GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: December 3, 2002

SUBJECT: BZA Application #16924 (Jemal's Wheel, LLC)
1701 Kaloroma Road, N.W. (Square 2566, Lot 90)

APPLICATION

The application by Jemal's Wheel, LLC (Applicant) requests, a number of variances and special exceptions. The application was amended and pursuant to 11 DCMR 3103.2, variances from the following sections of the Zoning Regulations are request:

1. Section 772.1, Lot occupancy;
2. Section 773.3, Recreational Space Dimensions;
3. Section 2117.5, Parking Drive Isle Width; and
4. Section 2201.1, Loading requirement

Special Exceptions to allow the following:

1. Section 411.5, Roof structure enclosure;
2. Section 411.2, Roof structure setback;
3 Section 1403, Height in the Reed Cooke Overlay District.

SUMMARY RECOMMENDATION

The Office of Planning supports the advancement of residential use in the Reed-Cooke area and on this site. However, OP does not support the excessive increase in height requested, as it does not meet the requirements for granting a special exception. In addition, OP does not support the loading berth variance, as we believe it could have an impact on traffic in an area that presently experiences congestion. The Office of Planning (OP) therefore recommends **DENIAL** of the application.

BZA
Case No. 16924
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16924
EXHIBIT NO.41

SITE AND AREA DESCRIPTION

The subject property, 1701 Kalorama Road, N.W. (Square 2566, Lot 90), in the northwest quadrant of the intersection of Kalorama Road and 17th Street, N.W. The site 22,428 square feet lot is developed with a 3-story, warehouse building (Attachment 1).

The subject site is surrounded by a variety of residential, commercial retail and office uses, and other uses. To the north of the site along Euclid Street, Ontario Road, and 17th Street are a mixture of apartment buildings and row houses. To the east, across 17th Street is a vacant building that formerly housed a roller rink. On the south side of Kaloroma Road are row houses. To the south, is a 2story office building with row houses beyond. To the west of the site is a one-story building that house the United Way and the DC Superior Court Northeast Field Office.

PROPOSAL

The applicant proposes to convert the existing building to wholly residential use. The lower floor of the existing building will be converted to a parking garage with 2-residential units while the two upper floors will be converted to residential use. Additionally, 2 floors for residential use are proposed to be added on top of the existing building.

ZONING REQUIREMENTS

The subject site has a base zoning of C-2-B and is within the Reed-Cooke Overlay District (RC). The C-2-B is designed to serve commercial and residential functions with high-density residential and mixed uses. Generally, the purpose of the RC District is designed to protect existing housing, provide for new development, and encourage small-scale business development that does not affect the residential uses. The following table outlines the deviations from the requirements of the C-2-B and RC Overlay Districts:

Table 1

	Existing	Allowed/Required	Provided	Variance/Special Exception
Lot Occupancy	96.5%	80%.	90%	16.5%
FAR	2.32	3.5.	3.5	
Recreation Space		15%	15%	
Parking Drive Aisle Width		20 feet	For a length of – ft. the aisle measures 18.75 ft.	4 feet-6 inches for a 9-feet section
Loading	1 loading berth	1 loading berth	None	1 loading berth
Height	36.66 feet	40 ft. max. in the RC District and 50 ft. if SE b BZA	57 ft.	17 ft. or 30% (SE)

The Reed Cook Overlay District, adopted May 29, 1987 and amended April 26, 1991 (Zoning Commission Orders 523 and 523A), was to implement the objectives of the Reed-Cook Special Treatment Area of the Comprehensive Plan. At that time, the area was predominantly zoned R-5-B and C-M-2. There were many residential properties that were in the C-M-2 zones and many residences were being

converted to commercial uses. Residents of the area felt that the residential character of their community was being lost by the commercial conversions. The overlay was adopted to protect these residences and introduce additional residences with community serving retail uses.

ANALYSIS

VARIANCES

Lot Occupancy

Section 403.2 of the Zoning Regulations allows maximum lot occupancy of 80% for developments in the C-2-B District. The existing building has a lot occupancy of 96.5%, that is, nearly the entire lot. The proposed residential addition will be entirely on top of the existing building and will be reduced to 80% to meet the allowable lot occupancy.

The following demonstrates how these variance requirements are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property was originally developed as an industrial/commercial building under the yard requirements of those zones. Since then, the zoning of the property and the yard requirements has changed and it became a nonconforming structure that does not meet the lot occupancy requirements.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

In order to meet the lot occupancy requirements, the existing building or portions of the existing building would have to be demolished. The applicant has chosen to retain the existing building and therefore it is impossible to meet the lot occupancy requirement. The decision to renovate the existing building is an economic decision. The addition does not extend the non-conformity of the structure with respect to lot occupancy.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

Retaining the existing lot occupancy of the building will not be detrimental to the public good, as it has existed in this manner for a long time. The lot occupancy requirement is aimed at providing light and air to all buildings.

