HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
202-955-5564 Fax
www.hklaw.com

Annapolis
Atlanta
Bethesda
Boston
Bradenton
Chicago
Fort Lauderdale
Jacksonville
Lakeland
Los Angeles
Miami
New York
Northern Virginia
Orlando
Portland
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
Washington, D.C.
West Palm Beach

International Offices:
Caracas*
Helsinki
Mexico City
Rio de Janeiro
São Paulo
Tel Aviv*
Tokyo

*Representative Office

June 15, 2004

NORMAN M. GLASGOW, JR.
202-419-2460
Internet Address:
norman.glasgowjr @hklaw.com

RECEIVED
D.C. OFFICE OF ZONING
2004 JUN 15 PM 3:30

VIA HAND DELIVERY

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

Re: Application No. 17175 for Variances and Special Exceptions
1701 Kalorama Road, N.W.
Square 2566, Lot 90

Honorable Members of the Board:

On behalf of the applicant in the above-referenced case, enclosed please an original and twenty copies of its prehearing submission in support of the application for variance and special exception relief.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 419-2460.

Sincerely,

Norman M. Glasgow, Jr.

Enclosures

cc: Jennifer Steingasser, D.C. Office of Planning (w/enclosure)
John Moore, D.C. Office of Planning (w/enclosure)

BZA
Case No. 17175
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17175
EXHIBIT NO. 25

BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF THE DOUGLAS DEVELOPMENT CORP./JEMAL'S WHEEL LLC

BZA APPLICATION NO. 17175

HEARING DATE: JUNE 29, 2004
ANC 1C

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Douglas Development Corporation/Jemal's Wheel, LLC, the owner of property located at 1701 Kalorama Road, N.W., Lot 90 in Square 2566 (the "Site"), and FCD-Development LLC, the contract purchaser and developer of the Site (collectively referred to herein as the "Applicant") in support of the application to the Board of Zoning Adjustment for the following special exception and variance relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 1401, 3103.2 and 3104.1: (i) a special exception from the roof structure requirements of Section 411[1]; (ii) approval to increase the proposed building's height to fifty feet pursuant to Section 1402.1; (iii) a variance from the lot occupancy requirement of Section 772.1; (iv) a variance from the residential recreational space requirements of Section 773, or in the alternative,

[1] As an alternative, the Applicant is filing herewith plans that depict no roof structure taller than four feet (4'). These plans are submitted in response to discussions with the Reed Cooke Neighborhood Association. In the event these plans are approved, roof structure relief will not be necessary.

a total variance from the residential recreation space requirements of Section 773 if the alternative roof plan is approved by the Board; (v) a variance from the parking aisle width requirement of Section 2117.5; and (vi) a variance from the side yard requirement of Sections 775.5 and 2001.3. The relief is requested in order to permit the conversion and expansion of an existing warehouse and commercial building into an apartment house with 48 dwelling units, including 7 affordable housing units, and a total of 41 parking spaces.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the variance and special exception relief requested herein pursuant to Sections 1403, 3103 and 3104 of the District of Columbia Municipal Regulations (the "Zoning Regulations"). 11 DCMR §§ 1403, 3103 and 3104.

III.
BACKGROUND

A. Description of the Site and Surrounding Area

The Site is located at 1701 Kalorama Road, N.W., also known as Lot 90 in Square 2566. See Sanborn Atlas, attached hereto as Exhibit A, and Surveyor's Plat, attached hereto as Exhibit B. Square 2566 is bounded by Kalorama Road to the south, 17th Street to the east, Euclid Street to the north, and Ontario Road to the west. The Site is currently improved with a three story, vacant

commercial/warehouse building. The Site is zoned RC/C-2-B and is located in the Reed-Cooke Overlay District. See Zoning Map, attached hereto as Exhibit C.

The area in which the Site is located is on the eastern edge of the Adams Morgan area, north of the Dupont Circle area, and on the edge of the Reed-Cooke Overlay District. This area contains a wide variety of uses and includes some mixed use and commercial developments. The property to the east of the Site across 17th Street is the former Citadel Roller Rink building, an industrial/commercial structure, while the remaining portions of the square are primarily devoted to residential uses. Other residential developments in proximity to the Site include the Dorchester, the Envoy, 1661 Crescent Place, Park Tower, and the Morgan School Annex. A mixture of commercial and residential uses are located to the south and west of the Site.

B. Project Description

The Applicant proposes to convert and expand the existing warehouse building into a 48 dwelling unit apartment house, including 7 affordable housing units. See Architectural Plans and Drawings, attached hereto as Exhibit D. The Applicant proposes to add a fourth floor to the existing building, which will result in the building having a height of 50 feet to the point of measurement. However, the project will only have an FAR of 3.03, which is below the permitted density of 3.5. The Applicant also proposes to provide a total of 41 parking spaces, which is substantially in excess of the 16 parking spaces required by the Zoning Regulations.

C. Balance Between the Office of Planning's Recommendation and the Community's Concerns.

The Applicant initially proposed to provide roof top residential recreation space and two roof structures. One roof structure, located near the center of the roof, would enclose a stairwell, elevator and lobby area necessary for access to the roof. The second roof structure, located on the north wall of the building, would provide access required by the Building Code, which provides that when residential recreation space is located on the roof of a building, a separate stairwell that leads to the bottom floor of the building must also be located on the roof.

In response to comments received from the Reed Cook Neighborhood Association, the Applicant has prepared an alternative plan which calls for removing the two main roof structures. See Sheets A14 through A18 of Architectural Plans and Drawings, attached hereto as Exhibit D. Removing the two roof structures would result in losing the residential recreation space from the roof since the area could not be accessed without providing a roof structure to enclose the stairwell and elevator. Moreover, the Building Code provides that residential recreation space cannot be located on a roof unless a separate stairwell leading to the bottom floor of the building is also located on the roof. Removing the second roof structure makes this impossible. Also, without the roof structures there would be no ADA compliant access to the roof.

Once the two roof structures are removed, the only remaining items on the roof would be a roof hatch for maintenance, a vent hood for elevator ventilation, and

mechanical condensing units for the apartment units. Each of these structures would measure less than 4 feet in height and would meet the setback requirements.

This alternative would alleviate the Applicant's request for special exception relief to allow adjustments to the roof structure requirements. However, the Applicant would no longer be able to provide residential recreation space, and hence would seek a total variance from Section 773. The Applicant is prepared to proceed with this alternative upon the Board's direction.

IV.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF TO ALLOW ADJUSTMENTS TO THE ROOF STRUCTURE REQUIREMENTS UNDER 11 DCMR § 411.

A. Standard for Approving Special Exception Relief

Due to conditions relating to the building, the lot, and operating difficulties which make full compliance with the regulations unduly restrictive or unreasonable, the Project cannot comply with various requirements relating to roof structures set forth in Sections 411 and 770.6 of the Zoning Regulations. The Project incorporates multiple roof structures (§411.3), one of the roof structures will not be setback from all exterior walls a distance equal to its height above the roof (§411.2 and 770.6), each of the roof structures have walls of varying height, and the roof structures are not all of the same height (§411.5). Thus, the Applicant requests special exception relief to deviate from strict compliance of those requirements as permitted under Sections 411.11 and 3104.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Roof Structure Special Exceptions

Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

C. Relief from Roof Structure Setback Requirement

The Applicant requests relief from Section 411.2 of the Zoning Regulations, which requires roof structures to be setback in accordance with the provisions of the

zone district in which the Project is located. 11 DCMR §411.2. The C-2-B District requires a roof structure to be set back from the building's walls a distance at least equal to the roof structure's height above the roof on which it is located. 11 DCMR §700.6.

The Applicant proposes to provide a stair tower enclosure on the north wall with a height of 15 feet and a larger penthouse/stair/mechanical enclosure in the center of the roof with an overall height of 15 feet. The larger penthouse/stair/mechanical enclosure meets the setback requirements. However, the stair tower enclosure does not meet the setback requirement on the northern-most side since it is located at the roof edge. This stair tower enclosure is provided because the Building Code mandates that when residential recreation space is located on the roof of a building, a separate stairwell that leads to the bottom of the building must also be located on the roof. The building code also recommends that stair towers be located at the extreme end of a corridor. Thus, the placement of this tower is based on the building code and the internal configuration of the building.

The proposed roof structure does comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. This purpose is achieved despite the requested special exception since relief from the setback requirement will not hinder the light and air of adjacent property owners since the roof structure meets the permitted height requirement.

D. Relief from Roof Structure Enclosure Requirement

Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. However, the Applicant proposes to provide two enclosures: a stair tower enclosure on the north wall and a larger penthouse/stair/mechanical enclosure near the center of the roof. Each of these structures are necessary features. The Applicant's initial proposal, which is supported by the Office of Planning, calls for the provision of residential recreational space on the roof, which triggers the building code requirement that a separate stairwell leading to the bottom floor of the building be located on the roof and recommends that the stairs be located near the end of a corridor. The other penthouse is necessary for elevator overrides and mechanical equipment. Thus, the Applicant has proposed two separate roof structures to comply with the building code, to keep distinct mechanical operations separate, and to break up massing on the roof.

The multiple roof structures will not adversely impact the light and air of adjacent buildings. The placement of the roof enclosures helps to minimize the visibility of the structures to the greatest extent possible, and the overall mass of the roof structures has been reduced. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

E. Relief to Deviate from Walls of Equal Height Requirement

The Applicant requests relief from Section 411.5 of the Zoning Regulations. That section requires the enclosing walls of a penthouse to be of equal height. However, the project incorporates two sets of enclosing walls on the penthouse/stair/mechanical roof structure, and the stair tower enclosure located on the north wall has a height of 15 feet and a canopy over that extends out horizontally at the 10 foot level of the enclosure. The larger penthouse/stair/mechanical enclosure near the center of the roof has heights of 10 and 15 feet. The 10 foot portion of this structure encloses the elevator lobby area, and the 15 foot portion of the structure encloses the stair tower and elevator.

The proposed roof structures do comply, however, with the spirit and intent of the roof structure provisions and the Zoning Regulations by helping to ensure adequate light and air to adjacent property and abutting streets. The step down in height helps to reduce the visibility of the roof structures from the surrounding areas. Furthermore, this special exception is requested in order to further minimize the bulk of the roof structure. If necessary, the larger penthouse/stair/mechanical enclosure near the center of the roof could be greater than 15 feet in height; however, the penthouse would have unnecessary mass and height which would not further the intent of the Zoning Regulations. Accordingly, the proposed penthouses are in harmony with the purpose and intent of the Zoning Regulations and meet the test for special exception relief under Section 411.

V.
THE APPLICANT MEETS THE TEST FOR INCREASED HEIGHT PURSUANT TO 11 DCMR § 1402.1.

The Reed-Cooke Overlay District permits the Board to approve a height of fifty feet (50') subject to the criteria set forth in Section 1402.1. Although the C-2-B District permits a maximum height of 65 feet, the Overlay District restricts the maximum height to 40 feet. Indeed, even with the requested fourth floor addition, the building is still substantially under the 3.5 FAR permitted.

Section 1402.1 of the Zoning Regulations provides that the maximum height permitted in the Reed Cooke Overlay is 40 feet, but the Board may approve a maximum height of 50 feet if the project will provide for the on-site construction of affordable housing units having a total gross floor area equal to 50% of the additional gross floor area made possible by the special exception. Extending the building height from 40 feet to 50 feet creates an additional 16,698 square feet of gross floor area. Of this increase, 8,349 square feet, including a core factor of 15% (7096.65 net of core factor), will be used to create 7 affordable housing units. The Applicant will meet the standards set forth by the D.C. Department of Housing and Community Development in this regard and will provide appropriate setbacks on the additional story as will be testified to by the architect during the public hearing. The roof structures to be provided will be pursuant to either roof plan as may be selected by the Board should the application be granted. Accordingly, the Applicant meets the standard set-forth in Section 1402.1.

VI.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

A. Standards for Granting Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

(1) the property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (*quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also*, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

As discussed below, the Project and the variances requested for the same meet all three prongs of this test.

