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Not Engaged in the Practice of Law

January 27, 2004

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

RE: BZA Application No. 17111
2412 17th Street, N.W.

Dear Mr. Griffis:

Submitted herewith are 20 copies of the Applicant's Pre-Hearing Submission in the above-referenced case.

Sincerely,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP

Enclosures

BZA
Case No. 17111
Exhibit No. 27



Board of Zoning Adjustment
District of Columbia
CASE NO. 17111
EXHIBIT NO. 27

**PRE-HEARING STATEMENT IN SUPPORT OF APPLICATION BY CASTLE MANAGEMENT CORPORATION FOR AREA VARIANCES APARTMENT HOUSE AT 2412 17TH STREET, N.W.**

**January 27, 2003**

## I. Nature of Relief Sought

This is the Pre-Hearing Statement of the Castle Management Corporation[1] (the "Applicant") for variance relief pursuant to Section 3103 of the Zoning Regulations to allow renovation and enlargement of a small, vacant apartment house known as the Wilson Building at 2412 17th Street, N.W. (Square 2566, Lot 819, the "Property," the "Wilson") in an R-5-B District. The requested variances are as follows: floor area ratio ("FAR") (11 DCMR § 402.4); maximum lot occupancy (§403.2); and enlargement of a nonconforming structure (§2001.3). These areas of required relief are identified in the Self-Certification Form prepared by the project architect and submitted with this application.

This proposed enlargement of an apartment house is quite similar to the building that was approved for variances by the Board of Zoning Adjustment (the "Board," "BZA") in Order No. 15802, dated April 7, 1993, but which was never constructed. Advisory Neighborhood Commission ("ANC") 1C and the Reed-Cooke Neighborhood Association were fully in support of the project.

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[1] The ownership entity for the subject property is the 2412 Limited Partnership by First Housing and Construction Corporation, General Partner, and Joseph G. Kisha, President.

## II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment ("BZA") has jurisdiction to grant the relief requested pursuant to Section 3103 of the Zoning Regulations.

## III. Description of the Subject Property and Vicinity

Square 2566 is bounded by Kalorama Road on the south, Euclid Street on the north, 17th Street on the east and Ontario Road on the west, all N.W. The Wilson is located on the west frontage of 17th Street, N.W., approximately 150 feet north of the intersection with Kalorama Road. The subject lot is rectangular and has a land area of 7,113 square feet.[2]

The existing tenement type of residential building has two stories plus a basement level and was constructed in 1910. The building has 22 units, which are obsolete and substandard today. The building configuration is such that in some places neighbors can look through closed courts into the bedrooms and bathrooms of other units. Many of the bedrooms and living spaces have inadequate light and ventilation. The original building did not include footings, the building is sinking and it has an open dirt crawl space. There is no parking in the building. The building is of brick construction and shares a party wall with a similar apartment building to the north.[3] Alleys abut the property to the south (20 feet wide) and west (rear, 17 feet wide). The building is vacant except that the owner and a security person occupy units for insurance purposes.

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[2] See the "Site Location and Neighborhood Context" Map in *Exhibit A*.

[3] See the photographs on Sheet C-2 of the Plans attached in *Exhibit D*.

The Applicant proposes to renovate and expand the building into a modern, highly livable apartment house.

The alley immediately to the south of the Wilson serves as the zoning boundary between the R-5-B zoning of the lots along 17th Street to the north (including the Wilson) and the RC/C-2-B zoning of the lots fronting on Kalorama Road. (See the "Zoning and Site Location Map in *Exhibit A*.)

The building is located in the Reed-Cooke section[4] of the Adams-Morgan neighborhood of Ward 1, a neighborhood characterized by a closely interspersed mixture of commercial, residential and industrial uses within a compact area. The land use pattern in this vicinity reflect the broad area of C-M-2 zoning oriented to Kalorama Road that existed from 1958 until the Reed-Cooke zoning cases in 1987 and 1991[5]. In these cases, the Zoning Commission, based on recommendations by the Office of Planning and community organizations such as the Reed-Cooke Neighborhood Association, changed the light manufacturing (CM) zoning to R-5-B and RC/R-5-B for residential development and predominantly C-2-B with the RC overlay in areas improved with commercial or mixed uses.

Across an alley to the south of the Property is a large, vacant warehouse structure at the corner of 17th Street and Kalorama Road, N.W. Directly to the east across 17th Street is a very large surface parking lot and, to the south of the parking lot is a large, vacant building that originally functioned as a roller skating rink, situated at the intersection of 17th Street and Kalorama Road.

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[4] Although located generally speaking in Reed-Cooke, the Property is not within the boundaries of the Reed-Cooke ("RC") overlay zone.

Behind the Wilson, across the north-south alley, is a partially-vacant, warehouse structure of approximately 34,000 square feet of gross floor area that has historically been occupied by the Colortone Printing Company and various other uses. It has blank walls and few windows. Last year the owner received approval of variances to enlarge the building to include apartments, a nonprofit organization's offices and other office space.

The other uses along Kalorama Road in this vicinity are small scale retail uses and warehouse structures, either occupied as offices or vacant. Several nonprofit associations that provide social services, job training, clinic and similar functions reflect the generally low-income status of a majority of residents in the vicinity. The D.C. Department of Corrections has a probation office on Kalorama Road. To the east – along and south of Kalorama Road – are several large apartment houses, primarily 90 feet in height.

Proceeding north from the Property, along the west frontage of 17th Street, are A two- and a three-story apartment building proceeding up a substantial slope, capped by the four-story former Morgan School Annex converted to condominiums. Approximately 75 percent of these housing units are currently low- and very low-income units receiving Section 8 and other housing subsidies. This frontage is zoned R-5-B. The western part of Square 2566 is zoned RC/R-5-B (north of the commercial uses along Kalorama Road, which are zoned RC/C-2-B. (See the "Zoning and Site Location Map" in *Exhibit B.*)

In summary, the Property is located in an area characterized by a mixture of residential, office and retail uses, as well as some continuing heavy commercial uses and numerous warehouse structures either vacant or converted to office or commercial uses.

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

The building is surrounded on three sides by commercial-industrial type structures that are currently vacant.

## VI. The Project

As stated previously, the existing apartment building is an obsolete, tenement-type building that needs to be reconfigured, completely renovated and enlarged in order to become viable housing. The Applicant's proposal is to renovate and retain the existing structural framework and setback of the building and add two stories on top. The existing building is two-and-one-half stories and 28 feet high; the proposed building height is 50 feet and four stories high in the front plus a basement level. The 50-foot height complies with the height limit of the R-5-B District, so that no height variance is needed. See the Project Plans and elevations in *Exhibit D*.

In place of the existing configuration of 22 very small units (one-bedroom units of 490 square feet each), the new building will have 23 larger units. The decision to provide larger units was made based in part on input from ANC 1C and the Reed-Cooke Neighborhood Association. The new unit mix will be 17 one-bedroom-plus-den units; 4 one-bedroom units; one studio-plus-den; and one studio unit. They will have high ceilings and ample natural light. The units are predominantly in the 800 to 900+ square foot range. See the "Apartment Mix" chart on the following page.

| **Apartment Mix** | | | | | |
|---|---|---|---|---|---|
| Apt # | Type | Floor level | Total SF | Exterior spaces | Qty |
| C01 | Studio | Cellar | 597 | 120 SF Terrace | 1 |
| C02 | 1 BR+Den | Cellar | 870 | 120 SF Terrace | 1 |
| C03 | 1 BR+Den | Cellar | 820 | | 1 |
| | | | | | |
| 101 | Studio+Den | 1st floor | 781 | 120 SF Balcony | 1 |
| 102 | 1 BR+Den | 1st floor | 857 | 120 SF Balcony | 1 |
| 103 | 1 BR | 1st floor | 668 | | 1 |
| 104 | 1 BR+Den | 1st floor | 946 | | 1 |
| 105 | 1 BR+Den | 1st floor | 910 | | 1 |
| | | | | | |
| 201, 301 | 1 BR+Den | 2nd & 3rd floors | 910 | 160 SF Balcony @ 2nd | 2 |
| 202, 302 | 1 BR+Den | 2nd & 3rd floors | 946 | 134 SF Balcony @ 2nd | 2 |
| 203, 303 | 1 BR | 2nd & 3rd floors | 668 | | 2 |
| 204, 304 | 1 BR+Den | 2nd & 3rd floors | 946 | 134 SF Balcony @ 2nd | 2 |
| 205, 305 | 1 BR+Den | 2nd & 3rd floors | 910 | 160 SF Balcony @ 2nd | 2 |
| | | | | | |
| 401 | 1 BR+Den | 4th floor | 910 | Roof Terrace | 1 |
| 401 | 1 BR+Den | 4th floor | 946 | Roof Terrace | 1 |
| 403 | 1 BR | 4th floor | 668 | Roof Terrace | 1 |
| 404 | 1 BR+Den | 4th floor | 946 | Roof Terrace | 1 |
| 405 | 1 BR+Den | 4th floor | 910 | Roof Terrace | 1 |
| | | | | | |
| Total Net S.F. | | | 19,589 | | 23 |
| 1-Studio, 1-Studio+Den, 4-1 BR, 17-1 BR+Den | | | | | |

The modifications to the exterior of the existing building are relatively minor. New window openings will be created for improved light and air to the apartments and to create a more attractive façade. New balconies, five feet eleven inches (5'11") deep on the 17th Street building wall, will create an outdoor living amenity for residents -- a highly desirable feature in a dense urban neighborhood such as Adams-Morgan. Community groups also supported adding balconies because they will help provide "eyes on the street" to aid in crime control. The balconies also add design interest to the façade. The small existing light wells that create a lack of privacy for some existing units are filled in to eliminate the privacy problem.

A fire-rated wall is provided abutting the apartment building to the north, thereby improving the fire safety of both buildings. The Applicant is also providing underpinning for the abutting building, an important structural improvement. In addition, the new building will have a fire sprinkler system and will comply with accessibility requirements for handicapped persons. Five surface parking spaces are provided at the rear of the building, whereas the existing building has no parking.

## V. Zoning Relief Requested

The property is zoned R-5-B, which permits matter-of-right development of residential uses, including single-family dwellings, flats and apartments to a maximum. floor area ratio ("FAR") of 1.8, a maximum height of 50 feet and a maximum lot occupancy of sixty percent (60%).

In 1993 the Applicant requested and received approval of area variances to enlarge the existing apartment house in a manner similar to the enlargement proposed herein, although the 1993 plans created a larger building and required greater variance

relief than the current application. Because of the poor residential development market in the District of Columbia in the early 1990s, the Applicant was unable to obtain financing and did not construct the building. A copy of Summary Order No. 15802, dated April 7, 1993, is attached as *Exhibit C*.

The "Project Data" chart on the following page sets forth R-5-B zoning standards, existing building dimensions, 1993 building dimensions and the 2003 proposed building dimensions.