Residential Recreational Space Dimension

The applicant is proposing to provide the 15% recreational space on the roof of the building. Additional, provisions related to the recreational space requirement states that for rooftop structures, "the roof area to be used for recreational space shall have no dimension less than 25-feet,"(Section 773.7).

The applicant is requesting a reduction in the 25-feet dimension in a number of places that has resulted because of the existing footprint of the building and the use of the mansard roof and the need to meet other Building Code requirements on the roof.

Parking Drive Aisle

Section 2117.5 of the Zoning Regulations requires that parking aisles have a clear width of 20-feet. The applicant is requesting a variance to reduce the drive isle width to approximately 18-3/4 feet for a length of approximately 65-feet and serves 13 parking spaces. This reduction in aisle width is due to the location of three existing columns.

The following demonstrates how the requested variances meet these standards of Section 3103.3:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property is unique due to an exceptional situation because the applicant has chosen to retain the existing building that has placed limitations on it ability to meet the zoning requirements for the recreational area dimension and the drive isle width.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

Providing all the requirements of the C-2-B District in addition to the infrastructure requirements of the Building Code has created some conflicts in trying to reconfigure the building.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

Granting the variances from the recreational space requirements and the parking drive aisle width would not impair the intent, purpose, and integrity of the Zoning Regulations. The applicant has met the necessary square footage of recreation space and the reduction in dimension will not limit the use of the space. Regarding the drive isle width, the variance will not impair the intent of the Zoning Regulations as the reduction will only affect a few of the total number of spaces and it is not envisioned that all vehicles will be exiting at the same time. However, all the cars were to exit at the same time the wait will not be long. Therefore there will not be a detriment to the public good.

Loading Berth

Section 2201.1 of the zoning regulations requires that an apartment house with more than 50 units provide a 55-foot loading berth, a 200-square feet loading platform, and a 20-foot deep service/delivery space.

The building currently has a loading berth that is accessed off the alley; however, the applicant proposes that it be eliminated. The applicant states the due to the size of the apartments it is highly unlikely that they will be using large trailer trucks for moving purposes. These trucks would have to come in through a narrow alley to get to the loading dock. With the elimination of the loading dock, trucks will enter the parking garage and load and unload in the aisle close to the elevator. Additionally, the applicant is seeking a permit from the Department of Transportation to assign a loading zone in front of the 17th Street entrance.

The applicant has stated that the elimination of the loading is a request by the "community". OP has requested that this issue be addressed by DDOT, but to date has had no reply. OP's concern is that the preferred location of a loading dock is to the rear of the building where trucks can be parked for extended periods of time and not disturb traffic movements along the main thoroughfares. In this case, Kalorama Road and 17th Street are highly traveled roadways, with parking on both sides of Kalorama Road and frequent traffic backed-ups. There is also the concern that there is only a single entrance for both the parking and loading in the garage and there is no designated loading space in the parking garage.

The following demonstrates how the requested variance meets the standards of Section 3103.3:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The applicant has demonstrated that the loading berth can be accommodated at the rear of the property. However, the applicant has stated that the community has requested that this loading berth be eliminated. The subject property is unique due to an exceptional situation in the loading dock has to be accessed through a narrow, 15-foot wide alley. Although the existing building has a loading dock to service past warehouse use, the land use in the area has changed and safety is a concern.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.**

The applicant has not demonstrated that providing the loading berth will be an exceptional difficulty or that the option provided will exceed the benefits of the requirement. To the contrary, the loading berth already exists.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The applicant has not demonstrated that the proposal not to provide a loading berth could be detrimental to the public good the loss of this area could place all loading and service/delivery functions on the streets. Additionally the applicant is proposing that tracks will stop on the street and the trash be rolled out to the trucks. All of these factors together could cause substantial detriment to the public good. Although the applicant has stated that the community supports this variance the Office of Planning feels that granting this variance could be detrimental to the public good due the worsening of through traffic back-up and conflicting traffic movements.

SPECIAL EXCEPTION

Roof Top Structure

The applicant has requested to have 2 sets of enclosing wall for roof structures. One enclosure will be 11-feet high and will screen mechanical equipment that is outside of the penthouse. These walls meet the setback requirements. The second set of wall encloses the elevator override equipment and is 18-1/2 feet tall. The setback for these walls is greater than 18-1/2 feet and therefore meets the setback requirements.

