

BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Appeal of Kalorama Citizens Association from)
The Decision of DCRA Issuing Building Permits)
B455571 & B455876 Notwithstanding Non-) BZA No. 17109
Compliance of Plans with FAR, Height, ,and Setback)
Requirements with respect to 5-story Apartment in R-5-D)
Zone at 1819 Belmont Road, N.W. (Square 251, Lot 45).)
_____)

***Statement of Ann Hughes Hargrove
for Appellant Kalorama Citizens Association***

I am Ann Hughes Hargrove, Zoning Chairman for the Kalorama Citizens Association. I have been involved with zoning and planning issues for many years, having worked in this field for New York City and as a private consultant and with local planning organizations in the District, including the Committee of 100 on the Federal City, of which I am the immediate past Chairman..

The building at issue in this case is located in Washington Heights, one of Washington's predominantly row house neighborhoods, as is shown graphically by this photograph taken from one block south, on Kalorama Road (it is also attached to the joint declaration submitted by KCA on March 3). To the left in the picture is 1819 Belmont, which by our reckoning has the distinction of being both the highest and the narrowest building on the block. Let me point out, by way of introduction, its basic features of this building and neighborhood. Its immediate environs are indicated by the Belmont Road streetscapes depicted in Exhibit 2 of KCA's Prehearing Statement—mainly handsome row-houses and semi-detached residences, with three well-proportioned two- to five-story apartment buildings of the same period interspersed among them.

The map attached as Exhibit 3 to KCA's Prehearing Statement and attached here for your convenience shows both the number of stories of the neighboring structures and the zoning pattern on either side of Belmont Road: on the north side, a mid-block area of R-5-D sandwiched between C-2-B at both the Columbia Road and 18th Street ends; and on the south side all R-5-B except for C-2-B at the 18th Street end and one R-5-D building, facing Columbia Road, at the other end, where R-5-D begins and continues to Connecticut Avenue. (This last area is graced with large, handsome apartment houses fronting the avenue, with the predominantly rowhouse area sandwiched in between Columbia Road, 18th Street and 19th Street .) The R-5-D mid-block on the north side of Belmont Road, which contains 1819, is a holdover from the time that it had been zoned R-5-C in anticipation of the carrying out of the subsequently defeated Adams Morgan Urban Renewal Plan. It was later re-zoned R-5-D, when all R-5-C was converted to a revised R-5-D in Zoning Commission Case 91-10, without a related mapping case. Before its demolition, 1819 was one of a row of three turreted rowhouses. Its immediate neighbors to the west include a reconstructed apartment house of 5 stories and a stacked

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condo in-fill development with two buildings and a central court over which 1819 now towers. To place the case further in physical context, I suggest you look at the photographs attached as Exhibit 4 to KCA's Prehearing Statement, showing the project in various stages of completion soaring over the Adams Morgan landscape. The Washington Heights area has been selected for a historic preservation study by the Office of Planning's historic preservation office.

The 1910 Height of Buildings Act is central to two of the three errors cited in our appeal. And of course height is a factor in the FAR violation as well, since the principal reason for the height of the building is the need to accommodate all that improperly authorized floor area on such a narrow footprint, creating the appearance of an incongruous spire sadly misplaced in its environment. We believe the Height Act to be an important determinant of the physical character of this city, including its row house neighborhoods, and we are acutely aware of the numerous (and sometimes successful) efforts over the years to circumvent the Height Act by contrived interpretation or by simply ignoring it. For these reasons we are submitting a separate memorandum on the Act's legislative history, policy objectives, implementation in the zoning regulations, and implications for this case.

In anticipation of that, I would like to take a few moments to comment on the implications of the proper interpretation and application of the Height Act and the parallel zoning regulations for Washington's row house neighborhoods. As that memorandum will show, a strong policy favoring protecting light and air, as well as the aesthetic quality of the District's streetscapes, underlies the Height Act, and when applied to the question of roof structures that policy translates into a scrupulously strict construction of the Act's requirements, including that of setback from "all exterior walls". We submit that anything less than this, and particularly a general policy of relaxing the setback requirements as to row house party walls, would carry very unfortunate implications for the city's many row house neighborhoods and, where the Height Act is involved, circumvent its requirements and frustrate its policy objectives.

We can understand the impetus for making such a concession, for the narrowness of row houses may mean that the setback requirements cannot be met and that a row house owner with a cherished rooftop project in mind may well be frustrated. But two things should be noted:

First, the very feature of the row house that would bar the roof structure under the Height Act -- its relative narrowness-- provides a compelling reason for *not* relaxing the setback requirement as to side walls: the narrower the building, the more the mass of any roof structure, in relation to the mass of the building, will be magnified. Whereas an elevator penthouse on a large commercial building may be just an irritating blocky nubbin on the roof, on a 17-foot row house even a modest staircase penthouse becomes a major and obtrusive architectural feature with a proportionately greater visual impact on the surrounding area. And a proliferation of such structures cluttering rooftops in a neighborhood could have a profoundly altering effect on the streetscape. The smaller attached buildings that characterize so much of Washington's older residential

neighborhoods, most of them originally single family dwellings, do not have the mass to accommodate much of a retrofitted structure upwards and on the roof.

