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May 7, 2002

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BY HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Application No. 16815 –
2412 Rear 17th Street, NW
Application of Adams Alley, LLC (the "applicant")
Pre-Hearing Statement of the Applicant

Dear Members of the Board:

Enclosed please find an original and 11 copies of the applicant's pre-hearing statement for the above-mentioned application. The applicant looks forward to presenting its case to the Board of Zoning Adjustment on May 21, 2002.

Respectfully Submitted,

John F. Epting

Paul A. Tummonds, Jr.

Paul A. Tummonds, Jr.

Enclosures

cc: ANC 1C
Maxine Brown-Roberts, OP

Document #: 1240694 v.1

BZA
Case No. 16815
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16815
EXHIBIT NO.36

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

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Application of Adams Alley, LLC

BZA Application No. 16815
Hearing Date: May 21, 2002
ANC 1C

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This is an application of Adams Alley LLC ("owner" or "applicant") to allow the construction of a mixed-use building in an alley lot located at 2412 Rear 17th Street, NW, Lot 95, Square 2566, (the "subject property"). The subject property is located in the R-5-B Zone District, with the Reed-Cooke Overlay District, and is zoned RC/R-5-B. Originally, the application requested special exception approval for a building height in excess of what would be permitted as a matter-of-right in the Reed-Cooke overlay. The application also requested variance approval: from the maximum permitted FAR in the R-5-B District; to construct an addition to a structure that exceeds the permitted lot occupancy requirements; and from the restrictions on the use of an alley lot.

After numerous meetings and discussions with members of the community, various changes were made to the project that modified the necessary areas of relief. The proposed project is discussed in greater detail in Section III, C., infra. As a result of these changes, the applicant requests the following relief from the Board of Zoning Adjustment ("BZA" or "Board"):

- Variance relief from the floor area ratio requirements of §402;
- Variance relief to allow an addition to a structure that exceeds the permitted lot occupancy - §2001.3;
- Variance relief from the restrictions on the use of an alley lot - §2507; and
- Variance relief from the off-street parking requirements - §2101.

The request for relief from the off-street parking requirements is new. The Applicant's revisions to the project have eliminated the need for special exception relief related to the height of the building. The area's of necessary zoning relief have been verified by the Zoning Administrator (Exhibit N). The applicant's satisfaction of the standards for granting variance relief is discussed in detail in Section IV of this statement.

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Section 3103 of the Zoning Regulations.

III.
Background

A. Description of the Property and Surrounding Area

The subject property is a large alley lot that is generally bound by 17th Street to the east, Euclid Street to the north, Ontario Road to the west and Kalorama Road to the south. Vehicular and pedestrian access to the subject property is achieved via a 20 foot-wide public alley at the southern end of the subject property and a 15 foot-wide public alley at the northern end of the subject property. Both of these public alleys are accessed from 17th Street, N.W. The subject property includes a significant grade change from the northernmost point to the south end of the lot. This change in grade is approximately 12 feet. The lot area includes approximately 11,650 square feet. Copies of a plat depicting the subject property are attached as Exhibit A.

Pursuant to Zoning Commission Order No. 523-A, the subject property is located in the Reed Cooke (RC)/R-5-B Zone District. A copy of Zoning Commission Order No. 523-A is attached as Exhibit B. Prior to the adoption of Zoning Commission Order No. 523-A, the area

included various light industrial uses as well as residential uses. The predominant Zoning District in the area was C-M-2.

The alley surrounding the subject property presently provides a haven for unsavory activities. As shown in the pictures attached as Exhibit D, abandoned cars are located throughout the alley which impede proper traffic flow and portions of the alley are not paved and are overgrown with trees and vegetation. Neighbors of the subject property and the alley note that the alley is not well lit and consistently provides opportunities for illegal activity to occur.

B. History of the Colortone Printing Building

The subject property is presently improved with a two-story building that has included many office, storage and warehouse uses in its history. One of the recent tenants of the building was the Colortone Printing company and the building on the subject property is frequently called the Colortone Printing Building[1]. The Colortone Printing company operations on the site employed up to 70 employees at various times. In addition, the Brass Knob is a tenant of the property using the space for warehouse use. Currently, the subject property has a certificate of occupancy for office/warehouse use. (See Exhibit M.)

The appearance of the building on the subject property reflects its initial warehouse and storage use. The building was constructed to withstand heavy industrial uses and was not concerned with providing well-lit spaces for its occupants. The building is generally windowless along its eastern and western sides and includes a loading entrance at the southern end of the building that is easily accessible from the portion of the public alley that is 20 feet wide.

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1 Because of the Building's history in the Reed-Cooke neighborhood, the applicant has agreed with the Reed Cooke Neighborhood Association, and ANC 1C, to place a plaque on the building identifying its role in the history of the neighborhood. (See proposed BZA Condition No. 5, Exhibit L.)

As previously discussed, the building on the subject property was originally constructed for warehouse and industrial use in accordance with the C-M-2 Zoning District. The C-M-2 District permits a lot occupancy of 100% and a building height of up to 60 feet. The existing building presently occupies approximately 90% of the subject property. The R-5-B District permits a lot occupancy of only 60%, so the existing building on the subject property is a non-conforming structure.

C. Description of the Proposed Mixed-Use Project

As discussed in greater detail in Section V herein, the project has undergone substantial changes in response to comments received from the community. The plans attached as Exhibit C are the culmination of a thorough and exhaustive five-month process that the applicant has undertaken to address the community's concerns regarding this project. This process has resulted in the adoption of unanimous resolutions in support of the project by Advisory Neighborhood Commission (ANC) 1C and the ANC 1C Quality of Life Committee, as well as the support of the Reed Cooke Neighborhood Association (RCNA).

The proposed mixed-use project will include 12 residential units that will occupy approximately 16,000 square feet of gross floor area. In addition, the Patricia M. Sitar Center (the "Sitar Center") will occupy approximately 12,000 square feet of space and approximately 3,500 square feet of gross floor area will be available for office use. The total gross floor area included in the building is 34,291 square feet, giving the proposed mixed-use development a floor area ratio (FAR) of 2.94.

The proposed project includes a two story residential addition. The new units have been carefully designed to incorporate the previous use of the building, while also minimizing impact on neighboring properties. The proposed project will have a total height of only 31 feet, 6 inches. This height is only 17 feet 6 inches taller than the existing building. All of the 12

residential units will be two-bedroom units. The residential units will have direct access to the parking garage level that is separated from the non-residential access to the parking garage level. All of the residential units will have two floors to provide more natural light for the units and will have direct access to a roof terrace.

The Sitar Center is a non-profit organization that provides music and arts education to children, and some adults that live in the Adams Morgan and Reed Cooke neighborhoods. The Sitar Center is classified as a private club pursuant to the Zoning Regulations. The Sitar Center is presently located at 2525 Ontario Road, N.W. and occupies approximately 2,500 square feet of space. Current enrollment at the Sitar Center is 101 students (83 children and 18 adults). At their present location, the Sitar Center experiences a maximum number of students attending classes at any one time of approximately 25-30 students. In its new space in this project, the Sitar Center expects to have a maximum of 50-60 students at the project at any one time. Since the students are members of the neighborhood, the vast majority of the students walk to the existing location and are expected to walk to the new Sitar Center on the subject property.

Significantly, the revised project incorporates a walkway inside the building (along its east side) that will allow the members of the Sitar Center to arrive at the Center without having to walk through the narrower portion of the alley. As shown in the yellow highlighted portions of the plans (Exhibit C), this walkway will be utilized by all of the student members of the Sitar Center to enter the building via the widest part of the alley system surrounding the subject property. In addition, as indicated in the Traffic Impact Assessment and Addendum attached as Exhibit I, the applicant will work with the District Department of Transportation to create a four-foot walking area in the southern (20 foot wide) alley to provide a space for pedestrians to walk. The adding of the internal walkway and creation of the pedestrian space are great improvements

and fully address community concerns that were raised regarding potential pedestrian and vehicular conflict in the alley. (See Exhibit I, which addresses this issue in greater detail.)

The project will include 24 parking spaces that will be accessed from the southern end of the subject property via the widest portion of the alley system in Square 2566, at the lowest level of the existing building. Each residential unit will be offered a parking space and the remaining parking spaces will be provided for the non-residential (Sitar Center and office) use. The provision of 24 parking spaces does not satisfy the strict requirements of the Zoning Regulations regarding the number of required parking spaces. Thus, the applicant has requested variance relief. As described in greater detail in Section IV. B. and the Traffic Impact Assessment prepared by O.R. George & Associates and Addendum, Exhibit I, the 24 parking spaces provided in the project is sufficient to meet the demand for parking generated by the project. The Applicant's original proposal included a second parking level, accessed from the western alley side of the subject property. The original project included a total of 32-36 parking spaces. In response to community concerns regarding potential traffic and congestion, this entire level of parking was removed from the project.

D. Areas of Necessary Relief

The proposed project will have a FAR of 2.94. This is in excess of the 1.8 FAR permitted in the R-5-B District, thus a variance from the maximum allowable FAR in the R-5-B District has been requested. In addition, §2001.3 prohibits enlargements or additions to a structure that exceeds the lot occupancy requirements. Since the building already exceeds the permitted lot occupancy for the site, any addition to the building requires variance relief from this requirement, which the applicant has requested. Finally, §2507 et seq. of the Zoning

Regulations only permit single-family dwellings to be constructed on alley lots, thus a variance has been requested for this multi-unit mixed-use project.[2]

As advertised, the project requested a special exception request to exceed the 40 foot height restriction of the Reed Cooke Overlay District. That special exception relief request has been eliminated as a result of the applicant's lowering of the building height in response to community concerns. Finally, because the number of parking spaces has been reduced and a second garage access point has been eliminated, variance relief from the off-street parking space requirement is required. The Zoning Administrator has determined that the relief requested by the Applicant is appropriate. (See Exhibit N.)

IV.
The Application Meets the Requirements for
Variance Relief Under Section 3103.2 of the Zoning Regulations

The burden of proof for variance relief is well established. The applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. Palmer v.

[2] An issue has been raised concerning the applicability of the Alley Dwelling Act, 6 D.C. Code §101 to the subject application. That Act is not applicable or relevant to the current proposal. On its face, the Act is designed to eliminate unhealthy conditions in existing alley dwellings, and to allow the District to acquire such properties where those conditions exist. The Act does not regulate or prohibit the construction of new residential structures within alleys. In fact, such residential use is specifically permitted under Section 2507 of the Zoning Regulations. The Applicant's relief is solely to allow multi-family use, rather than single-family use (2507.1) and to permit such use on an alley less than 30 feet in width (2507.2). The Zoning Administrator has indicated in writing that the requested relief is appropriate (Exhibit N). The Board should also take notice of the many other alley dwellings in the District, such as Hughes Mews and Queen Anne's Lane in Foggy Bottom, that have been constructed since the adoption of the Alley Dwelling Act.

BZA, 287 A.2d 535, 541 (D.C. 1972). As set forth below, the application meets the three-part test for area variance relief.

A. The Property is Affected by an Exceptional Situation or Condition

The D.C. Court of Appeals held in Clerics of St. Viator v. D.C. Board of Zoning Adjustment, 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that " . . . property generally includes the permanent structures existing on the land [footnote omitted]." *Id.* at 293-294. (Copy attached as Exhibit O.) The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e., the building on the land).

In the present case there is no doubt that the subject property is affected by an exceptional situation. The subject property is surrounded by four alleys. Although it is an alley lot, the subject property is large, at over 11,000 square feet of land area. Two alleys provide access to 17th Street, N.W. Not only is this an alley lot, it is a property that was down-zoned from its original C-M-2 use and development parameters. It was rezoned to Reed-Cooke (RC)/R-5-B indicating a desire for residential use on the subject property. The existing building on the subject property was constructed for industrial use with very few windows and built almost entirely to the property line. In order for the subject property to provide additional benefits to the surrounding neighborhood, new development must occur on the site on top of the existing building. The existing building is very structurally sound and there is strong sentiment in the community not to demolish the existing building. Therefore, any residential use must be located on top of the building, since the existing building is not suitable for residential use. Otherwise, the subject property will remain for office/warehouse use with little incentive to improve the adjacent area.

1. §402 - FAR Variance. The existing building is close to the maximum allowable FAR of 1.8 in the RC/R-5-B Zone. The existing building is proposed to be occupied by the Sitar Center, commercial space, and parking. The existing building is not suitable for residential development, particularly market rate units. As indicated by the pictures attached as Exhibit D, the existing building has low windows and offers no residential amenities. Thus, in order to provide residential use on the subject property, and satisfy the intent of the Reed Cooke Overlay, any residential development on top of the existing building will necessarily require variance relief from the maximum allowable FAR.

2. §2001.3 - Lot Occupancy Variance. It is readily apparent that this exceptional situation clearly satisfies the applicant's requested variance from §2001.3, as the existing building already exceeds the permitted lot occupancy. Any addition to the existing building necessitates variance relief. The proposed project does not increase the existing building's lot occupancy.

