Exhibit B

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Application for a Special Exception and Variance
1700 Kalorama Road, N.W.

RWN Development Group, LLC, Applicant
March 5, 2003

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I. Nature of Relief Sought

This is an application by RWN Development Group, LLC for a special exception pursuant to Section 3104 to allow conversion and enlargement of an existing commercial building into a 34-unit apartment house with ground level professional and nonprofit arts uses at 1700 Kalorama Road, N.W. (Square 2567, Lot 81, the "Property"). The Property is zoned RC/C-2-B, that is, C-2-B as modified by the Reed-Cooke overlay zone (11 DCMR Chapter 14). A minor variance to reduce the amount of residential recreation space required is also requested pursuant to § 3103.

The Zoning Regulations at §1402.1 of the Reed-Cooke overlay allows an increase in maximum height from 40 feet to 50 feet by means of a special exception provided that 50% of the additional gross floor area made possible by the exception is devoted to law and moderate income housing. The Applicant requests this height increase and will comply with the low and moderate income housing requirement. The second area of requested relief is a variance from the residential recreation space requirements set forth in §773. These areas of requested relief are identified in the attached Self-Certification Form.

The Reed-Cooke ("RC") Overlay District was adopted by the Zoning Commission in 1991. The stated goals are to improve the neighborhood by protecting

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Board of Zoning Adjustment
District of Columbia
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existing housing, encouraging new residential development, maintaining heights and densities at appropriate levels, encouraging small-scale retail and other services that serve the local community, and protecting the existing residences from any adverse impacts of new development.

The conversion of the existing, vacant office building at 1700 Kalorama Road to residential use with a neighborhood-oriented arts and professional service use on the ground floor achieves these objectives without imposing any adverse effects on the neighborhood.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to Sections 3103 and 3104 of the Zoning Regulations. The requested apartment house and nonprofit arts and professional uses are permitted as a matter of right in the RC/C-2-B zone.

III. Description of the Immediate Neighborhood[1]

The Property is located in the Reed-Cooke section of the Adams Morgan neighborhood of Ward 1. The immediate vicinity is characterized by a closely interspersed mixture of retail, office, residential and light industrial uses within a compact area.

The properties along Kalorama Road, the main street in this vicinity, reflect the light industrial C-M-2 zoning that existed along a wide band of Kalorama Road from 1958 until the Reed-Cooke zoning cases in 1987 and 1991.[2] The C-M-2 District was mapped as a corridor that also extended into alleys, so that today a number of warehouse

[1] See the Zoning and Site Location Map and property location maps attached to this Statement.

structures are situated in the interior of blocks. In the Reed-Cooke zoning cases the light industrial zoning was changed to predominantly C-2-B with the Reed-Cooke overlay. The established residential areas removed from major streets and developed with townhouses and apartments were primarily rezoned RC/R-5-B or R-5-B.

Today the existing uses in the Kalorama Road corridor in this vicinity are retail and office uses in either small commercial buildings or larger warehouse structures. There have been numerous renovations, although there is also a significant vacancy factor.

Diagonally across the 17th and Kalorama intersection from the Property is a large, vacant building designed originally as a roller skating rink. Adjacent to it on the east is a large, high-rise apartment building, the Dorchester. Along the south frontage of Kalorama opposite the Dorchester is an apartment building flanked by townhouses extending almost to the intersection of 17th Street. North of the vacant skating rink is a large surface parking lot oriented to and accessed from 17th Street. The west frontage of 17th Street is improved with two- and three-story apartments proceeding up a substantial slope, capped by the Morgan School Annex converted to condominiums at Euclid Street. This frontage is zoned R-5-B. At the corner of 17th and Kalorama, south of these residential uses and directly across the street from the Property is a large, boarded up warehouse building in the RC/C-2-B District. Most of the smaller buildings along Kalorama Road are devoted to retail uses.

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[2] Zoning Commission Orders 523, 523A and 523B.

South of the Property, development proceeding up the hill and along 17th Street consists of townhouses zoned R-5-B, a small apartment house at the corner of Crescent Place and high-rise apartment buildings fronting on Crescent Place.