B. Overview of the Site's Exceptional Condition

The Site has several unique conditions which give rise to an exceptional situation. First, the Site is currently improved with an existing vacant three story commercial/warehouse building with no fully below-grade parking levels, requiring a substantial parking area to be included within the FAR calculation. Until 1991,

the Site was zoned C-M-2. The building, which was originally constructed in the 1930's with no floor area or lot occupancy restrictions, consists of a footprint covering ninety-six and one-half percent of the Site. In addition, the floor to ceiling heights of fourteen feet and twelve feet for the first and second floor respectively and existing construction of the building – while appropriate for a warehouse/industrial building – are not consistent with a C-2-B/residential building. Second, the Site is an unusual shape, having five sides with public space frontage on three and one-half sides, including street frontage along the southern and eastern facades and alley frontage along the northern façade as well as a portion of the western façade. Third, the topography of the Site is exceptional. The Site has an elevation difference of approximately seventeen feet from the northern to the southern end. As a result, approximately one-half of the first (ground) floor is classified as cellar space, having a ceiling of less than four feet above the adjacent finished grade. For example, although the street level on the southern portion of the Site is at the first floor, the alley along the northern portion of the Site meets or rises above the second story. Accordingly, the Site is affected by exceptional and extraordinary conditions. As explained below, these factors contribute to all of the variances requested.

C. <u>Variance Relief from Lot Occupancy</u>

The Applicant requests a variance from the lot occupancy percentage requirements set forth in Section 772.1, which provides that residential buildings in the C-2-B District cannot occupy more than eighty percent of the lot upon which

it its located. The Applicant seeks relief from this requirement since the existing nonconforming structure on the subject property that is to be converted into an apartment house already occupies approximately 96% of the lot area. The Applicant's proposed one story addition, however, will meet the 80% lot occupancy requirement.

The existing building on the Site creates a practical difficulty in developing and converting the existing building to an apartment house within the confines of the lot occupancy requirements set forth in Section 772 of the Zoning Regulations. The footprint of the existing building covers approximately 96% of the Site, or approximately 21,652 square feet. In order to create a complying footprint, the Applicant would be required to remove 3,702 square feet of the existing footprint. Due to the elevation change, the space to be eliminated would be below-grade space on the northern portion of the Site. The elimination of this space would significantly increase costs for the Project and create construction difficulties and may force the retention of existing non-conforming uses.

A strict application of the Zoning Regulations would impose a peculiar and exceptional practical difficulty. As discussed above, the existing building must be significantly altered in order to meet the lot occupancy requirements of Section 772, although the Project is below the permitted FAR. Moreover, due to topography of the Site, the portion of the existing building that would be removed is below-grade space. The removal of this space would have no perceived benefit and would further increase costs of this financially difficult project.

The lot occupancy variance can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. First, the intent of lot occupancy requirement is to provide sufficient light and air to residential units. The Site is located on two street frontages as well as a fifteen foot alley along the northern and a portion of the western property lines, which all create light and air corridors for the Project and adjacent properties. Second, due to the topography of the Site, the Project will be perceived as having a lot occupancy of eighty percent because the rear portion of the Project is below-grade. As discussed above, the grade on the northern end of the Site meets or rises above the second floor. Finally, the Project will not adversely impact the area. The development of the Site will have a significant positive effect on the area and further the goal of the Reed-Cooke Overlay District by replacing an under-utilized site with much-needed housing in the area, including affordable units. Lastly, as previously mentioned, the floor to be added where the Applicant does have the ability to control lot occupancy meets the requirements of the Zoning Regulations and will have a lot occupancy of 74%.

D. <u>Variance Relief from the Requirements of Section 773</u>

As previously discussed, under one roof top scenario, the Applicant proposes to provide 9,455 square feet of rooftop residential recreation space. However, due to the location of the penthouse on the roof, the Applicant must seek variance relief from Section 773, which requires that any portion of the roof to be used for residential recreation space have no dimension less than twenty-five feet.

Accordingly, the Applicant requests a variance from the residential recreation space dimension requirement of Section 773.

The Site and existing building is uniquely shaped and creates many angles that otherwise would not exist on a typical building. The Applicant has designed its project to make maximum use of the existing area, and intends to locate its 9,455 square feet of residential recreation space on the roof to provide the building's residents with outside leisure area. However, roof's surface area is insufficient to include the required 9,455 square feet recreation area without having dimensions of less than 25 feet. Further, designing the recreation space to comply with the requirements of Section 773 would result in exceptional practical difficulty to the Applicant since the proposed roof structures cannot be relocated and provide required access to the roof and be practically located in their relation to the elevator core. However, variance relief can be granted without substantial detriment either to the public good or the Zoning Regulations since the Applicant is providing ample residential recreation space. Further, there will be no harm in the distinct locations which fall below the required twenty-five foot dimension because the roof deck has been maximized by its design and creates meaningful recreation space for the residents of the Project. In addition, the Applicant wishes the Board to consider the provision of a reduced amount of residential recreation space on the roof to accommodate an occupancy load of 49 people. This is necessary due to a combination of complexities involving the existing building's structure and code requirements if more residential recreation space were to be provided on the roof.

E. Variance from Residential Recreation Space (Alternative)

If the Board determines that the roof structures should be removed, the Applicant would need a total variance from the residential recreation space requirements. As previously discussed, the Applicant initially proposed to provide roof top residential recreation space and two roof structures. Removing the two roof structures would result in losing the residential recreation space from the roof since the area could not be accessed without providing a roof structure to enclose the stairwell and elevator. Moreover, the Building Code provides that residential recreation space cannot be located on a roof unless a separate stairwell leading to the bottom floor of the building is also located on the roof. Removing the second roof structure makes this impossible. Thus, if the Board determines that the Applicant should remove the roof structures, the Applicant will not be able to provide residential recreation space, and hence would seek a total variance from Section 773. The Applicant is prepared to proceed with this alternative upon the Board's direction.

The exceptional situation or condition standard applies to the property, not just the land, and the property generally includes the permanent structures existing on the land. *See Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A. 2d 291, 293-94 (D.C. 1974). As discussed above, the Site suffers from a number of extraordinary or exceptional conditions. For example, the Site is currently improved with an existing vacant three story commercial/warehouse building with no fully below-grade parking levels, hence requiring a substantial parking area to

be included within the FAR calculation. Devoting this area to parking, and removing the two roof structures, leaves no space for the Applicant to locate the residential recreation space in the building.

Forcing strict compliance with the Zoning Regulations will result in exceptional practical difficulty to the Applicant since the provision of no residential recreation space would be the result of concerns raised by members of the community concerning the design of the building. Moreover, since the building, as designed, is below the permitted maximum FAR, removal of additional indoor dwelling space for residential recreation purposes would further stress a project which converts a non-conforming use into a conforming one. The requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations since there are a number of parks and other recreational uses near the Site.

F. Variance from Parking Drive Aisle Width Requirement

Section 2117.5 of the Zoning Regulations provides that parking aisle widths must measure at least 20 feet for 90 degree (90°) angle parking, and at least 17 feet for angle parking that is 60 degrees (60°) or less as measured from the center line of the aisle. The Applicant proposes to provide approximately 16 required parking spaces but an overall total of 41 spaces. However, due to the existence of concrete structural support columns located at various points throughout the lower level of the existing building, two of the parking drive aisles measure less than 20 feet, with

one measuring 19'6" and another measuring 18'9". Accordingly, the Applicant requests relief from Section 2117.5 to allow for the construction of the building and parking area as designed.

The Site's existing structure results in a reduction of the drive aisle width at two points in the garage. The building was originally built as a warehouse and is an exceptionally solid and heavy structure. Sine the parking level is the lowest grade of the existing warehouse, the Applicant has been required to design this entire level around numerous existing concrete building support columns. The Applicant has been successful at designing around the columns, but there are two pinch points between certain columns that results in drive aisles measuring slightly less than the required distance. These concrete columns cannot be removed to increase the drive aisle width without causing significant demolition or structural modification to the existing building. The only option for compliance would be to eliminate the parking spaces on one side of the drive aisle, which would not further the goal of maximizing parking on the Site.

Relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The reduced-width drive aisle exists at two distinct sets of existing columns. All other portions of the garage comply. Furthermore, the cars accessing spaces in this portion of the garage will have more than sufficient maneuverability for both ingress and egress to the spaces.

G. Variance from Side Yard Requirement

The Applicant requests a variance from the side yard requirements set forth in Section 775.5, which provides that although side yards are not required in this zoning District, when they are provided, the side yards must be at least two inches (2 in.) wide for each foot of the building's height, but not less than six feet (6 ft.).

The existing building includes a side yard that measures approximately 4'8". Pursuant to Section 775.5, and based upon the proposed building height of 50 feet, the Applicant is required to provide a side yard measuring 8.33 feet wide. However, due to the existing building's footprint, and the 15 foot public alley to the east of the side yard, the Applicant cannot provide a compliant side yard.

Although the Applicant will not be providing a side yard, it does propose to provide a rear yard, measuring over 15 feet. Requiring the Applicant to comply with Section 775.5, however, will result in practical difficulty to the Applicant since it would necessitate the demolition of a portion of the existing structure which the Applicant intends to utilize in the design and construction of its apartment house. Further, although a complying side yard cannot be provided, the existing 15 foot public alley and the side yard provided will provide a buffer between the Applicant's building and the adjacent lot, which will benefit the public good and is consistent with the intent, purpose and integrity of the zone plan. Here the Applicant could technically comply by having no side yard, which would decrease open space.

VII.
COMMUNITY SUPPORT

The Applicant has worked with the community and obtained support for the Project. Specifically, at its regularly scheduled meeting of June 2, 2004, the Applicant received through unanimous vote the conditional support of Advisory Neighborhood Commission 1C. The Applicant has also worked with, and also understands that, the Reed Cooke Neighborhood Association conditionally supports the application.

VIII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portion of the Sanborn Atlas showing the Site highlighted in yellow;
Exhibit B:	Surveyor's Plat of the Subject Property;
Exhibit C:	A portion of the Zoning Map showing the Site highlighted in yellow;
Exhibit D:	Architectural Plans and Drawings;
Exhibit E:	Outline of Testimony of Donald H. Deutsch Jr., Project Developer;
Exhibit F:	Outline of Testimony of Janet Haltom, Project Architect; and Donald H. Deutsch Jr., Project Developer;
Exhibit G:	Outline of Testimony of Steve Sher, Land Planner.

IX.
WITNESSES

A. Donald H. Deutsch Jr., Project Developer

B. Janet Haltom, Project Architect

C. Steve Sher, Land Planner

X.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for area variances and special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Norman M. Glasgow, Jr.