## PROJECT DATA

Address: 2412 17th Street, N.W., Square 2566, Lot 819
Zone: R-5-B
Lot size: 7,113 SF

| | Allowed/Required | Existing | Approved 1993 | Proposed 2003 |
|---|---|---|---|---|
| FAR | 1.8 | 1.79[1] | 3.62[2] | 2.97[3] |
| Height | 50' + roof structure | 28'[4] | 55'[4] | 50'[4] |
| Lot Occupancy | 60% | 65% | 80%[5] | 79%[5] |
| Rear yard | 4"/ft of ht or 15' min | 18'-6" | 18'-6"[6] | 18'-6"[6] |
| Front yard<br>Setback | • from property line<br>• from sidewalk | 22'-0"<br>24'-0" | 22'-0"<br>24'-0" | 22'-0"<br>24'-0" |
| Parking | None existing – non required | 0 spaces | 14 sp | 5 sp |
| Loading berth | None required if less than 50 units | (none) | (none) | (none) |
| Gross Floor Area | | 12,726 SF | 25,736 SF | 21, 108 SF |

[1] Divide existing FAR gsf (12,726 SF) by lot size (7113 SF) = 1.79 FAR.
[2] Divide previously approved 1993 FAR gsf (25,736 SF) by lot size (7113 SF) = 3.62 FAR.
[3] Divide proposed 2003 FAR gsf (21,108 SF) by lot size (7113 SF) = 2.97 FAR.
[4] Height measured from the top of curb, center of 17th Street frontage.
[5] Lot occupancy includes the porches at both front and rear, and enclosing existing light wells.
[6] Proposed building height at rear is 41'. At 4" per foot of height, required rear yard = 13'-8".

| Floor Level | Construction GSF | Balcony >6' GSF[2] | FAR GSF |
|---|---|---|---|
| Cellar | 4184 | 0 | 628[1] |
| First | 5120 | 0 | 5,120 |
| Second | 5120 | 0 | 5,120 |
| Third | 5120 | 0 | 5,120 |
| Fourth | 5120 | 0 | 5,120 |
| TOTAL | 24,664 | 0 | 21,108 |

[1] Approximately 85% of the Cellar level perimeter has a ceiling level 4'-0" or less above grade and therefore does not count in FAR.
[2] Porches more than 6' deep count against FAR. Proposed building has 5'-11" deep porches.

The chart reflects the fact that in 1993 four variances were approved – for FAR, height, lot occupancy and grouping of compact parking spaces (not displayed). In the current, 2003 project the proposed FAR still exceeds the 1.8 FAR allowed in R-5-B, but the requested area is substantially less – 2.97 FAR (21,108 g.f.a.) compared to the 3.62 FAR (25,732 g.f.a.) approved in 1993. No parking spaces are required because of the parking credit for pre-1958 buildings, but 5 spaces are proposed.[6]

***The Construction***. In sum, this Application requests three area variances, for FAR, lot occupancy and enlargement of a nonconforming structure. The construction that creates the variance requests and the rationale for the improvements are briefly described below.

*1.* *Floor Area Ratio*. The gross floor area of the existing building is 12,726 square feet, or 1.79 FAR. This is very slightly under the matter-of-right FAR allowed in the R-5-B zone. The requested gross floor area is 21,108 square feet, which constitutes an FAR of 2.97 on the subject lot, an increase of 7,754 square feet over the existing building, but significantly smaller than the 1993 building of 25,736 square feet.

*2.* *Lot Occupancy*. The increased lot occupancy, from 65 percent existing to 79 percent proposed, results from filling in the obsolete light wells and the creation of exterior balconies, which are also included in lot occupancy. The allowed lot occupancy in R-5-B is sixty percent (60%). The Applicant believes that these improvements are essential to the livability of the apartments and also to comply with the building code, FHA Minimum Property Standards. The existing lack of privacy for some units is

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[6] Subsection 2100.6 provides that, when the use of a pre-1958 building is intensified by 25 percent or more, parking shall be provided based on the addition. The parking requirement for apartments is based on

Footnote continued on next page

completely unacceptable by modern standards. The balconies add to lot occupancy, but will improve the exterior aesthetics of the building as well as the livability of the dwelling units. As mentioned previously, they will also add "eyes on the street" for improved public safety.

3. *Enlargement of a Nonconforming Structure.* The existing building is nonconforming as to lot occupancy – 65 percent compared to 60 percent allowed. The two-story addition and the filling in of light wells enlarge the building; accordingly a variance is requested from the restriction against enlarging a nonconforming structure, as set forth in the Zoning Regulations in § 2001.3.

## VII. Rationale for the Requested Variances

The requested area variances require 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 (2) that the requested variances can be granted without substantial detriment to the public good and (3) 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.** In this case a combination of exceptional conditions create a practical difficulty upon the use and development of the Property. The Applicant's need to build extra density is necessary due to the extreme cost of correcting severe conditions in the existing building. Following are major improvements that must be made to make the building safe and livable:

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the number of apartment units, which in this case is increasing by one unit. Given the parking requirement of one space for each 2 apartments in the R-5-B District, one parking space is required.

A. Structural Problems

1. After significant investigation, it was determined that the existing building has inadequate foundations, and no footings. The existing walls, especially the north wall (and the abutting wall of the adjacent building), must be underpinned to stop movement.

2. The courtyards have inadequate and non-functioning drainage. New drain lines must be installed to keep water from filtering down into the soil near the bearing walls and causing further structural damage.

3. The existing walls have enormous amounts of deteriorated mortar and extensive repointing needs to be done to reestablish the structural integrity of the walls. Moisture is penetrating cracks in the masonry, and the building is sinking.

4. Many of the floor joists are rotted and damaged and need to be replaced.

B. Fire Safety

1. Sprinkler system must be installed (none currently exists).

2. Two enclosed stairways will be provided. Currently there is one unenclosed interior stairway, and fire escapes are used as the second means of egress. Not only is this existing stair open, but it also does not comply with the dimensional requirements for a fire stair.

3. The existing interconnecting courts are a fire hazard. If the building to the north (which is not sprinklered) catches fire, then the fire could easily spread into our building through these interconnecting courts. A fire wall, which would protect our building, must be installed.

4. There is no fire rating between apartments; this must be provided.

5. The fire alarm system does not meet code and needs to be replaced.

C. Livability

1. The existing windows from habitable rooms into the existing narrow courtyards (shafts) is a condition that does not permit adequate light and ventilation. These windows have no privacy and no views.

2. The average unit size is too small. We are not increasing the number of units, only making them larger. The existing unit sizes are efficiency – 257-335 square feet, one bedroom – 347-420 square feet and two bedroom – 508-594 square feet. These very small sizes are completely unacceptable today.

3. The existing painfully narrow corridors will be replaced with more generous, wider corridors that comply with the building code.

4. The current building has no wheelchair accessible units. Our improvements will allow a wheelchair-bound person to enter the building. A new elevator will be provided, making all floors compliant with the ADA and the Fair Housing Act.

D. Elimination of Structural Nonconformities and Other Zoning Benefits

1. The Applicant's plan eliminates an existing non-conforming condition. Current zoning requirements dictate that the closed courts need to be 15 feet wide minimum. They are currently only 12 feet wide. The total area of the court is required to be 350 square feet. The existing courts are about 144 square feet in area, less than half of the current requirement. Our plan calls for filing in these courts, which eliminates a major non-conforming aspect of the existing building.

2. The Applicant proposes to increase lot occupancy. However, the requested lot occupancy increase is only due to filling in the non-conforming courts and adding modest balconies. The existing building is currently non-conforming with regard to lot occupancy; therefore, our proposal does not create a new non-conforming condition in this area.

3. The building will not exceed the matter of right height limit. The proposed FAR increase is based on extending the footprint up to the height limit. The Applicant believes that the requested additional density is appropriate from an urban design perspective. There is a massive warehouse to the south that can be increased in height (it is already taller than our building). This structure (1701 Kalorama Road, N.W.) has two industrial loading overhead doors that face our property. We need to build up, to have units that are elevated above this deteriorated industrial condition. The owner of 1701 Kalorama abandoned an effort to convert this building to residential use. This building will most likely remain commercial for the foreseeable future, which means that there will most probably be significant truck traffic from our southern narrow alley into this adjacent building. Across the street are the loading docks to the roller rink. Harris Teeter is planning to occupy this building, for supermarket use. This type of occupancy requires loading and unloading at all hours. Our proposed height is necessary to build units higher off the ground and more removed from the harsher aspects of these industrial buildings.

4. The Applicant's plans maintain the existing front yard setback (not required) of 22 feet, a substantial setback on such a small lot. This will maintain the existing setback line with other buildings on this street frontage. This setback contributes to the need to pursue a vertical

approach, i.e., a two-story addition rather than attempting greater ground coverage and less additional height.

5. The Applicant notes that, although the abutting building to the north utilized the existing density of the building when it was renovated, that different conditions apply there. First, very deep public subsidies were obtained so that occupancy can be for low-income households. Because of the predominance of low-income housing on this street, the neighborhood does not want another low-income apartment house on this street frontage. Second, that building was not completely rehabilitated and modernized as to all structural and modern features, as are proposed for the subject property in this Application. The Wilson is targeted for middle- and upper-middle income occupancy. Similar minor renovations were done to the next two buildings proceeding north along 17th Street on this frontage.

In addition to the exceptional conditions in the structure itself, the immediate surroundings create a difficult environment for major property investment. The Property is bordered on three sides by industrial-scale properties, two of which are vacant and boarded up, a well as a large surface parking lot directly across 17th Street. Property maintenance in general is poor. Several vacant buildings or storefronts are present along Kalorama Road to the immediate south of the Property. The crime rate is known to extremely high on this particular city block.

The Applicant would like to emphasize that the added gross floor area and the resultant need for the FAR and lot occupancy variances is based to a significant extent on modernizing features – exterior and interior -- which are benefits to the neighborhood as well as to the building and its future residents. Approval of the project will mean that a blight is removed from the neighborhood, and the city will benefit from increased property, income and sales taxes derived from renovation and re-occupancy.

**B. <u>The requested relief can be granted without substantial detriment to the public good.</u>** The proposed variance can be granted without any detriment to the public good. An obsolete, substandard tenement type of residential building will be

converted into a modern, attractive condominium apartment house. The building will be placed on a solid foundation. In addition to improved livability, the façade of the building, renovated and with new balconies, will be much more attractive for the public to view than the existing façade in its unrenovated condition. The design of the Wilson will be fully compatible with and will in fact enhance the neighborhood. Five parking spaces will be provided, where none are provided now.

In number of units, the Wilson as proposed is only one unit larger – 23 units in place of 22 existing – so that there will be no undue concentration of people. This residential development will not displace any existing residents because the building has been vacant for approximately six years, except for two units occupied for building security. A long-vacant building will be replaced by a building occupied by new residents, bringing new human activity and improved public safety in the evening hours especially. The latter is significant given the very high crime rate on this block, compounded by the adjacent vacant warehouse and the vacant former roller rink across the street.