In summary, the Property is located in an area characterized by a mixture of residential, retail and commercial uses, including numerous warehouse structures either vacant or converted to office, nonprofit association or retail uses. A number of the large and small buildings are vacant. Many of the office users are social service organizations and nonprofit associations. Kalorama Road is the main commercial corridor with residential uses to the north and south. The scale of buildings varies widely within a compact area from small townhouses and commercial flat fronts to midrise warehouse structures and high-rise apartment buildings.

IV. Existing Zoning

The property is zoned RC/C-2-B. C-2-B is a medium-density, mixed-use zone that allows a maximum height of 65 feet and a maximum density of 3.5 FAR for residential or mixed uses, with a maximum limit of 1.5 FAR on commercial uses. The Reed-Cooke overlay zone, as set forth in 11 DCMR Chapter 14, modifies the base zoning in several significant ways, most importantly by enumerating a list of prohibited uses and by establishing a height limit of 40 feet. The permitted height restriction may be increased up to 50 feet as a special exception, provided that one-half of the additional density is devoted to affordable housing units. This application requests the height increase as well as a minor variance.

V. The Project

The existing development at 1700 Kalorama Road is a two-story office building with a two-level, open-air parking structure at the rear on a lot having 22,004 square feet of land area. The lower level of parking is accessed from an alley off of Kalorama Road, and the upper level of parking is accessed by a driveway from 17th Street at a higher elevation. The office building is a masonry structure with an irregular shape that follows the extreme acute angle formed by the intersection of 17th Street and Kalorama Road, N.W. Its industrial design character reflects the fact that it was constructed under the previous C-M-2 zoning when the core area of Reed-Cooke was zoned C-M-2 and had a mixture of light industrial, commercial and residential uses. The building has a gross floor area ("g.f.a.") of 40,467 square feet including 2,977 g.f.a. in the covered part of the parking deck, for an existing floor area ratio ("FAR") of approximately 1.83, substantially less than the maximum of 3.5 FAR allowed in the C-2-B District.

The proposed development is a conversion to residential condominiums with a two-story addition on top of the main building and a small, oval-shaped, two-story residential addition over the parking garage. The ground floor space totaling approximately 12,885 s.f. will be occupied by "Sitar," a well-respected nonprofit arts center already located in the neighborhood and Lynne Israel and Associates, a professional service use which provides occupational therapy to children.

Without the requested height increase (see below) the plans and zoning could accommodate 32 apartment units. With the height increase, if granted, an additional residential gross floor area of 3,005 s.f. can be added, for a total of 34 units. Pursuant to the requirements of Section 1402.1 (50 foot height increase) 50% of the square footage or

1,502 square feet increase must be devoted to affordable housing in the project. The Applicant proposes to provide either one or two affordable units totaling 1,502 in the project resulting in a total unit count of 34-35 units. Thirty-eight parking spaces will be provided. The proposed building will have a total of 64,630 g.f.a., of which 48,630 g.f.a. is residential apartments and nearly all of the remainder, ground floor nonprofit and professional uses. Thus, the proposed total FAR is 3.07, compared with 3.5 FAR allowed for residential and mixed uses in the C-2-B District. Residential recreation space totals 3,422 square feet of gross floor area.

Requested Special Exception from the Height Limitation of Section 1402.1 of the Regulations

Under Section 3108 of the Zoning Regulations, the Board is authorized to grant special exceptions where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property. Section 1402.1 provides specific criteria for an increase in building height from 40 feet to 50 feet, and Section 1403 sets forth the general criteria for exceptions to the Reed-Cooke overlay zone.

Special Exception for Height Increase. Subsection 1402.1 allows the Board of Zoning Adjustment ("BZA," the "Board") to approve a height increase from the 40 feet imposed by the RC overlay to 50 feet, provided there are appropriate setbacks from the street and that fifty percent (50%) of the additional floor area is devoted to housing for low and moderate income households.

Comment: *The additional ten feet of height requested by the Applicant will result in approximately 3,005 square feet of additional residential space. Fifty percent of this*

additional space or 1,502.5 square feet will be devoted to affordable housing in the building. The applicant anticipates that this will result in the provision of one, large or two, smaller affordable units.