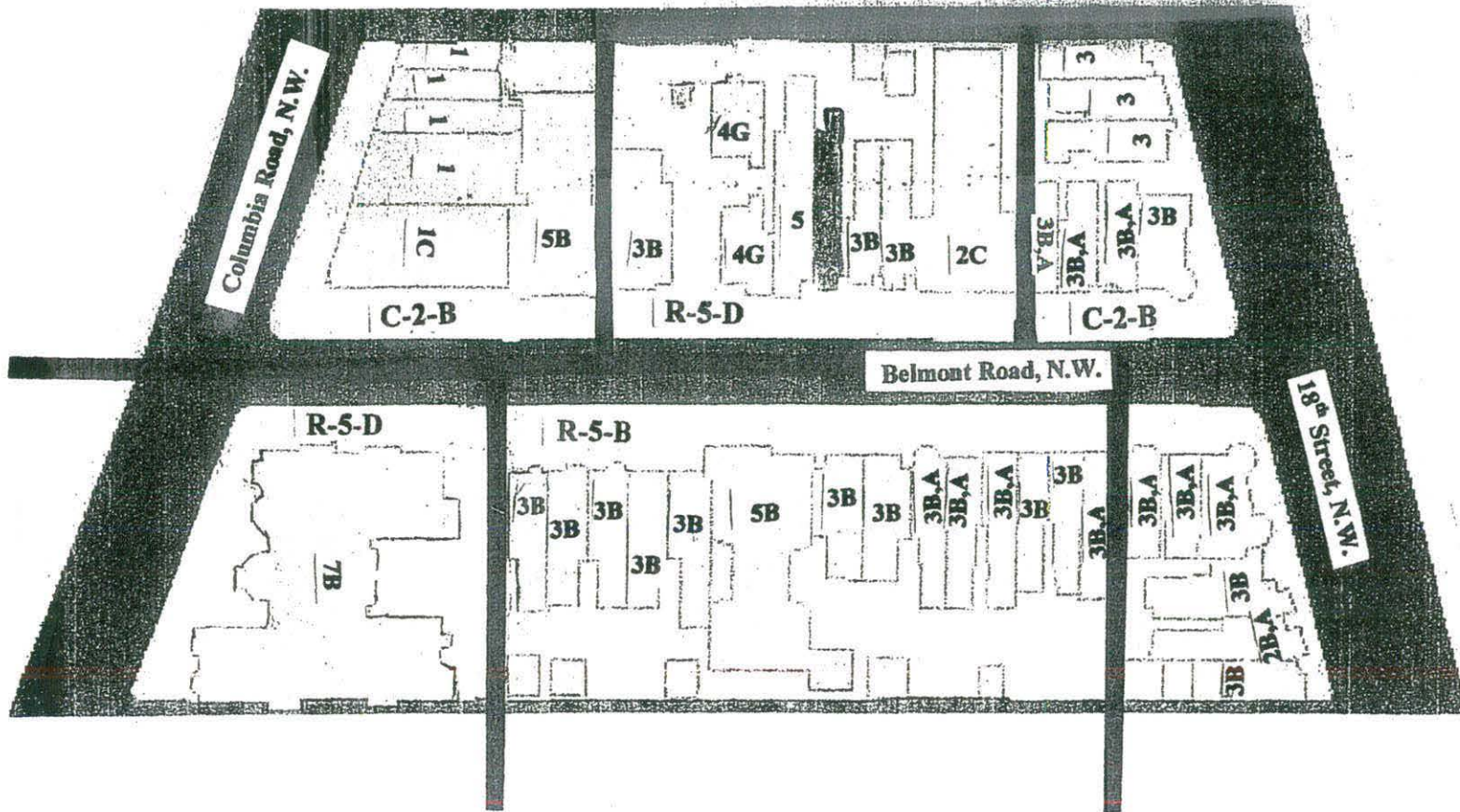
Secondly, Washington row house neighborhoods, and the individual structures within them, are extremely diverse, in ways that call for careful consideration on an individualized, case-by-case basis. At the very least, it must be recognized in those cases in which the board has some latitude--which does not include those cases in which the Height Act applies--that what may be arguably appropriate for one situation may be obviously unacceptable in another. They differ in respect of the width of structure, the height of structures, and the differences in elevation between abutting structures of similar height within a single blockface.

We make these two points because both of them could hardly be more clearly illustrated than in the present case, where the difference in elevation between the "row house" under construction and neighboring structures of similar width is the equivalent of several stories, with soaring side walls that are clearly "exterior", and a radical adverse effect on light and air and the overall streetscape.

1819 Belmont Road viewed from Kalorama Road, 1 block south



BELMONT ROAD ZONING AND BUILDINGS



Legend:

Heights noted in stories plus possible basement, attic, cellar or garage. A=Attic with small windows; B=Basement; C=Cellar, G=Garage.

1819 Belmont Road is grayed for emphasis:

The owners assert the building consists of a basement plus 5 stories and what is claimed to be an attic plus a roof structure. To laymen, it looks like an 8 story building. The building replaced a 3-story plus basement rowhouse matching its two neighboring houses to the east.