The Wilson will be much more attractive and will enhance the immediate neighborhood, as well as provide attractive amenities for its future residents. Because the building is set back substantially from the property line on 17th Street, the Applicant is providing new landscaping and a new metal stair in front of the building. These will be substantial plantings (15'-18') with mature foliage to enhance the front yard. (See the Site Plan on Sheet A-0.1 in the Plans attached in *Exhibit D.*) The renovation and addition also include a much more attractive façade than the existing façade. (See the 17th Street

elevation on Sheet A-2.1 of the Plans.) Roof decks are provided for the five apartments on the top floor.

Finally, the proposed, matter-of-right building height is in keeping with the design context of the vicinity. The adjacent and nearby vacant warehouse and former roller skating rink are large commercial structures. The Wilson will be only marginally taller than the abutting residential building to the north (as shown in Sheet A-2.1.), and that modest height increase is mitigated by the substantial slope going up 17th Street to the north.

3. **The requested relief can be granted without substantial impairment of the zone plan.** As to the intent and purpose of the zone plan, specifically the R-5-B District, the primary use encouraged in this zone is midrise apartment buildings. Thus, the proposed four-story apartment house carries out the purposes of the R-5-B District. The *Comprehensive Plan for the National Capitol* reinforces this policy. Section 1127 of the Plan designates Reed-Cooke as a Special Treatment Area, in which two of the stated policies are to conserve existing housing and encourage the development of new housing. In the Ward 1 Element of the Plan, several Objectives for Housing in §1205 encourage expansion of the housing supply in suitable locations and emphasize the importance of affordable housing. In general, the project will make the area a more desirable residential neighborhood by adding residents and apartments for occupancy.

Alternative renovation schemes that would not require variance relief were researched and thoroughly explored, but none were found to be economically or practically feasible. The building has been vacant for six years, and suffers from the exceptional conditions identified above. If a matter-of-right renovation scheme were

feasible, it would have been done by now. If the requested relief is not granted, there is a risk that the building will remain vacant for some time as an obsolete building with virtually impossible economic feasibility constraints. The Applicant notes that in many of the neighborhoods where the R-5-B District is mapped (Logan Circle, Dupont Circle, Kalorama, Adams-Morgan, part of Columbia Heights), many of the existing (primarily pre-1958) townhouses are quite large and substantially exceed 1.8 FAR, and a significant number exceed the permitted 60 percent lot occupancy as well. These areas also have interspersed apartment houses, primarily midrise, that also substantially exceed the 1.8 FAR allowed for new construction. Consequently, the requested FAR is not unusual in the R-5-B District, and the height complies with the matter-of-right standard of 50 feet.

## VIII. Community Comment

The Applicant has met at least a dozen times with ANC 1C, the Reed-Cooke Neighborhood Association and adjoining neighbors. Also, individual members of these groups came to an open house walkthrough of the property. ANC 1C voted unanimously to support the application, and the Reed-Cooke Neighborhood Association also took formal action to support the requested variances and the residential development.

## 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 variances are justified. The Applicant respectfully requests approval by the Board.

Sincerely,
ARNOLD & PORTER

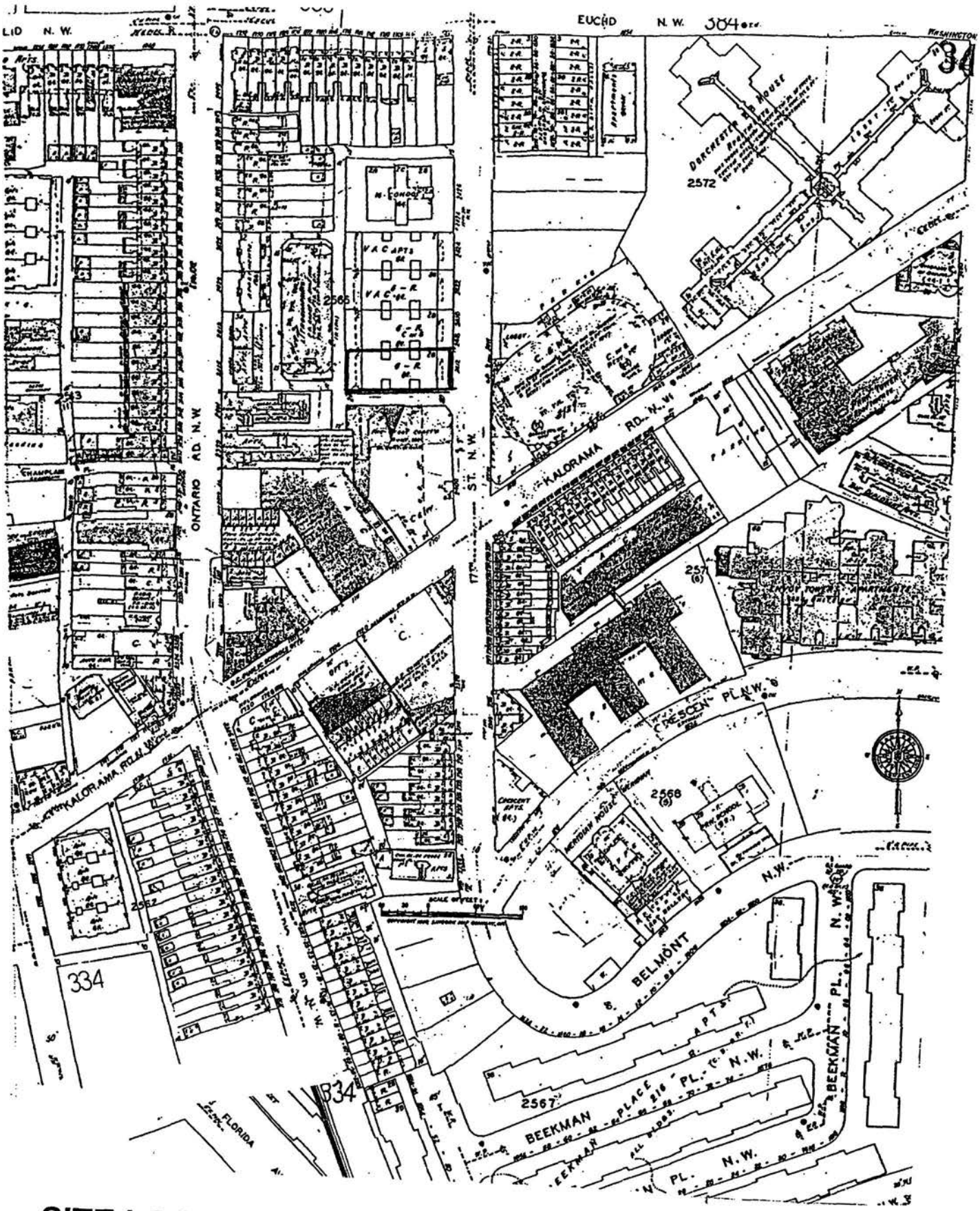
Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments:

| | |
|---|---|
| *Exhibit A* | Site Location and Neighborhood Context Map |
| *Exhibit B* | Zoning and Site Location Map |
| *Exhibit C* | BZA Order No. 15802 |
| *Exhibit D* | Project Plans |

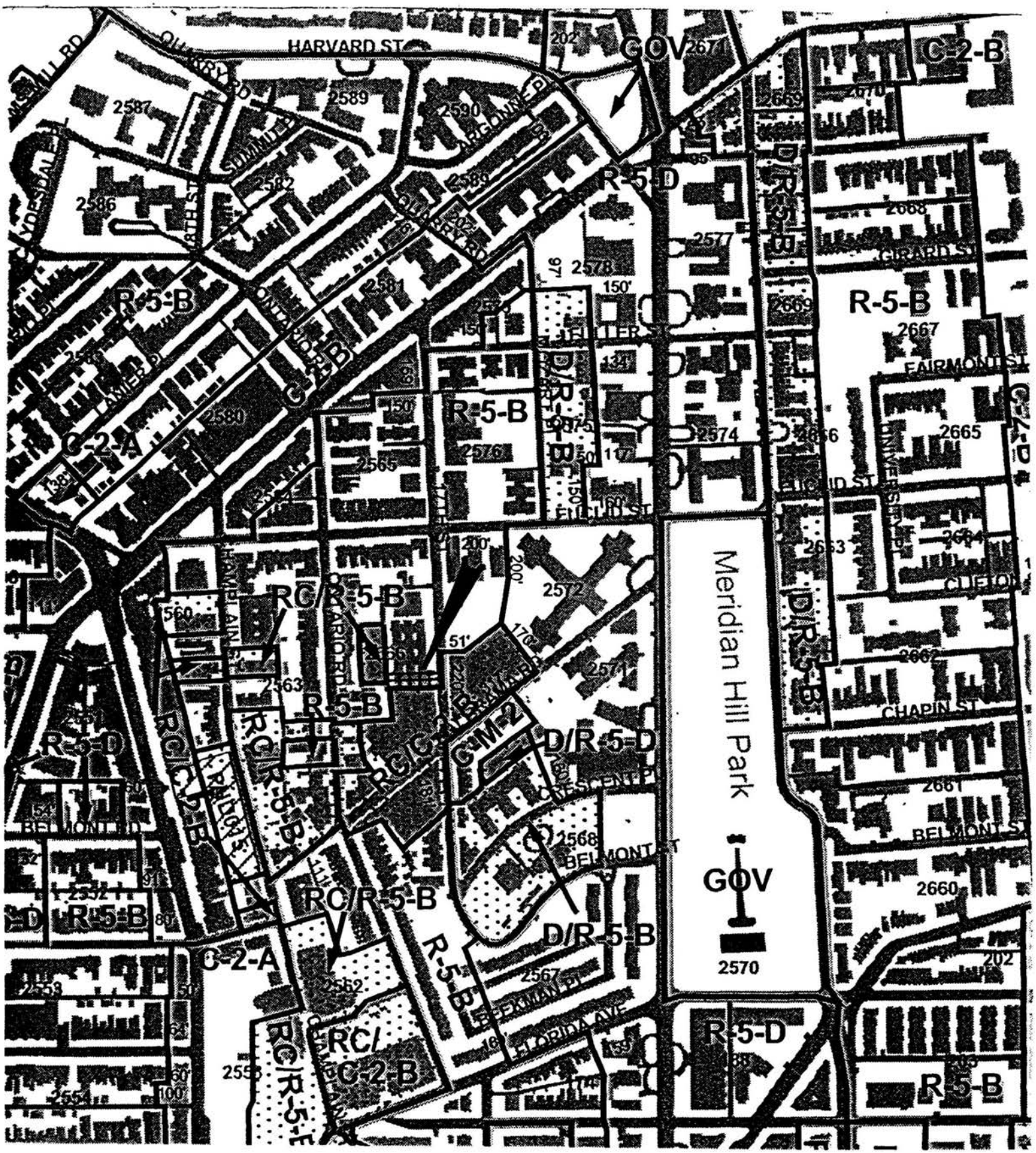
# Exhibit A: Site Location and Neighborhood Context Map




# SITE LOCATION AND NEIGHBORHOOD CONTEXT

Map Source: Sanborn Building and Property Atlas

# Exhibit B: Zoning and Site Location Map




**ZONING AND SITE LOCATION MAP**

**Exhibit C: BZA Order No. 15802**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15802 of 2412 17th Street Limited Partnership, pursuant to 11 DCMR 3107.2, for a variance from the allowable percentage of lot occupancy requirements (Subsection 403.2), a variance from the floor area ratio requirements (Subsection 402.4), a variance from the width and area requirements for a closed court (Subsection 406.1), and a variance from the compact car space grouping requirement (Subsection 2115.4) for a two-story addition and renovation of an apartment building in an R-5-B District at premises 2412 17th Street, N.W. (Square 2566, Lot 819).