Section 411.11 of the Zoning Regulations allows for deviations from the requirements of Section 411.5. Granting the special exception to allow the 2 enclosures to lessen the bulk of the roof structure will not impair the intent of the roof structure requirements. The enclosures will not affect the light and air of adjacent buildings as the height of the building and the fact that the enclosures will only be seen from other highpoints. Additionally, the highest enclosure is located in the center of the building and therefore will not block the light and air of adjacent buildings and streets.

Exception to the Height Requirement in the Reed-Cooke Overlay District

The proposed development will have a height of 57-feet. The Overlay limits buildings to 40-feet and therefore, the applicant is requesting relief to add 17 feet. The applicant has stated that it is their interpretation of Chapter 14 that there is an option to request a variance from the requirements of Section 1402 through a special exception under Section 1403 to increase the height of the building to 57 feet. The applicant has chosen to file a special exception request under Section 1403 instead of a variance from Section 1402. The Office of Planning has reviewed the interpretation but does not have input from Corporation Counsel to help take a definition position on the applicant's request. OP will therefore review the request of the applicant.

Section 1403 of the Zoning Regulations requires that any exceptions to the requirements of the Reed-Cooke Overlay District meet the following conditions:

1403.1 (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC Overlay District;

The purposes of the Reed-Cook Overlay are as follows:

"(a) Implement the objectives of the Reed-Cooke Special Treatment Area, 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) Ensure that new nonresidential 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) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts."

The proposed residential supports the overlay by proposing new housing in the area. However, the overlay also supports businesses in the area, which was the intent of rezoning portions of the Reed-Cooke area to the C-2-B zone to allow for such businesses. Therefore, if the property were to be developed by-right under the underlying commercial zone it would not be inconsistent with the overlay.

A purpose of the overlay is to maintain heights and densities at appropriate levels. The 40-foot height limit with the opportunity to be increased to 50-feet with approval of the BZA, specifically addresses this purpose. The request to increase the height 17-feet above the 40-foot limit would definitely not be addressing tone of the purposes of the overlay. Further, based on the request to eliminate the loading dock, and allowing trucks to potentially block well traveled roads could have an impact on the neighborhood.

Based on the fact that the application will not meet the purposes of the overlay concerning because of the excessive height and traffic impacts the proposal will not substantially advance the purposes of the Overlay and in fact will be contrary to its stated purposes.

(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;

The main vehicular access to the building will be off Kalorama Road while the main pedestrian access is from 17th Street. The loading dock at the rear has been removed and loading, service/delivery, and trash removal are proposed to be placed on the street. The applicant's Traffic Report states that loading in the parking garage may be limited to times of inclement weather. Therefore, there is concern that this situation could result in dangerous and objectionable traffic conditions in the vicinity of the subject property.

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

The proposal is for residential use and therefore no employee parking is required. The applicant is providing adequate parking to serve the residents of the building.

(d) If located within a C-2-B District, the use shall not be within twenty- five feet (25ft.) of a Residence District, unless separated there from by a street or alley;

The subject property is zoned C-2-B. However, the proposed development is for residential use and is similar and compatible with the surrounding residential developments and is compatible with adjacent office uses.

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

The proposed residential use will not introduce any excessive noise into the area.

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

The proposed residential use will not allow any outdoor storage, processing, repairs and fabrication on the site.

(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.

The proposed 17-feet increase in height over that allowed by the Overlay is a significant increase in height. The applicant has compared the proposed height with a number of other buildings in the vicinity of the site. However, many are outside of the boundary and height restriction of the Overlay. Further, the increase in height is not justified because there is a change in topography that allows buildings of lower heights to visually look taller. If this building is permitted at 57 feet, then it will be substantially taller than buildings adjacent to the existing building to the west and south that contain some two-story rowhouses. As stated above, there are concerns about the impact of loading on traffic movements in the area that is further impacted by the fact that the property is at a busy intersection. .

COMMUNITY COMMENTS

On November 18, 2002, ANC-1C voted to support the application over the objections of a large number of residents. The applicant has met with the Reed-Cooke Neighborhood Association on a number of occasions but has not reached a consensus on the additional height. The Reed-Cook Neighborhood Association was the organization that petitioned the Zoning Commission to adopt the Overly and through telephone conversations with the chairman, he has expressed that the Association is very concerned that the height limit is not respected and believes that the applicant has not demonstrated why they are not able to meet the requirement.

