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Board of Zoning Adjustment
District of Columbia
CASE NO.16924
EXHIBIT NO.38A3

Zoning Tabulation Chart: 1701 Kalorama Road

	Original Proposal	Current Proposal	Matter of Right	% Variance
FAR	4.33	3.5	3.5	No Variance
Height	65 feet	57 feet	65 ft in C-2-B 40 under RC Overlay	Special Exception for 57 feet pursuant to Section 1403
Lot Occupancy	96.5% on first level (existing condition); < 80% all other levels	96.5% on first level (existing condition); <80% all other levels	80%	Variance for first level only
Number of Dwelling Units	65 units	54 units	n/a	n/a
Number of Affordable Units	3 units	4 units	None	None
Parking Spaces	49 parking spaces	44 parking spaces	18 parking spaces	Proposed parking is appx. 2.5 times the zoning requirement
Residential Recreation Space	11.2%	15%	15%	No Variance for amount – only need variance for 25 ft dimension
Loading Berth	1 service delivery space provided	1 service delivery space provided	1 delivery space; 1 loading berth; loading platform	Variance – 1 loading berth and loading platform
Parking Drive Aisle	18'9" in three locations	18'9" in three locations	20'	1'3" in three distinct locations
Roof Structure – Walls of Equal Height and Setback	Walls of unequal height (11' for penthouse + 18'6" for elevator override) Existing Stairwell – Not setback 1:1	Walls of unequal height (11' for penthouse + 18'6" for elevator override) Existing Stairwell – Not setback 1:1	Walls of Equal Height (Section 411.5) 1:1 Setback for stairwell	Special Exception for walls of unequal height Special Exception for setback of existing stairwell only

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OUTLINE OF TESTIMONY
JEMAL'S WHEEL, LLC

I. Introduction

   A. Description of Applicant and Developer

   B. History and Experience in Washington

II. Background and Description of Project

III. Development of Area

IV. Work with Community and Community Support

V. Special Exception and Variance Relief

   A. Brief Description of Relief Requested

   B. Architect to Provide Detailed Description

VI. Conclusion

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OUTLINE OF TESTIMONY
ERIC COLBERT, ERIC COLBERT & ASSOCIATES, PROJECT ARCHITECT

I. Introduction

A. Description of Eric Colbert & Associates

B. History and Experience in Washington

II. Description of Project

A. General Description

1. Description of Area
2. Description of Site
3. Description of Existing Building
4. Description of Proposed Residential Development
5. Development of Surrounding Area
6. Amount of Parking Spaces

B. Exceptional Conditions Affecting Site

III. Relief Requested

A. Variance from Lot Occupancy Requirement

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

B. Variance from Residential Recreation Space Dimensional Requirement

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

C. Variance from Parking Drive Aisle Requirement

1. Exceptional Condition or Situation
2. Practical Difficulty
3. No Detriment to Public Good

D. Special Exception/Variance from Maximum Permitted Height under Reed-Cooke Overlay District

1. Compliance with Section 1403.1

2. Variance Standard is met if Board concludes that nature of relief is a variance

E. Special Exceptions for Walls of Equal Height Requirement for Roof Structures

1. Deviation from Requirement

2. Standard for Special Exception Relief Met

F. Special Exception for Roof Structure Setback Requirement

1. Deviation from Requirement

2. Standard for Special Exception Relief Met

IV. Conclusions



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

I. Introduction

   A. Experience and Expertise

   B. Project Background

II. Existing Roadway and Traffic Conditions

III. Future Traffic and Parking Conditions

   A. Background Traffic Conditions

   B. Proposed Development Plan

   C. Assessment of Development Impacts

   D. Parking Needs and Impacts

   E. Loading/Service Vehicle Needs and Impacts

   F. Pedestrian Access Considerations

IV. Assessment and Evaluation of Variance Requests

V. Assessment and Evaluation of Special Exception/Variance for Height

VI. Summary and Conclusions

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OUTLINE OF TESTIMONY OF
LEW BOLAN, BOLAN SMART ASSOCIATES, INC.