**HEARING DATE:** March 17, 1993
**DECISION DATE:** April 7, 1993

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 403.2, 402.4, 406.1 and 2115.4. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested 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. It is therefore ORDERED that the application is GRANTED.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

EX NO. 29

VOTE: 3-0 (Angel F. Clarens and Paula L. Jewell to grant; Sheri M. Pruitt to grant by proxy; John G. Parsons and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: APR 30 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15802Order/bhs

# Exhibit D: Project Plans

# BZA SUBMITTAL SET

NOVEMBER 10, 2003

## THE WILSON - 2412 17TH STREET, NW WASHINGTON, DC

### Rehab of Existing 2-Story Residential Building W/Basement and Construction of New 2-Story Addition

## INDEX OF DRAWINGS


| | |
|---|---|
| C-1 | COVER SHEET |
| C-2 | SITE PHOTOS |
| C-3 | SITE SURVEY |
| A-0.1 | SITE PLAN |
| A-1.0 | CELLAR PLAN |
| A-1.1 | FIRST FLOOR PLAN |
| A-1.2 | SECOND FLOOR PLAN |
| A-1.3 | THIRD FLOOR PLAN |
| A-1.4 | FOURTH FLOOR PLAN |
| A-1.5 | ROOF PLAN |
| A-2.1 | EAST & WEST ELEVATIONS |
| A-2.2 | SOUTH ELEVATION |
| A-2.3 | NORTH ELEVATION |
| A-2.4 | LONGITUDINAL BUILDING SECTION |
| A-2.5 | TRANSVERSE BUILDING SECTION |


## ZONING DATA

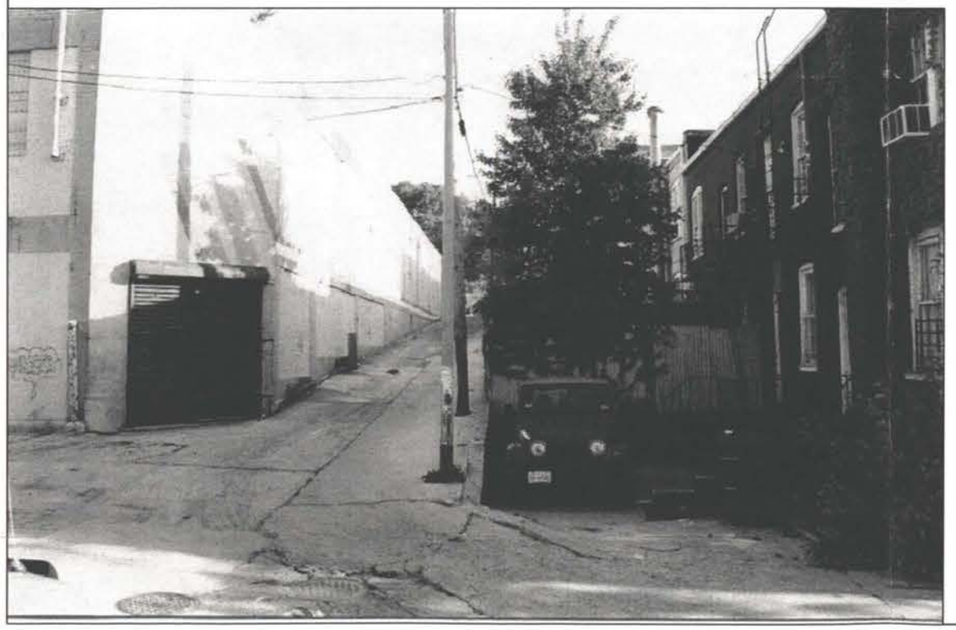
| | ALLOWED / REQUIRED | EXISTING | PROPOSED |
|---|---|---|---|
| ZONE : R-5B | | | |
| LOT AREA : 7113 SF | | | |
| LOT OCCUPANCY: | 60% | 65% | 79% *(VARIANCE REQ'D)* |
| HEIGHT: | 50' + Roof Structure | 28' | 50' + 9' Roof Structure |
| FAR: | 1.8 | 1.79 | 2.97 *(VARIANCE REQ'D)* |
| REAR YARD: | 4"/Ft of Ht - 15' minimum | 18'-6" | 15'-0" |
| PARKING: | None existing - None Req'd | 0 Spaces | 5 Spaces |
| LOADING BERTH: | < 50 Units - None Req'd | N/A | N/A |
| GROSS FLOOR AREA: | 12,803 GSF | 12,726 GSF | 21,108 GSF |
| Cellar | | 3,538 GSF | 628 GSF (15% of 4,184 SF) |
| First | | 4,594 GSF | 5,120 GSF |
| Second | | 4,594 GSF | 5,120 GSF |
| Third | | - | 5,120 GSF |
| Fourth | | - | 5,120 GSF |



1. VIEW UP 17TH STREET



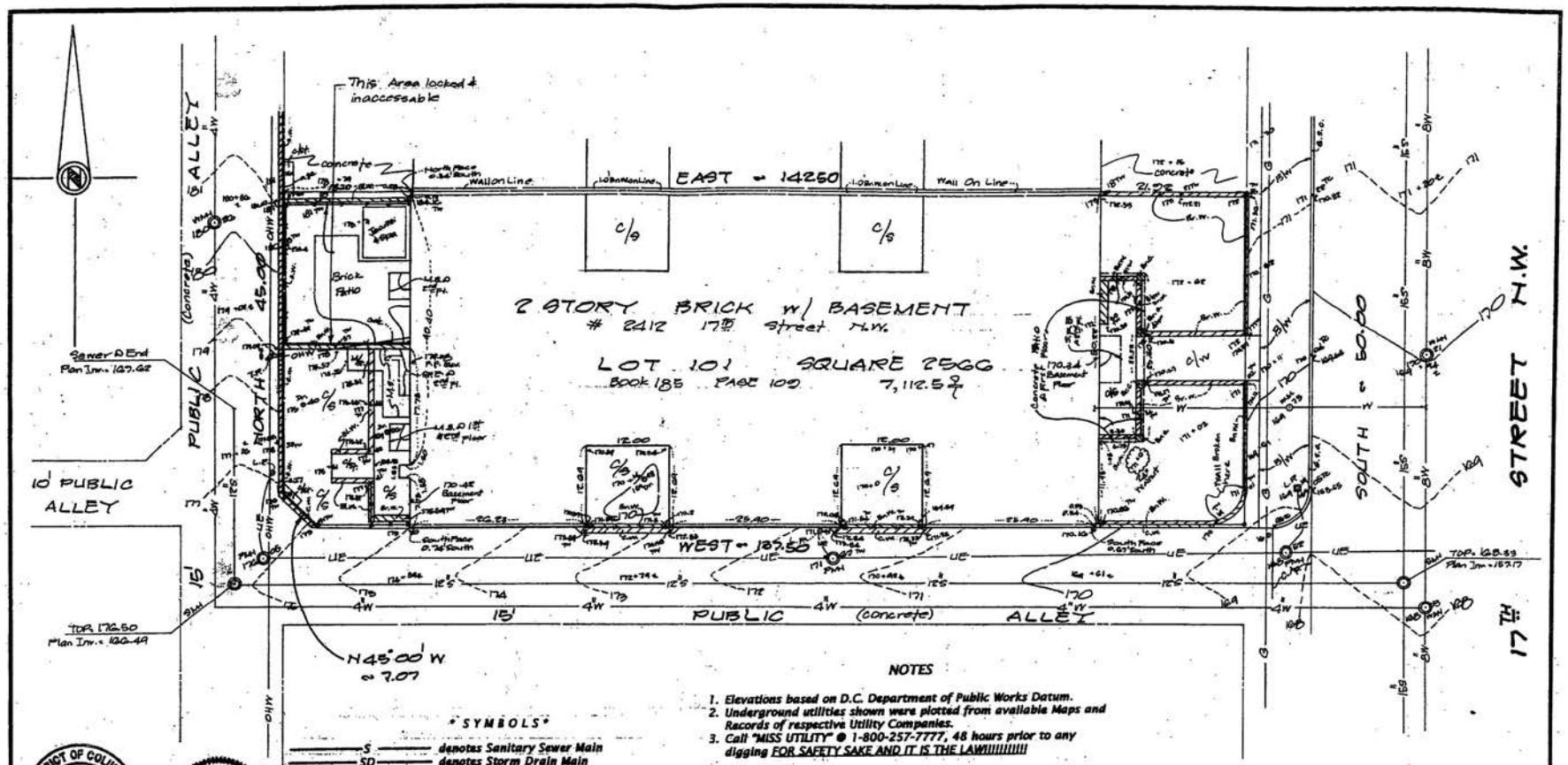
2. VIEW DOWN 17TH STREET



3. ALLEY ELEVATION



4. FRONT ELEVATION




**NOTES**

1. Elevations based on D.C. Department of Public Works Datum.
2. Underground utilities shown were plotted from available Maps and Records of respective Utility Companies.
3. Call "MISS UTILITY" @ 1-800-257-7777, 48 hours prior to any digging FOR SAFETY SAKE AND IT IS THE LAW!!!!!!!!!!

***SYMBOLS***

| | |
|---|---|
| S | denotes Sanitary Sewer Main |
| SD | denotes Storm Drain Main |
| W | denotes Water Main |
| UE | denotes Electric (underground) |
| G | denotes Gas Main |
| UT | denotes Telephone (underground) |
| OHW | denotes Overhead Wires |

| | |
|---|---|
| SMH | Sewer Manhole |
| WMH | Water Manhole |
| PMH | Pepco Manhole (Electric) |
| W.M.; T.P. | Water Meter; Telephone Pole |
| L.P.; G.S.C. | Light Pole; Granite Stone Curb |
| Tw | Elevation @ Top of Wall |
| Tc | Elevation @ Top of Curb |
| C/S; C/W | Concrete Slab; Concrete Walk |
| B/W.; Br.C. | Brick Walk; Brick Column |
| Br.W.; BLW. | Brick Wall; Block Wall |
| C.W.; C/St. | Concrete Wall; Concrete Steps |
| M/St.; M.S. | Metal Steps; Metal Stoop |
| M.B.; S.F.E. | Metal Balcony; Steel Fire Escape |
| C.Ap.; Dr. | Concrete Apron; Drain. |

***NOTE***

*All utilities shown are approximate location per D.C. Department of Public Works and other respective Utility companies.*

*Wall Checks: The Building Code of the District of Columbia requires that before the walls of a building exceed one foot in height, a wall check survey must be performed by the Office of the Surveyor and a report submitted to the building inspector's office of the Department of Consumer and Regulatory Affairs. The building inspector may require other wall checks as construction progresses. It is the builder's responsibility to order the wall check and to advise the Office of the Surveyor when it is needed.*

DISTRICT OF COLUMBIA — PHILIP L. MEEKINS — 900860 — REGISTERED LAND SURVEYOR

**SURVEYOR'S CERTIFICATES:**

I hereby certify that the position of all the existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no visible encroachments.

