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Board of Zoning Adjustment
District of Columbia
CASE NO. 17001
EXHIBIT NO. 23A2

ADVISORY NEIGHBORHOOD COMMISSION 1B
GOVERNMENT OF THE DISTRICT OF COLUMBIA
COLUMBIA HEIGHTS / LEDROIT PARK / SHAW / UNIVERSITY HEIGHTS

1B01 Lawrence T. Guyot, Jr.
1B02 Philip C. Spalding
1B03 Catherine Hammonds
1B04 Deborah R. Thomas
1B05 Jarvis Houston
1B06 Theodore "Ted" Butler
1B07 Sertira "Cookie" A. Wilson
1B08 Charles E. Glover
1B09 Sinclair "Nupe" Skinner
1B10 Kelvin P. Esters
1B11 Arabella F. Littlepage

10 February 2003

Geoffrey Griffis, Chairperson
Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

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RE: BZA Case No. 17001
Victory Housing Development in Square 2848

Dear Mr. Griffis:

This letter is to advise you that ANC1B at its regularly scheduled public meeting, held February 6, 2003, at which a quorum of eight of eleven members was present, voted unanimously (8-0-0) to support the above referenced application for special exception and variance relief. The relief is requested by RLA Revitalization Corporation and Victory Housing, owner and developer of the property respectively, to permit the development of the property with a residential building for the elderly. The boundary line between ANC1B and ANC1A (in which the property is located) is approximately two blocks from the property.

The applicant is requesting a special exception pursuant to Section 2514.2 of the Zoning Regulations to permit the R-4 zoned portion of the property to be used for access to the C-3-A portion of the property. The Commission concludes that the criteria set forth in Section 2514.2 (a) through (d) are satisfied. Furthermore, the Commission agrees that the special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and would not tend to affect adversely the use of neighboring properties.

Furthermore, the Commission supports the applicant's request for a special exception from Sections 411 and 770.6 (b) with respect to the setback of the roof structure. The Commission finds that compliance with the setback requirement is impractical because of operating difficulties and compliance with certain provisions of the International Building Code and that full compliance would be unduly restrictive, prohibitively costly, or unreasonable. In addition, the Commission determined that granting the special exception would not materially impair the intent and purpose of Chapter 400 and the Zoning Regulations and that the light and air of adjacent buildings would not be adversely affected.

Finally, the Commission was advised that the property is affected by several exceptional situations and conditions which result in the requested variance relief. The Commission recognizes that due to the size and configuration of the site and the project, the applicant proposes to access its below grade parking garage from the below grade parking garage of the proposed adjacent development currently being developed by Donatelli & Klein. In addition, although the project will include the required service/delivery space, the required loading berth and platform will be shared with the adjacent development as permitted by Section 2203.4. Due to the timing of the two developments, it is possible that the project will be completed and ready for occupancy prior to the completion of the adjacent development, thus rendering the parking garage and loading inaccessible for a temporary period of time. The Commission supports any of the three alternatives for variance relief as requested in the application, finding that the granting of any of the three alternatives is necessary due to the

BZA
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practical difficulties facing this project. The Commission finds that any of these alternatives for variance relief can be granted without substantial detriment to the public good or the District's Zone Plan.

ANC1B supports the applicants requests for special exception and variance relief in Case No. 17001. The development of this property for the elderly is important to the community and the District as a whole. The Commission urges the approval by the Board of this vital project so that it may proceed forward to the benefit of the community.

Sincerely,

Deborah R. Thomas, Chairperson

Philip C. Spalding, Secretary



DONATELLI
Real Estate Development & KLEIN

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March 25, 2003

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

RE: Letter in Support of BZA Case No. 17001

Dear Members of the Board:

Donatelli & Klein is the contract purchaser of property adjacent to the proposed Victory Housing development. Donatelli & Klein supports the above-referenced application for Board of Zoning Adjustment relief to permit the proposed Victory Housing project to proceed forward. The project will provide housing for the elderly in an ideal area adjacent to the Columbia Heights Metrorail Station and near community-oriented retail, both existing and proposed.

Furthermore, Donatelli & Klein have agreed with Victory Housing to share a loading berth as permitted by Section 2203.4 of the Zoning Regulations. Donatelli & Klein will enter into a binding covenant that is acceptable to the Zoning Administrator to ensure join use of the loading berth.

Donatelli & Klein supports the Applicant's requests for special exception and variance relief. The development of this property for the elderly is important to the community and the District as a whole. Therefore, Donatelli & Klein requests that the Board approve the relief requested.