3. §2507 et seq. - Alley Lot Use. The Zoning Regulations, without a variance, would not allow the subject property to be used as an apartment building, only a single-family structure. As previously discussed, the existing building on the subject property has a long history of industrial use and warehouse/office use is permitted to continue. It is extremely unlikely that this large industrial building could be developed for single-family use. In addition, because the subject property fronts on an alley that is less than 30 feet in width, any residential use on the subject property will require variance relief from Chapter 25 of the Zoning Regulations. As a result of all of these factors, the building on the subject property is certainly unique.

4. §2101 - Off-Street Parking Requirements. As noted above, the existing building occupies the majority of the subject property. There is no space outside to provide parking. Thus, any parking must be constructed within the building. The southern end of the building fronts on the 20-foot wide portion of the alley that leads directly to 17th Street, N.W. Twenty-four parking spaces are provided in the project at its lowest level. Because of the size of the other alleys surrounding the subject property (15 feet) and the grade of the alley, additional parking can only be provided on the western portion of the alley by digging another level below grade in the building. This creates a situation where access to the parking is off the 20-foot alley, past the garage entrance, and then into a 15-foot alley with tight turns. In the proposed project, an area at the southern end of the building has been created for a vehicular drop-off and turn-around. (See Exhibit C, page A-1, area highlighted in blue), rather than parking. The subject property, even when heavily used as a printing plant, did not provide any parking in the building, and there is currently no parking provided.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

First, we need to make clear what is required to demonstrate a "practical difficulty", which is necessary to obtain area variance relief. Each instance of requested relief in this case is for area variance relief, **not** use variance relief. The test for use variance relief is "undue hardship," which is a more stringent standard than required for area variances. In reviewing the standard for satisfying the practical difficulty prong of the three-part variance test, the D.C. Court of Appeals stated in Palmer v. D.C. Bd. of Zoning Adjustment, 287 A.2d 535, 542 (D.C. 1972) that, "[g]enerally it must be shown that compliance with the area restriction would be

unnecessarily burdensome. [Footnote omitted.] The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." In area variances, applicants are not required to show "undue hardship" but must satisfy only "the lower 'practical difficulty' standards." Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1365 (D.C. 1992) (See Exhibit P), citing Gilmartin v. D.C. Bd. of Zoning Adjustment, 579 A.2d 1164, 1170 (D.C. 1990). Finally, it is well settled that the BZA may consider "... a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty' ....". Gilmartin, 579 A.2d at 1171, citing Barbour v. D.C. Bd. of Zoning Adjustment, 358 A.2d 326, 327 (D.C. 1976). See also, Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1367 (D.C.1992).

Thus, to demonstrate practical difficulty, the applicant must show that strict compliance with the regulations is burdensome, not impossible. The applicant, as demonstrated below, meets this standard.

1. §402 - FAR Variance. The matter-of-right maximum FAR in the R-5-B District is 1.8. The existing building on the subject property includes approximately 17,938 square feet of gross floor area. This is equivalent to a FAR of 1.54. The practical difficulty of satisfying the 1.8 FAR maximum is that only 0.26 FAR, or 3,032 square feet of gross floor area, is available for development as a matter-of-right. It is not practicable to develop only 3,032 square feet for residential use. As previously discussed, any mixed-use development on the subject property must incorporate the existing structure into the project. Thus, in order to make it viable to construct a mixed-use project including residential and the Sitar Center use (which will be charged rent that is significantly lower than market rates), a FAR variance is necessary. As shown in the pictures attached as Exhibit D, the subject building, due to its location right on the alley

lot line, the lack of windows, and the configuration of the existing floorplates, is not suitable for residential use. Further, the applicant has been encouraged to retain the existing structure, rather than demolish it and redevelop the subject property. The new residential use on top of the existing building makes practical and economic sense on this site.

2. §2001.3 - Lot Occupancy Variance. It is impossible for the applicant to enlarge or construct an addition to the existing building and satisfy this section of the Zoning Regulations. The practical difficulty of satisfying the strict requirements of the Zoning Regulations is that the only development that could occur on the subject property would be limited to interior renovations of a structure that was originally intended for industrial use, a use that is no longer consistent with the R-5-B zoning for the property. Thus, in order to create any use that is consistent with the RC/R-5-B Zoning of the subject property, a variance from the lot occupancy requirement is necessary.

3. §2507 - Alley Lot Use. In order to fulfill the goals of the Reed Cooke Overlay and return residential uses to the neighborhood from previous industrial uses, a variance from the prohibitions on alley lot use is necessary. Because of the unique alley configuration, with all alleys surrounding the subject property being less than 30 feet wide, no residential use can be made of the building without variance relief. In addition, the side yard and rear yard requirements for a single-family detached dwelling would be extremely burdensome, if not impossible, to comply with on this long and rather narrow property. As noted below, the Zoning Commission in Order No. 523-A specifically added the subject property to the RC/R-5-B zoning district, indicating a desire for residential use (or mixed-use) of the property. (See Exhibit B.) Variance relief is the only way to obtain the proposed mixed-use/residential project.

4. §2101 - Off-Street Parking Requirement. Due to the nature of the unique situation of the subject property, including the configuration of the existing alley and the existing building, there is a significant practical difficulty in satisfying the strict application of the Zoning Regulations' requirements regarding off-street parking. The existing building does not have any dedicated parking spaces, and would be grandfathered for up to 20 spaces if used for office and warehouse purposes. The applicant proposes to add 24 parking spaces within the building that will be accessed via the southern part of the alley, the widest portion of the surrounding alley system, at grade level. The use of the southern alley entrance from 17th Street, N.W. is the most logical option for bringing the vehicles to the subject property with the least amount of impact on the operation of the existing alley system.

The strict application of the Zoning Regulations would require 28 parking spaces to be provided in the project.[3] As discussed in the Traffic Impact Assessment report at pages 15 and 16, attached as Exhibit I, the actual demand for parking spaces generated by the uses to be included in the project can be satisfied by the 24 parking spaces provided in the project. Moreover, the initial plans for this project included 36 parking spaces, with the 12 additional parking spaces accessed from a second garage entrance on the western side of the building, from a portion of the alley that is only 15 feet wide. In response to concerns from members of the community regarding increased traffic and

[3] Six (6) spaces for the residential use, twenty (20) spaces for Sitar's use, and two (2) spaces for the office use, or 28 spaces.

congestion in the alley, the second entrance was eliminated when it was determined that the 24 parking spaces were adequate to satisfy the demand for parking generated by this project. In addition, if the excess parking spaces were required to be created in the project, while maintaining the one entrance to the parking spaces, significant earth removal would be required. This earth removal would not only be very expensive to the applicant, it would be extremely disruptive to the neighboring properties.

For these reasons, the applicant believes that there is a practical difficulty with satisfying the strict application of the Zoning Regulations regarding off-street parking. Moreover, the applicant's traffic and parking expert has concluded that the provision of 24 parking spaces is sufficient to satisfy the demand for parking generated by the project.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The requested variance can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan. The intent, purpose and integrity of the Zone Plan will not be impaired by granting this variance application. In fact, granting the requested variance relief helps achieve the intent and goals of the Zone Plan for this area as defined in the Reed Cooke Overlay of the Zoning Regulations, 11 DCMR 1400 et seq., as well as the goals of the Comprehensive Plan.

The Reed Cooke Overlay was established to accomplish the following goals:

1) Implement the objectives of the Reed Cooke Special Treatment Area of the Comprehensive Plan of the District of Columbia. These objectives include:
   (a) Protect current housing in the area, and provide for the development of new housing;
   (b) Maintain heights and densities at appropriate levels; and
   (c) Encourage small-scale business development that will not adversely affect the residential community. (10 DCMR 1127.2 (a-c)); and

2) Ensure that new non-residential uses serve the local community by providing retail goods, personal services and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed Cooke and Adams Morgan community; and

3) Protect adjacent and nearby residences from damaging traffic, parking and environmental, social and aesthetic impacts. (See 11 DCMR 1400.2).

The proposed project fully satisfies the intent and letter of the Reed Cooke Overlay requirements, as well as the Comprehensive Plan's Generalized Land Use Map designation of this area, and thus satisfies this element of the variance standard. As shown in Exhibit C, the proposed project has been carefully designed, modified and revised to prevent adverse impacts on the amount of light and air that is provided to existing housing adjacent to and near the subject property. In addition, the project now has a height of only 31 feet 6 inches and is generally consistent with the height of adjacent buildings. Most importantly, the proposed project will not displace any current residents and it will in fact create residential units on a site that was formerly an industrial use. Increasing residential opportunities for more residents in the Reed Cooke and Adams Morgan neighborhoods is entirely consistent with the Reed Cooke Overlay.

The proposed project's inclusion of space for the Sitar Center is further evidence of the project's promotion of the goals of the Reed Cooke Overlay. The Sitar Center provides educational experiences in music and the arts for the children of this neighborhood that are not being satisfied elsewhere in the neighborhood. The members of the Sitar Center are residents of this neighborhood and their ability to utilize this upgraded space will allow more neighborhood children and adults to share in these experiences.

The Comprehensive Plan Generalized Land Use Map includes the subject property in the moderate density residential land use category. The proposed mixed-use residential and community oriented service uses are fully consistent with this Land Use Map designation. The

low height and density of the residential portion of the project is entirely consistent with the moderate density designation. Moreover, the proposed project is removing uses from the site, industrial and warehouse, that are entirely inconsistent with the moderate density land use designation. The proposed project's consistency with the moderate density Land Use Map designation is further evidence that the intent, purpose and integrity of the Zone Plan will not be impaired by granting this variance application

The proposed project will also create a safer environment in the alley for all residents of Square 2566 and the surrounding neighborhood. Having a 24 hour presence in the alley through the creation of residential units will discourage illicit activities in the alley system that currently exist. Moreover, proper development of the subject property will result in the improvement of the condition of the alley and the removal of the various abandoned or semi-abandoned vehicles. As discussed in detail above and in the Traffic Impact Assessment and Addendum (Exhibit I), the project's design minimizes traffic impacts. All cars access the garage from the 20 foot-wide alley and proceed directly into the parking garage.

As shown on page A-1 of Exhibit C, a vehicular drop-off and turn-around area has been included on the subject property to allow cars dropping off residents or delivery persons coming to the property to pull their vehicle off of the public alley. This drop-off and turn-around area will help assure that the minor increase in vehicular activity that will occur as a result of the project will have not create any negative impacts on the flow of traffic in the alley.

In terms of pedestrian safety, all children coming to the Sitar Center will be required to access the building from the 20 foot-wide southern alley. As previously discussed, the Sitar Center will have a separate entrance at the southern end of the building that will allow its students to enter its space without having to walk up the alley to the northern entrance to the Sitar Center. In addition, as described in Condition No. 3 of the proposed Conditions of BZA

approval, Exhibit L, the Sitar Center will make sure that an alley crossing guard will be present at the southern alley entrance at peak times of Sitar Center use. Finally, the applicant's traffic engineer has recommended that a four foot-wide area of the 20 foot-wide alley be delineated to show the area where pedestrians will be using the alley to walk to the project.

V.
Community Outreach

The Applicant has made significant efforts to seek input on this project from the community and to make substantial changes to the project in response to community concerns. A summary of the changes that have been made to the project is attached as Exhibit J. A list of meetings and discussions that occurred between the applicant and various members of the community is attached as Exhibit K.

The applicant made an initial presentation to the ANC 1C Public Works Committee on December 10, 2001. At that meeting, various concerns were raised by members of the community regarding the project and the applicant was asked to postpone the initial BZA public hearing date of January 15, 2002. The applicant agreed to postpone the BZA public hearing until March 12, 2002. During the months of January and February, the Applicant met formally with members of the community (including property owners in the 1700 block of Euclid Avenue) on four occasions, in addition to numerous e-mails, phone conversations, and personal visits.

On February 19, 2002, the applicant and its development team met with members of the Reed Cooke Neighborhood Association at the subject property for a site visit and then a two hour presentation regarding the changes that were made to the project to address all of the concerns that were raised by members of the community at the December 10, 2001 ANC 1C Public Works Committee meeting, as well as in the continuing dialogue that occurred between the parties. At

that meeting, the applicant also presented conditions of approval that it would agree to be included in the BZA Order. These conditions are attached as Exhibit L.

At the February, 19, 2002 meeting with members of the Reed Cooke Neighborhood Association, the applicant was asked to make additional changes to the project. Once again the applicant listened to the comments and concerns raised by members of the neighboring community and revised the project to address those comments. The revisions made to the plans as a result of the February 19, 2002 were presented to members of the community and Ward 1 Councilmember Jim Graham on February 22, 2002. Exhibit J outlines the changes to the project that have been made since the application was initially filed. With minor revisions, those are the plans that are being proposed in this application.

The applicant has continued to engage in dialogue with members of the community, the Reed Cooke Neighborhood Association and ANC 1C. The applicant made a presentation to the ANC 1C Public Works Committee, now known as the Quality of Life Committee, on April 8, 2002 and then a formal presentation to ANC 1C on May 1, 2002. ANC 1C and the ANC 1C Quality of Life Committee both adopted unanimous resolutions in favor of the project and commended the applicant for the time and effort that it took in meeting with the community and addressing the concerns that were raised by the community.

VI.
List of Witnesses Expected to Testify

The following witnesses are expected to testify at the public hearing on behalf of the applicant:

1) John Holmes, Representative of the applicant;
2) James Foster, Project Architect;
3) Osborne George, Traffic Engineer; and
4) Armando Lourenco, Zoning and Building Code Consultant.