Date: 6-3-03 — P. L. Meekins

I hereby certify that I have carefully surveyed the property as shown by this plat and iron pipe are in place as shown.

Date:

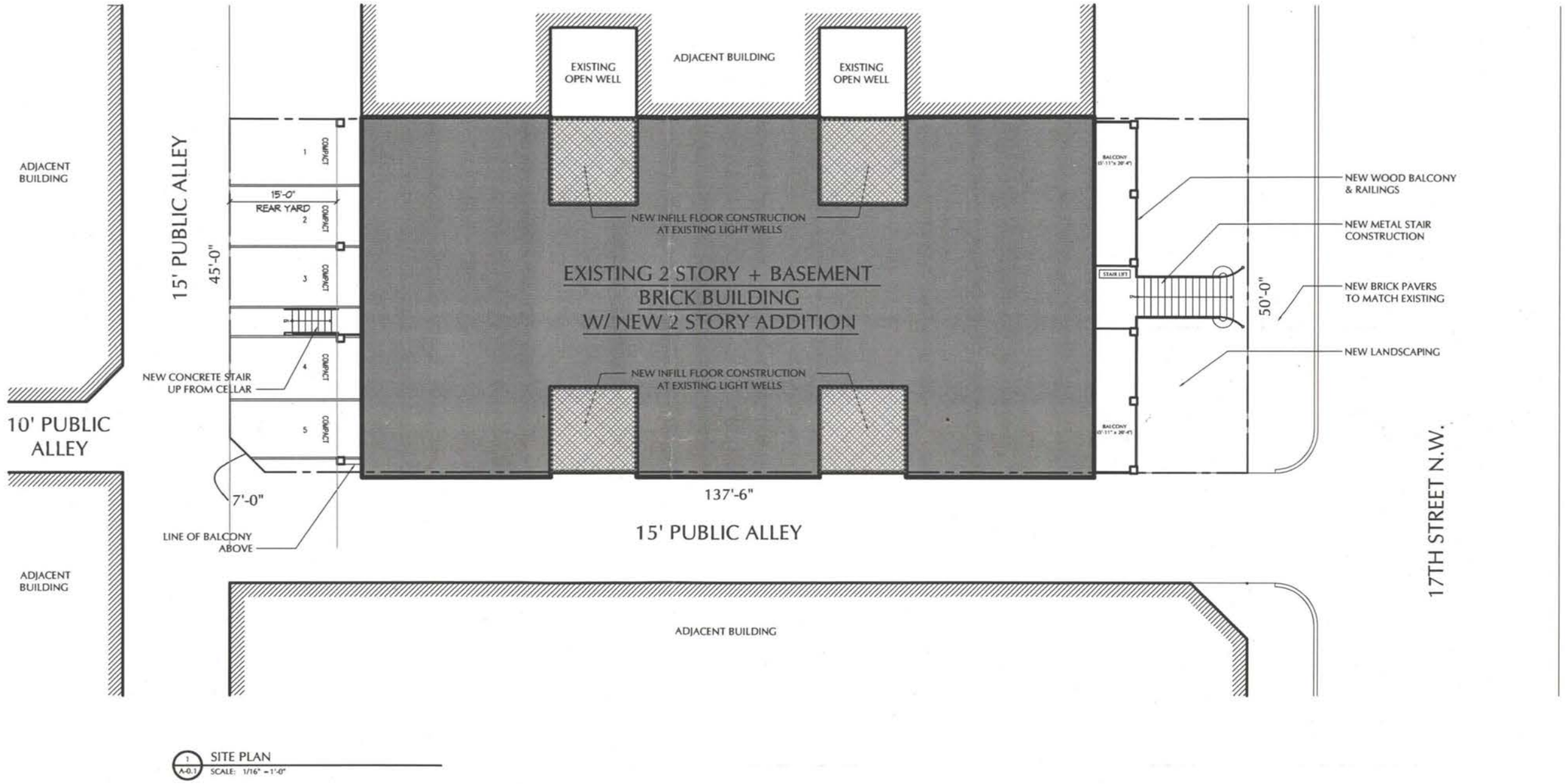
BUILDING LOCATION AND TOPOGRAPHIC SURVEY

LOT 101
SQUARE 2566
BOOK 185 PAGE 109

NORTHWEST, DISTRICT OF COLUMBIA.

DATE: 06-02-2003 | SCALE: 1" = 16' | SHEET 1 OF 1

W.L. MEEKINS, INC.
3101 RITCHIE ROAD
FORESTVILLE, MD. 20747-4434
PHONE
301-736-6387/5366/7115
FAX 301-736-5364
W.L. MEEKINS, LAND SURVEYOR
MD #2134 VA #576




1 / A-0.1 SITE PLAN
SCALE: 1/16" = 1'-0"

SITE PLAN

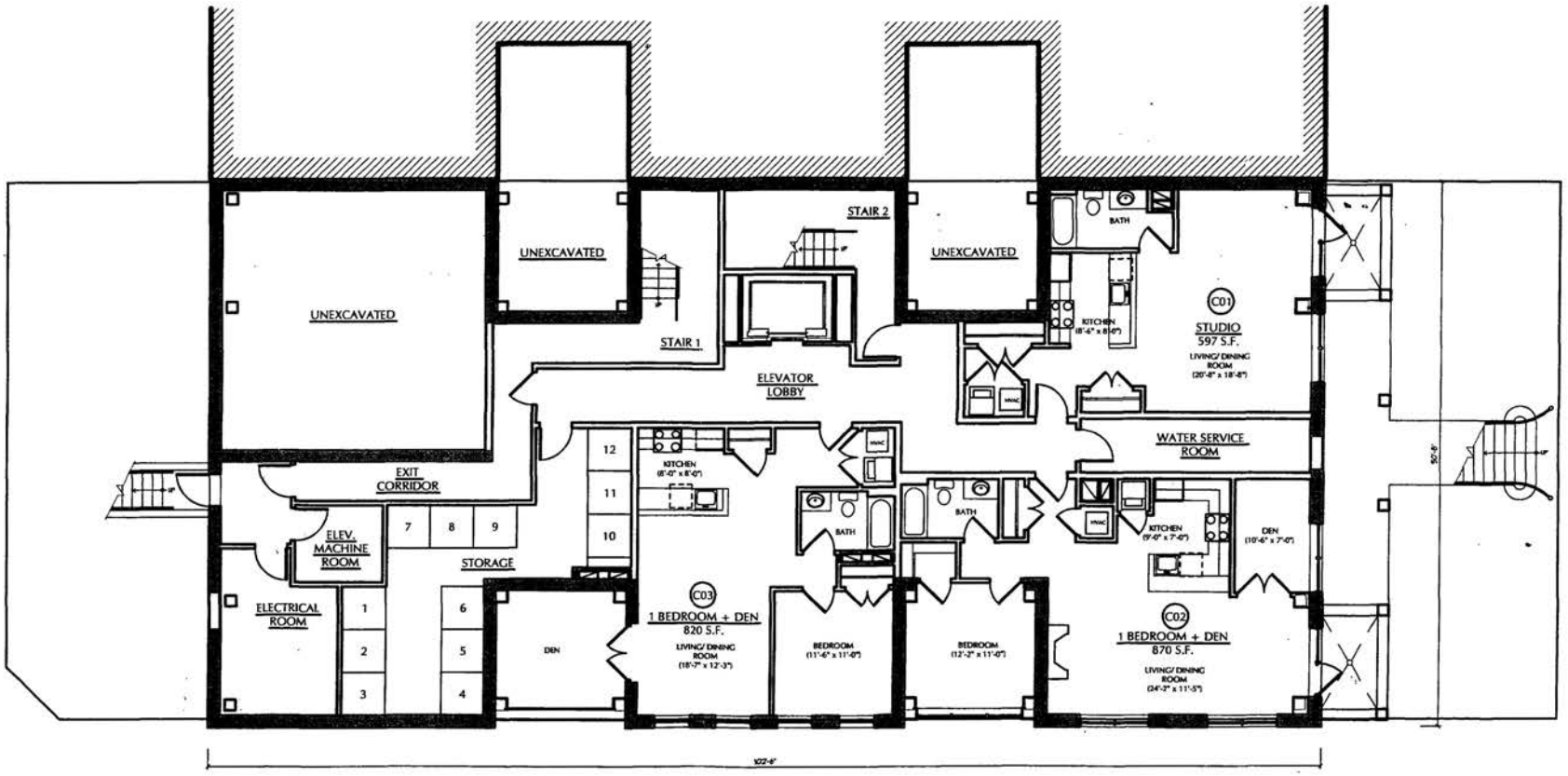
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717 5TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03
12.11.03

A-0.1




1 / A-1.0 CELLAR PLAN
SCALE: 3/32" = 1'-0"

NOTE: 85% OF CELLAR LEVEL AREA HAS CEILING LESS THAN 48" ABOVE GRADE.
REMAINING 15% OF CELLAR IS COUNTED IN FAR CSF.