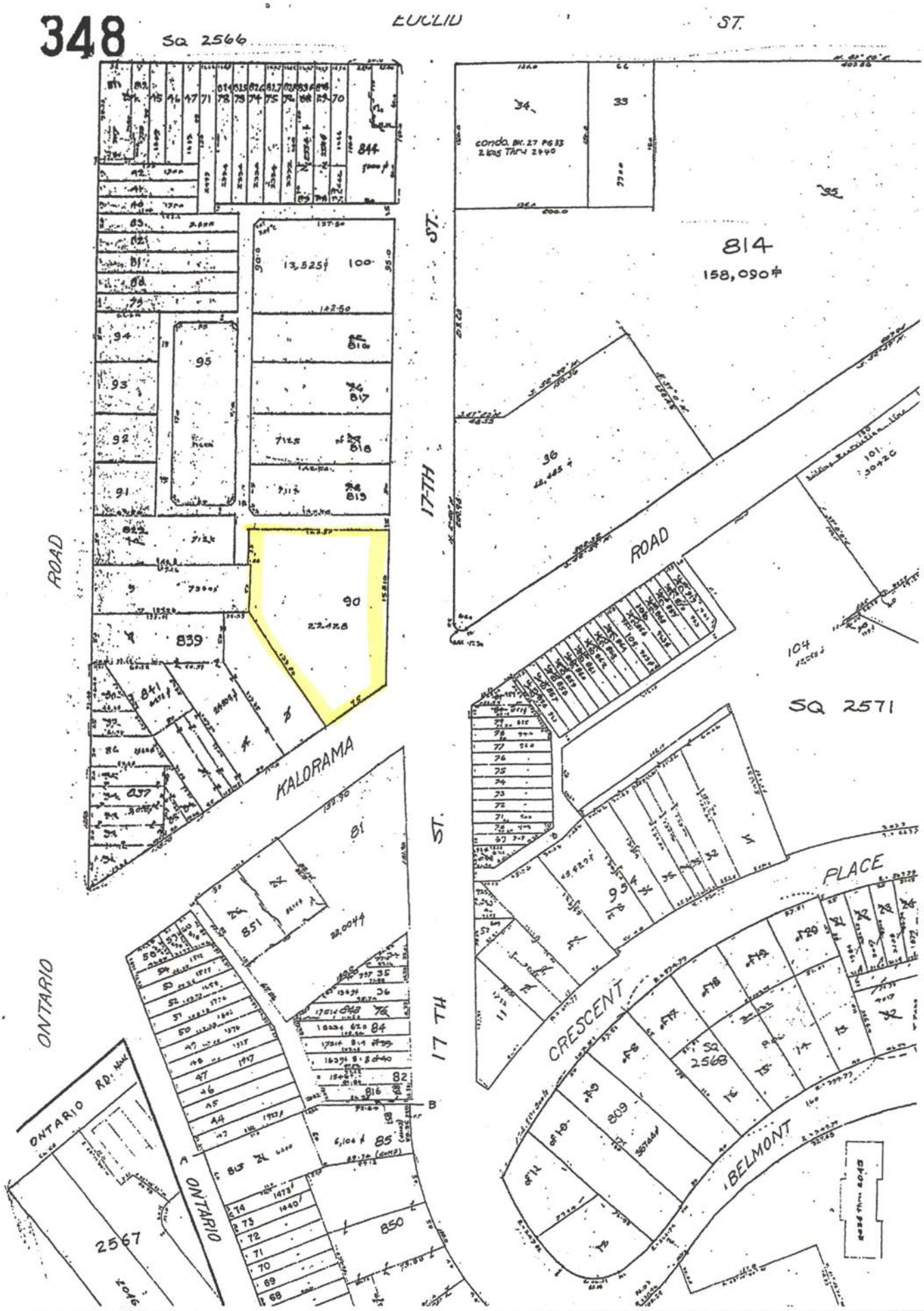
By: _____
Kyrus L. Freeman*

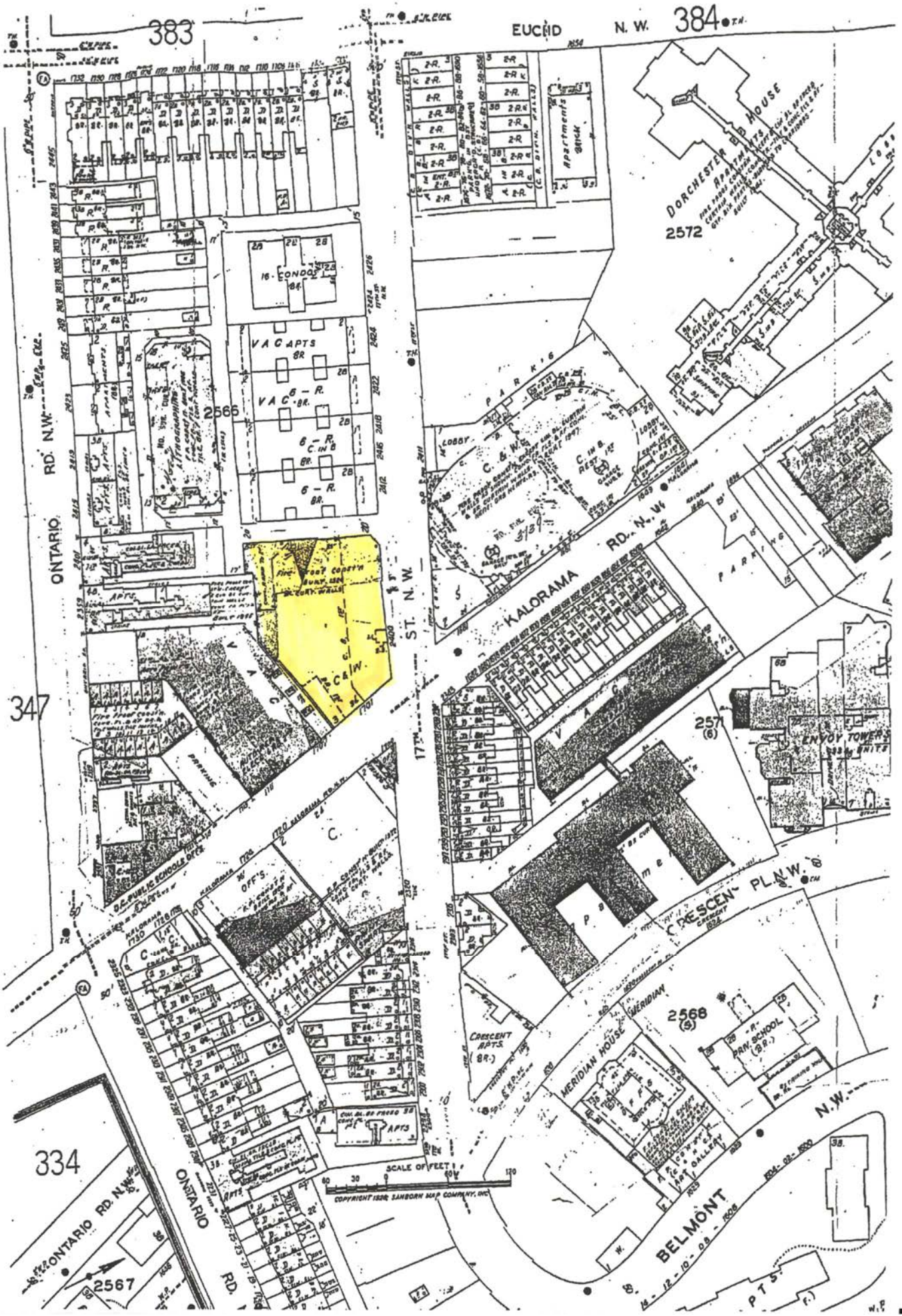
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

*Admitted only in Pennsylvania; supervision by principals of the firm who are members of the D.C. Bar

2007648_v3

A


348
SQ 2566
EUCLID
ST.
condo. BK. 27 PG 33
2625 THRU 2640
814
158,090#
13,525±
100
90
2.2.42.8
839
841
837
844
817
818
819
822
95
94
93
92
91
36
101
104
SQ 2571
17-TH
ST.
ROAD
KALORAMA
17 TH
ST.
ONTARIO
ONTARIO RD. NW
ONTARIO
PLACE
CRESCENT
BELMONT
SQ 2568
809
850
2567
2046
2045


383
EUCLID
N. W.
384
DORCHESTER HOUSE
APARTMENTS
2572
Apartments
BRICK
16 CONDOS
VAC APTS
8R
VAC 6-R.
6-R. C. IN B.
8R.
6-R.
8R.
2566
ONTARIO
RD. N.W.
ST. N. W.
17TH
KALORAMA
RD. N. W.
PARKING
VAC
PCALW.
347
ENVOY TOWER
257
(6)
CRESCENT PL. N.W.
CRESCENT
APTS.
(8R.)
MERIDIAN HOUSE
MERIDIAN
2568
(5)
PRIV. SCHOOL
(8R.)
BELMONT
N.W.
D.C. PUBLIC SCHOOLS OFF'S.
OFF'S.
APTS.
334
ONTARIO RD. N.W.
2567
ONTARIO
RD.
SCALE OF FEET
60 30 0 60 120
COPYRIGHT 1928 SANBORN MAP COMPANY, INC.

B

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., February 25, 2004

Plat for Building Permit of SQUARE 2566 LOT 90

Scale: 1 inch = 30 feet Recorded in Book 71 Page 8

Receipt No. 09725

Furnished to: HOLLAND & KNIGHT (FREDA)

Surveyor, D.C.

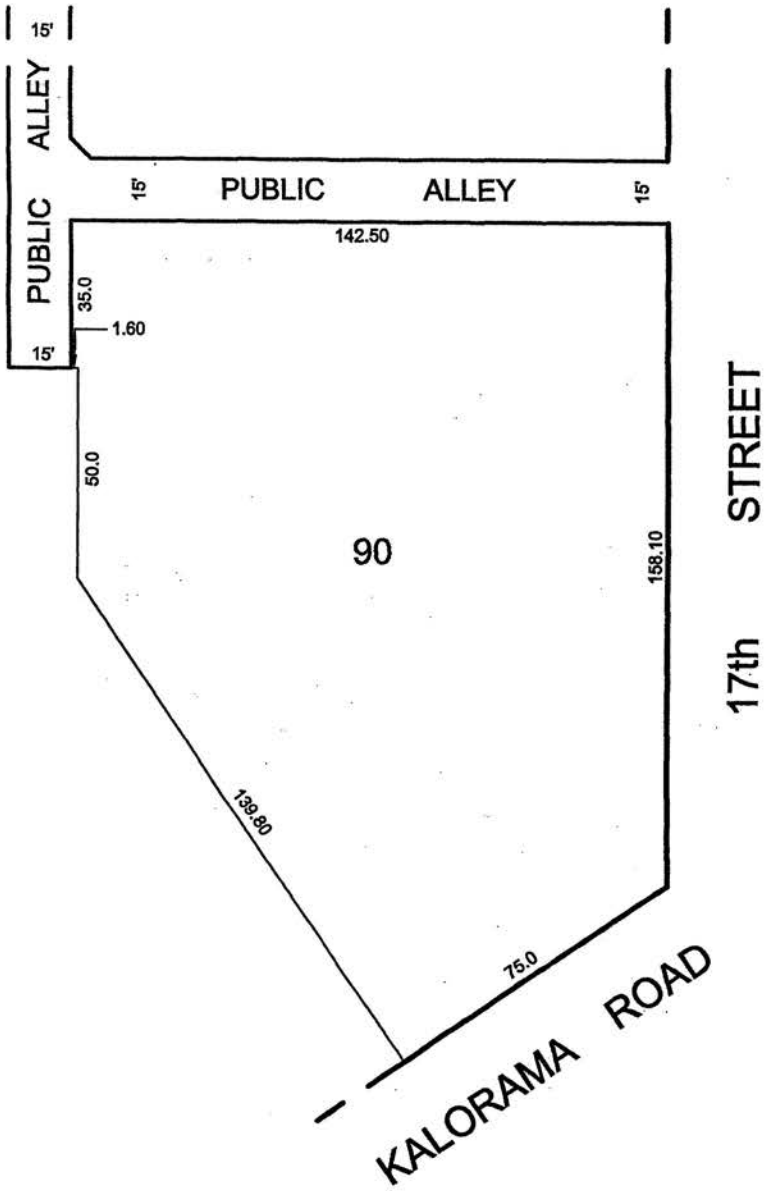
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

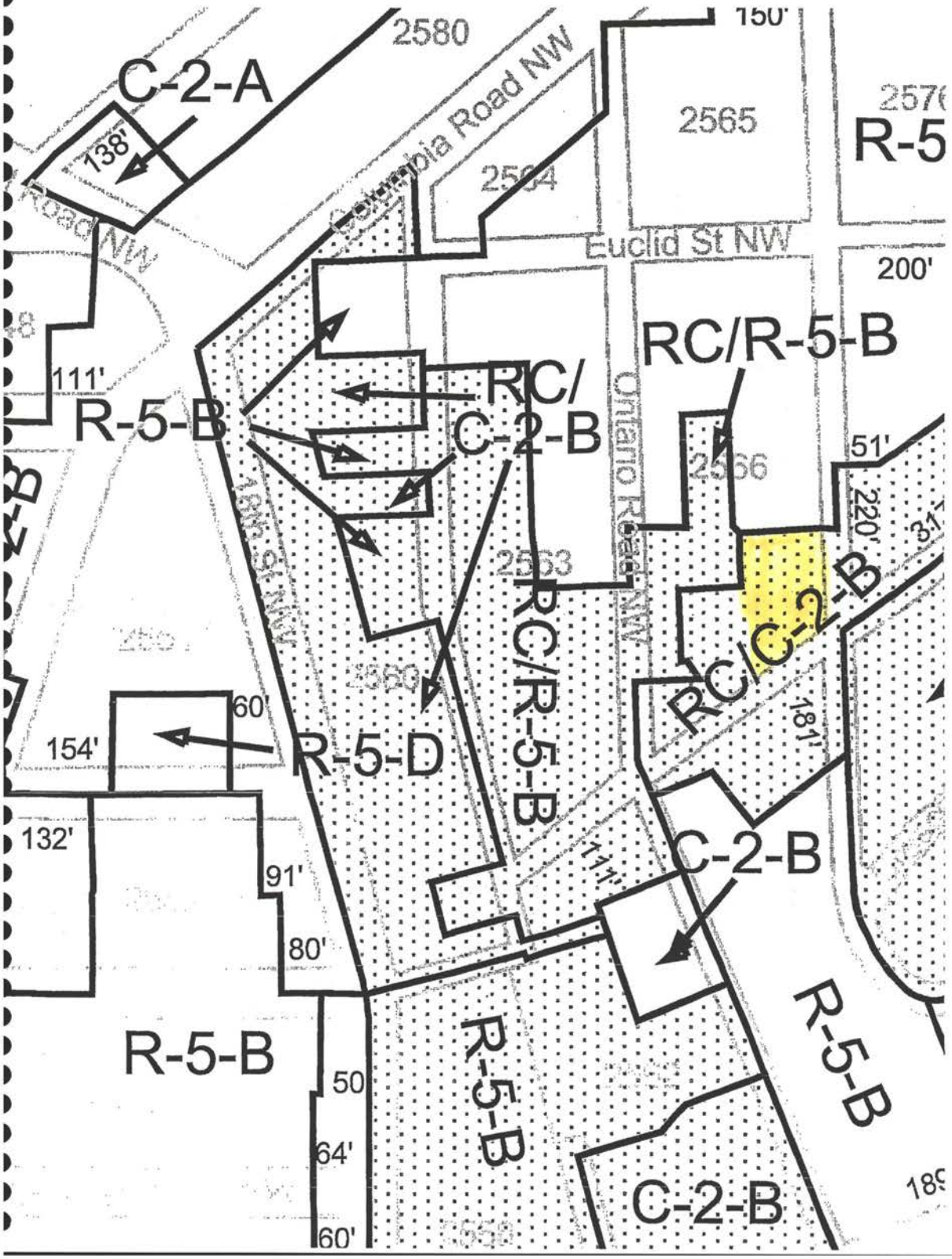
_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