VII.

Exhibits in Support of Application

Exhibit A: Portion of the Sanborn plat showing the subject property outlined in red.

Exhibit B: Zoning Commission Order No. 523-A and a portion of the Zoning Map showing the subject property outlined in red.

Exhibit C: Elevations and plans of the proposed addition to the Colortone Building.

Exhibit D: Photographs of the existing Colortone Building and the surrounding area.

Exhibit E: Outline of Testimony of John Holmes, Principal; Adams Alley LLC.

Exhibit F: Outline of Testimony of Jim Foster, Architect; Arcadia Design.

Exhibit G: Outline of Testimony of Armando Lourenco; Zoning and Building Code Consultant; Lourenco Consulting.

Exhibit H: Outline of Testimony of Osborne George, Traffic Engineer; O.R. George & Associates.

Exhibit I: Traffic and Parking Impact Assessment and Addendum prepared by O.R. George & Associates.

Exhibit J: Changes to the proposed development that have been made in response to community concerns.

Exhibit K: List of formal meetings with members of the community and presentations to the community.

Exhibit L: Potential conditions of BZA approval agreed to by the applicant.

Exhibit M: Certificate of Occupancy No. 188519 authorizing warehouse and office use on the subject property.

Exhibit N: Letter of the Zoning Administrator certifying that the applicant has requested the appropriate zoning relief for the proposed project.

Exhibit O: Copy of D.C. Court of Appeals case, Clerics of St. Viator v. D.C. Board of Zoning Adjustment.

Exhibit P: Copy of D.C. Court of Appeals case, Tyler v. D.C. Bd. of Zoning Adjustment.

VIII.
Conclusion

For all of the above reasons, the applicant is entitled to the requested variance relief in this case.

Respectfully submitted,

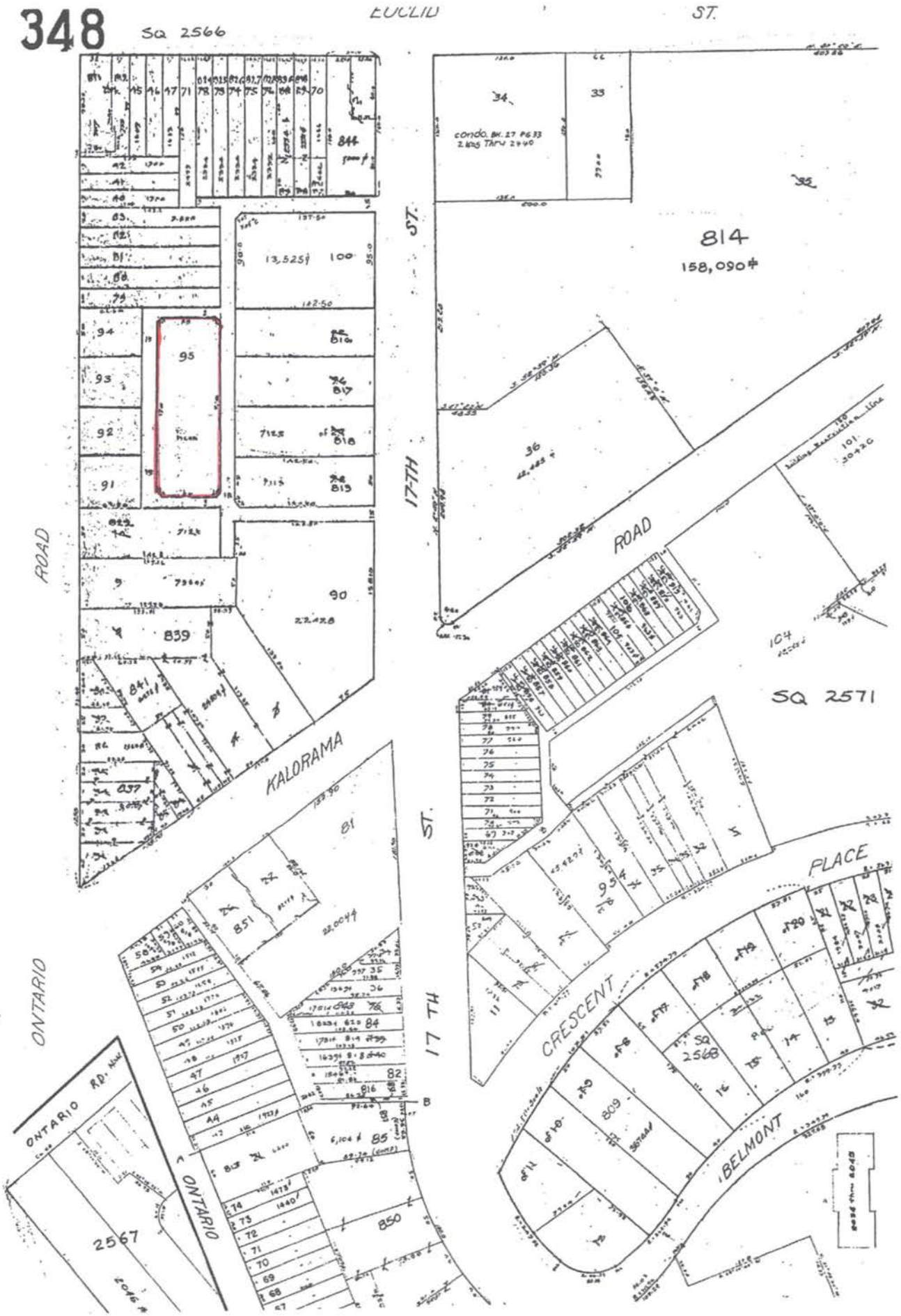
SHAW PITTMAN

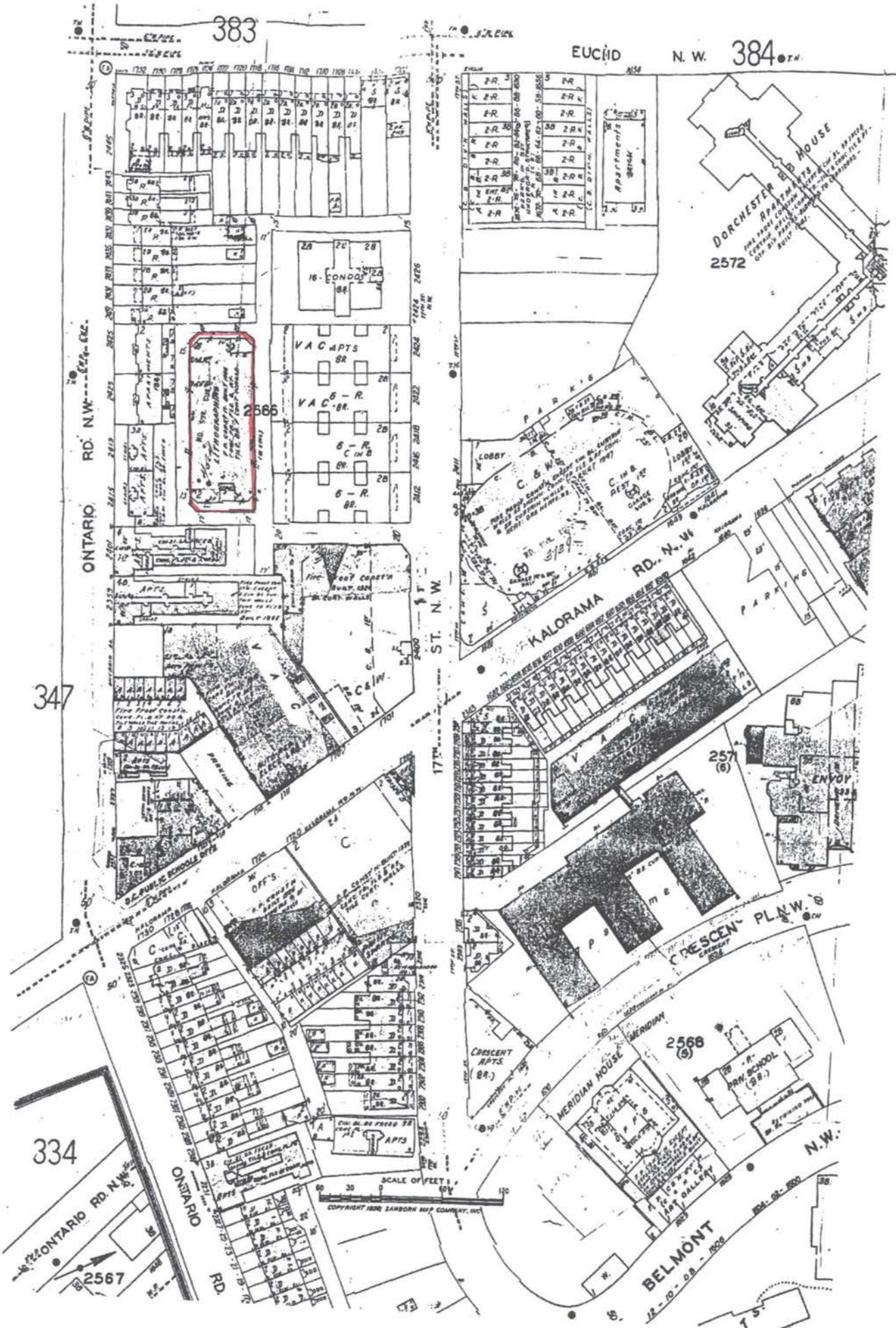
By: _____
John T. Epting

By: _____
Paul A. Tummonds, Jr.

Document #: 1213502 v.5




348
Sq 2566
EUCLID
ST.
814
158,090 ft
condo. BK. 27 PG 33
2 bdrs thru 2940
17-TH
ST.
ROAD
KALORAMA
ROAD
Sq 2571
17 TH
ST.
PLACE
CRESCENT
BELMONT
ONTARIO
ONTARIO RD.
2567
Sq 2568
809
850
851
839
841
837
816
817
818
819
90
95
100
34
33
36


383
EUCLID
N. W.
384
DORCHESTER HOUSE
APARTMENTS
2572
16 - CONDOS
VAC APTS
VAC 6 - R.
6 - R.
2566
ONTARIO
RD. N.W.
ST. N. W.
17TH
KALORAMA
RD. N. W.
PARKING
347
C & W
C
OFF'S
APTS
257
(6)
ENVOY
CRESCENT PL. N.W.
CRESCENT APTS.
(88.)
MERIDIAN HOUSE
MERIDIAN
2568
(9)
PAN. SCHOOL
(88.)
N.W.
BELMONT
334
ONTARIO RD. N.W.
2567
ONTARIO
RD.
SCALE OF FEET
COPYRIGHT 1938, SANBORN MAP COMPANY, INC.




POTOMAC
PARKWAY
CALVERT
BILTMORE
ASHMEAD
BELMONT
CONNECTICUT
COLUMBIA
RD.
HALORAMA
CALIFORNIA
VERNON
FLORIDA
LEROY
CHAPIN
BELMONT
CLIFTON
HAMPSHIRE
NEW
HAMPSHIRE AVE.
C-2-A
C-2-B
C-M-2
C-3-C
R-5-B
R-5-D
D/R-5-B
R-3
R-1-B
DC/R-5-B
DC/C-2-B
DC/R-5-D

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER 523-A
Case No. 88-19
(Reed-Cooke Special Treatment Area:
Text and Map Amendment)
February 11, 1991

The Zoning Commission initiated this case to consider amendments of the text and map of the Zoning Regulations that would implement the Comprehensive Plan for the National Capital, and in particular, Section 1128 of the Land Use Element, which reads as follows:

Section 1128. Reed-Cooke Special Treatment Area

(a) The Reed-Cooke area is designated as a special treatment area.

(b) The policies established for the Reed-Cooke special treatment area are as follows:

(1) Protect current housing in the area, and provide for the development of new housing.

(2) Maintain heights and densities at appropriate levels; and

(3) Encourage small-scale business development that will not adversely affect the residential community.

D.C. Law 8-129, the District of Columbia Comprehensive Plan Amendments Act of 1989, became effective on May 23, 1990. Law 8-129 did not amend Sec. 1128; however, Sec. 2(a)(10)(L) of Law 8-129 adopted Sec. 1136(b)(42) to provide that the Generalized Land Use Map, as revised, would generally depict the Reed-Cooke Special Treatment area as "included in the moderate density residential land use category."

The Zoning Commission believes that the action that it effects by this order harmonizes Sec. 1128 and Sec. 1136(b)(42) of the Land Use Element. The rezoning action protects current housing and provides for the development of new housing, by rezoning the C-M-2 zoned portions to R-5-B, C-2-A, or C-2-B, within the Reed-Cooke (RC) Overlay. These zoning map changes provide a favorable zoning environment for continued residential and new residential development.

This contrasts sharply with the previous C-M-2 zoning, under which no new dwelling would be allowed. See 11 DCMR 800.4.

Consideration of this case has been long and has presented the Commission with the need to make a difficult choice. The amendment to the Land Use Element reflects the same difficulty. Existing residential, commercial, and industrial uses are juxtaposed in the area. All are thriving, at least sufficiently to deserve protection. These uses are not easily made compatible, and their proximity causes problems that detract from the reasonable enjoyment of the residential uses. The difficulties are compounded by narrow, crowded streets, and sharply-angled and dog-leg intersections.