Regarding the standard of "appropriate setbacks from the street," the two-story addition over the main building simply extends the industrial revival design character of the original building, and a setback would be inappropriate architecturally. In the context of the mixed height pattern of buildings in the vicinity, the proposed four-story height is appropriate. The small, oval shaped addition on top of the parking structure does not front on a street and is set back from the edges of the parking structure.

Subparagraph (a)(3) and Paragraph (b) call for provision of suitable small business or office uses. 1700 Kalorama will include the nonprofit Sitar School on the ground floor as well as the offices of a consultant who works with children with sensory integration issues. Sitar is an established, popular and well-respected educational program with strong neighborhood support. Finally, the objective set forth in Paragraph (c) calls for protecting nearby residences from "damaging traffic, parking, environmental, social and aesthetic impacts."

Comment: *Because the existing use is an office building that will be predominantly converted to residential use, vehicular traffic to and from the site will actually decrease, along with a reduction in related air pollution. In the opinion of the applicant, the proposed design is of superior quality and will be aesthetically pleasing to neighbors and the public.*

Accordingly, based on the specific criteria for approval of the requested height increase, the proposed development complies.

General Special Exception Criteria – RC Overlay Zone. Subsection 1403.1 sets forth the criteria for approval of Exceptions in the Reed-Cooke overlay generally. The Applicant is of the opinion that Section 1403 applies to exceptions from RC overlay zone requirements other than height because the height flexibility exception provision includes its own criteria, which overlap extensively with the criteria in Section 1403. Further, Section 1403 addresses use impacts indicating that it was intended to address exceptions from the special use prohibitions set forth in Section 1403. In an abundance of caution, we have included a section addressing the criteria in Section 1401.1. Each criterion is addressed below:

"(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."

Comment: *The first purpose of the RC overlay in §1400.2(a)(1) is to protect existing housing and encourage development of new housing. This project will provide 34-35 units of new housing and therefore substantially advances the encouragement of new housing in the overlay district.*

"(b) Maintain heights and densities at appropriate levels.

Comment: *The proposed density is less than the matter-of-right density allowed in the C-2-B zone, and the requested height increase is the 10 feet allowed by special exception. The requested height is compatible in urban design terms with the immediate surroundings.*

"(c) Encourage small-scale business development."

Comment: *This project includes the Sitar, a local nonprofit music school in the ground floor of the project. However, this project primarily addresses the residential purposes of the RC overlay zone.*

"(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.

Comment: *The two-story parking structure already exists and has two means of access and egress. The upper level is accessed from a driveway from 17th Street and the lower level is accessed from an alley from Kalorama Road. Thus, the parking will continue to function efficiently and with no new pedestrian crossings. The change from office to residential use will result in a lower volume of vehicular traffic to and from the site, especially in peak hours. Because of the residential use a higher percentage of cars will be stored in daytime hours while a significant percentage of residents commute elsewhere by public transit in contrast with the morning and evening, in-and-out commuting pattern on the site associated with the previous office use.*

"(c) Adequate off-street parking shall be provided . . ."

Comment: *The plans provide 38 spaces. This includes 31 spaces for the 34-35 residential units and 7 spaces for the ground floor nonresidential uses. This is more parking than the Zoning Regulations require.*

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

Comment: *This criterion applies to an excepted use, as indicated in the text. This is reinforced by the reference to the C-2-B zone, which assumes that a commercial use adjacent to residential uses and zoning might be a problem*[3]*. If building height were an issue, it would apply to RC/R-5-B properties as well, since the height increase by special exception is allowed in the RC/R-5-B District. The zoning along the Kalorama Road frontage of the property is C-2-B, but there is adjacent residential zoning immediately south of the property with no intervening alley. There is no adverse effect from this proximity because the use of the building is being changed from more intensive office use to more compatible residential use. This conversion from commercial to residential use actually improves the compatibility of the use of the Property with the residential neighbors. There is no need for a 25-foot or alley separation between two residential uses.*

"(e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residents."

Comment: *The proposed, moderate-size residential building will create a low level of noise that will not adversely affect neighbors.*

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

Comment: *Again, this provision attempts to address exceptions for otherwise prohibited uses in the RC overlay zone. There will be none of these outdoor operations at the premises.*

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[3] This provision may be modeled on the requirement in the neighborhood commercial zones for an alley or 25-foot separation from a residential zone for a new or modified gasoline service station or a fast food restaurant. Both of these are intensive commercial uses, especially in terms of very high vehicular traffic volumes and turning movements.