SO-09725(2004)

C


C-2-A
138'
2580
Columbia Road NW
2565
R-5
Euclid St NW
200'
RC/R-5-B
RC/
C-2-B
111'
R-5-B
Ontario Road NW
51'
2566
220'
2563
RC/C-2-B
RC/R-5-B
181'
60'
154'
R-5-D
132'
91'
111'
C-2-B
80'
R-5-B
R-5-B
R-5-B
50
64'
60'
C-2-B

D

D.C. CONDOMINIUMS

Residential Conversion and 4th Floor Addition
1701 Kalorama Road NW - Washington D.C. 20001
Project No. A03004300
June 3, 2004

INDEX:

A01 PLAT
A02 ZONING TABULATION CHART
A03 EXISTING SITE PLAN
A04 PROPOSED SITE PLAN
A05 FIRST FLOOR PLAN
A06 SECOND FLOOR PLAN
A07 THIRD FLOOR PLAN
A08 FOURTH FLOOR PLAN
A09 ROOF LEVEL
A10 EAST ELEVATION
A11 NORTH ELEVATION
A12 WEST ELEVATION
A13 SOUTH EAST ELEVATION
A14 ROOF PLAN - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS
A15 EAST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS
A16 NORTH ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS
A17 WEST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS
A18 SOUTH EAST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS
A19 WALL SECTION BETWEEN 1ST FLOOR UNITS & GARAGE
A20 SIGHTLINE STUDY
A21 PHOTOS

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., February 25, 2004

Plat for Building Permit of SQUARE 2596 LOT 90

Scale: 1 inch = 30 feet Recorded in Book 71 Page 8

Receipt No. 09725

Furnished to: HOLLAND & KNIGHT (FREDA)

Surveyor, D.C.

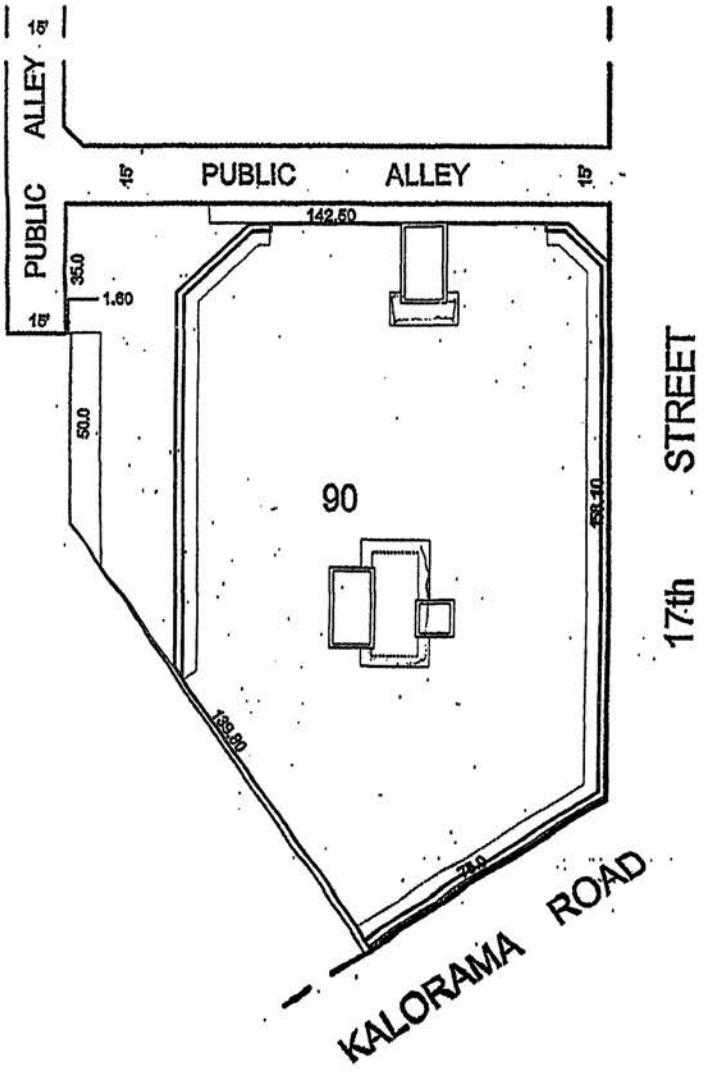
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