The Office of Planning conscientiously crafted a proposal that undertook to resolve these issues. The OP proposal clearly established the correct direction and included the essential elements of the decision that the Commission has reached. That proposal was to rezone the area to C-2-B within the RC Overlay. OP concluded that a C-2-B base zone would protect and encourage residential uses consistently with the Comprehensive Plan, and at the same time provide a greater measure of viability for the established commercial and industrial uses, again consistent with the plan, than would an R-5-B base.

The Commission's conclusion is different in several ways from the OP recommendation, but is essentially based on the OP analysis. The Commission has decided that a substantial area of R-5-B base zoning is reasonable and necessary to protect current housing and provide for the development of new housing, and that a lower height limit is necessary to effect the same policies.

The final action that the Commission effects by this Order is based upon two notices of proposed rulemaking, which appeared in the D.C. Register on August 3, 1990, and November 9, 1990 (37 DCMR 5106 and 7139, respectively). The second notice followed a public hearing on September 13, 1990, at which the Commission considered several issues that were not within the scope of the earlier public hearing. The comments on the proposed rules are set forth below.

RAM, the Reed-Cooke Neighborhood Association, urged that special exceptions not be allowed as a means of relief from the RC Overlay provisions; that access to and from parking uses be limited to streets wider than sixty feet; and that assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

ANC 1-C continued to urge the Zoning Commission to set a hearing on pure residential zoning; limit height to 50 feet, including roof structures within the 50-foot limit; and provide linkage for housing for low and moderate income families, with the benefits linked to the Reed-Cooke area. ANC 1-C also supported proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (x).

The 18th & Columbia Road Business Association supported the 50-foot height limit; parking uses, with ANC review, rather than as a special exception; and flexibility for the height and floor area of PUDS.

A number of property owners or their counsel requested particular exemptions or changes to accommodate various specific properties, including the Security Storage Site at 1701 Florida Ave., the site leased by C&P Telephone Co. at 1711 Florida Ave., and the former National Geographic warehouse at 1707 Kalorama Road.

The Zoning Commission referred both notices of proposed rulemaking to NCPC, the National Capital Planning Commission. By comments dated October 4, 1990, and December 14, 1990, NCPC reported that the proposed amendments would not adversely affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan.

At its meeting on February 11, 1991, the Zoning Commission considered the written comments, and determined:

1. Deletion of proposed sub-sections 1401.2 and 1401.3 is appropriate, because of the termination of the particular use that the provisions would have protected;

2. The preferred version of proposed sub-section 1402.1 is the version that includes an incentive to provide low and moderate income household units;

3. It would not be practical to prohibit access to parking uses from streets that are not wider than sixty feet; and

4. Other recommended changes have been considered, but do not require explicit discussion.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, are not

inconsistent with the Comprehensive Plan for the National Capital, and will appropriately implement and advance the objectives and policies established in the Comprehensive Plan.

In consideration of the reasons set further herein, the Zoning Commission hereby orders APPROVAL of amendments to the Zoning Regulations to establish and map a Reed-Cooke Overlay Zone District, and make related amendments to the Zoning Map. The specific amendments to the Zoning Regulations are as follows:

1. Amend the text of the Zoning Regulations by adopting a new Chapter 14 of Title 11, to read as follows:

CHAPTER 14 REED-COOKE OVERLAY DISTRICT

1400 GENERAL PROVISIONS

1400.1 The Reed-Cooke Overlay District is applied to the portions of Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, that are zoned non-residentially as of January 1, 1989.

1400.2 The purposes of the District are as follows:

(a) To implement the objectives of the Reed-Cooke Special Treatment Area (Section 1128 of the Comprehensive Plan as adopted), which are to:

(1) Protect current housing in the area, and provide for the development of new housing;

(2) Maintain heights and densities at appropriate levels; and

(3) Encourage small-scale business development that will not adversely affect the residential community.

(b) To ensure that new non-residential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community; and

(c) To protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts.

1400.3 The Reed-Cooke Overlay District and the underlying commercial and residential zone districts shall together constitute the Zoning Regulations for the geographic area identified in sub-section 1400.1.

1400.4 Where there are conflicts between this chapter and the underlying zoning district, the more restrictive regulations shall govern.

1400.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to the following:

(a) All new construction;

(b) All additions, alterations, or repairs that, within any 18 month period exceed in cost 50 percent (50%) of the assessed value of the structure as set forth in the records of the Office of Property Assessment on the date of the application for a building permit;

(c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

(d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

1400.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to sub-section 1400.5(b), the cost shall be determined by the average of the estimates furnished by three independent qualified contractors, the first of whom shall be selected by the owner, the second of whom shall be selected by the Zoning Administrator, and the third of whom shall be selected by the first two contractors.

1400.7 The estimates provided for by sub-section 1400.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator, and the cost of estimates shall be at the expense of the property owner.

1401 USE PROVISIONS

1401.1 The following uses are prohibited in the Reed-Cooke Overlay District:

(a) Bar or cocktail lounge;
(b) Off-premises alcoholic beverage sales;
(c) Restaurant or fast food restaurant;
(d) Hotel or inn;
(e) Transient accommodations that are not home occupations;
(f) Movie theater;
(g) Gasoline service station or repair garage;
(h) Automobile laundry;
(i) Drive-through;
(j) Automobile or truck sales;
(k) Boat or other marine sales;
(l) Motorcycle sales or repair;
(m) Automobile rental agency that stores or services automobiles within the Overlay District;
(n) Billiard parlor or pool hall;
(o) Video game parlor;
(p) Bowling alley;
(q) Funeral mortuary or other similar establishment;
(r) Parcel delivery service establishment other than one that is exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on the effective date of this chapter;
(s) Veterinary hospital;
(t) On-premises dry cleaning establishment;
(u) Assembly hall, auditorium, or public hall;
(v) Bus passenger depot;
(w) Antenna tower in excess of twenty (20) feet in height;
(x) Satellite reception dish that is greater than fifteen (15) feet in diameter; and
(y) Any use prohibited in the CR District by sub-section 602.1 of this title, except a parking lot as permitted by sub-section 1403.2 of this chapter.

1402 HEIGHT AND BULK PROVISIONS

1402.1 The maximum height permitted in the Reed-Cooke Overlay District shall not exceed forty (40) feet plus roof structure as defined in this title; provided that in the RC/C-2-B District the Board of Zoning Adjustment may approve a maximum height of fifty (50) feet with appropriate set-backs from the street, plus roof structures, subject to

determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units, as defined by the regulations of the Department of Housing and Community Development of the District of Columbia, of a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by this exception.

1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.

1403 EXCEPTIONS

1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception after a public hearing, and subject to the following criteria:

(a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the Reed-Cooke Overlay District;

(b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees, trucks, and other service vehicles;

(d) If located within a C-2-B zone, the use shall not be within 25 feet of a Residence District, unless separated therefrom by a street or alley;

(e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

(f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or parking garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception, subject to the following:

(a) The parking lot or garage shall meet the conditions specified in sub-sections 214.4 through 214.8 of chapter 2 of this title;

(b) The parking lot or garage shall meet the conditions set forth in sub-section 1403.1 of this section; and

(c) The Board may require that all or a portion of the parking spaces be reserved for residential parking, unrestricted commercial parking, accessory parking for uses within 800 feet, and shared parking for different uses by time of day.

2. Rezone from C-M-2 to RC/C-2-B the following lots and squares:

a. In Square 2560, Lots 64, 125, 875, and 882;

b. In Square 2572, Lot 36;

c. In Square 2562, all lots now zoned C-M-2 and not occupied by the Marie Reed School, including Lots 95, 97, and 824;

d. In Square 2567, Lots 58 through 60, 81, and 851;

e. In Square 2566, all lots now zoned C-M-2 and not rezoned to RC/R-5-B in the following paragraph numbered 3; and

f. Any lot in Square 2560, 2567, or 2572 that is now zoned C-M-2 and not specifically listed in this paragraph.

3. Rezone from C-M-2 to RC/R-5-B the following lots and squares:

a. In Square 2563, Lots 73, 79 through 81, 97, 98, 101, 816, 862, 879, 880, 883 through 885, and 887;

b. In Square 2558, the portion of the Square that is now zoned C-M-2;

c. In Square 2562, the portion of the Square that is now zoned C-M-2 and occupied by the Marie Reed School;

✓ d. In Square 2566, Lot 36; Lot 55 (or 95) (occupied by Colortone Press); and Lots 839 and 841 from Ontario Road to a line parallel to and 70 feet east of Ontario Road; and

e. Any lot in Square 2558 or 2563 that is now zoned C-M-2 and is not specifically listed in this paragraph.

4. Rezone from C-M-2 to RC/C-2-A following lots and squares:

a. In Square 2557, Lot 800;

b. In Square 150, Lot 800; and

c. Any lot in Square 150 or 2557 now zoned C-M-2, and not specifically listed in this paragraph.

Vote of the Zoning Commission on proposed action on April 16, 1990: 4-0, in part; 5-0, in part; and 3-1, in part (Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, and William Ensign to approve proposed amendments to the text of Title 11; and, except as specified herein, to approve proposed amendments to the Zoning Map; Lloyd D. Smith not voting, not present; Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, William Ensign, and Lloyd D. Smith to approve proposed rezoning in Square 2562; John G. Parsons, Maybelle Taylor Bennett, and Tersh Boasberg to approve proposed rezoning in Square 2566; William Ensign, opposed; Lloyd D. Smith not present, not voting).

Vote of the Zoning Commission on proposed action on October 15, 1990: 4-1 in part, and 5-0 in part (Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, and William Ensign to approve an alternative text of 11 DCMR 1402.1; Tersh Boasberg, opposed; and Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, William Ensign, and Tersh Boasberg to approve proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (y).

This order and amendments to Title 11, DCMR, and to the zoning map, were revised and adopted by the Zoning Commission at its meeting on February 11, 1991, by a vote of 5-0 (Maybelle Taylor Bennett, William L. Ensign, Tersh Boasberg, Lloyd D. Smith, and John G. Parsons to approve.

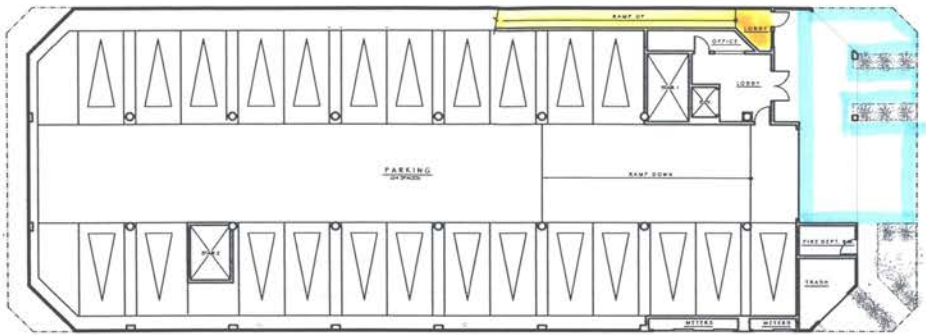
Pursuant to 11 DCMR 3028, this Order shall be final and effective when it is published in the D.C. Register, that is, on APR 26 1991.

TERSH BOASBERG
Chairman
Zoning Commission

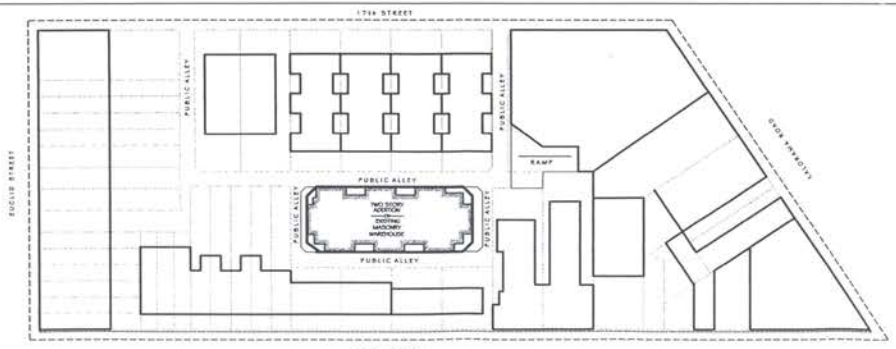
EDWARD L. CURRY
Executive Director
Zoning Secretariat

nopr88-19/LJP63





GARAGE LEVEL ONE



A R C A D I A
RESIDENTIAL AND COMMERCIAL DESIGN SERVICES
1737 FLORIDA AVENUE NW WASHINGTON, DC 20009
PHONE 202.483.8282 FAX 202.483.8283

2412 R 17th ST., NW
Washington, DC

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Site Plan 1" = 40'
Image Plan 1/8" = 1'-0"
02.28.05
OPTION C