I. Introduction

II. Experience and Expertise

III. Description of Site and Project

IV. Economic Issues

- A. Rehabilitation of Existing Building
- B. Issues and Costs Related to Development of Site for Residential Purposes
- C. Proposed Development
- D. Conclusions and Comparisons

V. Conclusions



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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16924
1701 Kalorama Road, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

December 10, 2002

I. Site location and description

A. Location

1. Southeast portion of the square bounded by Kalorama and Ontario Roads and 17th and Euclid Streets, N.W.

2. Project site consists of lot 90 in Square 2566

3. Site located in the Adams Morgan/Reed-Cooke area

B. Size

1. Total site area is approximately 22,428 square feet

2. Frontage of approximately 75 feet on Kalorama Road, 158 feet on 17th Street, 143 feet along an east-west alley and 35 feet along a north-south alley

C. Existing site condition: vacant three story warehouse building

II. Description of surrounding area

A. Adams Morgan/Reed-Cooke area

B. Area contains mix of residential, retail and industrial uses and building types

C. Remainder of Square 2562

1. To the north

a. Two story buildings devoted to residential uses

b. Colortone Press building

2. To the west

a. On Kalorama Road: commercial buildings

b. On 17th Street: 4 story apartment houses

D. Uses to the south:

1. Two and three story commercial buildings on the south side of Kalorama Road

2. Residential rowhouse and apartment buildings farther south

E. Uses to the east:

1. Commercial building (former roller skating rink and film production studio) at the northwest corner of 17th Street and Kalorama Road (two stories, with high vaulted roof)

2. Dorchester House high rise apartment building at the northwest corner of the intersection of 16th Street and Kalorama Road

3. Other large apartment buildings on 16th Street

F. Uses to the west:

1. At the corner of Ontario and Kalorama Roads: one story commercial buildings, primarily devoted to automobile repair

2. At the corner of Kalorama Road and Champlain Street: site of proposed new 68 unit apartment house (variance and special exception relief recently approved by the BZA)

3. Adams Morgan Lofts, relatively new four story apartment house

4. 18th Street commercial strip

III. Existing zoning: RC/C-2-B

A. C-2-B District

1. Uses (§§721 – 734)

a. Commercial use permitted as a matter-of-right, including retail, service and office use

b. Hotel

c. Residential use permitted as carry-over from Special Purpose and Residential Districts

2. Height - maximum of 65 feet (§770.1)

3. Density - maximum of 3.5 FAR, with nonresidential uses limited to 1.5 FAR (§771.2)

4. Lot occupancy – residential uses limited to 80% (§772.1)

5. Rear yard – minimum of 15 feet (§774.1)

6. Side yard - not required (§775.5)

7. Residential recreation space - minimum area equal to 15% of the gross floor area devoted to residential use (§773.3)

8. Parking for apartment house use: minimum of 1 space for each 3 units (§2101.1)

9. Loading berth: minimum of 1 fifty-five foot berth and 1 service/ delivery loading space for apartment house with 50 or more units

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:

a. Maximum of 40 feet (§1402.1)

b. In RC/C-2-B, 50 feet allowed with low and moderate income housing (§1402.1)

4. Exceptions allowed with BZA approval (further described below) (§1403.1)

IV. Proposed development

A. Use: apartment house of approximately 54 units

B. Gross floor area of approximately 78,498 square feet (3.5 FAR)

C. Height: 5 stories, 57 feet

D. A total of 44 parking spaces in the first floor and at grade at the rear

V. Relief required

A. Variances

1. Lot occupancy

a. Maximum permitted: 80%

b. Proposed: 96.5% (existing)

c. Variance: 16.5% (for the 1st floor only)