N

CELLAR PLAN

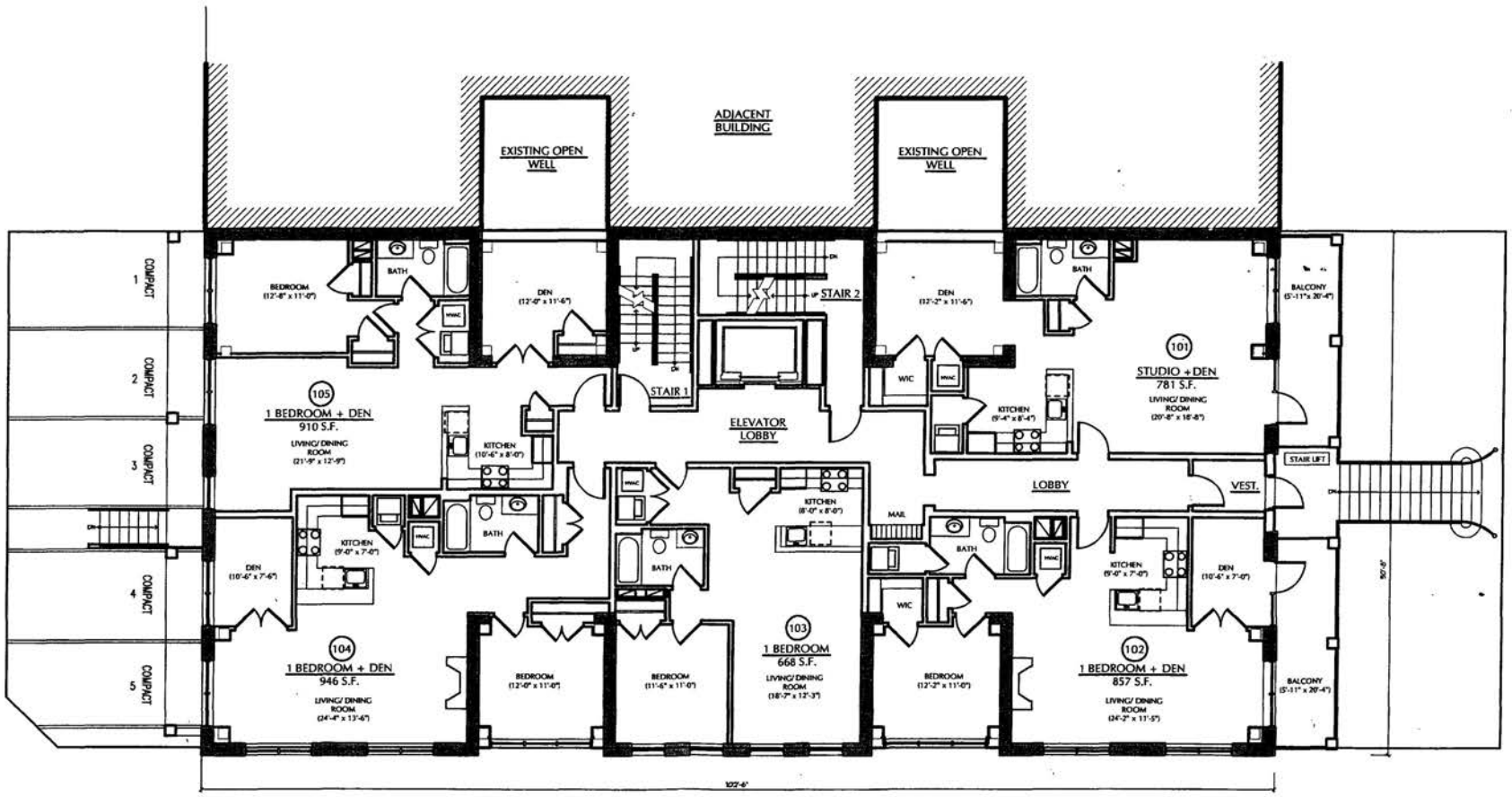
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03

A-1.0




1 / A-1.1 FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

FIRST FLOOR PLAN

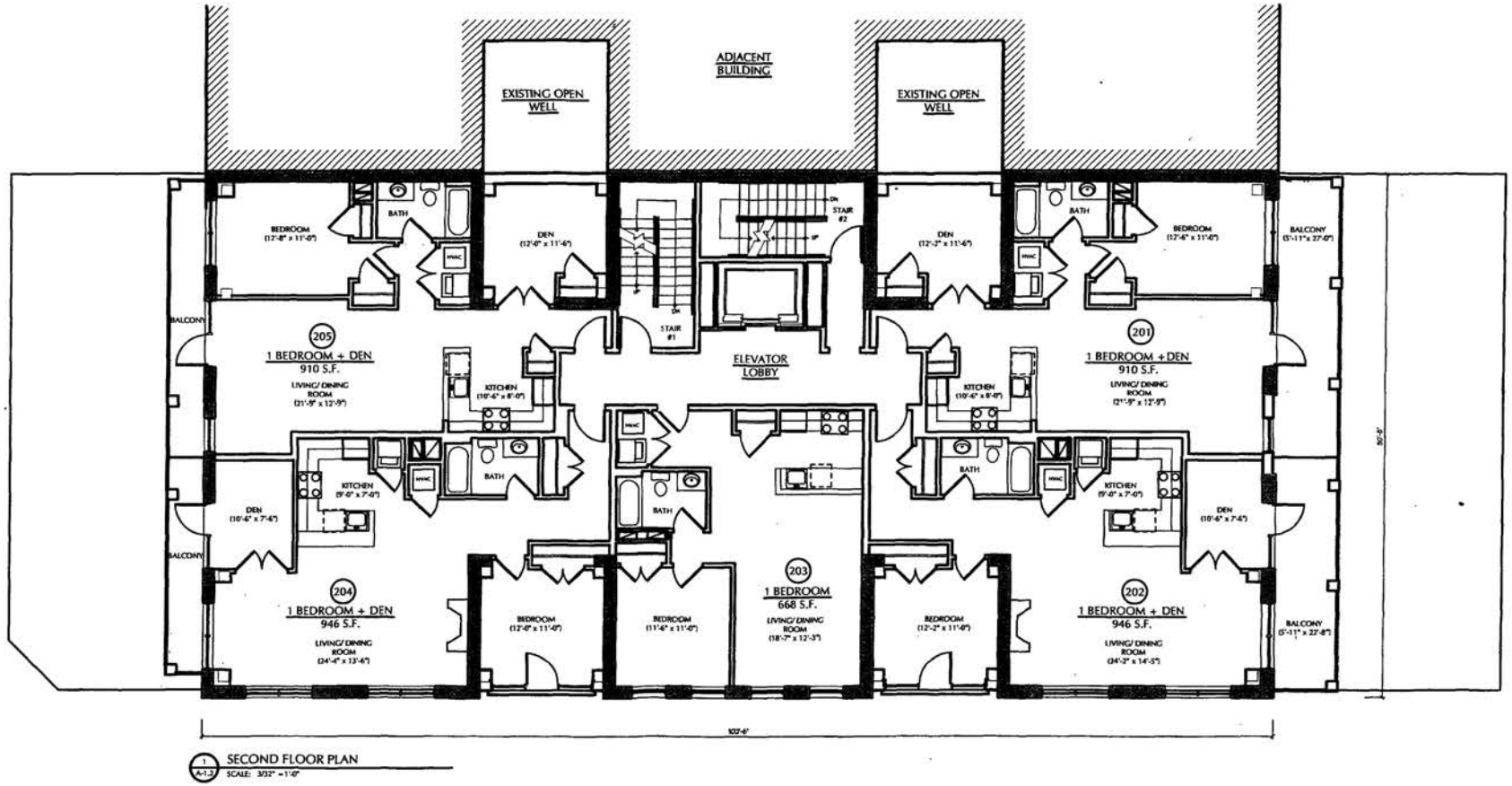
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

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11.06.03

A-1.1

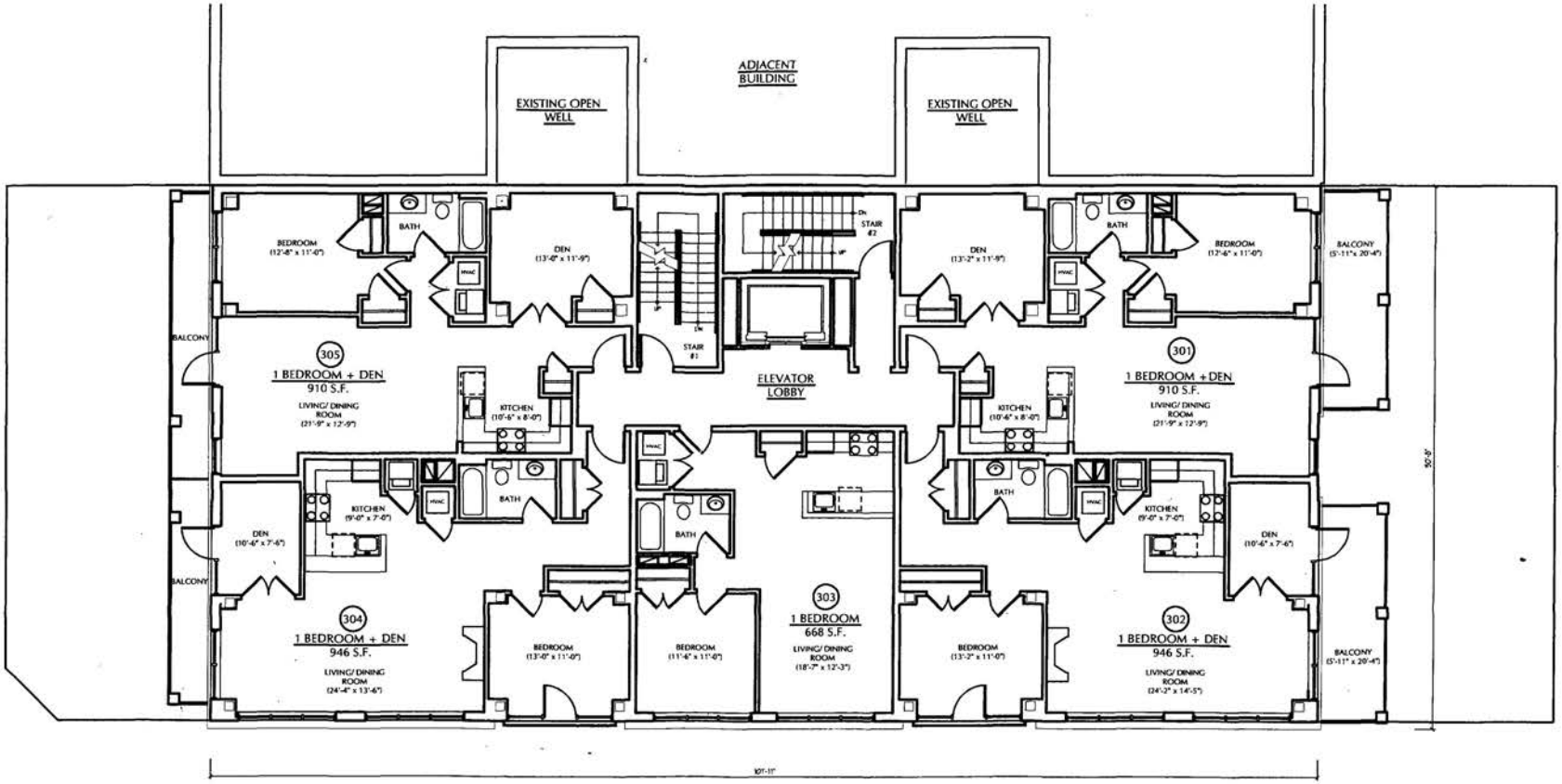



1 A-1.2 SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

N

SECOND FLOOR PLAN

| ARCHITECT: ERIC COLBERT & ASSOCIATES | CLIENT: CASTLE MANAGEMENT CORPORATION | PROJECT: THE WILSON | 10.17.03 11.06.03 | A-1.2 |
|---|---|---|---|---|
| 717 8TH STREET, N.W. WASHINGTON, D.C. 20001 | 3040 STANTON ROAD, SE WASHINGTON, DC 20020 | 2412 17TH STREET, NW WASHINGTON, DC | | |