A-1

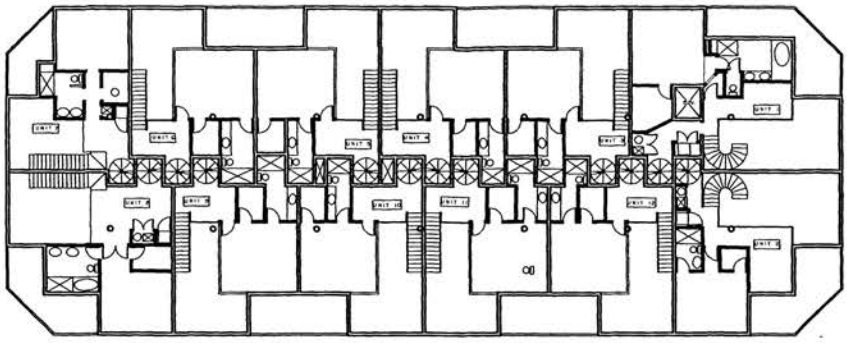
LEVEL ONE

MEZZANINE LEVEL

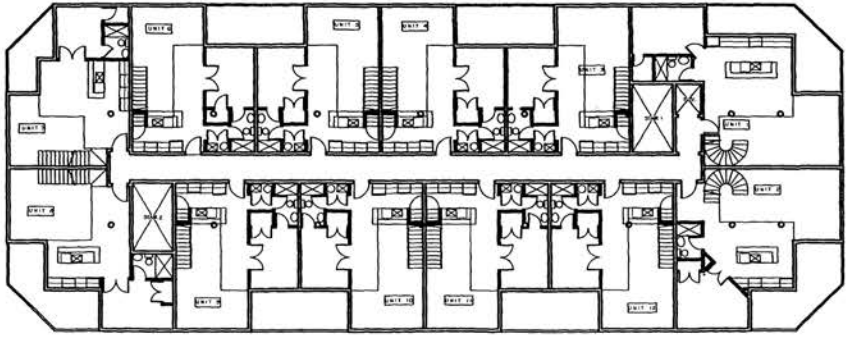
A R C A D I A
ARCHITECTURAL AND COMMERCIAL DESIGN SERVICES
1730 FLORIDA AVENUE NW WASHINGTON, DC 20009
(202) 328-9828 FAX: (202) 483-3979

2412 R 17th ST., NW
Washington, DC

A-2



LEVEL THREE

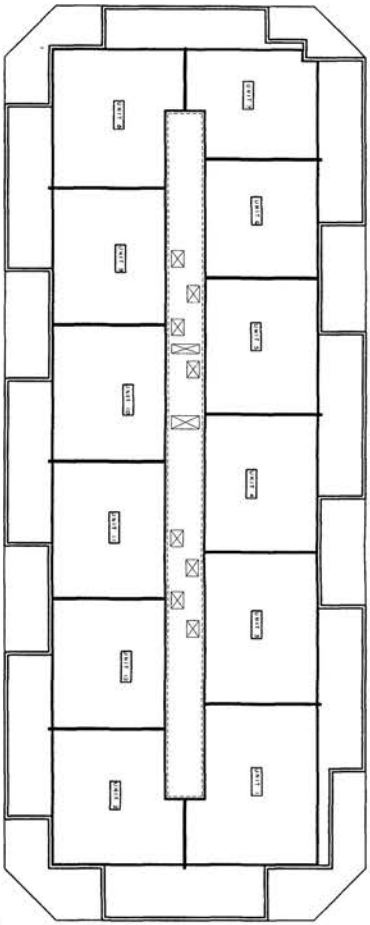


LEVEL TWO

2412 R 17th ST., NW
Washington, DC

A-3

ROOF PLAN



A-4

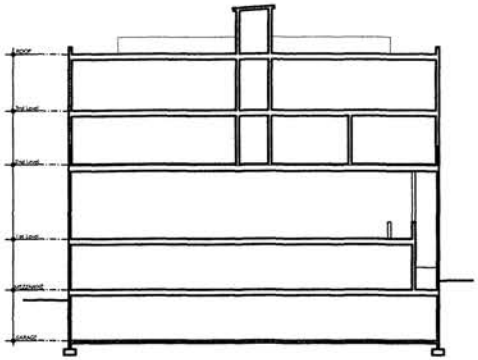
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OPTION C

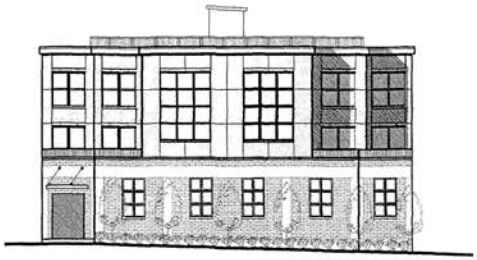
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BUILDING SECTION



FRONT ELEVATION



SIDE ELEVATION

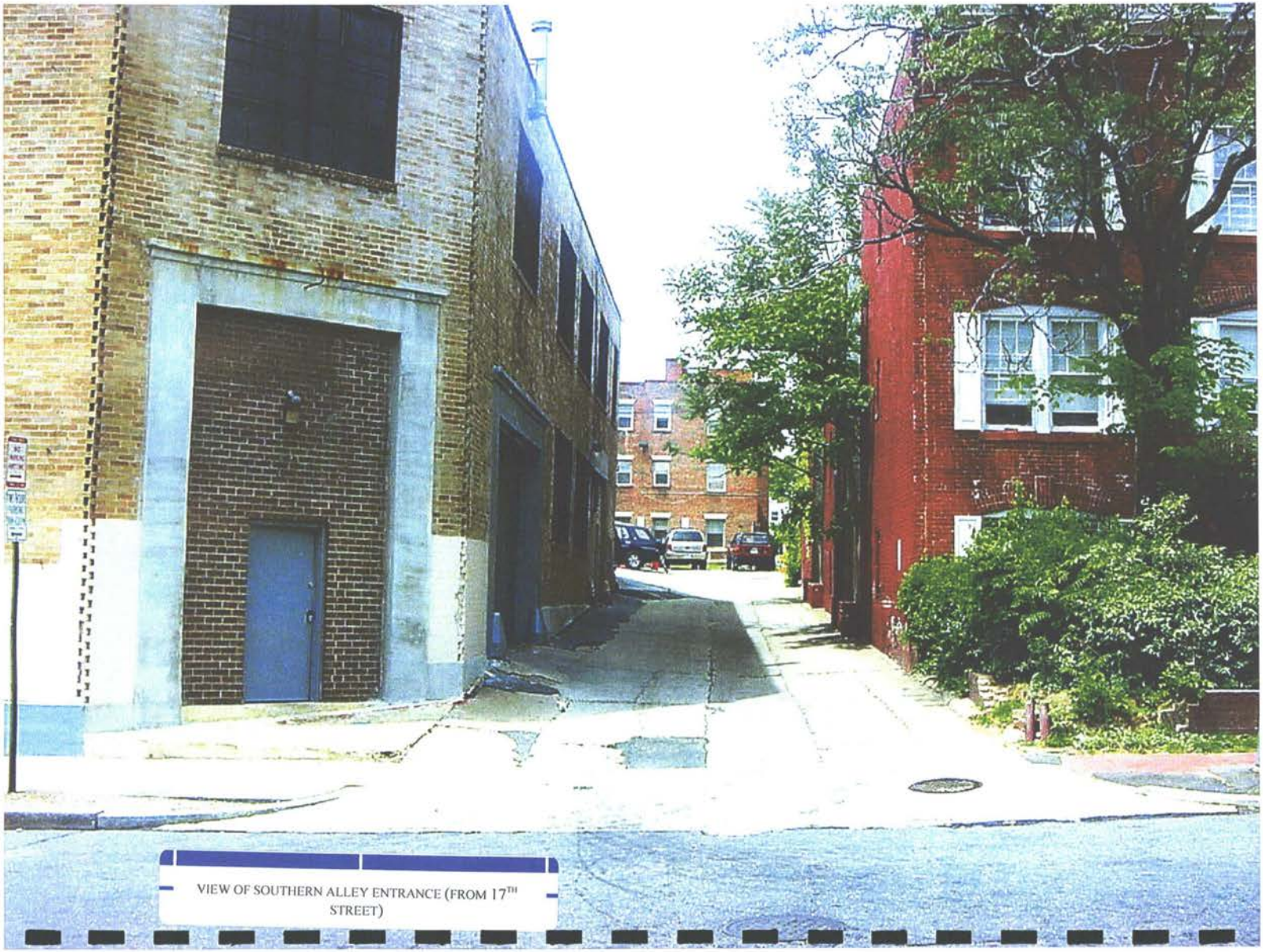
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202 . 234 . 6222 FAX . 387 . 6168