Sincerely,

Christopher J. Donatelli
President

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OUTLINE OF TESTIMONY
OF BONNIE THOMSON, VICTORY HOUSING

I. Introduction and Description of Victory Housing

II. Background and Description of Project

III. Special Exception and Variance Relief

A. Relief Necessary to Provide Housing for Low-Income, Elderly Residents

B. Brief Description of Relief Requested

1. Variance Relief from Parking Requirements

2. Variance Relief from Loading Requirements

3. Special Exception Relief for Zone Boundary Line Crossing a Lot Line

4. Special Exception Relief for Roof Structure Setback

5. Architects to Provide Detailed Description

IV. Community Support

V. Conclusion

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OUTLINE OF TESTIMONY OF REPRESENTATIVE FROM RLA REVITALIZATION CORPORATION

I. Introduction

II. Description of RLA Revitalization Corporation

III. Process for Approval of Development

IV. Support for Development of this Site

V. Conclusions

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OUTLINE OF TESTIMONY
TORTI GALLAS AND PARTNERS, PROJECT ARCHITECT

I. Introduction

A. Description of Torti Gallas and Partners

B. History and Experience in Washington

II. Description of Project

A. General Description

1. Description of Area
2. Description of Site
3. Description of Building Design
4. Development of Surrounding Area
5. Number and Types of Units
6. Residential Recreation Space
7. Parking and Loading

B. Unusual and Exceptional Conditions Affecting Site

III. Relief Requested

A. Variances from Parking Requirements

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

B. Variance from Loading

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

C. Special Exception for Zone Boundary Line Crossing Lot Line

1. Deviation from Requirement

2. Standard for Special Exception Relief Met

D. Special Exception for Roof Structure Setback Requirement

1. Deviation from Requirement

2. Standard for Special Exception Relief Met

IV. Conclusions

K

OUTLINE OF TESTIMONY OF OSBORNE GEORGE, O.R. GEORGE AND ASSOCIATES

I. Introduction

II. Experience and Expertise

III. Background and Study Purpose

IV. Site Zoning, Location and Access

V. Existing Traffic Situation

VI. Future Traffic Situation

VII. Parking, Loading and Access Evaluation

VIII. Summary of Findings and Conclusions

WAS1 #1168998 v1

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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17001
14th and Irving Streets, N.W.

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

April 8, 2003

I. Site location and description

A. Location

1. North side of Irving Street, just east of 14th Street, N.W.

2. Project site consists of all or portions of lots 71, 867 and 824 in Square 2848

3. Site located in the Columbia Heights area

4. Part of RLA Parcel 15 from the 14th Street Urban Renewal Area

B. Size

1. Total site area is approximately 21,076 square feet

2. Frontage of approximately 167 feet on Irving Street

3. Lot is "L" shaped with an extension of approximately 38 feet at the rear

C. Existing site condition: vacant

II. Description of surrounding area

A. Columbia Heights area

B. Area contains mix of residential and commercial uses and building types, with higher density and height and more intense uses located along 14th Street and lower density and height and less intense uses located on the east-west cross streets

C. Remainder of Square 2562

1. To the north: additional vacant property owned by NCRC-RLA (remainder of RLA Parcel 15), to be developed with an apartment house with ground floor retail

2. To the west: entrance to the Columbia Heights Metrorail Station

3. To the east:

a. 3/4 story apartment building at 1361 Irving Street

b. 3 story row structures used for single family and multifamily occupancy along Irving and Kenyon Streets

c. Church at the northwest corner of the intersection of 13th and Irving Streets

D. Uses to the south:

1. CVS drug store at the southwest corner of 14th and Irving Streets

2. High-rise and mid-rise apartment houses on the east side of 14th Street between Irving Street and Columbia Road

3. Entrance to the Columbia Heights Metrorail Station

4. Vacant land (RLA Parcel 26)

5. Medical clinic

6. Additional high-rise apartment buildings

E. Uses to the east:

1. Row structures used for single family and multifamily occupancy along Irving and Kenyon Streets

2. Tubman Elementary School on the east side of 13th Street between Irving and Kenyon Streets

F. Uses to the west: site of Grid USA retail/entertainment development on the west side of 14th Street between Irving Street and Park Road

G. Uses to the north: proposed Tivoli Theater development, including a new supermarket, at the northeast corner of 14th Street and Park Road

III. Existing zoning: C-3-A and R-4

A. C-3-A District

1. Uses (§§741 – 744)

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 4.0 FAR, with nonresidential uses limited to 2.5 FAR (§771.2)

4. Lot occupancy – residential uses limited to 75% (§772.1)

5. Rear yard – 2 1/2 inches per foot of height, but not less than 12 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 (§2101.1)

a. For apartment house use: minimum of 1 space for each 2 units

b. For publicly assisted housing for the elderly: minimum of 1 space for each 6 units

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. R-4 District

1. Uses (§330)

a. Single-family detached, semi-detached and row dwellings, flats and conversions of pre-1958 buildings to apartments permitted as a matter-of-right

b. Other institutional uses also permitted as a matter-of-right, including churches, hospitals, clinics, private clubs, etc.