"(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."

Comment: The renovation and conversion of this commercial building to 34-35 residential apartments will help upgrade the neighborhood by adding residents as called for in the Reed-Cooke overlay zone. Putting a vacant building back to productive use will enhance the physical appearance and economic vitality of the immediate neighborhood, bringing residents who will be customers for local businesses and enhancing public safety by eliminating a vacant building and putting more pedestrians on the street. The restoration of the handsome industrial revival design of the facades will also be an aesthetic benefit to the neighborhood.

As to the intensity of the use, in addition to being predominantly residential, the building utilizes less than the permitted matter-of-right FAR of the C-2-B zone.

VII. Requested Area Variance – Residential Recreation Space

Because of the unusual configuration of the existing building and the parking deck behind it, together with the sloping site, it is difficult for the design to accommodate the full amount of required residential recreation space. The standard in the Zoning Regulations is for recreation space equal to fifteen percent (15%) of the residential gross floor area of the building. The proposed plans have a residential gross floor area of 48,630 square feet, therefore the recreation space requirement is 7,295 square feet, whereas 3,422 square feet of residential recreation space or 6.7% of the requirement is provided.

The residential recreation space is outdoors at the penthouse level. Meeting and/or fitness room space could be provided indoors, but the Applicant proposes to devote this space to an additional residential space and space for the Sitar School, believing that this is more in keeping with the purposes of the Reed-Cooke zoning than a function room that is rarely used. Further, the management and maintenance of the indoor recreation space would pose an undue burden for the future condo association which would have to shoulder the responsibility of managing this space.

VIII. Criteria for Variance Approval

The requested area variance requires a demonstration that some exceptional or unique condition of the property creates a practical difficulty for the owner in using or developing the property. The Board must also find that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

A. **An exceptional or unique condition creates a practical difficulty in using the property.** The existing building follows the acute angle of the intersection of 17th Street and Kalorama, creating an irregular building footprint and floor plans. The building was constructed under the previous C-M-2 zoning and has various inefficiencies for conversion to residential use.

In addition the property has a significant slope, with the two-level parking deck accessed by narrow passageways that cannot be enlarged. It would not be economically feasible or practical to demolish the parking structure, relocate the parking spaces to an underground garage, and build a small addition on top of the garage. The amount of additional residential space requested is quite small. On this challenging site, the height restriction of the Reed-Cooke overlay zone makes the permitted FAR unachievable, and in fact, only 3.07 FAR out of a permitted 3.5 FAR is proposed.

In this location, the addition will not be visible from the street. It will be visible from the interior windows of some nearby townhouses, but the addition will screen from view the upper level of parked automobiles and small and narrow, will not adversely affect the light and air of neighboring buildings and occupants. As to the deficiency of 3,873 square feet of required residential recreation space, the large and historic Meridian Hill Park is only a long block away, and thus offers convenient recreation and open space. The very active Adams-Morgan neighborhood offers many restaurants and entertainment places for recreation as well.

The requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan.

No Adverse Effects on Neighbors or Zone Plan

The intensity of use of the site is being substantially reduced because the Applicant is converting the building from office to residential use. For the past 10 years the building has been 100 percent occupied for office use with 100 employees and 40 automobiles. The office use, of course, generated a high level of commuter vehicle trips during peak morning and evening traffic periods. A much smaller number of automobiles will be used in these periods by residents, a higher percentage of whom will walk or take public transit to work.

Both of the parking levels exist at present and will have the same two means of access as at present. The number of parking spaces will not change. By providing adequate parking in this parking-deficient neighborhood, the project helps alleviate a current problem condition in the neighborhood.

Residential development is directly in furtherance of the most important goal of the Reed-Cooke overlay zone and numerous Comprehensive Plan policies favoring residential development in this neighborhood and in the city generally. Moreover, one of the main purposes of the Reed-Cooke rezoning from light industrial C-M-2 to R-5-B and C-2-B was to reduce the potential for medium-density office development, in that the C-M-2 zone allows a 4.0 FAR for commercial as well as industrial uses. In this development, the Applicant is converting an existing office building to residential use, thereby helping alleviate traffic congestion on the relatively narrow, convoluted streets in the neighborhood.