2412 R 17th ST., NW
Washington, DC

OPTION C

A-5

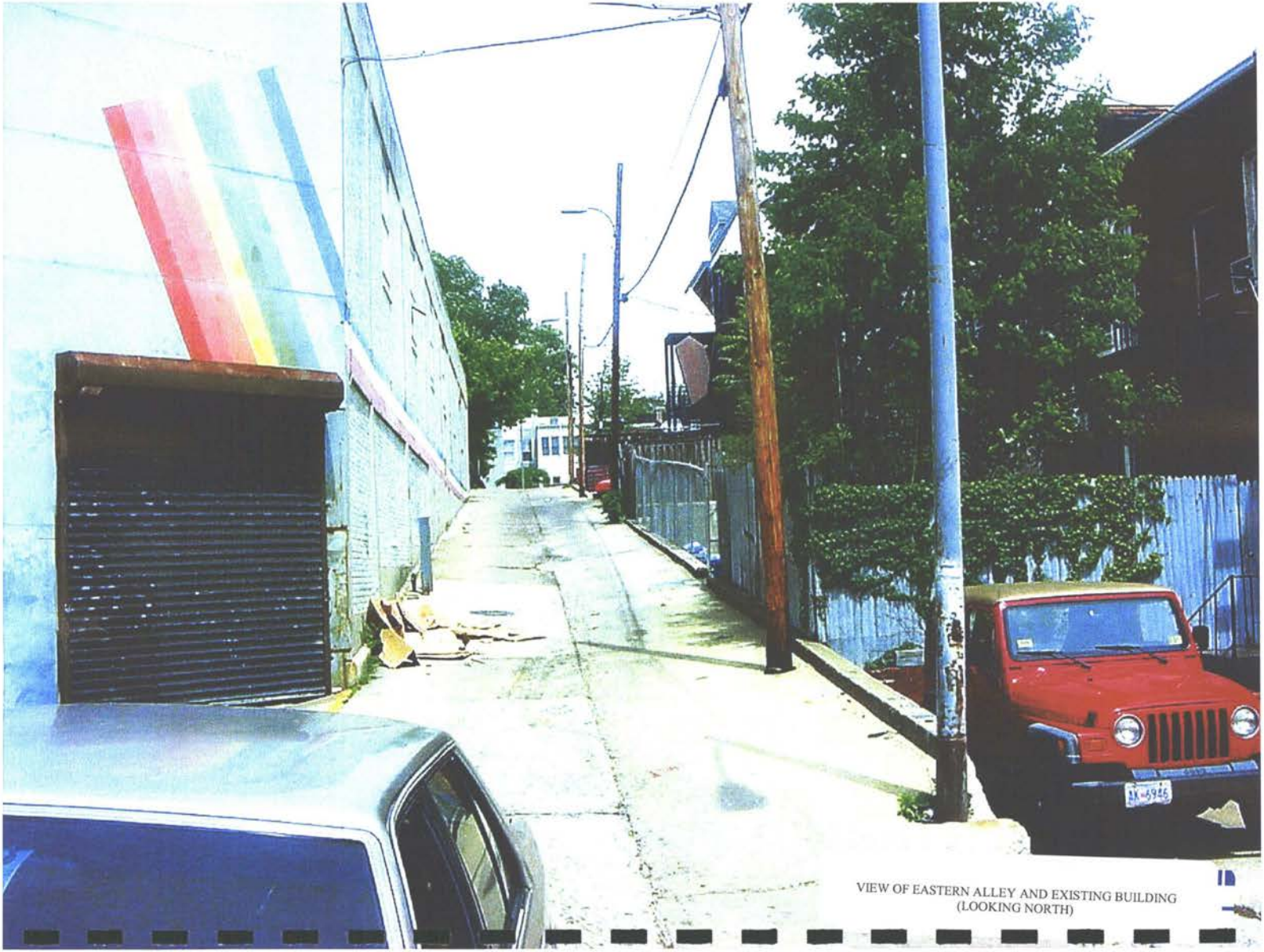




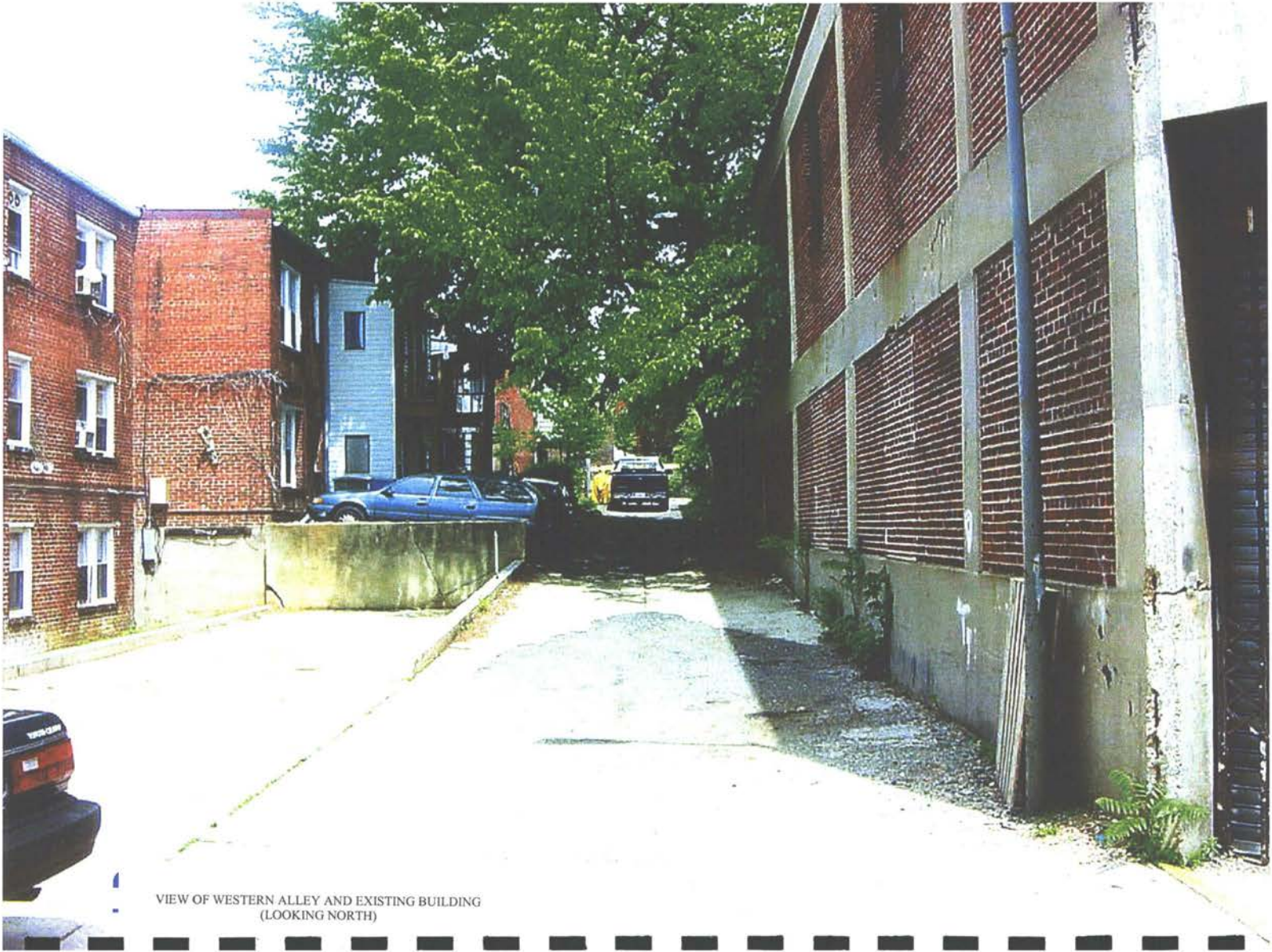
VIEW OF SOUTHERN ALLEY ENTRANCE (FROM 17TH STREET)



VIEW OF EASTERN ALLEY AND EXISTING BUILDING
(LOOKING SOUTH)



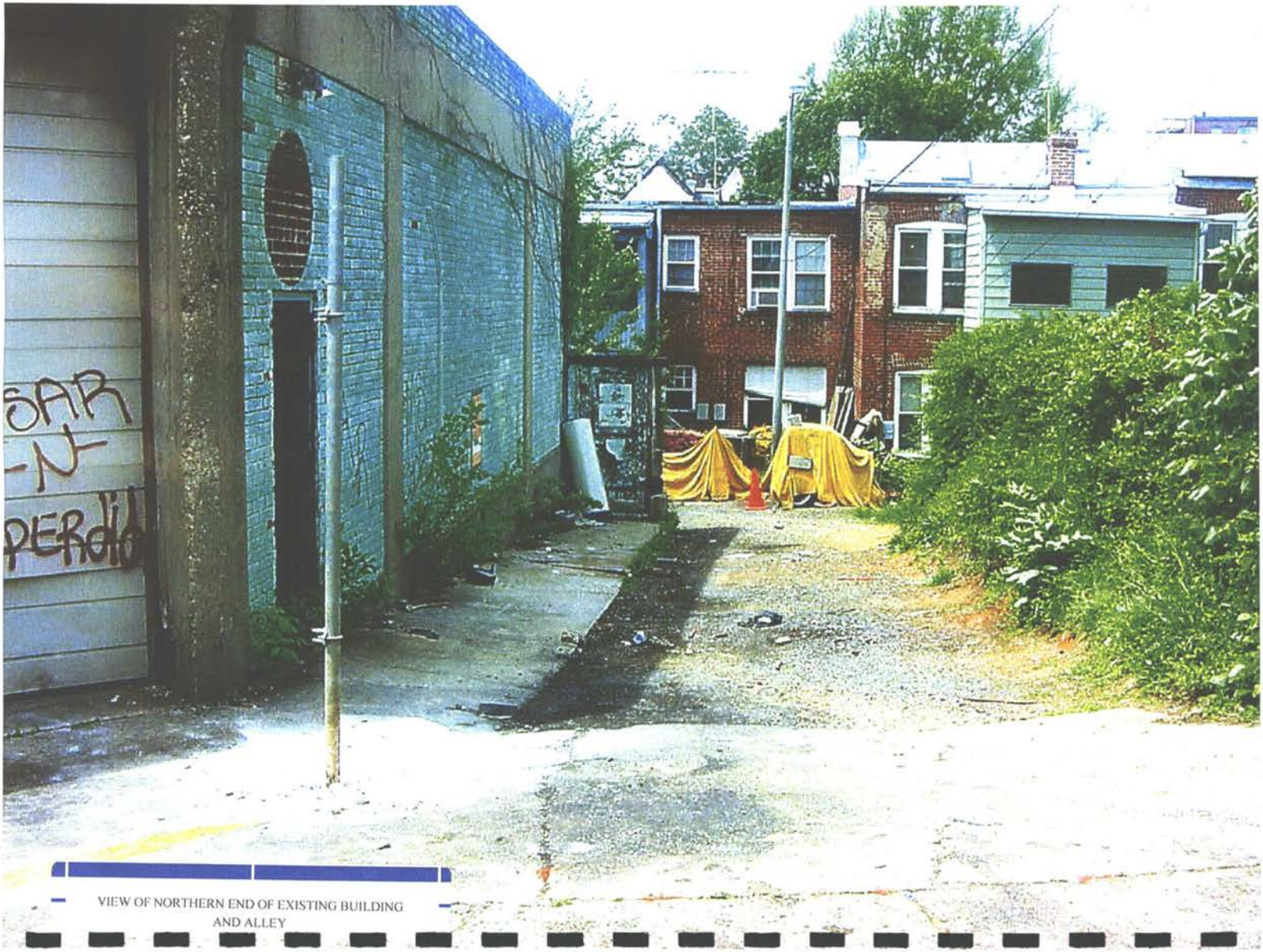
VIEW OF EASTERN ALLEY AND EXISTING BUILDING
(LOOKING NORTH)



VIEW OF WESTERN ALLEY AND EXISTING BUILDING
(LOOKING NORTH)



VIEW OF SOUTHERN END OF EXISTING BUILDING
AND ALLEY



VIEW OF NORTHERN END OF EXISTING BUILDING
AND ALLEY



OUTLINE OF TESTIMONY OF JOHN HOLMES; ADAMS INVESTMENT GROUP, LLC REPRESENTATIVE OF THE APPLICANT ADAMS ALLEY, LLC

I. Introduction

A. John Holmes; Representative of the Applicant

B. Experience in Developing Projects in the Adams Morgan Neighborhood and Other Projects in the District of Columbia

II. Development Process for the Colortone Building – 2412 R 17th Street, N.W.

A. Discussion of Applicant's History with the Property

B. Goals for Development of the Property

C. Sitar Center Use of the Property

III. Community Outreach

A. Discussion of Meetings with Members of the Community, the Reed Cooke Neighborhood Association and ANC 1C

B. Changes Made to the Project to Address Issues Raised by the Community and Neighboring Property Owners

C. Agreement to Add Numerous Conditions to a BZA Order Approving the Application

V. Conclusion –

The proposed project will establish a mixed-use project that will not create adverse impacts on the adjoining properties. The proposed project will create new residential units on a former industrial site and will provide a new expanded location for the Patricia M. Sitar Center that will ultimately be a benefit to the adjacent properties, the Reed Cooke neighborhood, as well as the larger Adams Morgan neighborhood.

F

OUTLINE OF TESTIMONY OF JAMES FOSTER; ARCHITECT, ARCADIA RESIDENTIAL AND COMMERCIAL DESIGN SERVICES

I. Introduction

A. James Foster; Architect, Arcadia Residential and Commercial Design Services

B. Experience in the District of Columbia

II. Site of Proposed Project and Surrounding Area

A. 2412 R 17th Street, N.W. – Alley Lot

B. Relationship of the Site to the Immediate Neighborhood

C. Description of the Surrounding Reed Cooke Neighborhood

III. Proposed Mixed-Use Development in the Colortone Building

A. Discussion of Existing Colortone Building

B. Site Constraints that Impacted Design Considerations

C. Programmatic Constraints that Impacted Design Considerations

D. Design Changes that Have Been Made to the Project

E. Discussion of Proposed Project

IV. Conclusion



OUTLINE OF TESTIMONY OF ARMANDO LOURENCO; ZONING AND BUILDING CODE CONSULTANT, LOURENCO CONSULTING

I. Introduction

A. Armando Lourenco; Zoning and Building Code Consultant, Lourenco Consulting

B. Experience to Qualify As an Expert Witness

II. Review of the Proposed Project

A. Reviewed the Project as to its Ability to Satisfy the Zoning Regulations' Variance Standards of Relief

B. Reviewed the Project as to Fire Safety Issues

III. Satisfaction of the Zoning Regulations' Variance Standards

A. Exceptional Condition of the Property

B. Practical Difficulty of Satisfying the Zoning Regulations

C. No Impairment of the Zone Plan or the Reed Cooke Overlay

IV. Project Fully Satisfies All Applicable Issues Related to Fire Safety

V. Conclusion

H

OUTLINE OF TESTIMONY OF OSBORNE GEORGE; TRAFFIC ENGINEER O.R. GEORGE & ASSOCIATES, INC.

I. Introduction

- A. Osborne George; Traffic Engineer; O.R. George & Associates, Inc.
- B. Experience in the District of Columbia and Surrounding Jurisdictions

II. Traffic and Parking Study Performed for the Proposed Colortone Mixed-Use Development

- A. Project Background
- B. Study Scope
  1. Traffic and Trip Generation Analysis
  2. Parking Analysis
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III. Roadway and Parking Conditions

- A. Site Location and Access to Alley Lot
- B. Existing Traffic Conditions
- C. Existing Parking Situation

IV. Impact Assessment of Proposed Mixed Use Development

- A. Vehicular Trip Generation Expected by Proposed Project
- B. Expected Parking Demand and Impact on Parking in the Vicinity of the Site As a Result of the Proposed Project
- C. Assessment of Potential Pedestrian and Vehicular Conflicts in the Vicinity of the Site

V. Conclusion –
The uses proposed for the site should have no adverse or potentially objectionable impacts on properties and land uses within its vicinity based on traffic generation and parking demand.



O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

10210 Greenbelt Road, Suite 310 • Lanham, MD 20706-2218
Tel: (301) 794-7700 • Fax: (301) 794-4400
E-mail: orgassoc@aol.com

TECHNICAL MEMORANDUM

DATE: May 1, 2002

TO: Mr. John Holmes, President
ADAMS INVESTMENT GROUP, LLC

FROM: Osborne George/Raj Basavaraju

RE: Traffic Analysis Supplement – Colortone Mixed Use Development
Special Exception and Variance Relief Application (BZA Application No. 16815)

BACKGROUND

Pursuant to the meeting held with Mr. Abdoulaye Bah of the District of Columbia Department of Public Works (DPW) on April 15, 2002, this memorandum presents the supplementary traffic and parking data and assessments requested in connection with the referenced application. More specifically, the purpose is to present additional information regarding land uses abutting the alleyway system within Square 2566, which serves the subject property, as well as the existing and future levels of vehicular usage and parking.

DATA AND ANALYSIS

As agreed with DPW, we performed further inventories of the existing land uses abutting the alleyway system. This information is presented in Attachment 1. The inventory shows that there are currently approximately forty-five (45) dwelling units and two (2) commercial establishments, which have direct access to the internal alleyway system serving the Square. One of the two (2) establishments is the subject property. There are twenty-three (23) designated parking spaces within three (3) small "lots", in addition to the several residential "garages," which appear to be in a serviceable condition. Attachment 1 also shows that there are a total of eighty-seven (87) on-street parking spaces abutting Square 2566. As discussed in the submitted report, these on-street spaces are covered under the City's Residential Parking Permit (RPP) program, and are heavily utilized during both daytime and nighttime hours.

The land use and parking situation support the field observations, which show very limited vehicular usage of the alleyways. Traffic counts performed during a typical weekday show that the total level of traffic usage during the morning and afternoon peak hours is as follows:

	IN	OUT	TOTAL
AM PEAK HOUR	3	4	7
PM PEAK HOUR	8	5	13

There are no posted speed limit signs within the alley. However, observations and "test runs" by our technical staff show prevailing vehicular speeds to be in the range of 5 – 7 MPH. In addition, the geometry of the alleyway system and field observations indicate that sight distances and visibility are quite adequate, particularly for the southern (20-feet wide) segment connecting to 17th Street. This is also true for the segment abutting the subject property along its east side.