2. Residential recreation space rooftop dimensions

a. Minimum required: 25 feet

b. Proposed: varies

c. Variance: up to 16 feet

3. Parking drive aisle width

a. Minimum required: 20 feet

b. Proposed: 18 feet, 9 inches (at 3 existing columns)

c. Variance: 1 foot, 3 inches

4. Loading berth

a. Minimum required: 1 55 foot berth25 feet

b. Proposed: no berth

c. Variance: 1 berth

B. Special exceptions

1. Roof structures (§411.11)

a. Walls of unequal height

b. Not meeting the 1:1 setback

2. Exception to the Reed-Cooke overlay to allow a 57 foot height (§1403.1)

VI. 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.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Existing three story warehouse building which covers almost all of the lot and which (as non-residential use) is not subject to a lot occupancy restriction

2. Existing floor-to-floor heights far in excess of that required for residential use

3. Existing column grid on first floor

4. Five sided site

5. Substantial change in grade, approximately 17 feet up from south to north

B. Practical difficulty

1. Compliance with lot occupancy would require removal of more than 3,700 square feet of the building, but only on the first floor

2. Existing columns are too narrow to allow complying drive aisle but would require extensive structural work to bring up to 20 foot width

3. Loading berth can only be located outdoors and access to that space is constrained by the junction of two 15 foot alleys

4. Trade-off between loading and impact on the alley and provision of 5 surface parking spaces

5. Amount of recreation space required takes up almost all the roof area, but penthouse, mansard and setbacks create narrowed areas which are part of the larger roof but by themselves do not meet the minimum dimension

C. No detriment to the public good

1. Residential uses are favored in the Reed-Cooke Overlay area

2. Lot occupancy relief is required only for lowest level which is predominantly used for parking, partially below grade and cut into the slope of the site

3. Drive aisle variance is minimal (only 1 foot, 3 inches) and allows use of full-size spaces which otherwise could not be counted

4. Loading needs can be met through interior service/delivery space and loading zone on 17th Street

5. Roof deck for recreational purposes is of substantial size and sufficient to accommodate the needs of residents

VIII. Standards for the roof structure special exception (§411.11)

A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area

B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable

C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure …

D. Provided that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

IX. Compliance with the special exception standards for roof structure

A. Size of building lot and other conditions

1. Mechanical equipment and roof access other than elevator held to 11 feet in height

2. Elevator override is 18 feet, 6 inches in height

3. Existing stair on first three floors abuts the north lot line and would be carried up through the two new floors to provide second means of egress from roof

B. Unduly restrictive and unreasonable

1. With walls of equal height, penthouse would be greater mass on roof

2. Unreasonable to provide enclosure of equal height

C. Impact on light and air of other buildings

1. Separated from residential buildings by alleys on the north and west sides

2. Penthouse heights are lower than the maximum permitted

3. 1:1 setbacks are met

X. Standards for the special exception for an exception to the Reed-Cooke Overlay (§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

XI. 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 warehouse to be replaced with residential units

C. Garage access is provided through existing curb cut on Kalorama Road, with only five spaces accessed from the existing alley

D. Substantially more parking is provided than is required by the Regulations (44 versus 18)

E. Property is separated from R-5-B properties by public alleys

F. Apartments will generate no noise

G. No outdoor storage

H. Property continues to rise to north, meaning that conforming matter-of-right R-5-B building could be higher than proposed building

I. Residential use will anchor southern half of square in comparable fashion other existing and proposed apartment buildings on Kalorama Road

XII. Conclusions

A. Subject property is affected by exceptional conditions, because of the nature and location of the existing building, the topography, the shape and the nature of access to the site

B. Strict application of the Regulations would require substantial structural changes and removal of part of the existing building

C. The variances can be granted without substantial detriment to any surrounding properties

D. The walls of unequal height and the lack of setback on the north end can be approved as a functional design

E. Approval of the application would be a significant contribution to city policy of encouraging residential in Reed-Cooke

F. The application should be granted