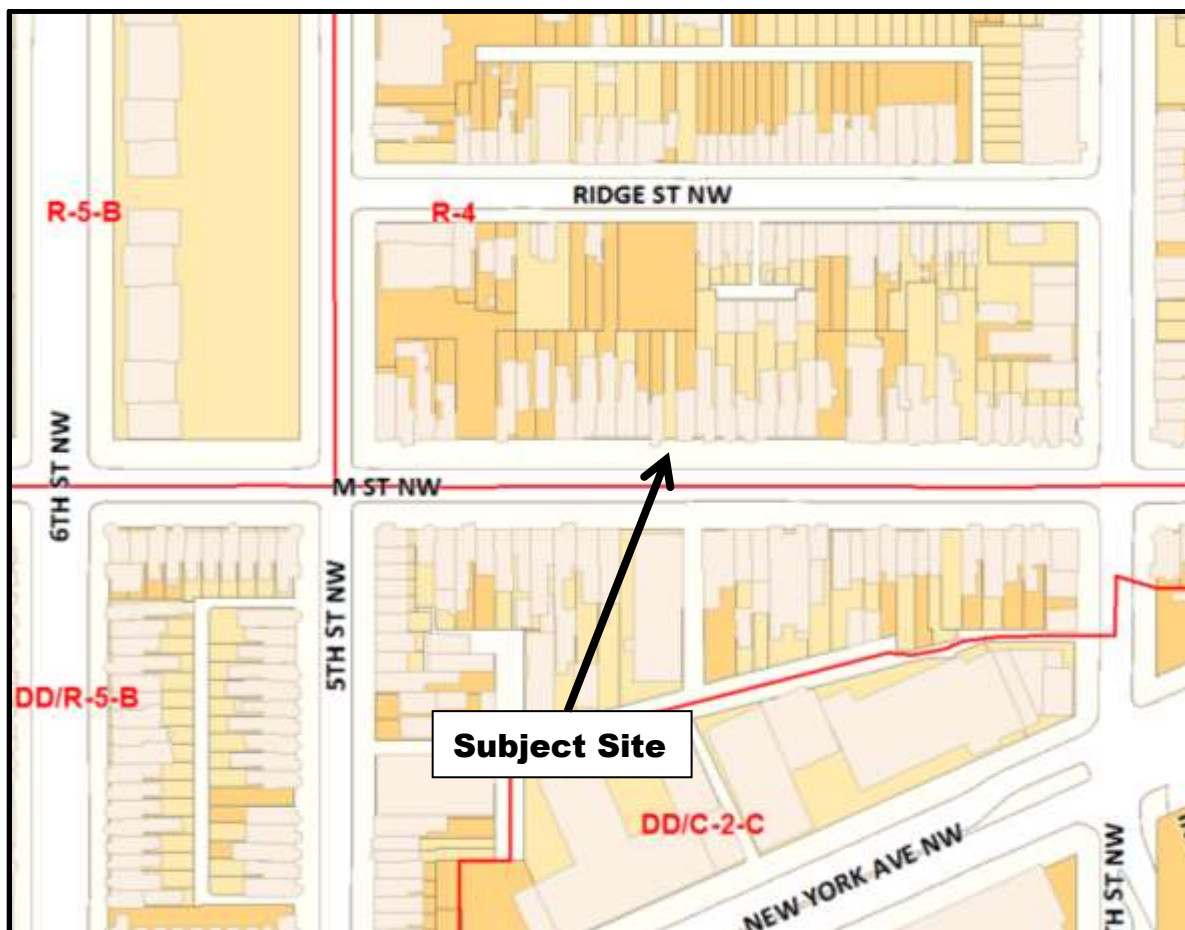
III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct a three-story plus cellar flat on a vacant lot.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned R-4. The application seeks zoning relief as noted in the table below.

Item	Requirement	Existing / Proposed	Relief
§ 400 Height	35' max.	36.5'	Required
§ 401 Lot Area	1,800 sf	1,413 sf	Existing Non-conforming
§ 401 Lot Width	18'	13'	Existing Non-conforming
§ 403 Lot Occupancy	60% 847.8 sf	66% 932.6 sf	Requested
§ 404 Rear Yard	20'	29.9'	Conforming
§ 405 Side Yard	None required	None	Conforming
§ 2101 Parking	Flat: 1 per 2 units	None	Requested



V. ANALYSIS

Lot Occupancy 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 a Practical Difficulty

The subject site is very narrow. At 13' wide, it is more narrow than almost all other lots on the square and more narrow than rowhouse lots generally in the city. An additional exceptional condition affecting the property is the presence of party walls encroaching into the subject site from properties on either side and decreasing the buildable width of the site. The following table shows floor areas and lot occupancies relevant to the design, and is further explained in the text below.

	Area	Lot Occupancy, Square Feet
A	Encroaching walls on subject lot (Estimate based on Sheet C-3, Ex. 4)	3.5%, 49.1 sf
B	Lot Occupancy Proposed Over 60%	6%, 84.8 sf
C	Difference btw. B and A	2.5%, 35.7 sf
D	Resultant "extra" building depth	2.7 feet (35.7 sf / 13' width)

OP estimates that the encroaching walls occupy 49.1 square feet of the subject lot, which equates to 3.5% lot occupancy. The applicant proposes to exceed the allowable lot occupancy by 6%, or 84.8 square feet. The encroaching walls make up much of that overage, and the "extra" lot coverage of 35.7 square feet would equate to less than three feet of building depth on the narrow lot. Full compliance with the required lot occupancy could result in some practical difficulty to the applicant, with room layout and size less than what might be expected in modern construction.

2. No Substantial Detriment to the Public Good

Constructing the building as proposed would not have a substantial detriment to the public good. The small increase in lot occupancy would not be perceptible from M Street, and the building footprint would be comparable to or smaller than other structures on the same block. The building should not have an undue impact on light or air available to nearby properties.

3. No Substantial Harm to the Zoning Regulations

The small amount of relief requested would not result in a harm to the intent of the Zoning Regulations. The Regulations intend to promote a general form of development, but on this

block of M Street the buildings tend to have more depth and a higher lot occupancy. The width of this lot, combined with the exceptional conditions of encroaching walls, is unlikely to be often replicated.

Parking Variance

1. Exceptional Situation Resulting in a Practical Difficulty

The subject property has no alley access; there is no alley in the square. The property fronts on M Street, but it is unlikely that curb cuts would be granted for the development by the Public Space Committee, and HP does not support new curb cuts on this street. The lot, therefore, has no opportunity to provide onsite parking.

2. No Substantial Detriment to the Public Good

The requested relief could be granted without detriment to the public good. Not requiring a curb cut to a parking space, even if permitted, would maintain the pedestrian-friendly environment of this block, would allow a more gracious visual streetscape, and maintain existing on-street parking spaces. The neighborhood is also served by transit, with the Mt. Vernon Square metro station located less than three blocks away, and the 70, 74, 79, 96, P6, D4 and Circulator buses all serving the immediate neighborhood. The subject site is also walkable to the Gallery Place area and downtown. This extensive transit service and walkability means residents are less likely to need cars.

3. No Substantial Harm to the Zoning Regulations

Granting the requested relief would not impair the integrity of the Regulations. While the Regulations generally intend to provide on-site parking for any given use, doing so in this case would necessitate a curb cut on M Street, which could eliminate one or two parking spaces from the street and result in no net parking gain for the neighborhood.

Height Special Exception

The proposed design shows a height of 36.5 feet. The Board may grant a special exception for a building in the R-4 zone to exceed the matter-of-right limit of 35', up to a maximum of 40', subject to the following criteria of § 400.23. The application has not specifically addressed any of these items.

(a) The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

It is unlikely that the additional 1.5 feet would have an undue impact on the light or air available to neighboring properties.

- (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

The additional 1.5 feet would not unduly impact the privacy of neighboring properties and would not be used to create additional windows, doors or projections.

- (3) An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;**

OP cannot assess the impact of the additional height on the functioning of any adjacent chimneys or vents.

- (4) An addition shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and**

OP cannot assess the impact of the additional height on the functioning of any adjacent solar energy systems. The application does not include a shadow study.

- (5) The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;**

The slight increase in height should not impact the visual pattern of development on this block of M Street, which features many buildings that OP estimates are similar in height and include architectural features such as turrets, bays and prominent cornice lines.

- (b) The applicant shall demonstrate that overall building or structure height or an upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features; and**

Because this is new construction, this subsection is not applicable.

- (c) In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.**

The application materials include almost no comparisons of the height of the proposed building to that of nearby buildings, or other graphic tools to aid in the special exception analysis.

VI. HISTORIC PRESERVATION

The property is in the Mt. Vernon Square Historic District and the design has been approved by the Historic Preservation Review Board (HPRB).

VII. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community.