The sections of the alleyway connecting the site to 17th Street, and the north-south section abutting the subject property along its east frontage, were observed to be in generally good condition. The roadway geometry and widths are also presented in Attachment 1. Attachment 2 presents photographs of the key segments, which support this assessment.

In addition to the traffic usage data cited earlier, our field observations also included pedestrian activity within the alleyway system. Pedestrian activity was generally quite light within the alleys, with virtually all usage occurring along the north alleyway connection to 17th Street. Our general observations on other days confirm the limited pedestrian usage of the alley, and the general orientation toward the northern section. As was discussed in the earlier submission, there is significant pedestrian usage of the adjacent sidewalks along 17th Street, particularly during the opening and closing hours for the local area elementary schools.

Current engineering practice identifies no particular data analyses procedures or techniques as specifically appropriate for evaluating the existing situation within alleyway systems. However, on the basis of our qualitative assessment, there are clearly no safety or capacity deficiencies within the system. Anecdotal information provided by some local residents point to occasional parking within the alleys as being one of their most significant concerns. This, in turn, appears to support the observation that vehicular usage of the alleys is quite limited.

FUTURE ACCESS CONSIDERATIONS

The supplementary building/site plans submitted by the Applicant show the following access provisions:

a) A receded vehicle turn around area within the southeastern extremity of the building.

b) A pedestrian access and ramp walkway leading from the southeastern section of the building, directly accessible from the adjacent north-south section of the alleyway.

For ease of reference, a drawing of the above features of the proposed building is included as Attachment 3. The turning radius for a typical passenger car or delivery type single-unit vehicle is also illustrated. It is not envisioned that vehicles such as waste disposal trucks would access the turn around area. Service and emergency vehicle access would continue as presently provided for within the alleyway system.

The residential component of the development will introduce some additional vehicular as well as pedestrian usage into the alleyway system. The submitted report conservatively estimated the future trips to be in the range of eight (8) vehicles (inbound and outbound) during both the morning and afternoon peak periods. This computes to an average of one (1) vehicle every four (4) minutes.

The nature and use characteristics for the proposed Sitar Center are such that it is somewhat difficult to quantify its arrival and departure patterns. However, it is noted that this activity will be considerably dispersed due to the flexibility of the Center's program. Peak arrival would likely be between 3:00 and 4:00 PM. This analysis estimates that no more than thirty (30) students would arrive during any one-hour period. This computes to an average of one student every two (2) minutes. However, it is reasonable to assume that there will be some peaking or

platooning of the arrival/departure pattern. *In this regard, the school's proposal to provide an attendant at the southern entranceway to the alley, during peak activity periods, should ensure safe access by students.*

Our discussions with the DPW staff, and the Office of the Surveyor, suggests that the 20-foot width of the southern alleyway section is relatively "generous" when compared to typical situations prevailing in the City. We believe that this presents an opportunity for pavement markings that would serve to delineate a pedestrian path (or "walkway") that would serve to organize pedestrian movements and enhance safety. This proposal would entail edge line markings along the north side of the alleyway. This would "direct" patrons toward the school's entrance and the internal walkway described earlier. An alternative to the pavement marking would be a 4.0 Ft. wide brick or similar surface treatment that would provide contrast to the remaining "regular" travelway of approximately 16.0 Ft. This concept is illustrated in Attachment 4.

CONCLUSION

We are of the view that the above data and discussion fully addresses the comments and information requested by the Department of Public Works. It is also our assessment that the information fully supports the earlier submission, and the conclusion that the proposed use can be accessed safely and efficiently, based upon the conditions of approval proffered by the Applicant. For clarity, the following measures should be considered:

a) Provide for an attendant to be stationed at the southern alleyway entrance to 17th Street during peak activity periods for the Sitar Center.

b) Work with the Department of Public Works to provide for limited pavement striping or for a 4.0 Ft wide strip of contrasting pavement along the north section of the southern alleyway entrance.

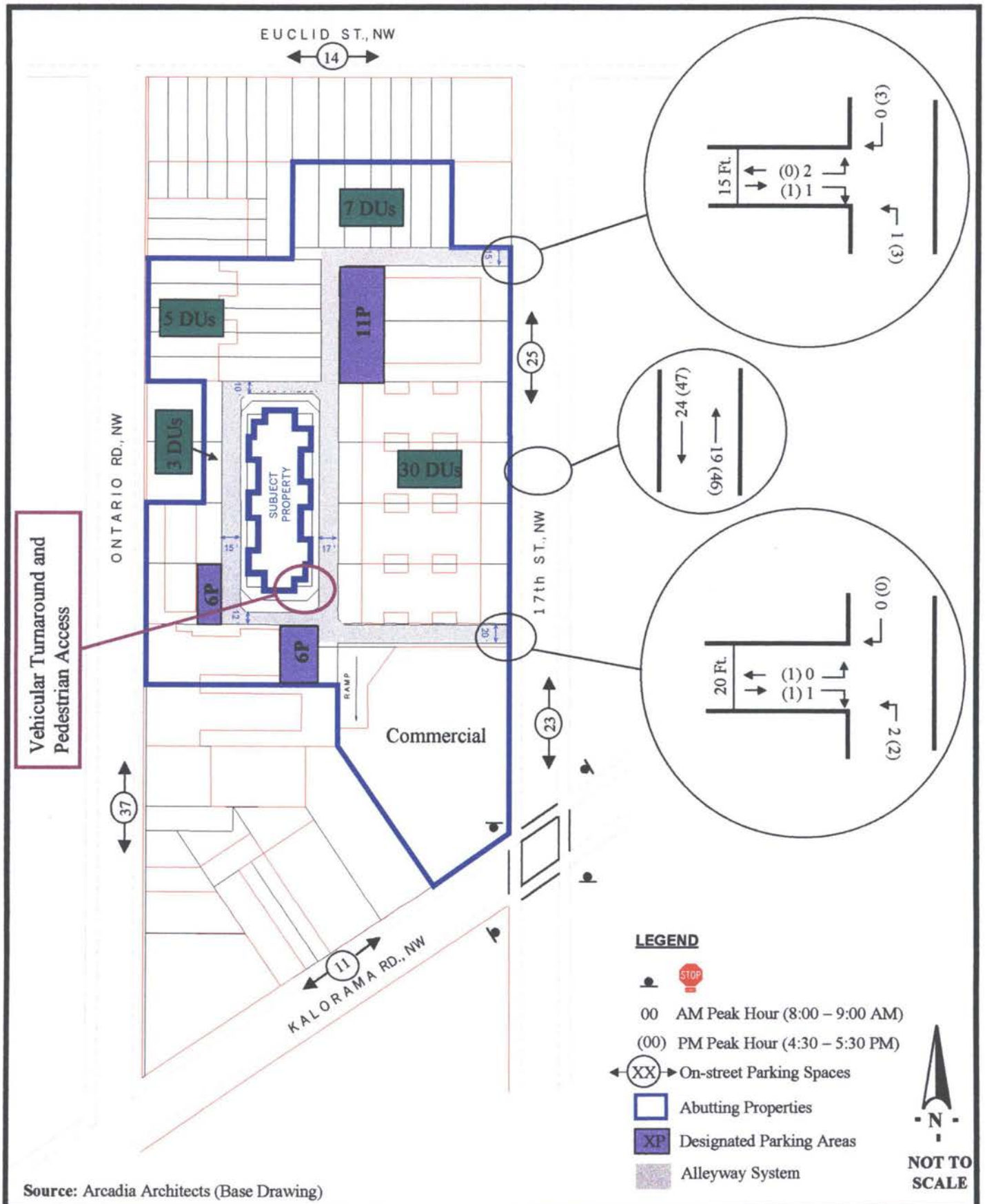
c) Provide "**NO PARKING**", "**PEDESTRIAN WARNING**", and "**SPEED RESTRICTION**" signs at strategic points within the alleyway system, as may be approved by the Department of Public Works.

In conjunction with other improvements that would be part of the development of the subject property, the above measures should significantly enhance access to the site. The planned development should therefore adversely impact the health, welfare and safety of users of vicinal properties, or of the subject site.

Please let us know if we can be of further assistance in this matter. Thanks!

ORG/RB/gw

Attachments: As Noted.



Source: Arcadia Architects (Base Drawing)

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Traffic Engineers - Transportation Planners

ATTACHMENT 1:
Access, Parking, and Usage Provisions –
Colortone BZA Application



Southern Alley - Looking West from 17th Street

Colortone Building



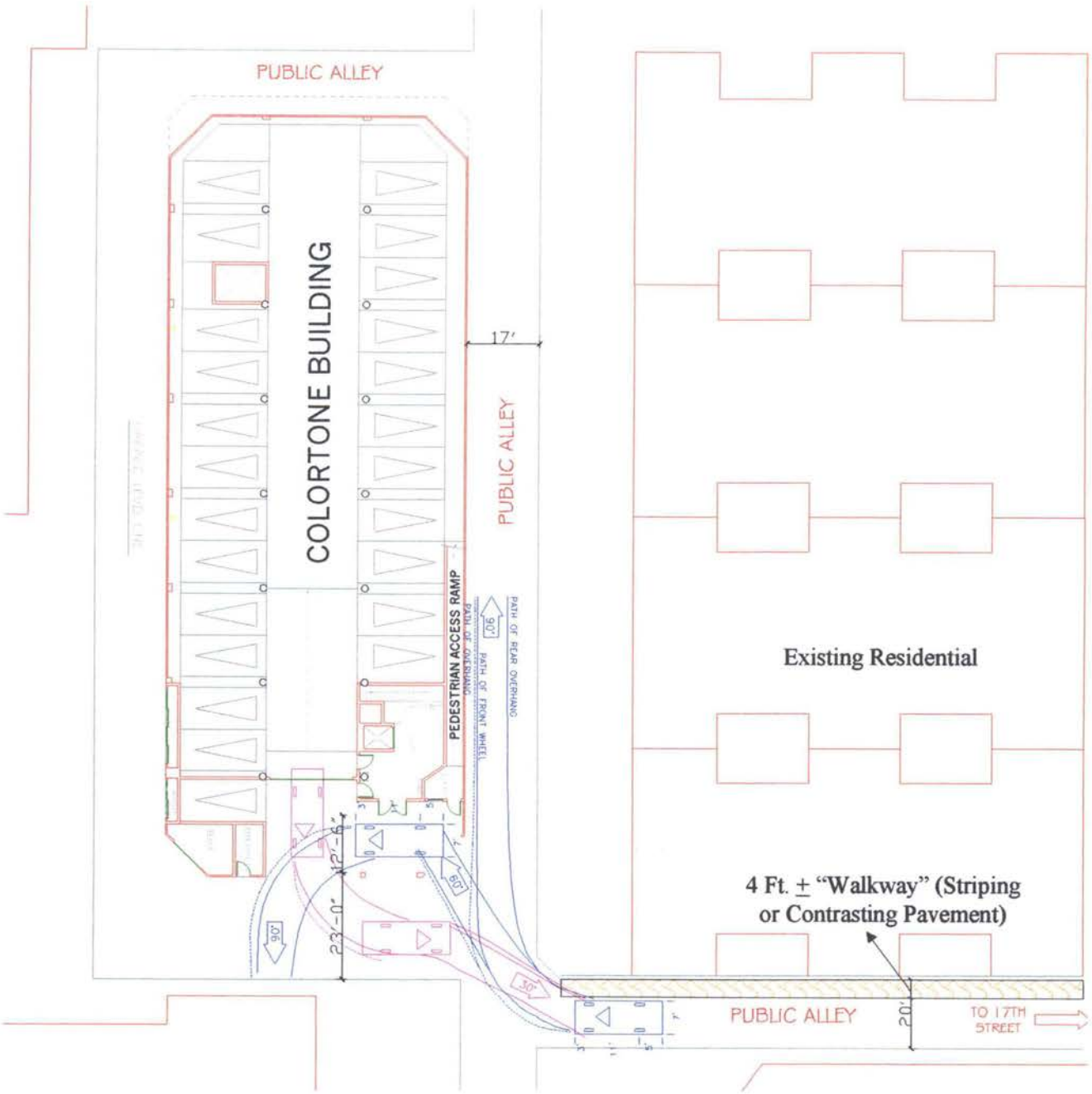
Southern Alley - Looking West to Subject Property



Alley adjacent to Colortone Property (East Frontage)



Northern Alley Connection -
Looking East toward 17th St.