1 A-1.3 THIRD FLOOR PLAN
SCALE: 3/32" = 1'-0"

N

THIRD FLOOR PLAN

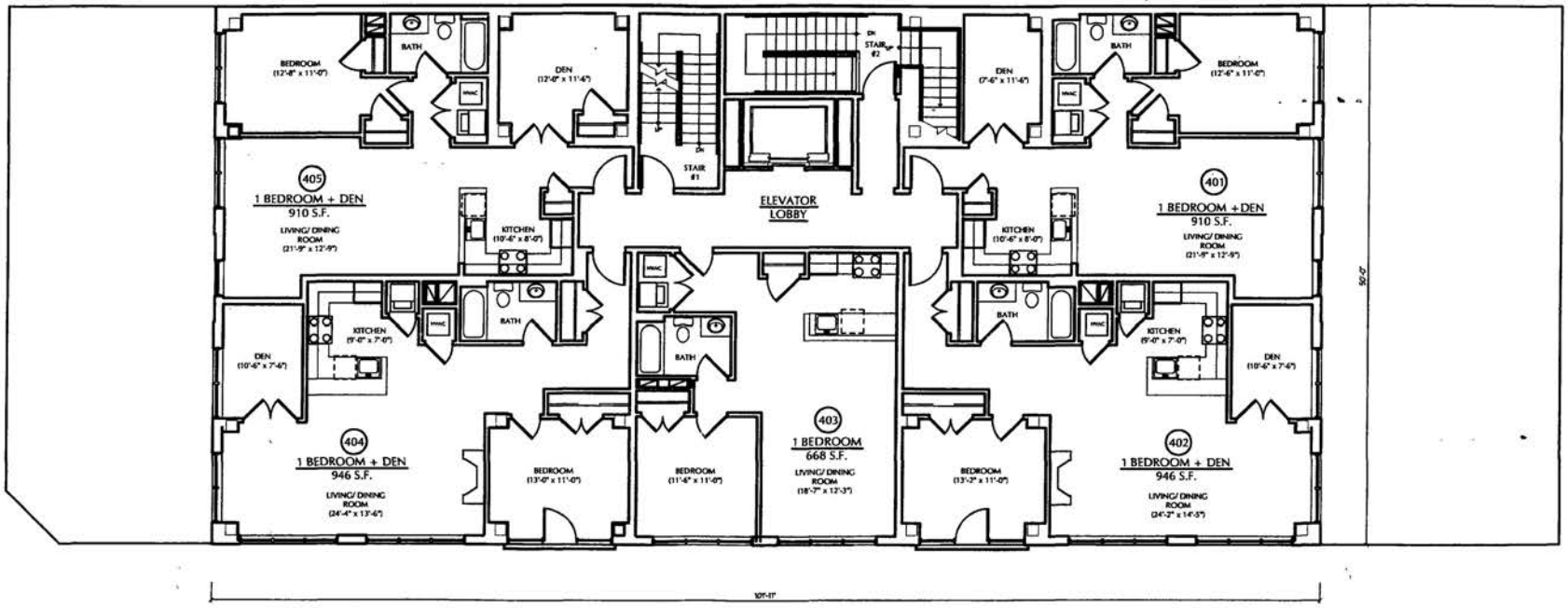
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717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03
12.11.03

A-1.3




1 A-1.4 FOURTH FLOOR PLAN
SCALE: 3/32" = 1'-0"

N

FOURTH FLOOR PLAN

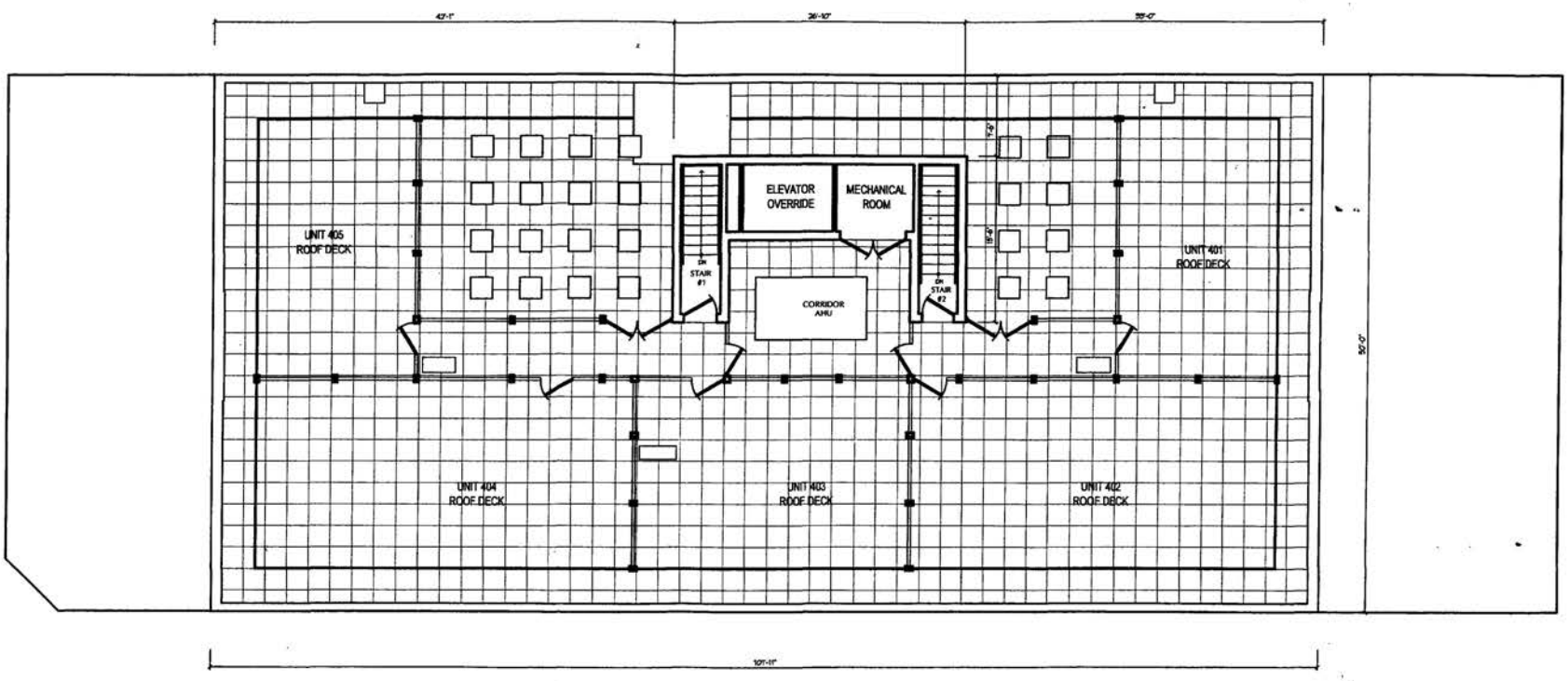
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717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

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2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03

A-1.4




1 A-1.5 ROOF PLAN
SCALE: 3/32" = 1'-0"

N

ROOF PLAN

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
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10.17.03
11.06.03

A-1.5



2 / A-2.1 WEST (ALLEY) ELEVATION
SCALE: 3/32" = 1'-0"



1 / A-2.1 EAST (17TH STREET) ELEVATION
SCALE: 3/32" = 1'-0"

EAST & WEST ELEVATIONS

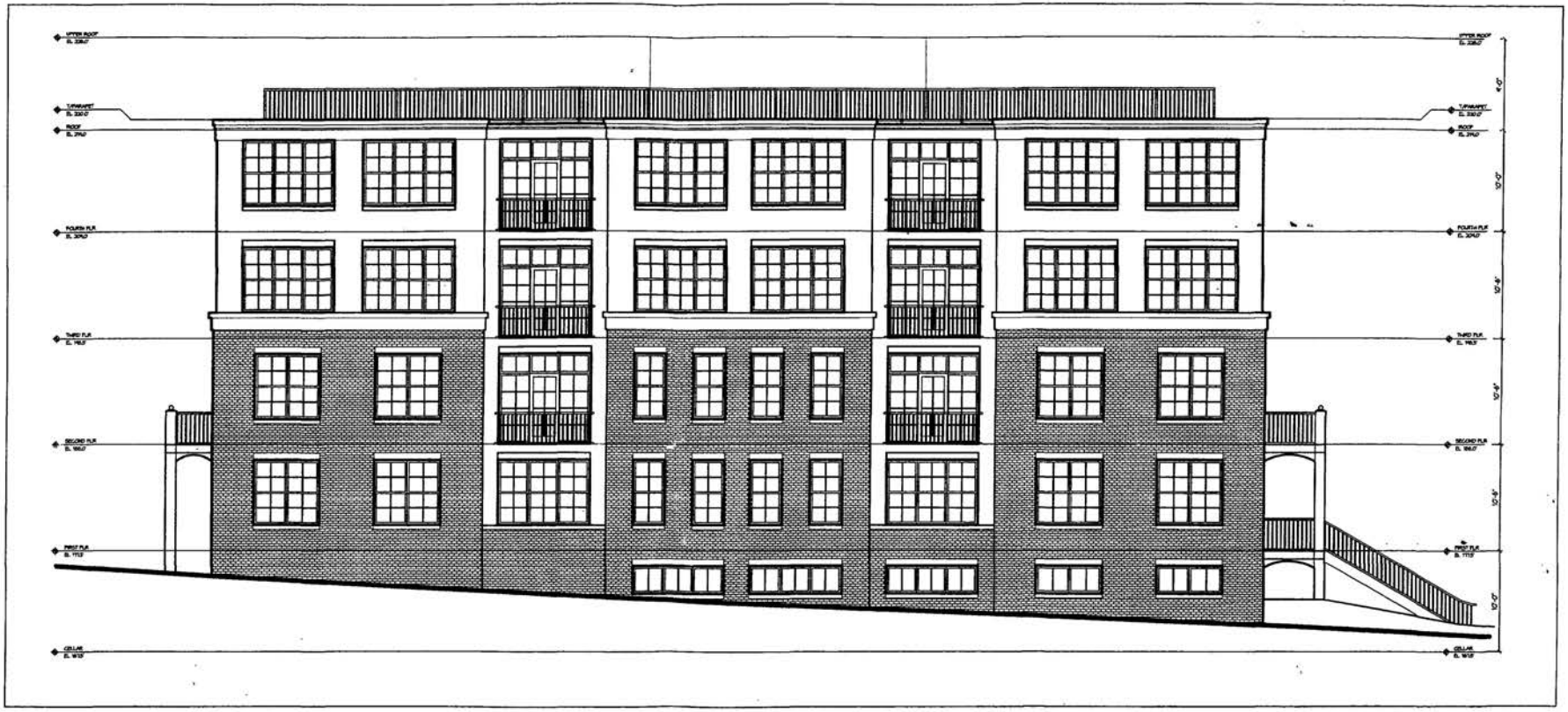
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03
12.11.03