In summary, the proposed residential and mixed-use development will have no adverse effects on neighbors or the public good. Rather, it helps carry out the purposes of

the Reed-Cooke overlay zone and the underlying C-2-B zone, and is consistent with the residential designation of the site in the Comprehensive Plan.

IX. Conclusion

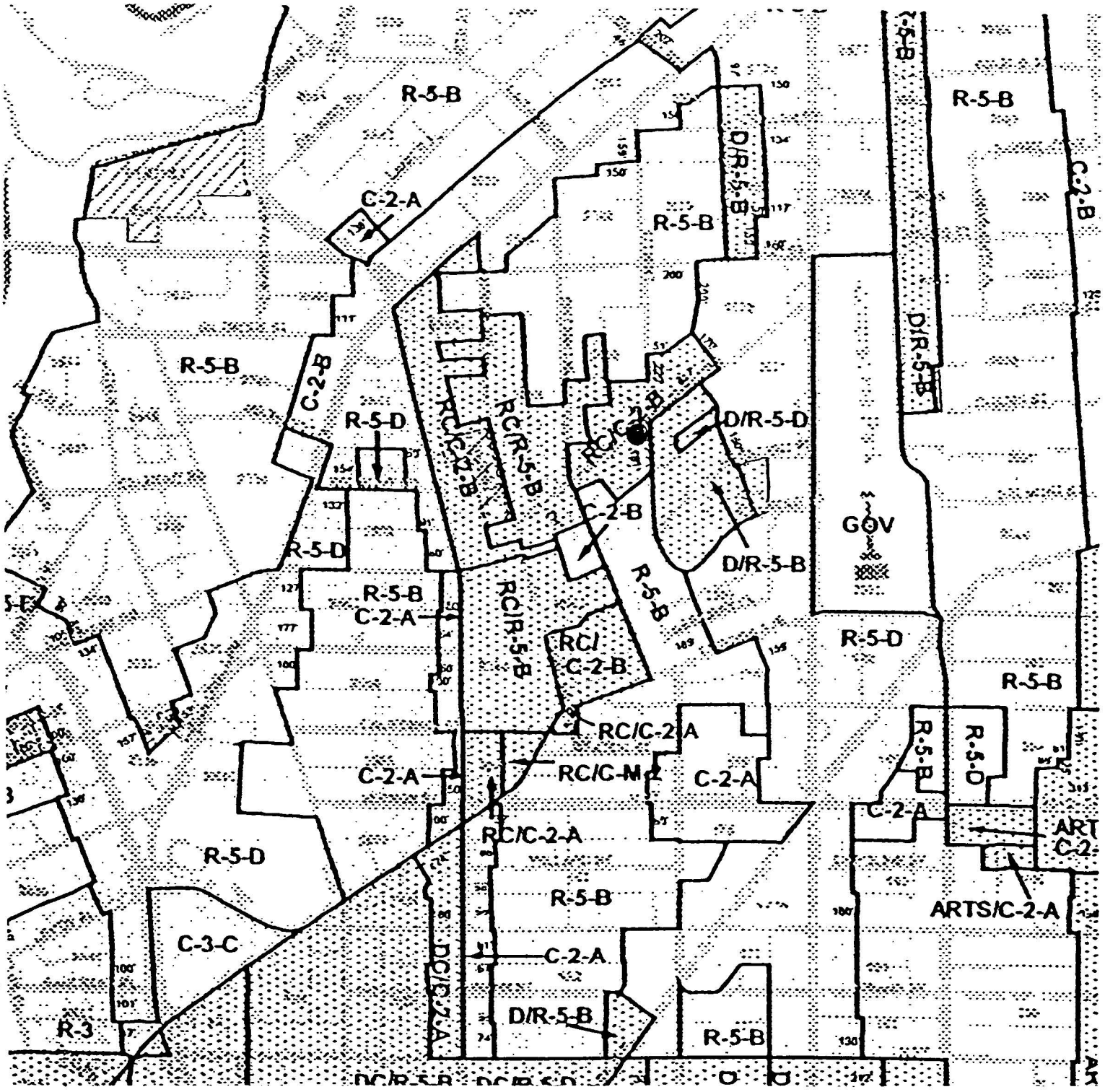
Based on the analysis and rationale presented in this statement and other evidence submitted to the record of this case, the Applicant believes that the requested special exception and variance are justified. The Applicant respectfully requests approval by the Board.