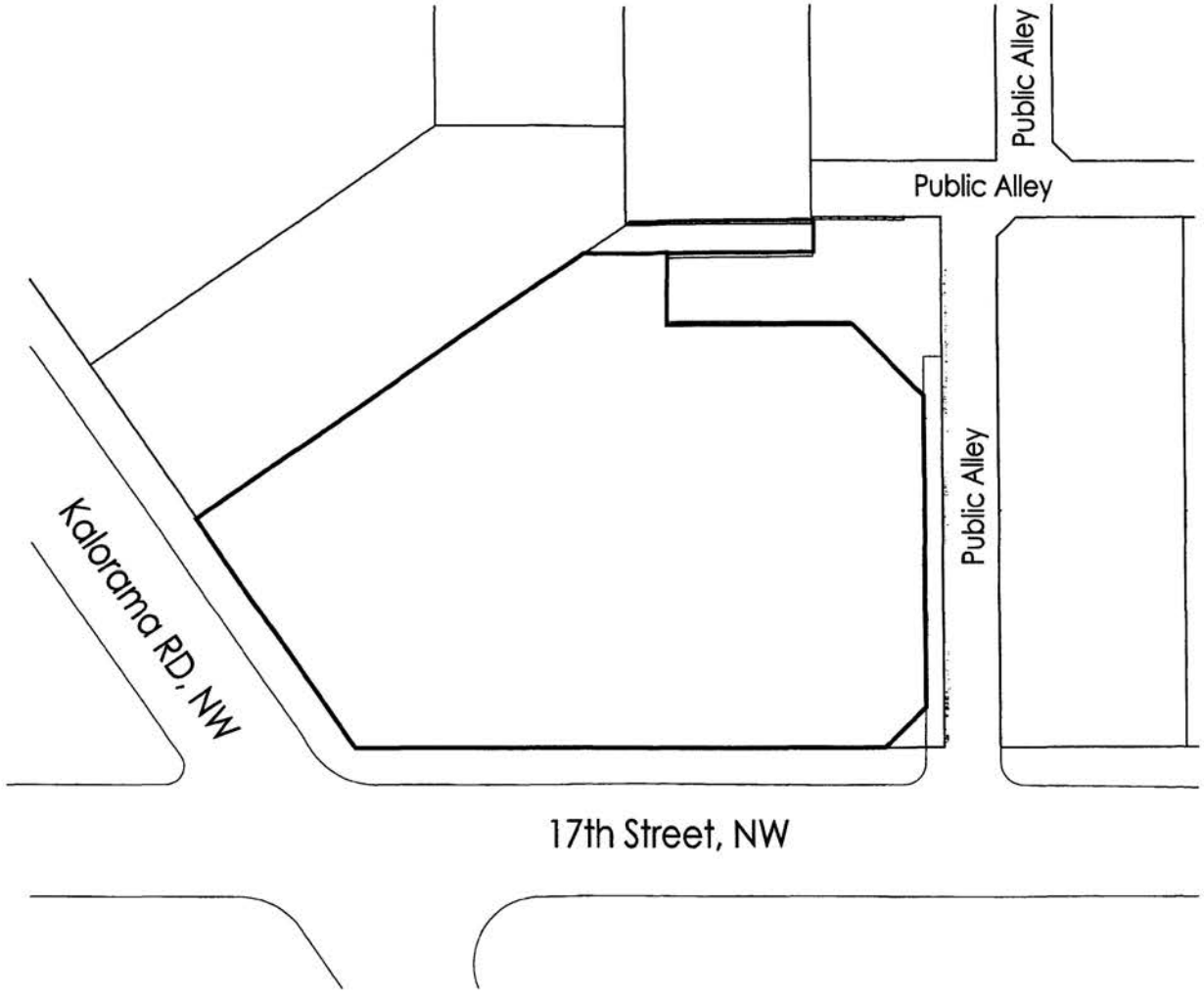
1701 KALORAMA ROAD | A01
June 3, 2004

HNEDAK BOBO GROUP

Zoning Tabulation Chart: 1701 Kalorama Road

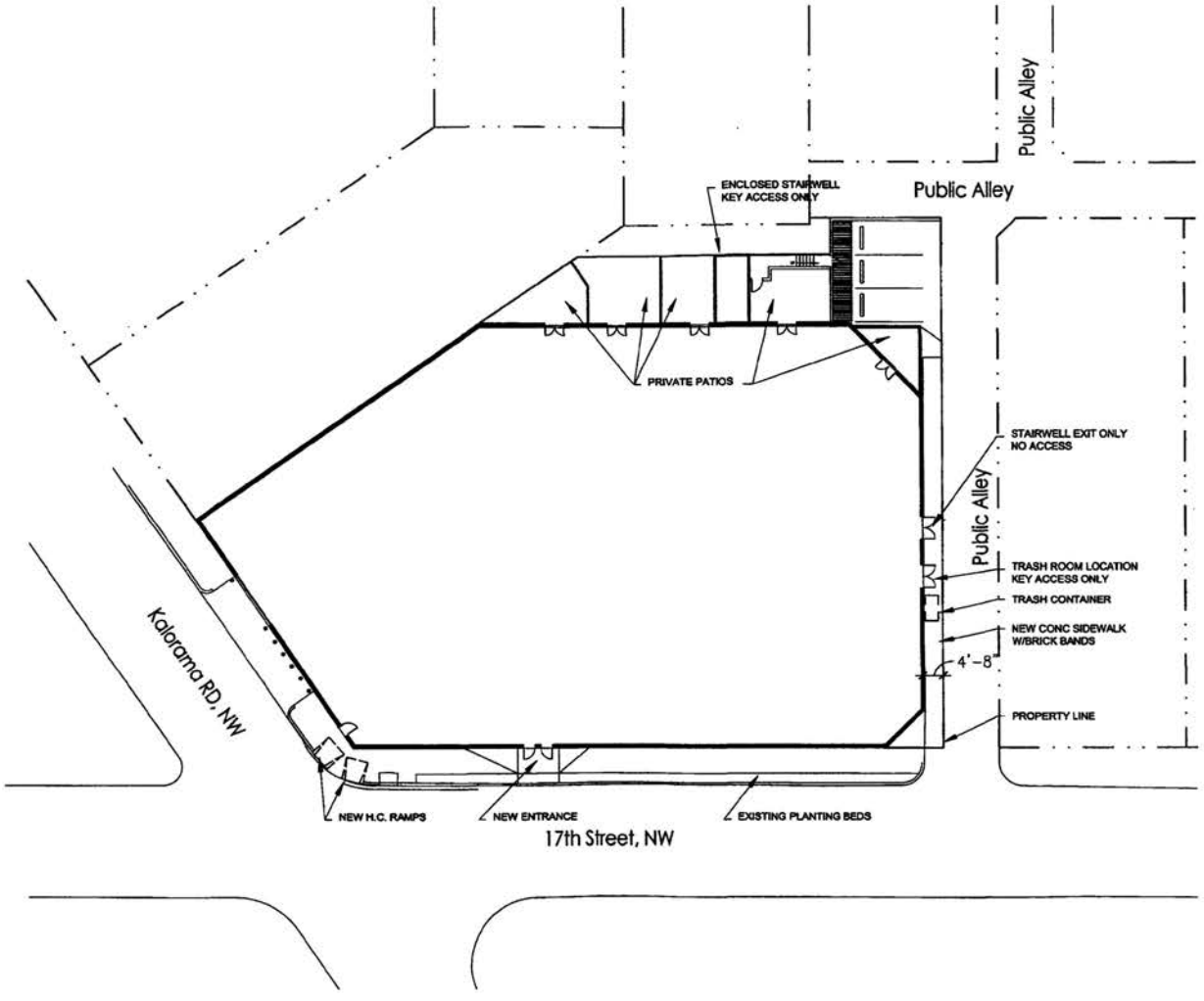
3-Jun-04

	Matter of Right	Current Proposal	% Variance
FAR	3.5	approx. 3.03	No Variance
Height	65 ft. in C-2-B 40 - 50 ft.under RC Overlay	50 ft	50 ft as per affordable housing provisions
Existing Lot Occupancy	80%	1st flr - 96.5% 2nd flr - 83.5% 3rd flr - 83.5%	1st flr - 16.5% over 2nd flr - 3.5% over 3rd flr - 3.5% over
Lot Occupancy at 4th floor addition	80%	4th flr - 74%	4th flr - complies
Number of Dwelling Units	n/a	48	n/a
Number of Affordable Units	none	7	No Variance
Parking Spaces	16 standard parking spaces	16 Standard 1 Handicap 24 Compact	No Variance
Residential Recreation Space	15% of Gross Building	15 % of Gross Building equals 9,455 sf	No Variance on square footage amount Variance needed for 25' width dimension TBD
Loading Berth	No Required for under 50 units	None	No Variance
Parking Drive Aisle	20 ft	Existing Column location: A - 18'-4" B - 19'-1" C - 18'-8" D - 19'-8"	Existing Column location: A - 1'-8" B - 11" C - 1'-4" D - 4"
Roof Structure - Walls of Equal Height and Setback	Walls of Equal Height (Section 411.5) 1:1 Setback for stairwell	TBD pending mechanical selections	Northern Stair does not have a setback Mechanical penthouse and screens are TBD
Side Yard	6' Min or 2" per 1'-0" ht	4'-8" Existing Condition on North Side for a 50'-0" height	3'-8" Variance



EXISTING SITE PLAN
SCALE: 1/32" = 1'-0"

Plan North

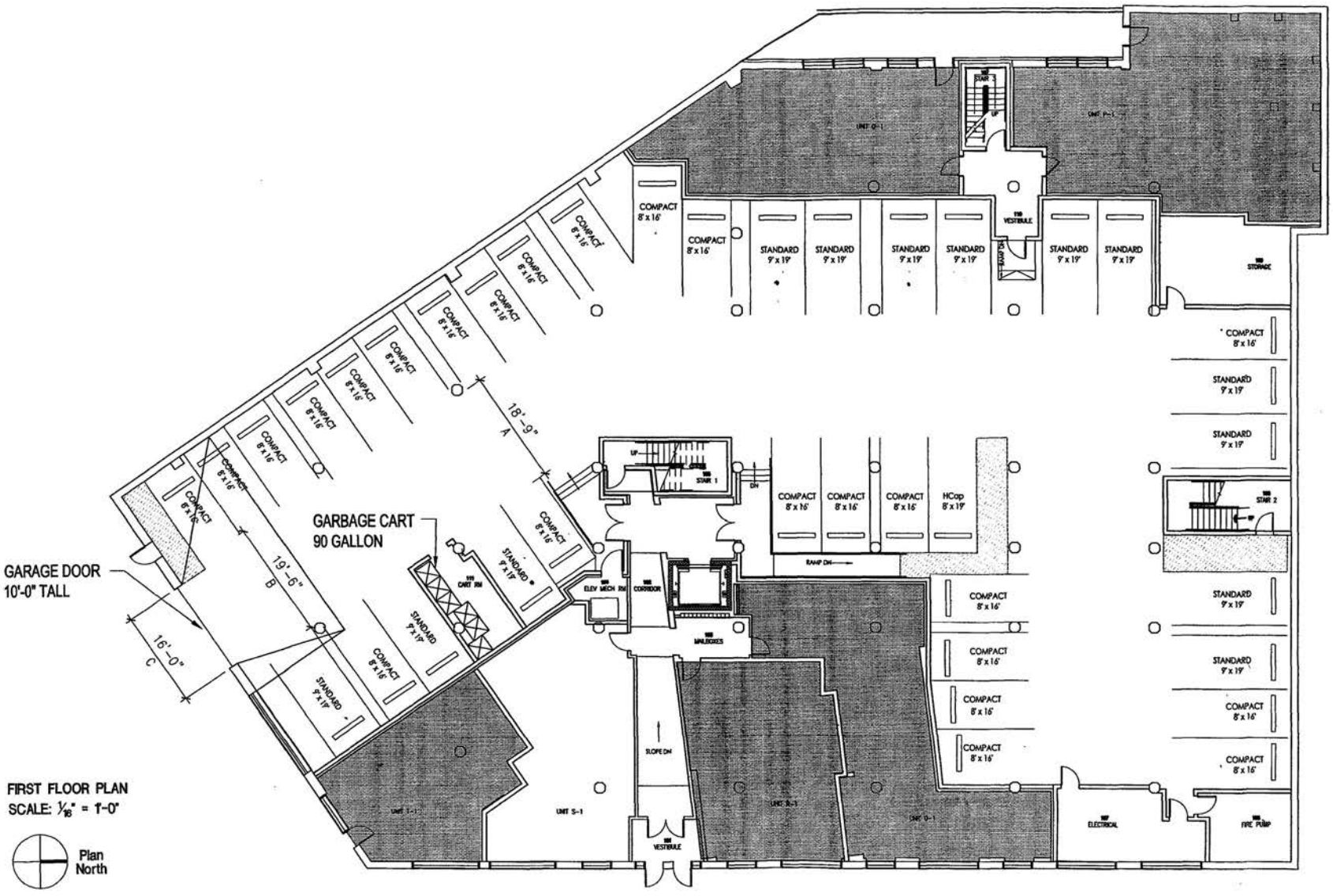


NOTE:
LARGE TRUCK LOADING
OFF OF 17TH ST.

SMALL TRUCK LOADING
THROUGH GARAGE

PROPOSED SITE PLAN
SCALE: 1/32"= 1'-0"