A-2.1



1 A-2.2 SOUTH (ALLEY) ELEVATION
SCALE: 3/32" = 1'-0"

SOUTH ELEVATION

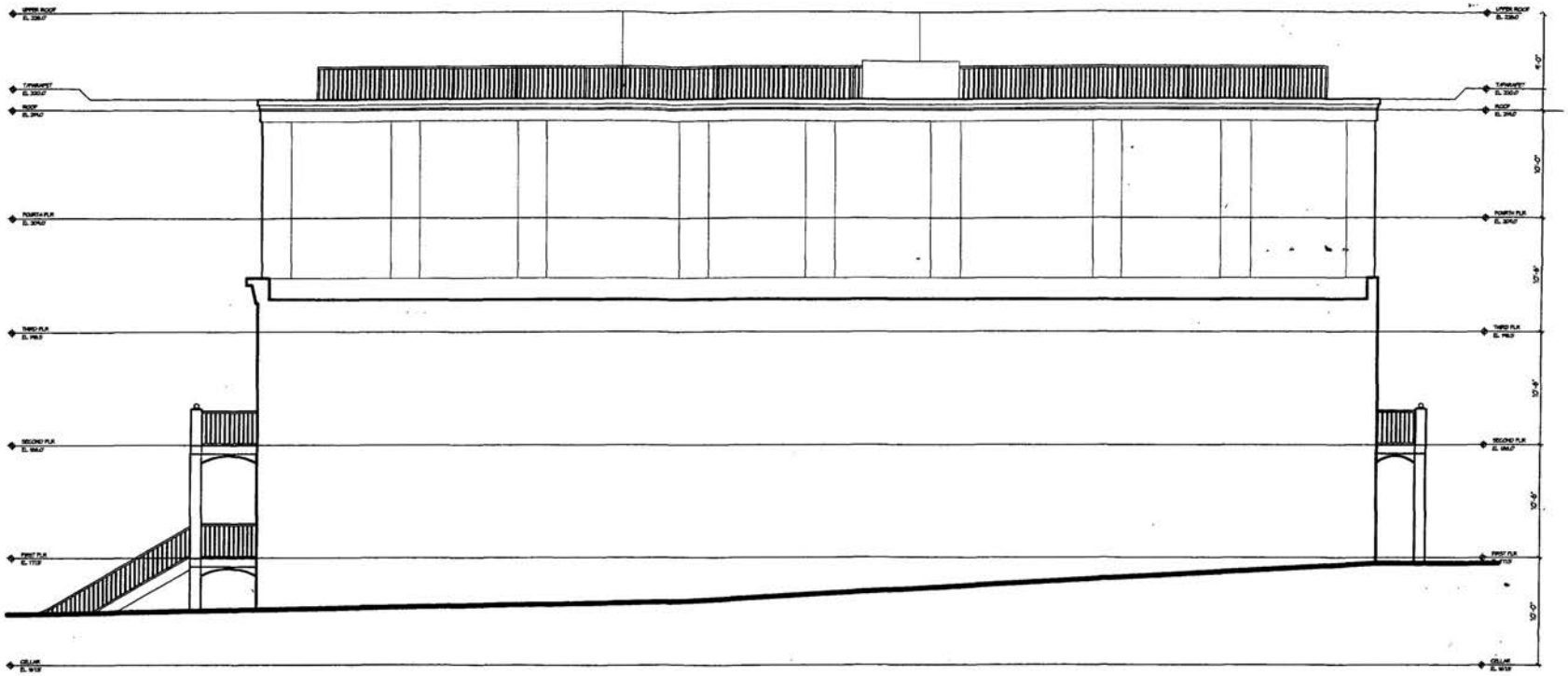
ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03

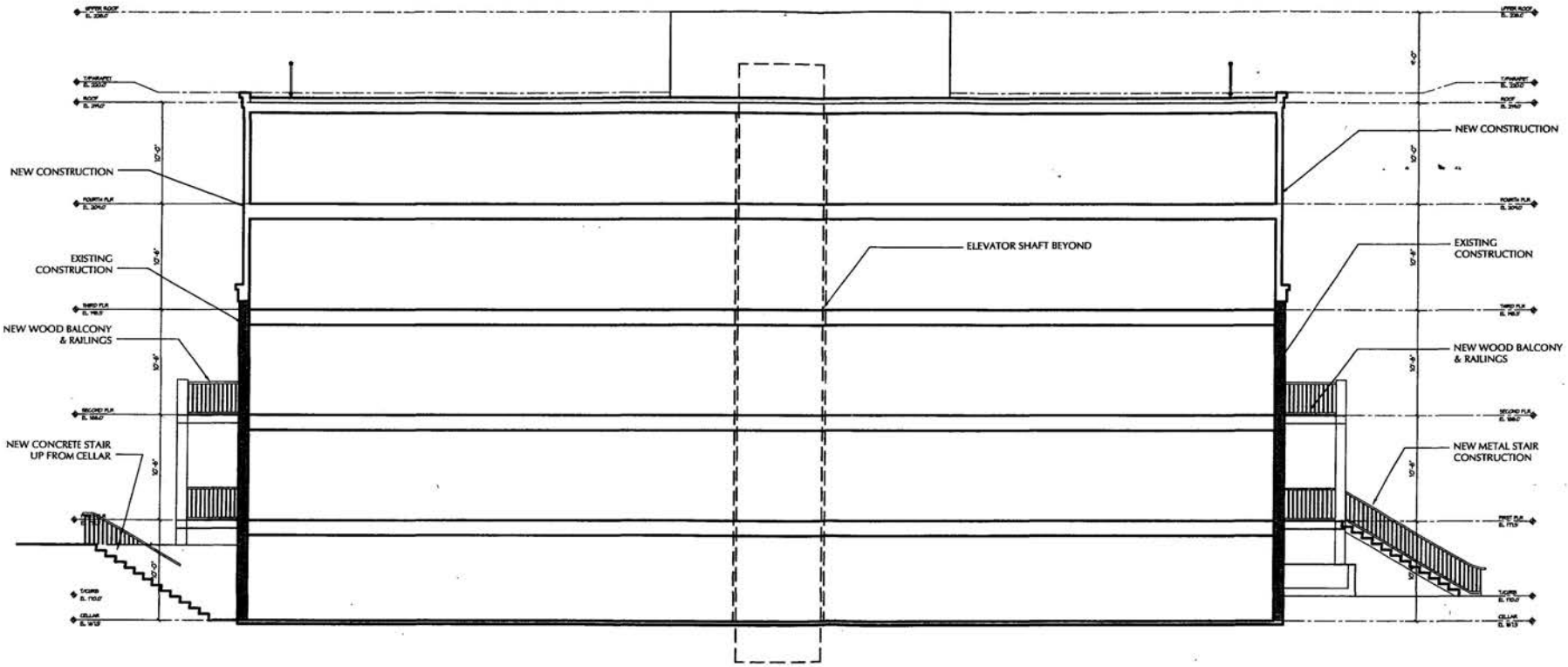
A-2.2



1 / A-2.3 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

NORTH ELEVATION

| ARCHITECT: ERIC COLBERT & ASSOCIATES | CLIENT: CASTLE MANAGEMENT CORPORATION | PROJECT: THE WILSON | 10.17.03 / 11.06.03 | A-2.3 |
|---|---|---|---|---|
| 717 8TH STREET, N.W. WASHINGTON, D.C. 20001 | 3040 STANTON ROAD, SE WASHINGTON, DC 20020 | 2412 17TH STREET, NW WASHINGTON, DC | | |




1/A-2.4 LONGITUDINAL SECTION
SCALE: 3/32" = 1'-0"

LONGITUDINAL SECTION
SCALE: 3/32" = 1'-0"

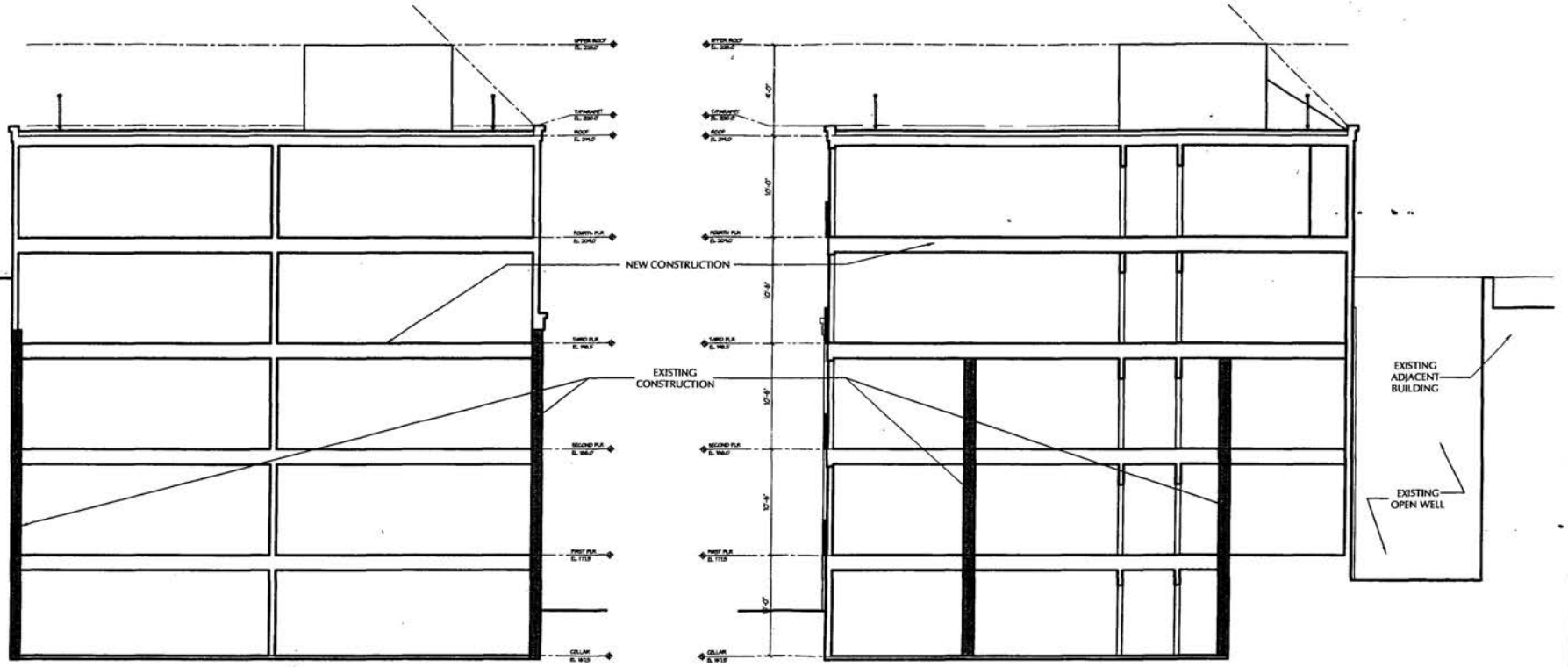
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CLIENT: CASTLE MANAGEMENT CORPORATION
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PROJECT: THE WILSON
2413 17TH STREET, NW WASHINGTON, DC

10.17.03
11.06.03

A-2.4




1 / A-2.5 TRANSVERSE SECTION
SCALE: 3/32" = 1'-0"

1 / A-2.5 TRANSVERSE SECTION
SCALE: 3/32" = 1'-0"

TRANSVERSE SECTION
SCALE: 3/32" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
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A-2.5