SUMMARY AND RECOMMENDATION

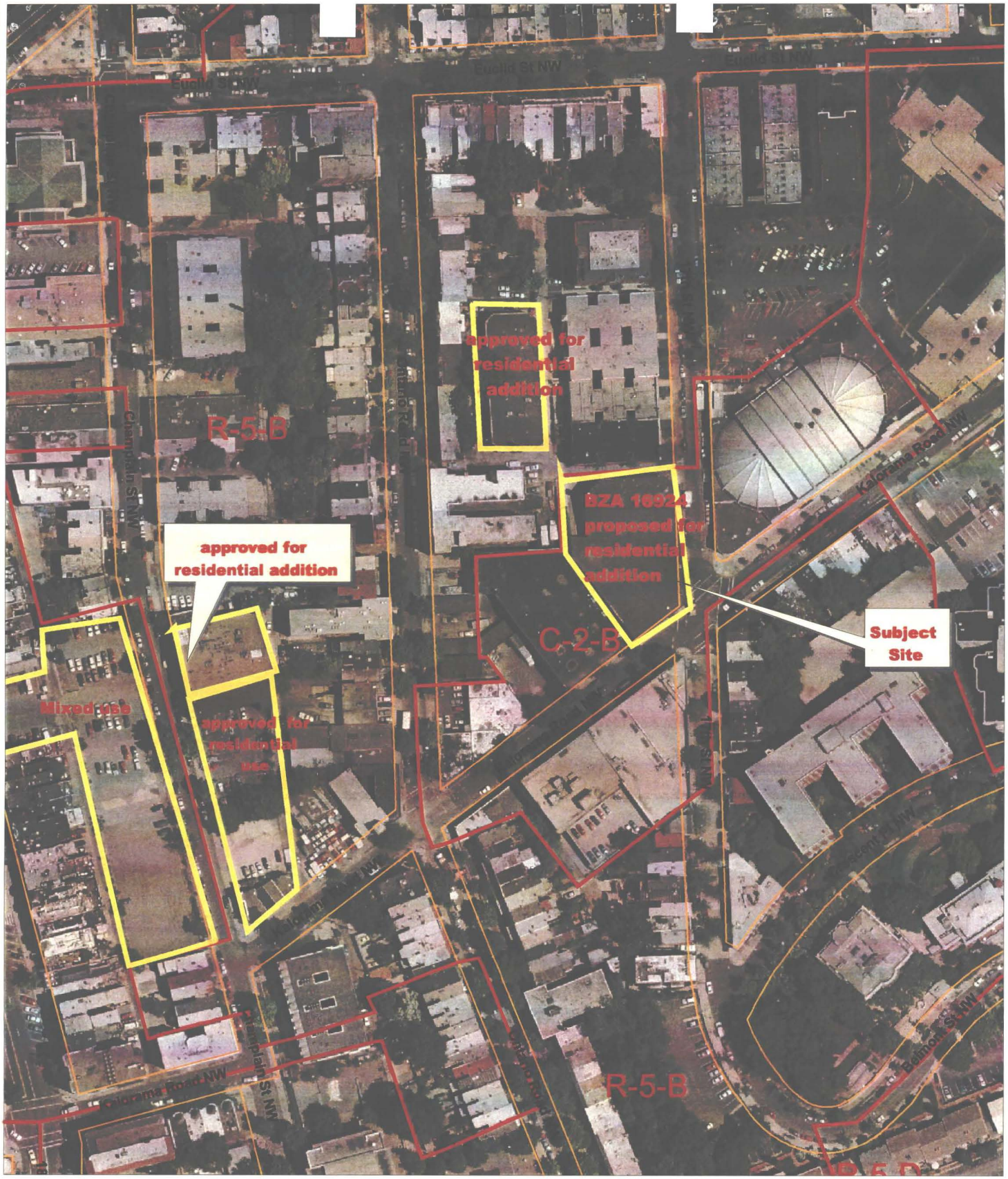
The Office of Planning supports the variance requests for recreational space dimension, parking drive isle width and the special exception to allow roof structures of unequal height and roof structure setback. However, the variance from the loading requirements and the special exception for an increase in height is not supported. OP believes that the approval of the loading variance and the SE to increase the height of the building will be detrimental to the public good and is not in harmony with the general purpose and

intent of the zoning Regulations as specified in the Reed-Cooke Overlay, and therefore the request should not be granted.

ATTACHMENT

1. Aerial of Site and Surrounding Area

AA/mbr



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application #16924
Jemal's Wheel

DC Office of Planning
December 3, 2002

Scale 1:1896

25 0 25 50 75 100 Feet

Attachment 1