Plan
North



FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

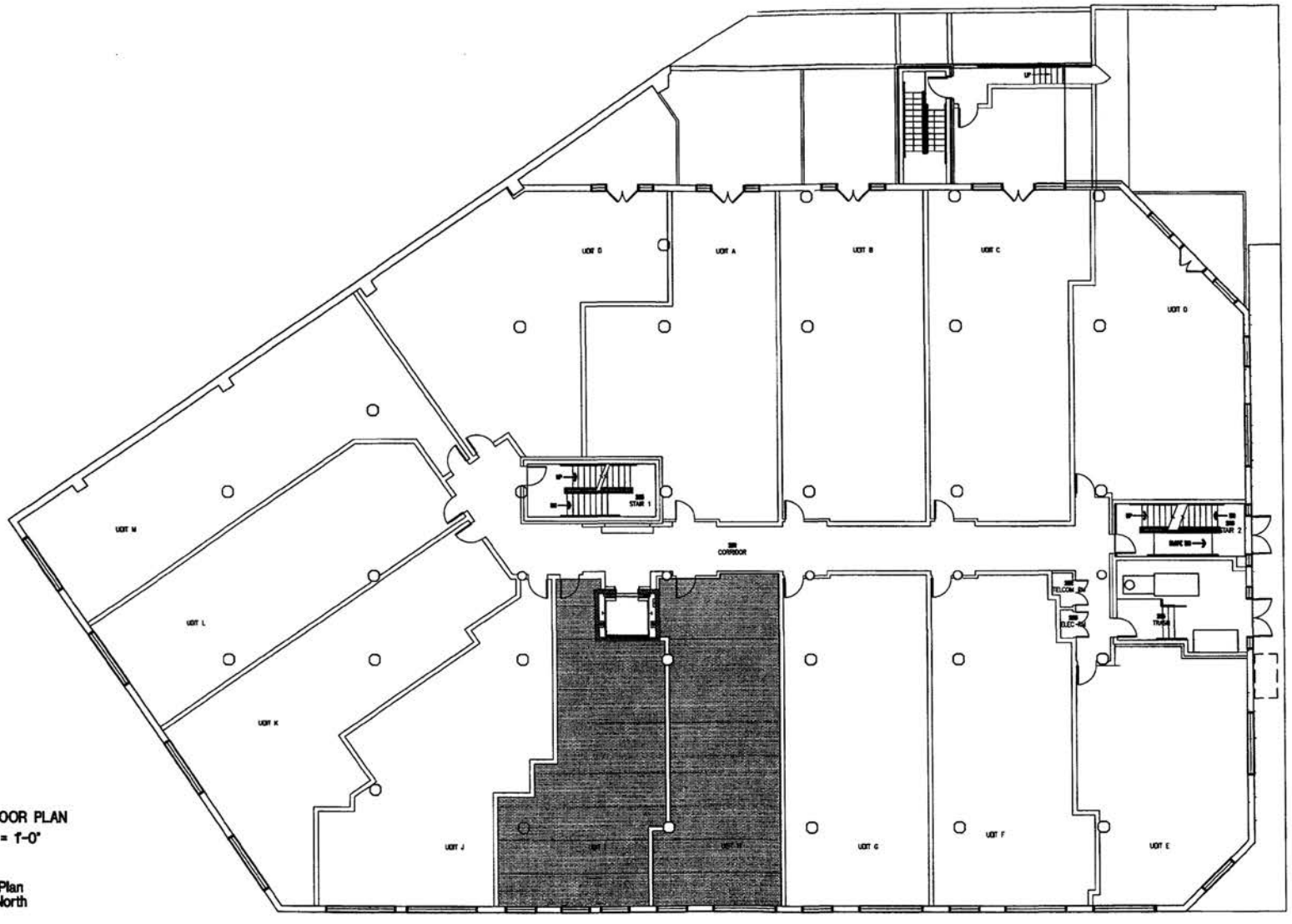
Plan
North

HNEDAK BOBO GROUP
Architecture Interiors

1701 KALORAMA ROAD

June 3, 2004

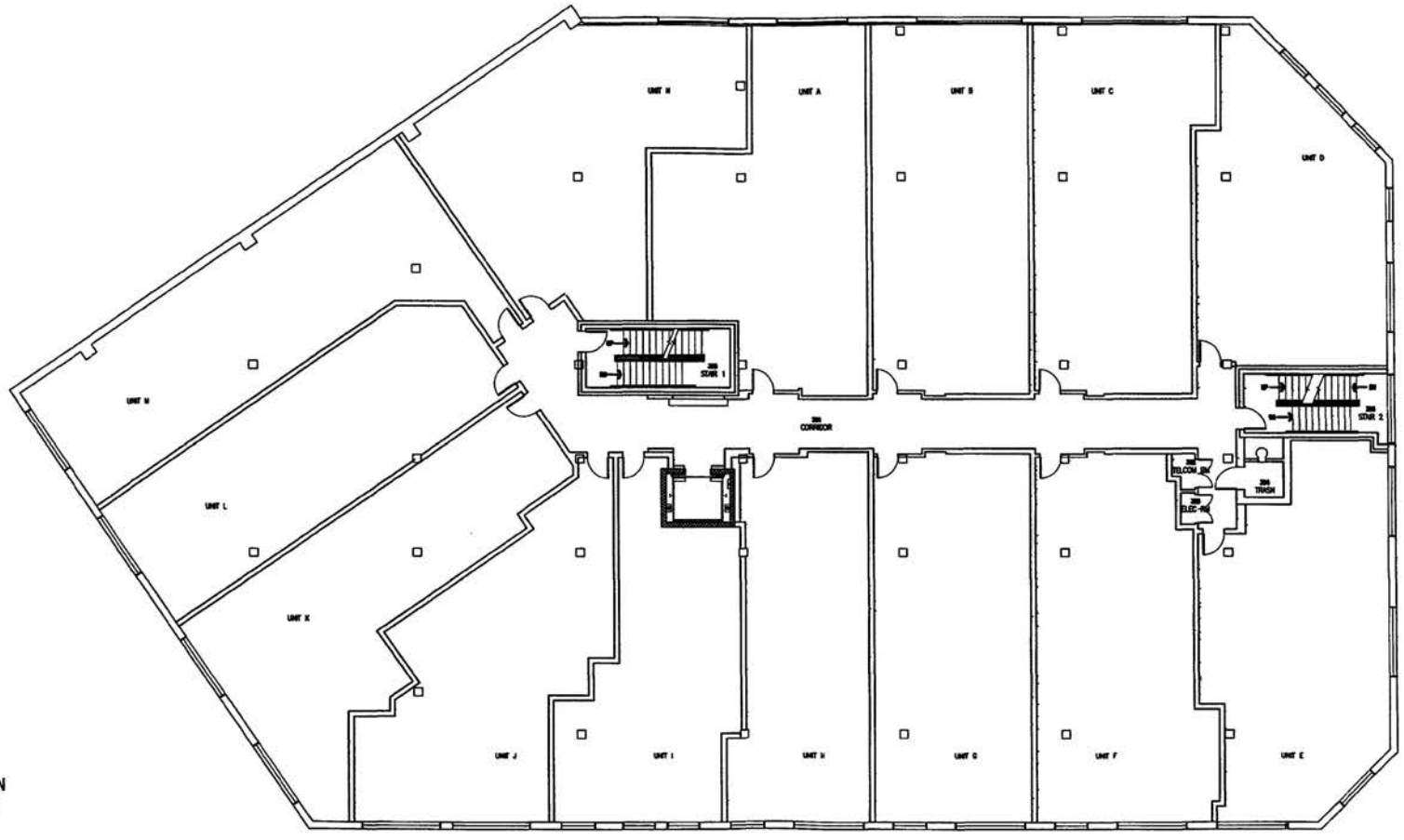
A05



SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

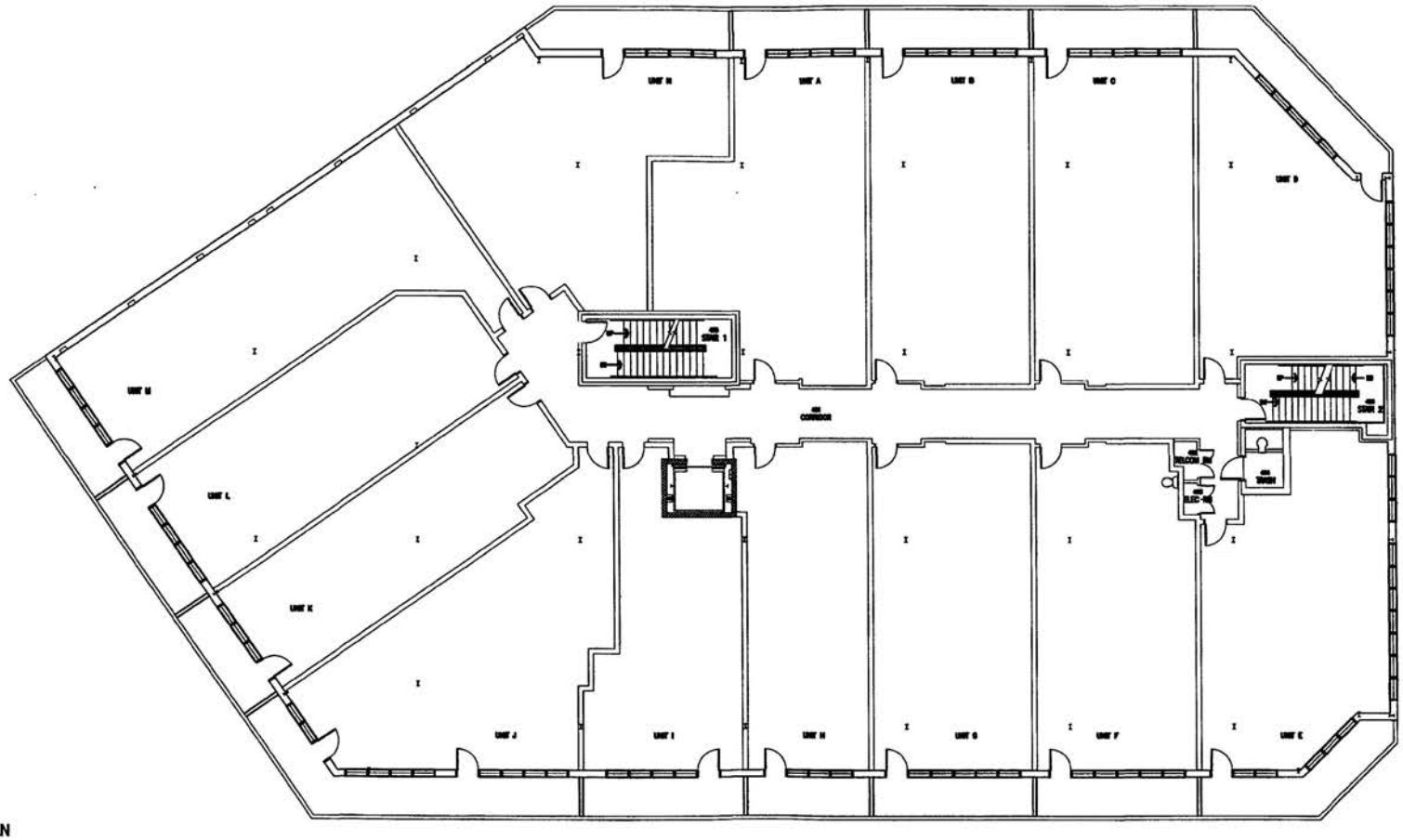
Plan North

HATCH INDICATES AFFORDABLE UNITS



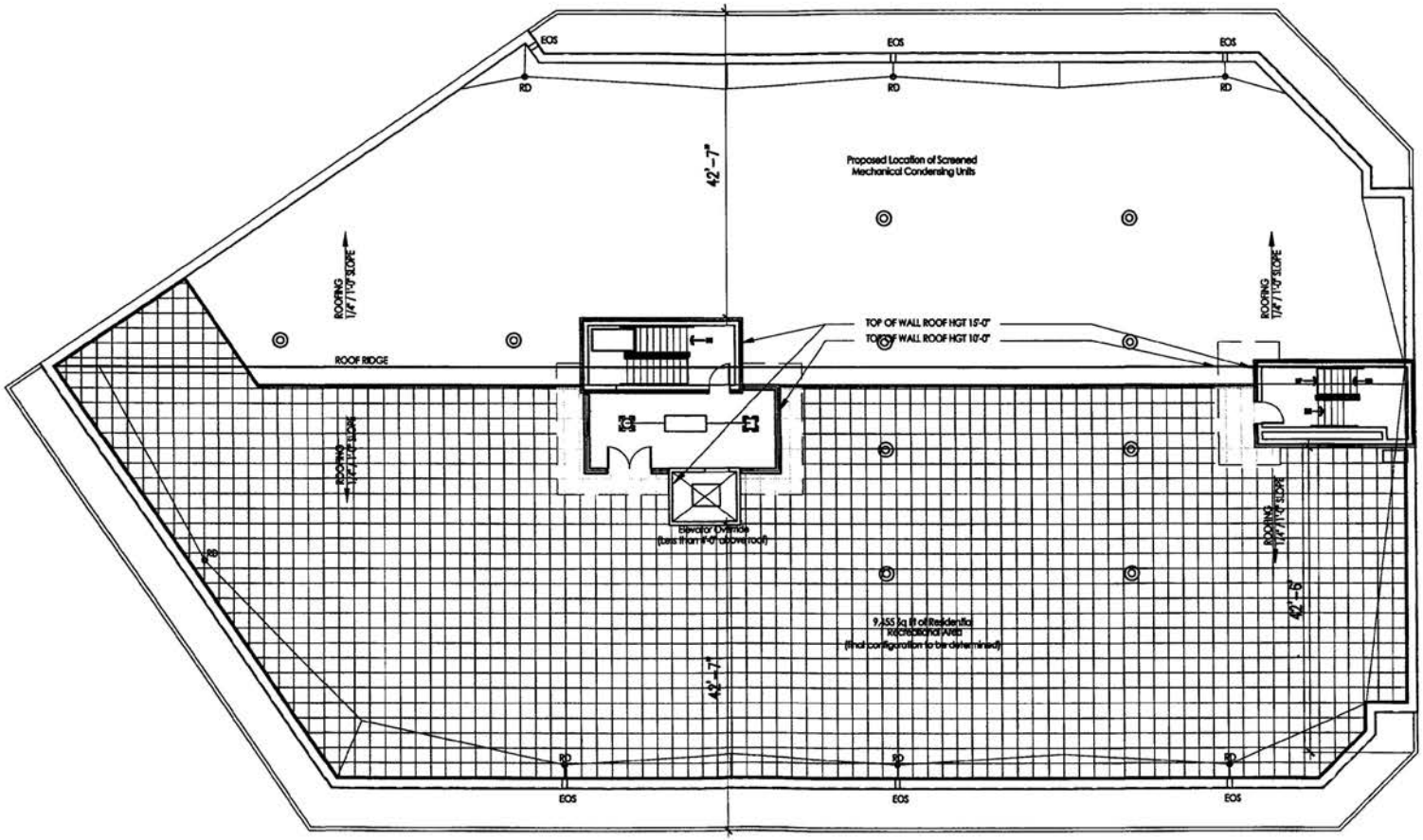
THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"

Plan North



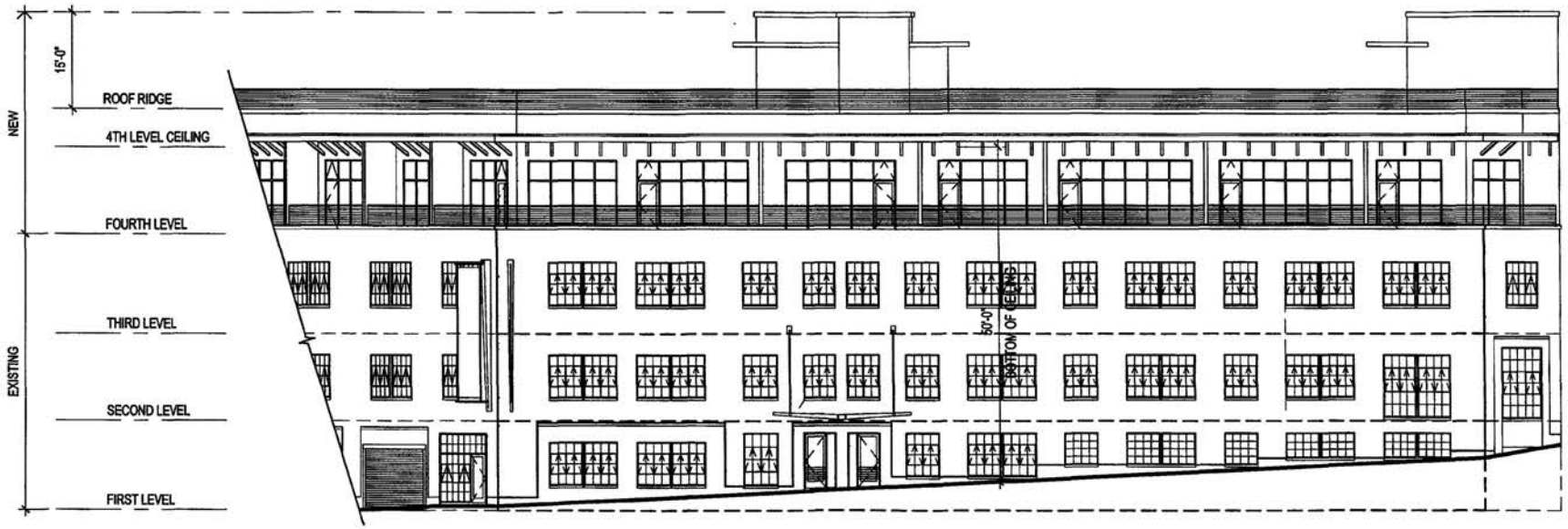
FOURTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