LEGEND

- Vehicle Access Path (Inbound)
- Vehicle Access Path (Outbound)
- Property Line
- Building Footprint

Note: *Striping or Contrasting Pavement for Illustrative Purposes Only*

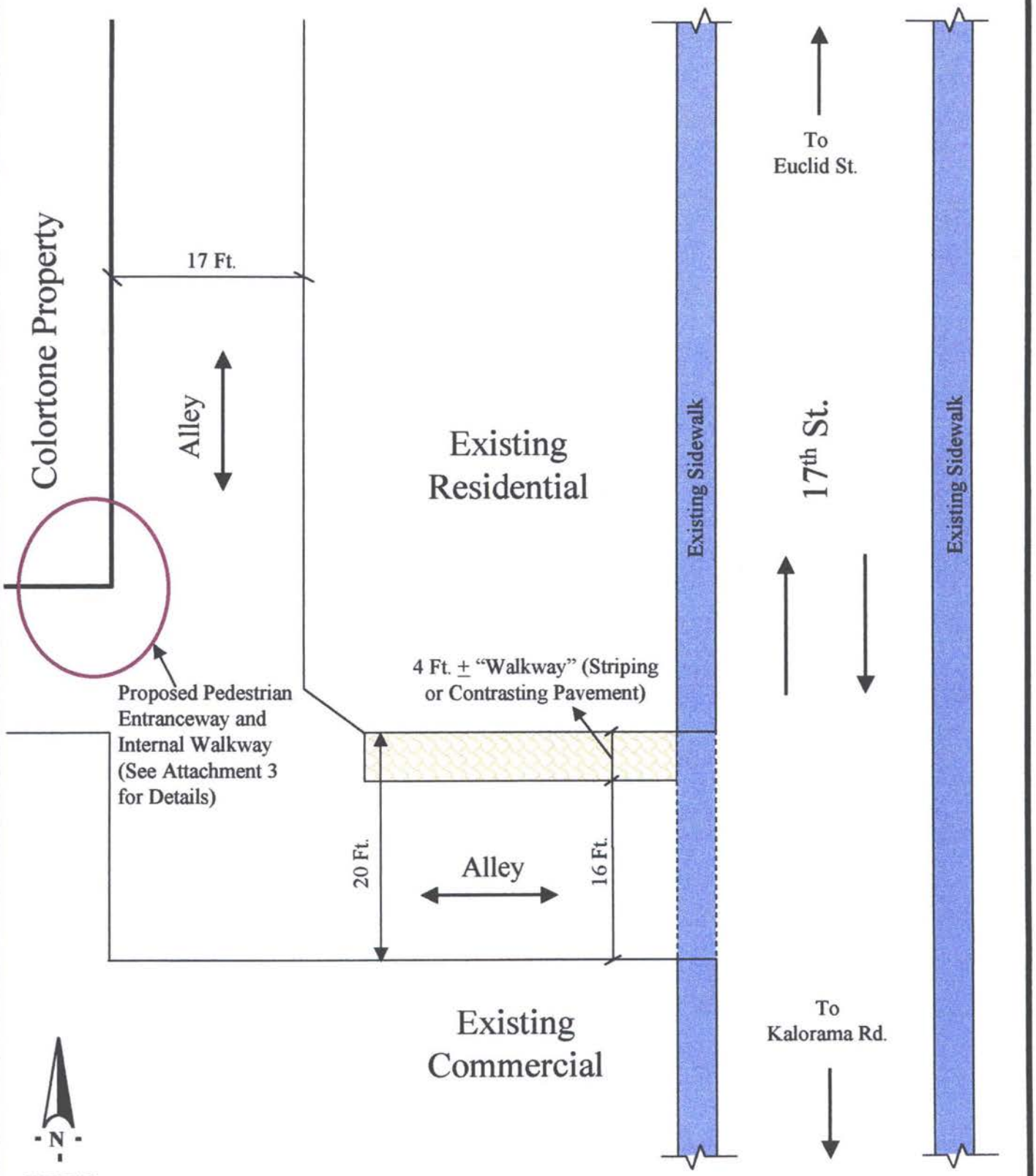
Source: Arcadia Architects (Base Drawing)

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NOT TO SCALE

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ATTACHMENT 3:
Service Vehicle and Pedestrian Access Provisions - Colortone BZA Application



Note: *1) Additional Signage and Operational Improvements Presented on Page 3 of Memorandum*
2) Striping or Contrasting Pavement for Illustrative Purposes Only

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ATTACHMENT 4:
Pedestrian Access Proposals -
Colortone BZA Application

Technical Memorandum:

TRAFFIC IMPACT ASSESSMENT FOR COLORTONE MIXED USE DEVELOPMENT – BOARD OF ZONING ADJUSTMENT APPLICATION, ADAMS MORGAN, NORTHWEST, WASHINGTON, D. C.

(BZA Application No. 16815)

Prepared for:

ADAMS INVESTMENT GROUP, LLC
1228 31st Street, NW
Washington, D. C. 20007
Mr. John Holmes, President

Correspondents:

SHAWPITTMAN, LLP
2300 N Street, NW
Washington, D. C. 20037
Paul A. Tummonds, Jr., Esquire

Prepared by:

O. R. GEORGE & ASSOCIATES, INC.
Transportation Planning & Engineering Consultants
10210 Greenbelt Road, Suite 310
Greenbelt, MD 20706-2218
Tel: (301) 794-7700

February 19, 2002

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3- Trip Generation – Colortone Development 14

4- Computation of Parking Requirements 15

LIST OF ATTACHMENTS

A. Correspondence with DC-DPW Staff

B. Turning Movement Count Summaries – Existing Traffic Situation

C. Capacity Analysis Worksheets – Existing Traffic Situation

D. Pictorial Illustrations of Various Levels of Service

E. Parking Usage Survey Results

F. Subject Area Census Data (1990) and Tracts

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

10210 Greenbelt Road, Suite 310 • Greenbelt, MD 20706-2218
Tel: (301) 794-7700 • Fax: (301) 794-4400
E-mail: orgassoc@aol.com

TECHNICAL MEMORANDUM

DATE: February 19, 2002

TO: Mr. John Holmes, President
ADAMS INVESTMENT GROUP, LLC

FROM: Osborne R. George/Raj Basavaraju

RE: Traffic Impact Assessment – Colortone Mixed Use Development, Northwest Washington, D. C. - Special Exception and Variance Relief Application

1.0 INTRODUCTION

1.1 Project Background

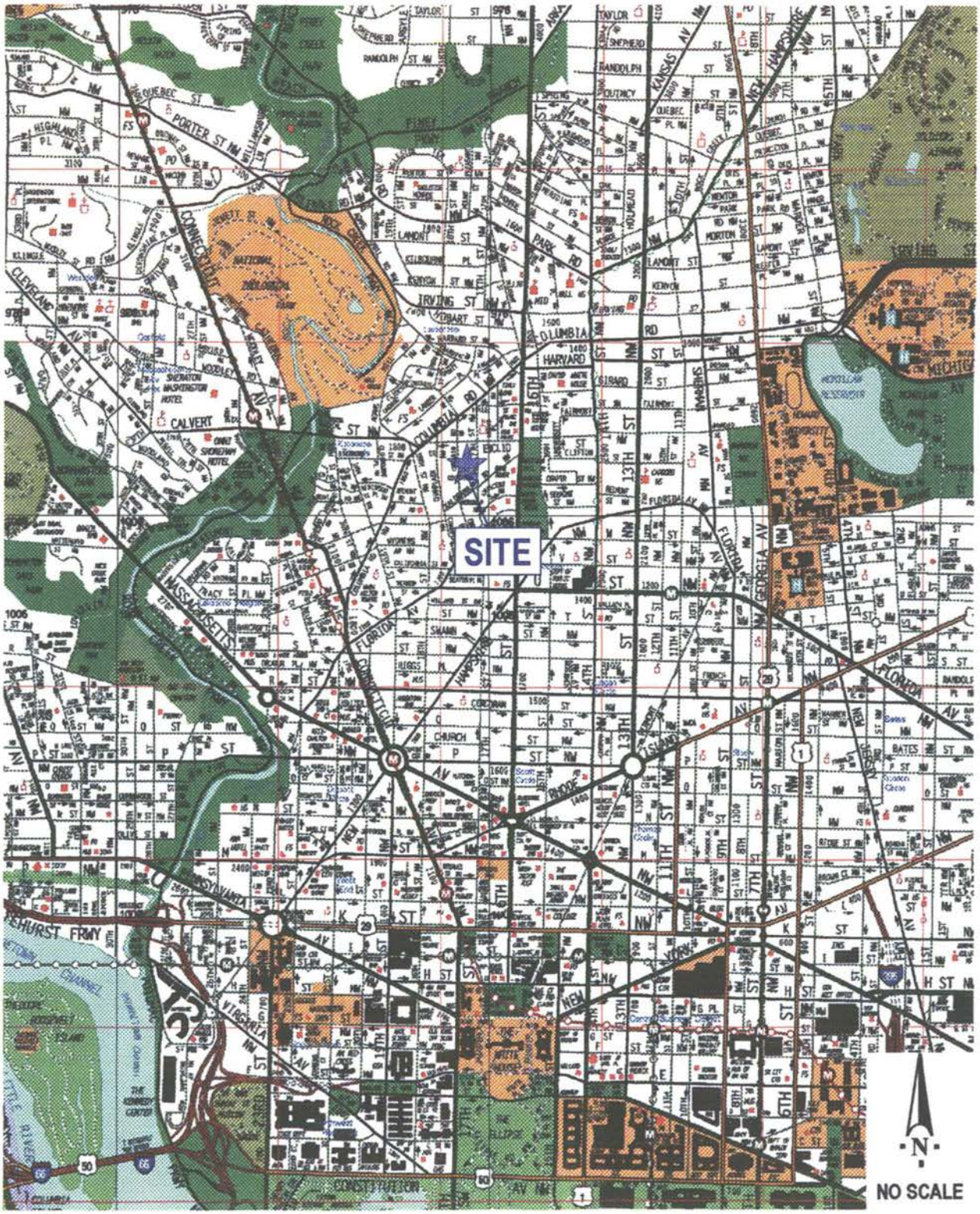
Adams Investment Group (the Applicant) is pursuing an application before the District of Columbia Board of Zoning Adjustment (BZA) for approval to re-develop an alley lot located within Square 2566, in the Adams Morgan neighborhood of Northwest, Washington, D. C. The subject Square is bounded by Euclid Street to the north, 17th Street to the east, Kalorama Road to the south, and Ontario Road to the west. The proposed development site is part of the "Reed-Cooke Overlay District," which has been designated a special treatment area under the City's Zoning Regulations [District of Columbia Municipal Regulations (DCMR), Title 11 – Zoning]. The subject property is zoned for Moderate Density Residential (R-5-B); and is presently improved with a commercial/warehouse building. Vehicular access to the development would be via the existing alleyway system, which serves Square 2566. Exhibit 1 shows the location of the site within the regional setting.

The Applicant's development proposal calls for the modification and reduction of the existing improvements from 21,000 to provide approximately 15,000 square feet of non-residential space within the existing building, as well as a residential addition, comprising fourteen (14) multi-family units. The proposed project will also include 24 off-street parking spaces with access off 17th Street, which borders the subject Square on the east side.

Prior to undertaking this study, discussions were held with staff of the Intermodal Planning Division of the District of Columbia Department of Public Works (DC-DPW). The related correspondence, which broadly defines the scope of the study, is included as Attachment A. This attachment includes information provided regarding other developments planned for the Adams Morgan area.

1.2 Report Organization and Summary

In accordance with the City's Zoning Regulations, the study was undertaken to determine whether the proposed development would "tend to affect adversely the use of neighboring property" based on considerations of traffic and parking conditions.



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Traffic Engineers - Transportation Planners

EXHIBIT 1:
SITE LOCATION MAP
Colortone BZA Application, Northwest, Washington, D.C.

The following items constitute the key elements of the analyses and results presented in this study:

(a) General observations, traffic data collection and analyses regarding the existing roadway and traffic flow conditions within the local area through which the development would be accessed;

(b) Inventories and usage surveys of parking within the local impact area of the subject property during the peak demand periods;

(c) Development of trip generation estimates for the proposed uses; and

(d) Evaluation of issues raised by area residents pertaining to traffic, pedestrian access and parking.

The prospective trip making characteristics of the proposed uses strongly indicate that vehicular trip generation will be quite low. Accordingly, and in keeping with issues raised by the community, the study places considerable emphasis on the adequacy of parking, safety of pedestrian and service access (i.e., for waste disposal and emergency vehicles).

The analysis concludes that the development proposal satisfies the City's Zoning Regulation requirements noted above. It is also shown that the development proposal adequately addresses the issues raised by the adjacent residential community. The bases for these conclusions are presented in the remaining four (4) sections of this memorandum

2.0 EXISTING ROADWAY AND TRAFFIC CONDITIONS

2.1 Land Use and Zoning

Based on the District of Columbia Generalized Land Use Policies Map, the general area of the subject property is zoned for moderate density residential uses. As noted earlier, the subject property is also situated within the Reed-Cooke Special Treatment area, which establishes policies regarding residential and small-scale business uses. The general area of the subject property is developed and improved with residential, light commercial, and institutional uses as called for in the Land Use Policies Map and under the provisions of Reed-Cooke Overlay District. Notably, the Marie Reed, and H. D. Cooke Elementary Schools are also situated within the general area and lend their names to the neighborhood. Square 2566 consists of mixed residential uses along the north and west sides, with commercial uses within the central and southern sections.

2.2 Study Area Road Network

For purposes of this evaluation, the study area was defined as bounded by 16th Street on the east, Florida Ave. to the south, 18th Street to the west, and Euclid Street/Columbia Road to the north. The general physical characteristics and operational functions of the roadways, which serve the area, are described below: