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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18330
2337 Champlain Street, N.W.

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April 3, 2012

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18330

EXHIBIT NO. 45

I. Site location and description

A. Location

1. East side of Champlain Street between Kalorama Road and Euclid Street, N.W.
2. Project site consists of Lot 887 in Square 2563
3. Site located in the Reed Cooke/Adams Morgan area

B. Size

1. Site area is approximately 13,853 square feet
2. Site is more-or-less rectangular in shape with an extension at the southeast corner
3. Frontage of approximately 109 feet on Champlain Street
4. Bounded by a public alley (variable width) on the east side
5. Bounded by private property on the north and south sides

C. Existing site condition: vacant used for surface parking

II. Description of surrounding area

- A. Reed Cooke area - former light industrial area (printing, auto repair, warehouse, etc.) transitioning to predominantly residential (see aerial photo, attached)
- B. Remainder of Square 2563:
 - 1. To the north: apartment houses 2 - 7 stories fronting on Champlain Street
 - 2. To the south
 - a. Vacant 2 story commercial buildings at 2329 and 2335 Champlain Street (the Brass Knob site), approved by the BZA for a residential project at 50 feet
 - b. Apartment house (5 stories) known as Adams Row at 2301 Champlain Street
 - c. Car repair shop (1 story with surface parking) at 1731 Kalorama Road
 - d. Church at 1721-1725 Kalorama Road
 - 3. To the east:
 - a. Small commercial uses (1-2 stories) on the west side of Ontario Road at Kalorama Road
 - b. Mixed residential uses in buildings of varying height (2 - 3 stories) on the west side of Ontario Road from 150 feet north of Kalorama Road
- C. Uses to the west
 - 1. Apartment house (5 stories), known as Lofts at Adams Morgan, at 2328 Champlain Street
 - 2. Dwellings (2 and 3 stories) at 2352 through 2360 Champlain Street
 - 3. Vacant lots at 2362 through 2366 Champlain Street
 - 4. Apartment house (4 stories), known as the Champlain at 2370 Champlain Street
 - 5. Apartment houses (2, 3 and 4 stories) continuing north on the west side of Champlain Street

6. First Church of Christ Scientist at the southwest corner of Champlain and Euclid Streets
7. Commercial uses, predominantly restaurants, in buildings of 2 to 4 stories on the east side of 18th Street

D. Uses to the south:

1. Additional apartment houses on the south side of Kalorama Road
2. Marie Reed Learning Center along Champlain Street between Kalorama Road and Florida Avenue

E. Uses to the east:

1. Mixed residential uses, some in previous industrial buildings converted to apartments
2. Harris Teeter grocery store at 1641 Kalorama Road

III. Existing zoning: RC/R-5-B District

A. R-5-B

1. General residential district permitting single family, two family and multi-family dwellings, as well as a broad range of institutional uses (e.g., clinic, hospital, museum) as a matter-of-right
2. Maximum height: 50 feet
3. Maximum FAR: 1.8
4. Maximum percentage of lot occupancy: 60%
5. Minimum required rear yard – 4 inches per foot of height at the rear, minimum of 15 feet
6. Side yard – not required
7. Minimum required parking for apartment house use: 1 space for each 2 dwelling units
8. Inclusionary zoning - maximum permitted FAR increased to 2.16

B. Reed-Cooke (RC) Overlay District (Chapter 14)

1. Applies to new buildings, alterations or additions to existing buildings involving more than 50 percent of assessed value of building in any eighteen month period, change in use requiring a new certificate of occupancy or any use that requires a new permit from the Alcoholic Beverage Control Board (§1400.5)
2. Prohibited uses – not applicable to the proposed development (§1401.1)
3. Height: maximum of 40 feet (§1402.1)
4. Exceptions allowed with BZA approval (further described below) (§1403.1)

II. Proposed development

- A. Use: apartment house with 40 units
- B. Gross floor area of approximately 33,386 square feet (approximately 2.41 FAR)
- C. Height: 48.75 feet
- D. Parking: 20 spaces provided

III. Relief required:

- A. Variance from the floor area ratio requirements (§§402.4 and 2604.1):
 1. Maximum permitted: 2.16 (29,922 square feet)
 2. Proposed: 2.41 (33,386 square feet)
 3. Variance: 0.25 (3,464 square feet)
- B. Special exception under §1403.1 from the height requirements of the RC Overlay (§1402.1)
 1. Maximum permitted: 40 feet
 2. Proposed: 48.75 feet
 3. Relief required: 8.75 feet

IV. Standards for a variance (§3103.2)

- A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,
- B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;
- C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

V. Compliance with the variance standards

- A. Exceptional situation:
 - 1. Size and shape of the lot - different dimensions along the north and south property lines
 - 2. Topography - change in elevation from the high point at the northeast corner of the property to the low point at the southwest corner of the property of more than 9 feet (effectively 1 story)
 - 3. Need to take access to the parking from the alley rather than from the street and the resulting effect on the ramp to the underground parking
- B. Practical difficulty:
 - 1. Applicant is required to provide 20 parking spaces
 - a. 9 spaces are provided on the surface at the rear
 - b. 11 spaces are provided in a 1 level garage under the building
 - 2. Access to the garage comes from the high point of the property
 - 3. In order to make the ramp work, the elevation of the lower level is raised approximately 5 feet higher than would otherwise be the case
 - 4. Space that would otherwise be a cellar and not counted against FAR is now considered a basement and is counted against FAR

5. Countable space in the basement is 3,182 square feet, which is the approximate extent of the variance

C. No substantial detriment:

1. Project is exclusively a residential project, which the RC Overlay is intended to promote
2. Extra floor area gained through the variance does not increase the number of units which can be accommodated in the building

VI. Standards for the exception from the requirements of the RC District (§1403.1)

- A. Use, building or feature at the size, intensity and location proposed will substantially advance the stated purpose of the overlay
- B. Vehicular access and egress minimizes conflicts with pedestrian ways, functions efficiently and creates no dangerous or otherwise objectionable traffic conditions
- C. Adequate off-street parking is provided
- D. In a C-2-B zone, use shall not be within 25 feet of a Residence District, unless separated by an alley
- E. Noise will not adversely affect adjacent or nearby residences
- F. No outdoor storage of materials nor outdoor processing, fabricating or repair
- G. Use, building or feature at the size, intensity and location proposed will not adversely affect adjacent or nearby property

VII. Compliance with the special exception standards for exception to Reed-Cooke Overlay

- A. Residential is one of the most favored uses of the Overlay
- B. Redevelopment of current vacant site to be replaced with residential units
- C. Parking access is provided through existing alley at the rear with no curb cut on Champlain Street
- D. Parking meets the requirements of the Regulations
- E. Property is not in a C-2-B District

- F. Additional apartments will generate no noise that is unexpected or unusual for that use or different from that which would normally occur on any of the surrounding properties
- G. Will be no outdoor storage of materials and no processing, fabricating or repair
- H. Residential development will fill in a vacant space in the streetscape with a building that is comparable in height to the buildings on both sides and across the street
- I. Top of parapet on north wall is only 5 inches higher than the top of the parapet on the adjoining building, resulting in minimal impact on views from that building to the south
- J. Elevator penthouse (which is 9 feet above the roof) is setback 18 feet from the north wall (a 2:1 setback, where no setback is required) and slightly more than 18 feet from the front wall
- K. Individual roof terraces on the east and west sides of the roof penthouse are only for use by residents in the 7 units on the top floor; closest terraces (1 on the west side and 1 on the east side) are setback approximately 20 feet from the north wall

VIII. Conclusions

- A. Size, shape and topography combine to form exceptional conditions of the property limiting how far the lowest floor can be lowered into the ground
- B. Practical difficulty results from requirement to provide 20 parking spaces on site and need to put some of those spaces below the building
- C. Inability to change the access and the required clearances for access result in a portion of the lowest level space devoted to parking being charged against FAR
- D. Extra floor area does not result in more units
- E. Residential development is the most favored use in the RC Overlay (goal to transform former mixed residential and industrial area to predominantly residential)
- F. Height is comparable to and compatible with heights on adjoining properties to the north and south
- G. Great care has been taken in the design to minimize impacts on the building to the north

- H. Parapet on the subject building extends only 5 inches higher than the parapet on the adjoining building, so impact on views will be immaterial
- I. Roof on subject building is approximately 2 feet, 10 inches higher than the roof on the adjoining building; setbacks of roof structures and roof terraces should result in a condition which does not tend to affect adversely the use of neighboring property
- J. The application should be granted