Sincerely,

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments

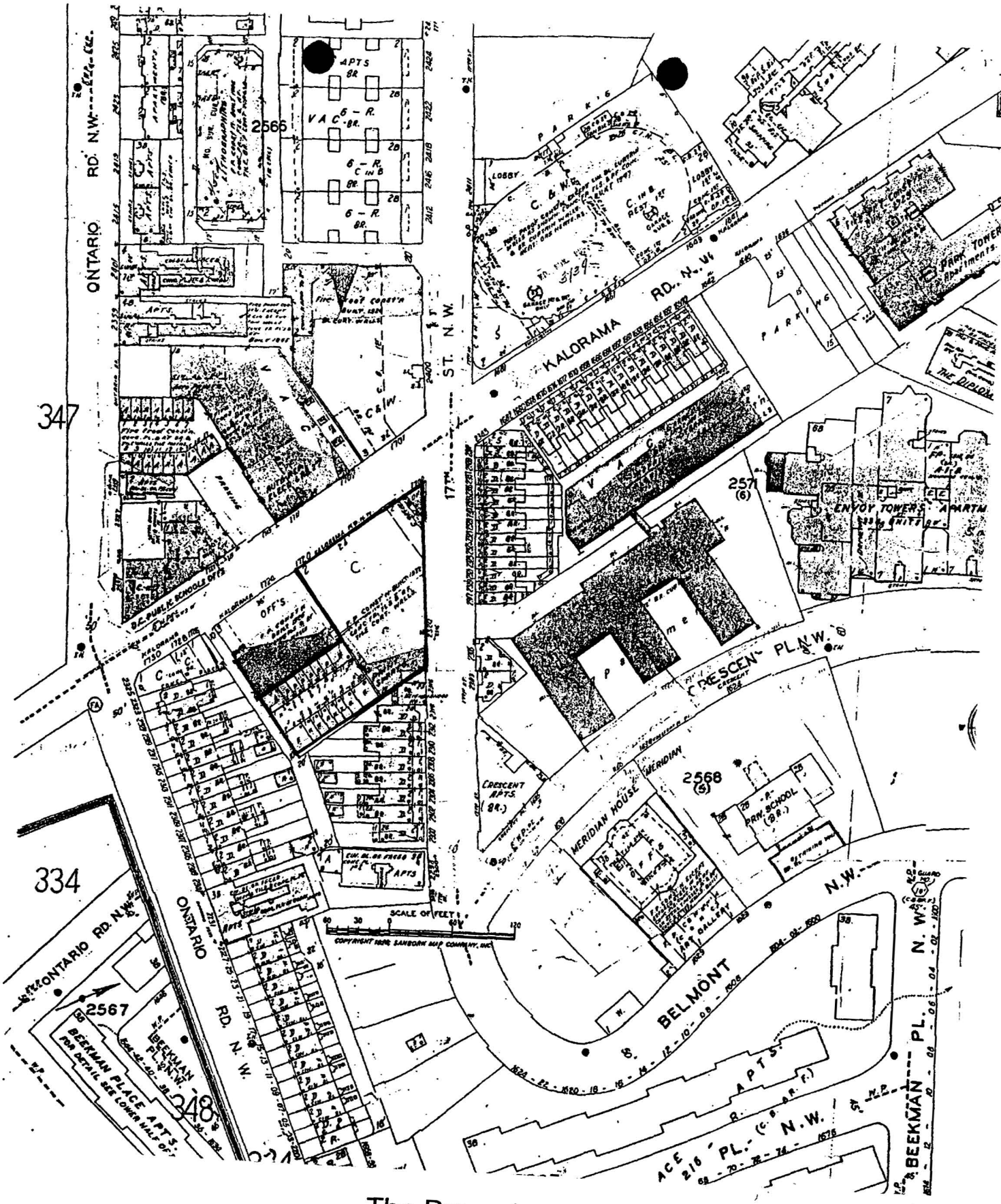


Zoning and Site Location Map

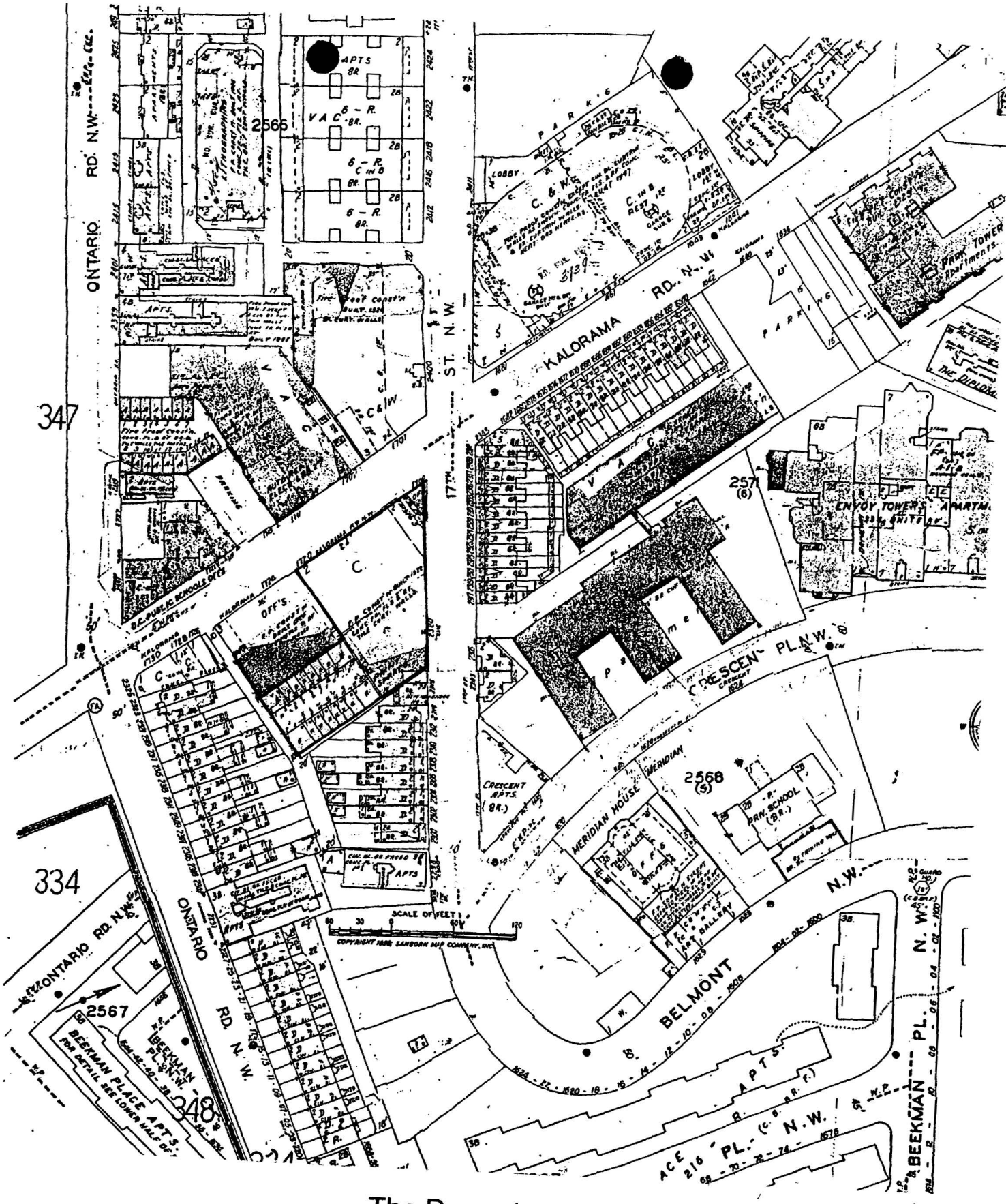
1700 Kalorama Road, N.W.

Base Map: D.C. Office of Zoning Web Site

● **SITE LOCATION**



The Property
1700 Kalorama Road, N.W.
Base Map: Sanborn Building and Property Atlas



The Property

1700 Kalorama Road, N.W.

Base Map: Sanborn Building and Property Atlas