Plan North



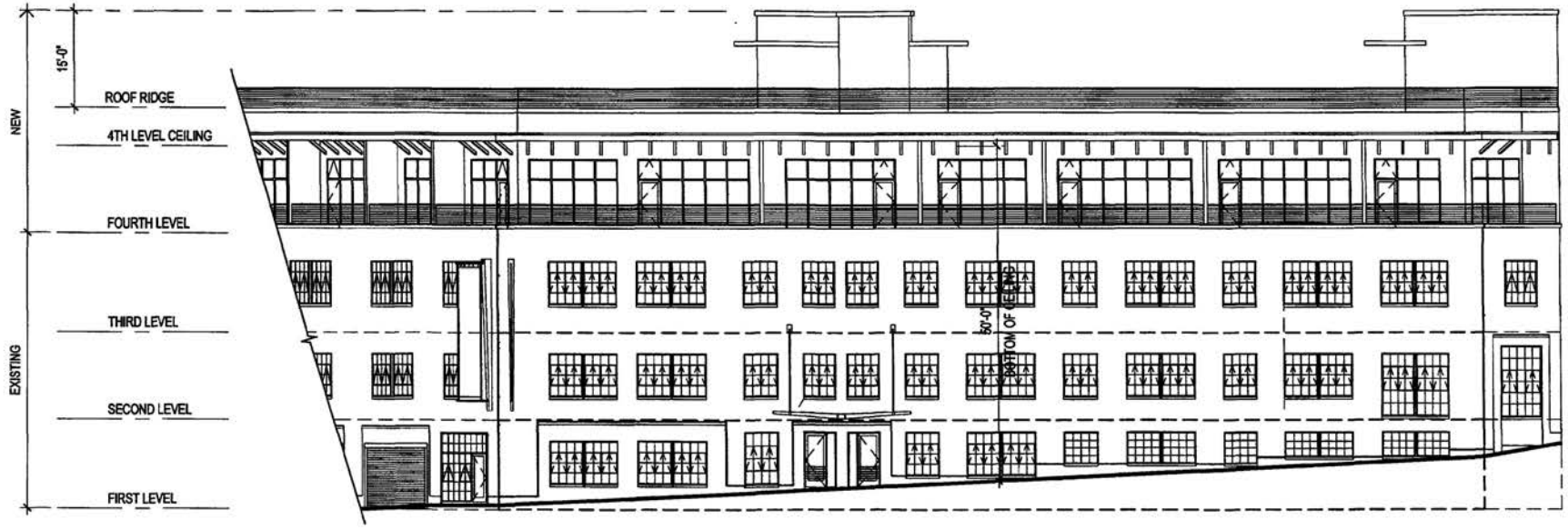
ROOF PLAN
SCALE: 1/16" = 1'-0"

Plan North



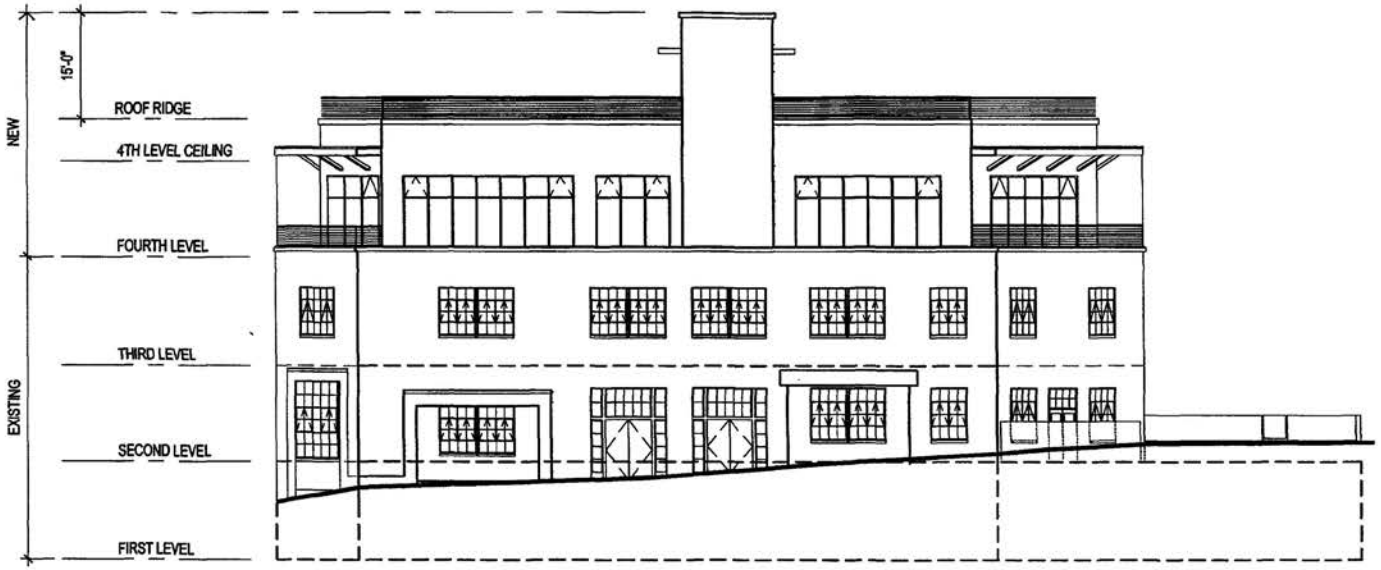
EAST ELEVATION

Plan North



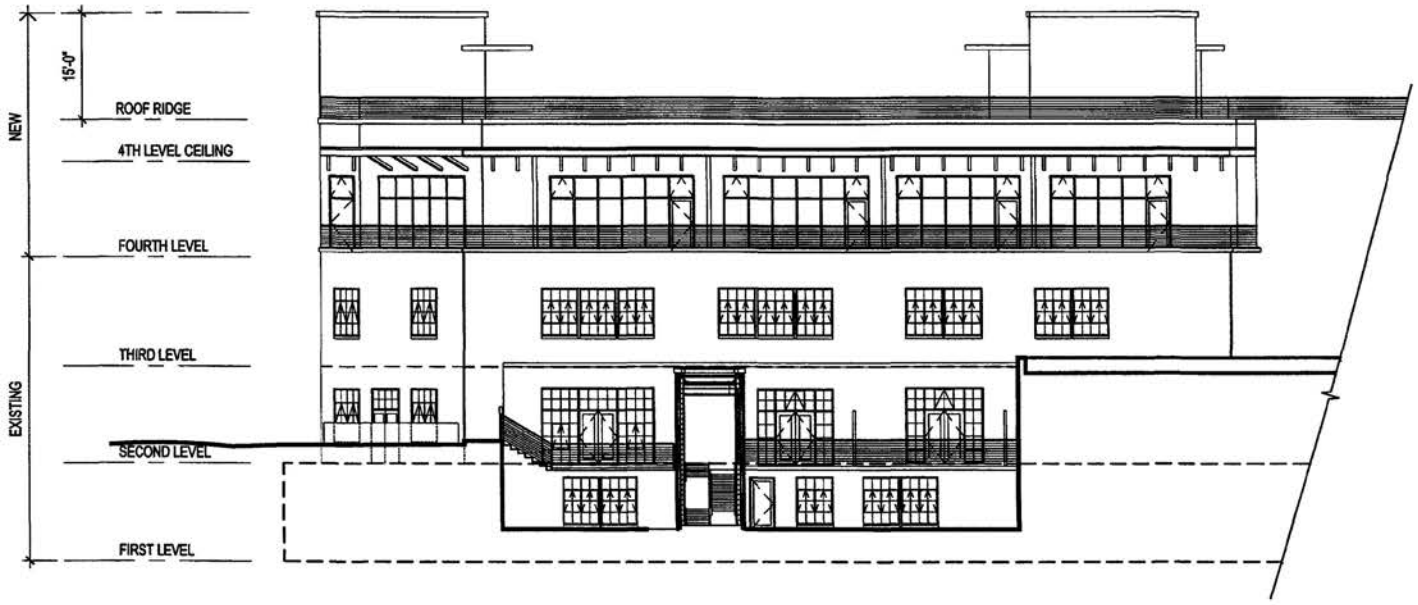
EAST ELEVATION

Plan North



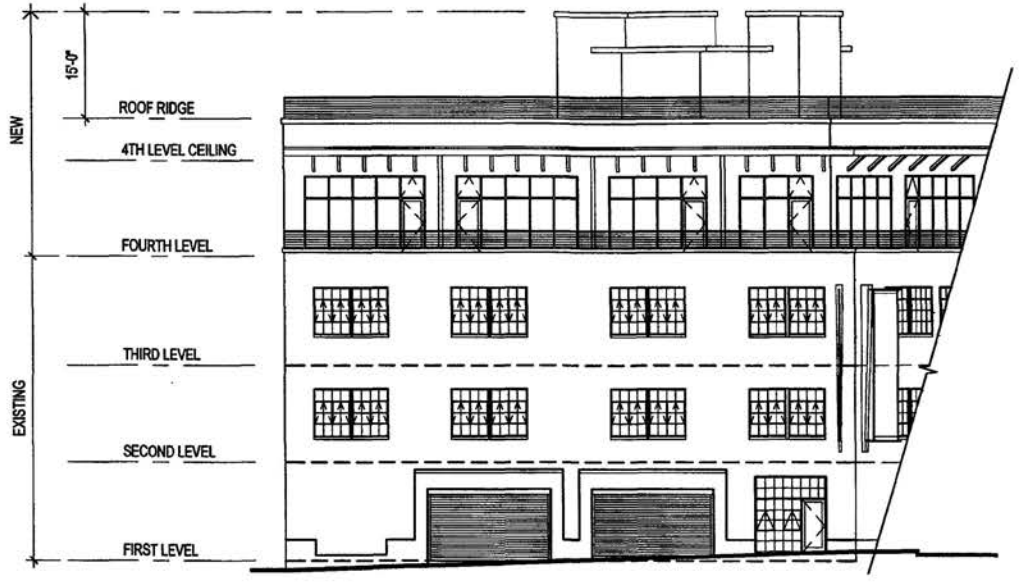
NORTH ELEVATION
SCALE: 1/16" = 1'-0"

Plan North



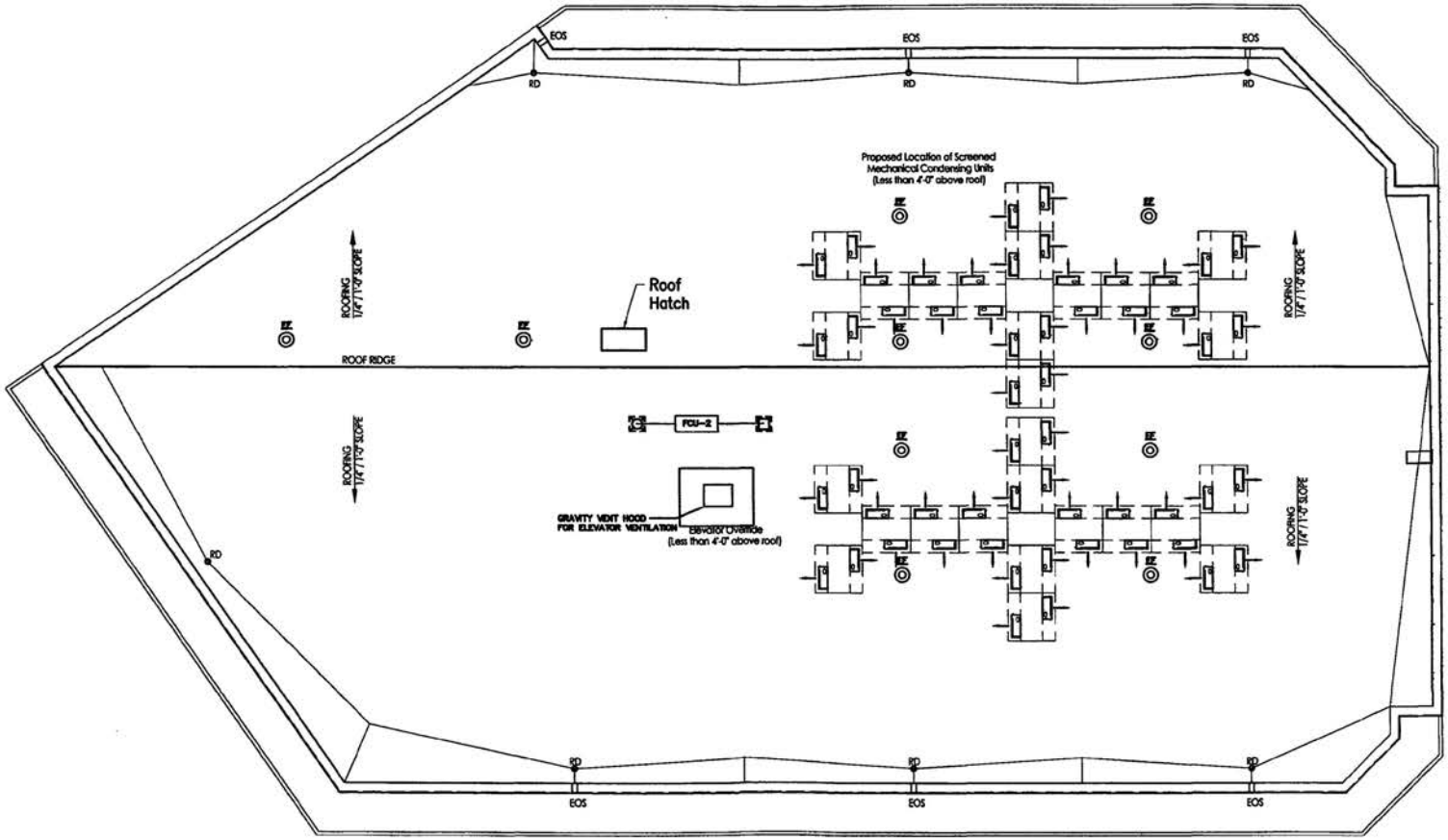
WEST ELEVATION
SCALE: 1/16" = 1'-0"

