



Advisory Neighborhood Commission 1C

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December 22, 2003

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Commissioners:

Chairperson

Alan Roth (1C01)

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Josh Gibson (1C07)

Treasurer

Jeff Coudriet (1C08)

Secretary

Mindy Moretti (1C04)

Nik Apostolides (1C02)

Bryan Weaver (1C03)

Vacancy (1C05)

Andrea Broaddus (1C06)

Hon. Geoffrey Griffis, Chairperson
Board of Zoning Adjustment
441 4th Street, NW – Suite 210 South
Washington, DC 20001

**Re: BZA Docket No. 17109 – Appeal of Kalorama
Citizens Association From the Issuance of
Building Permits at 1819 Belmont Road, NW**

Dear Chairperson Griffis:

Pursuant to 11 DCMR 3115, Advisory Neighborhood Commission 1C (“ANC 1C”) submits the following report on the above-referenced appeal of the Kalorama Citizens Association from the issuance of building permits at 1819 Belmont Road, NW:

3115.1(a) – The appeal under consideration is identified above.

3115.1(b) – The appeal was considered at a public meeting of ANC 1C on Wednesday, December 3, 2003.

3115.1(c) – Proper notice of the meeting was given by ANC 1C in the form of publication in a community newspaper, transmittal of e-mail and Internet notice to approximately 1,000 neighborhood residents and stakeholders, and posting of notices in individual single member districts (SMDs). In addition, the owner of the premises has spoken about the project at several meetings of the ANC and its Planning, Zoning and Transportation Committee. The owner was invited to the December 3, 2003 meeting but elected not to attend. The owner’s e-mailed statement concerning this appeal was read by the Chairperson to the Commission and the public at the December 3rd meeting.

3115.1(d) – ANC 1C has eight SMDs. Due to one Commissioner’s recent resignation, only seven SMDs are currently represented. A quorum of four Commissioners is therefore required for action. All seven sitting Commissioners were present at the December 3, 2003 meeting.

3115.1(e) – ANC 1C urges the Board of Zoning Adjustment to sustain the appeal of the Kalorama Citizens Association (KCA) on all three grounds stated in Attachment 1 to the KCA’s appeal filing. Specifically:

BZA

Case No. 17109
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17109
EXHIBIT NO. 20

(1) ***Excessive Height*** – The structure as currently designed and as partially constructed literally “sticks out like a sore thumb” relative to the neighboring residential properties on the 1800 block of Belmont Road, NW, and relative to nearby commercial rowhouses further east on Belmont and storefronts on 18th Street, NW. Viewed from certain locations in the neighborhood, the structure is so immense that among residents it has taken on nicknames like “The Tower on Belmont” or “The Belmont Skyscraper.” It is completely out of scale for the block and the area in which it is located. There are two specific height issues that must be addressed. First, the permits on appeal were issued on the basis of plans showing a roof deck and banister that exceed the building height permitted by the Height of Buildings Act (D.C. Code §§ 6-601.01 to 6-601.09). Second, although the owner’s engineer has claimed that the building (as measured from the curb to the parapet of the roof) does not exceed the lawful height of 70 feet, the claimed height is 69 feet, 9 inches – *a mere three inches* short of the limit. If the engineer’s measurements were off by as little as *one-half of one percent*, the building would exceed the lawful height. The Kalorama Citizens Association should therefore be given the opportunity to contest the owner’s survey and calculations with an expert of its own choosing.

(2) ***Illegal Roof Structure*** – The Height of Buildings Act and 11 DCMR §§ 400.7 and 411.2 require that the roof structure be set back from all exterior walls by a distance at least equal to its height above the roof. The roof structure on these plans violate that requirement, and the permits for such plans should not have been issued. We are told that the BLRA’s Acting Zoning Administrator takes the position that, when applied to the exterior walls of rowhouses and townhouses, the law means something other than what it plainly says. This is of deep concern to us because, as a neighborhood in which old rowhouses and townhouses are of great architectural and aesthetic importance, such an interpretation threatens to devastate the views, streetscapes, and scale on which we place a very high value. If this interpretation is permitted to stand, we will quickly find these roof structures all over Adams Morgan ignoring the setback requirements, which are intended to minimize these structures’ visual obtrusiveness into our streetscapes and prevent excessive obstruction of light and air for neighboring structures.

(3) ***When is an “Attic” Not an Attic? When It’s A Ruse – to Evade Applicable FAR Limitations.*** – Regardless of how the plans label it, the portion of the upper story that the developers describe as an “attic” is not an attic under the legally controlling definition of the term, nor is it an “attic” under any other conventional or commonly accepted sense of the term. Rather, all signs seem to point toward a future resident’s ability

to use this space as a habitable room, and the room should therefore be subject to the FAR limitations of 11 DCMR § 402.4. By shaving a little off here and making a little change there, the developers seem to have persuaded DCRA to issue a permit on the basis of a highly technical reading of the plans, rather than on the basis of the legal definition of the word "attic" or the obvious ability of a resident to use the space for human habitation. By accepting this subterfuge, DCRA has in effect ignored space that ought to be counted in FAR and that, if it were counted, would appear to exceed the permissible FAR in this zoning district. BZA should firmly reject this gaming of the Zoning Regulations and instruct both DCRA and the owner to read their dictionaries.

3115.1(f) – ANC 1C approved the following motion: "That ANC 1C support the Kalorama Citizens Association (KCA) recently filed appeal to the BZA in regards to 1819 Belmont Rd., NW."

3115.1(g) – The motion above was approved by a roll call vote of 7-0.

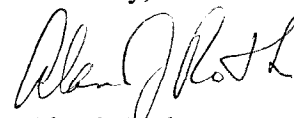
3115.1(h) – ANC 1C Chairperson Alan Roth, and/or Commissioner Andrea Broaddus (Chairperson, Planning, Zoning, and Transportation Committee), and/or Commissioner Bryan Weaver (in whose SMD 1C03 the premises in question are located), are authorized to present this report. We expect at least one of these three Commissioners to participate in person in the Board's hearing on the appeal.

3115.1(i) – ANC 1C Chairperson Alan Roth has signed below.

Please feel free to contact me at 347-3030 (W) or 667-7812 (H) if you have any additional questions.

Thank you for your consideration of our views.

Sincerely,



Alan J. Roth
Chairperson

cc: Mr. Denzil Noble, Acting Zoning Administrator, DCRA/BLRA
Kalorama Citizens Association (c/o Mrs. Ann Hargrove)
Ms. Gail Montplaisir, Montrose LLC & Taurus LLC
Hon. Jim Graham, Ward One Councilmember

CERTIFICATE OF SERVICE

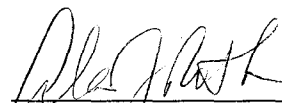
I hereby certify that a copy of the foregoing report to the Board of Zoning Adjustment in Case No. 17109, *Appeal of Kalorama Citizens Association*, was sent by first-class mail, postage prepaid, to the following persons on this 22nd day of December, 2003:

Kalorama Citizens Association
c/o Mrs. Ann Hargrove
1827 Belmont Road, NW
Washington, DC 20009

Mr. Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration – DCRA
941 North Capitol Street, NW – 2nd Floor
Washington, DC 20002

Ms. Gail Montplaisir
Montrose LLC & Taurus LLC
2311 15th Street, NW – Unit #1
Washington, DC 20009-4005

Hon. Jim Graham, Ward One Councilmember
Council of the District of Columbia
1350 Pennsylvania Ave., NW – Room 406
Washington, DC 20004



Alan J. Roth