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

November 12, 2003

I. Nature of Relief Sought

This is an application by 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.

[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.

BZA
Case No. 17111
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO. 17111
EXHIBIT NO. 5

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.

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

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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 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.

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

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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.

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

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

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 Setback	• from property line • from sidewalk	22'-0" 24'-0"	22'-0" 24'-0"	22'-0" 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 use and development of the Property. First, the existing building, which is more than 90 years old, is obsolete -- a tenement type of building. The size and configuration of many of the units limit privacy and provide inadequate light and air. Electric service is only 60 amps, the hallways are too narrow to meet the fire code,

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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.

and there is neither insulation nor handicapped access. The units are unusually small as well as substandard, rendering them uneconomic. 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. The closing of light wells and the addition of balconies reflect the need to eliminate obsolete features of the property and add features that will make it modern, habitable and marketable.

Substantial construction costs are added to the project because the original construction did not include footings, and the building is sinking. Moisture is penetrating cracks in the masonry. Also, the abutting building to the north will have to be underpinned. Thus, in various ways, the physical character of the existing building creates practical difficulties in doing a normal and cost-effective renovation of the obsolete structure. The permitted density of 1.8 FAR in the R-5-B District is quite low for a 50-foot apartment house zone, making either redevelopment or renovation with no addition essentially impossible.

Second, 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.

The variance to enlarge a nonconforming structure derives only from the building's existing nonconforming lot occupancy, and is thus essentially the same as the lot occupancy variance. As noted previously, the increase in lot occupancy is moderate, resulting simply from adding the balconies and enclosing the light wells. The requested lot occupancy is 79 percent, slightly less than was approved by the Board in 1993. Moreover, the front yard setback is not being altered.

B. The requested relief can be granted without substantial detriment to the public good. 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 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 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.

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. Comments thus far have been very supportive, with the neighborhood being in favor of occupying a vacant building with resultant increases in public safety. These organizations will take formal action on the application prior to the public hearing.

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