2. Height - maximum of three stories, forty feet (§400.1)

3. Minimum lot width and area (§401.3):

a. For row dwellings & flats: 18 feet, 1,800 square feet

b. For semi-detached dwellings: 30 feet, 3,000 square feet

c. For conversion to apartments: 900 square feet of lot area per unit

d. For detached dwellings and all other structures: 40 feet, 4,000 square feet

4. Maximum percentage of lot occupancy (§403.2):

a. For row dwellings, flats, churches and public schools: 60%

b. For conversions to apartments: none prescribed

c. For all other structures: 40%

5. Rear yard - minimum depth of twenty feet (§404.1)

6. Side yard - not required (§405)

7. Parking:

a. Row dwelling: 1 space per unit

b. Flat: 1 space for every two units

c. Multiple dwelling: 1 space for every 3 units

IV. Proposed development

A. Use: apartment house of approximately 75 units

B. Gross floor area: approximately 67,000 square feet (3.18 FAR)

C. Height: 7 stories, 65 feet

D. Parking: 9 off-street outdoor spaces at grade at the rear

E. Private alley easement (18 feet wide) on the east

V. Relief required

A. Variances

1. Number of parking spaces (§2101.1)

a. Minimum required: 13

b. Proposed: 9

c. Variance: 4

2. Use and percentage of compact spaces

a. Minimum required to use compact spaces (§2115.2): 25

(1) Proposed: 9

(2) Variance: 16

b. Minimum number of spaces in a group (§2115.4): 5

(1) Proposed: 4

(2) Variance: 1

3. Number of loading berths (§2201.1)

   a. Minimum required: 1 55 foot berth

   b. Proposed: no berth

   c. Variance: 1 berth

B. Special exceptions

1. Roof structures not meeting the 1:1 setback (§411.11)

2. Boundary line crossing a lot (§2514.2)

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. Size and shape of property precludes underground parking or decked parking on-site

2. Size of site limits locations for 55 foot loading berth and platform

B. Practical difficulty

1. Excavation required for underground parking is extremely expensive and burdensome for this use

2. 55 foot loading berth cannot be provided without severely disrupting building design or compromising required outdoor residential recreation space

C. No detriment to the public good

1. Number and size of spaces will be sufficient for projected needs of residents

2. Loading space will be sufficient for most day-to-day deliveries

3. Additional delivery access will be provided in the building to the north once it is built

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. Elevator override is 18 feet, 6 inches in height

2. Lot is "L" shaped and building is "L" shaped but in reverse configuration

3. Core is located at corner of "L"

B. Unduly restrictive and unreasonable

1. New International Building Code (IBC) requires separating elevator lobbies by doors from the corridors

2. Dictates design and placement of core

C. Impact on light and air of other buildings

1. Separated from existing residential building to the east by private alley easement

2. 1:1 setback is met on all corners except the northeast side

3. Building is removed 20 feet from lot line at this point

X. Standards for the special exception for boundary line crossing a lot (§2514.2)

A. Regulations applicable to less restrictive portion of the lot (C-3-A) that control use, height and bulk may be extended to more restrictive portion of the lot (R-4)

B. Extension limited to 35 feet

C. R-4 area limited to 0.9 FAR

D. Extension shall have no adverse effect upon present character or future development of neighborhood

E. Board may impose requirements on design, appearance, screening, location of structures, lighting or other requirements to protect adjacent or nearby property

XI. Compliance with the special exception standards for boundary line crossing a lot

A. Extension is only for 18 feet

B. Building does not extend into the R-4 portion of the site

C. R-4 portion provides access through an easement to public alley system in the center portion of the square, where no such access exists now

D. No FAR is being used from the R-4 portion of the property; apartment house is less than the permitted 4.0 FAR in C-3-A

E. Alley easement will provide additional separation for existing building to the east, where no side yard is required for new development in the R-4

XII. Conclusions

A. Subject property is affected by exceptional conditions, because of the size and shape of the site and the nature and location of the proposed building

B. Strict application of the Regulations would require underground parking or decked parking, both of which would have substantial adverse affect on ability to build proposed apartment house

C. 55 foot loading berth cannot be provided without disrupting proposed floor plan

D. Arrangements for adequate parking and loading have been made

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

F. The lack of setback on the northeast corner of the roof structure is caused by building design and operating difficulties and can be approved without creating adverse impacts

G. Use of the private alley in R-4 to serve development in C-3-A enhances access for the entire square and creates no adverse affect on adjoining property

H. The application should be granted