Plan North



SOUTH EAST ELEVATION
SCALE: 1/16" = 1'-0"

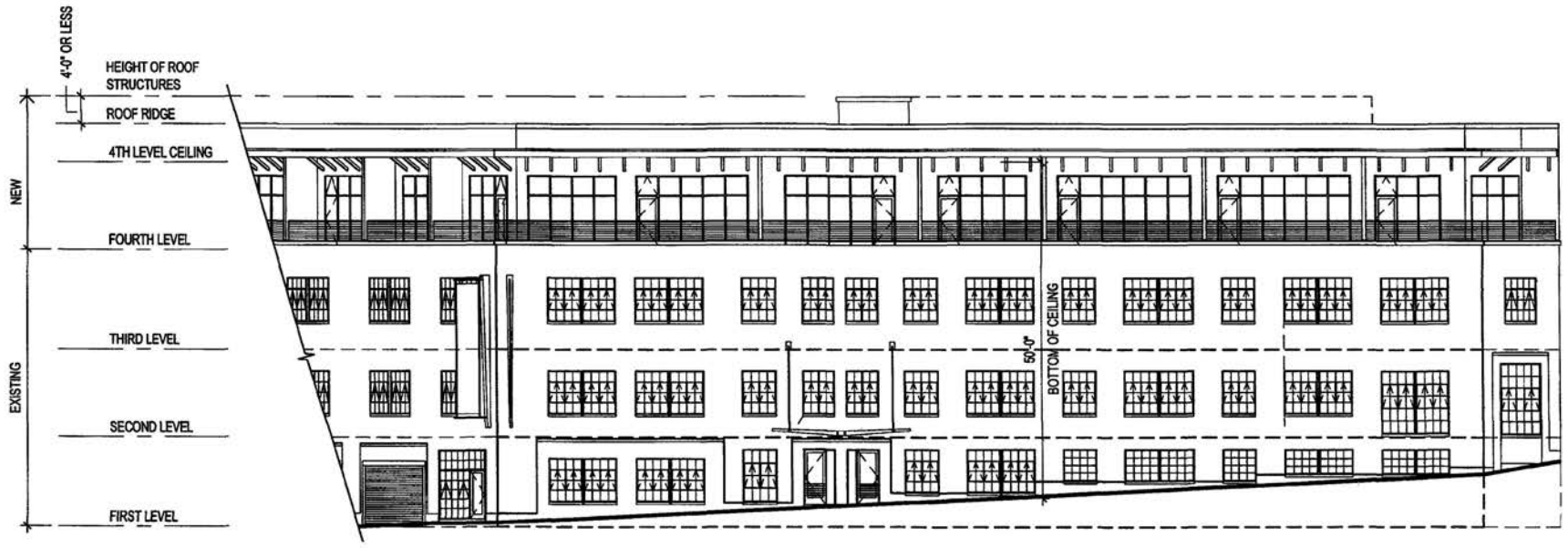
Plan North



Plan North

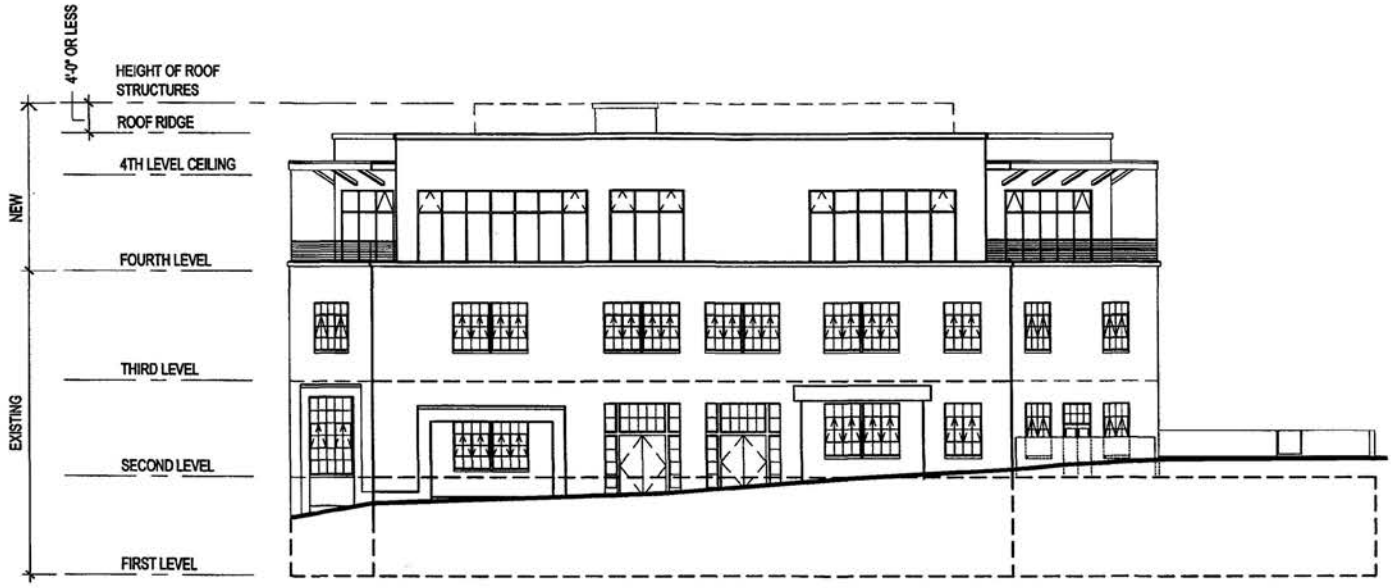
ROOF PLAN - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS

SCALE 1/16"=1'-0"



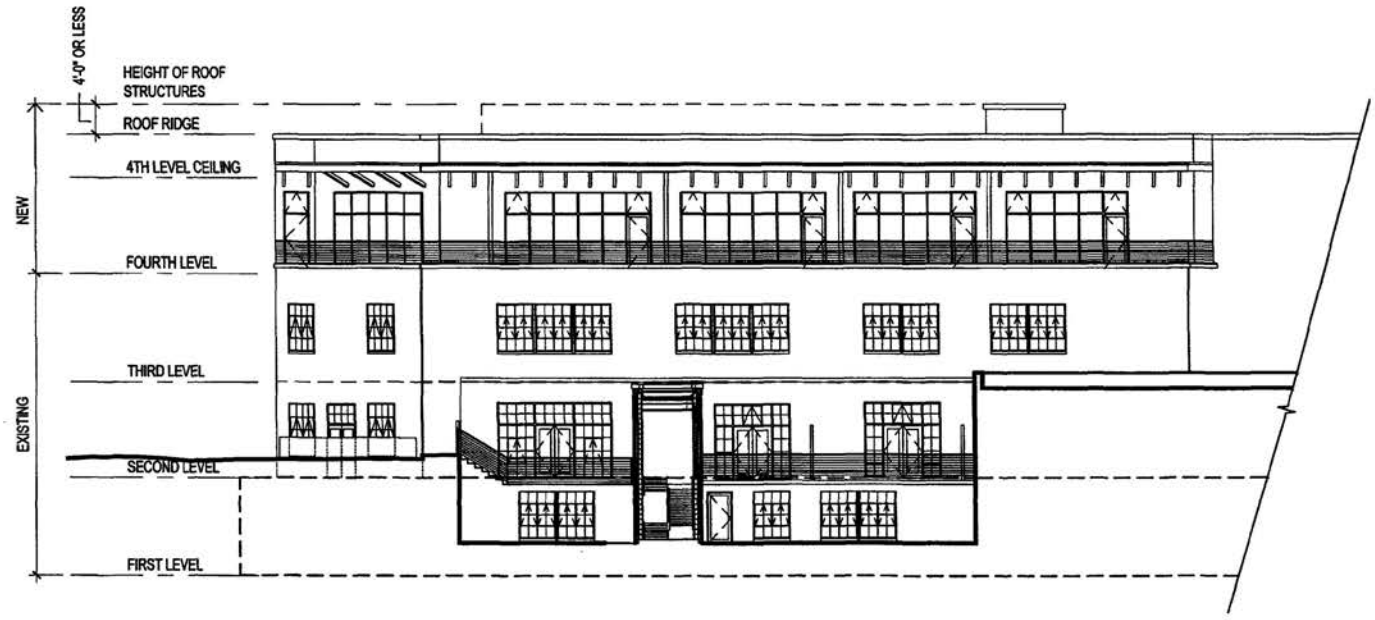
EAST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS

SCALE 1/16"=1'-0"



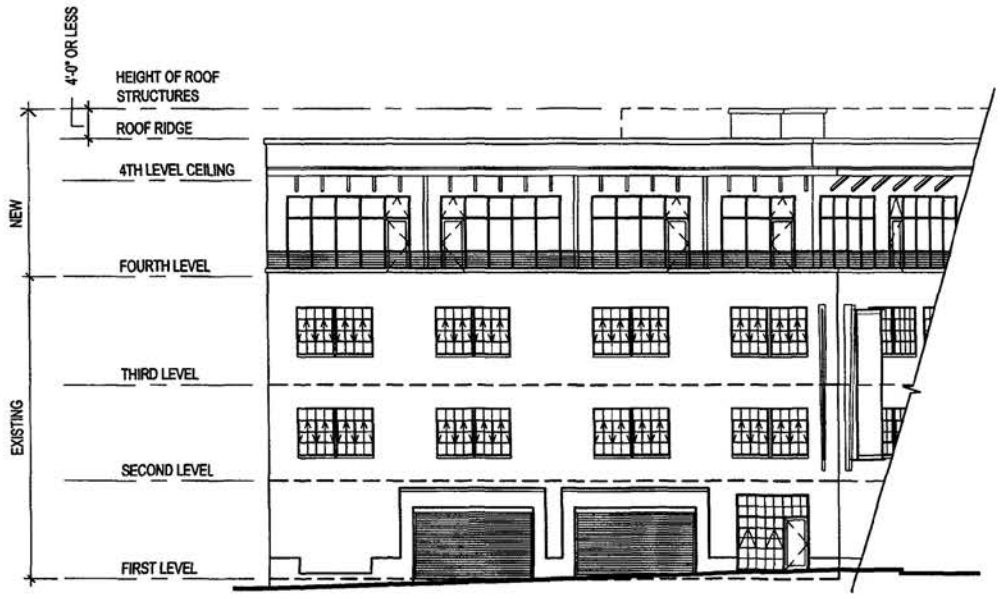
NORTH ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS

SCALE 1/16"=1'-0"



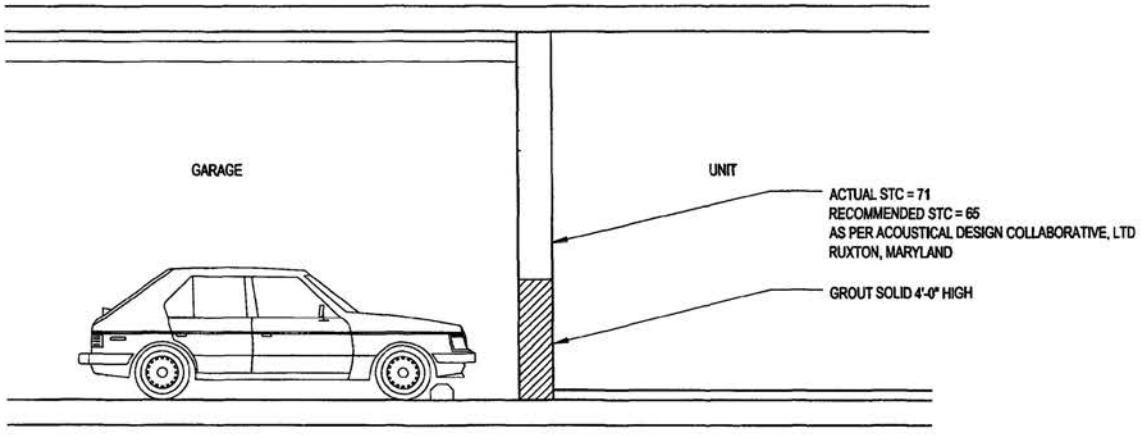
WEST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS

SCALE 1/16"=1'-0"



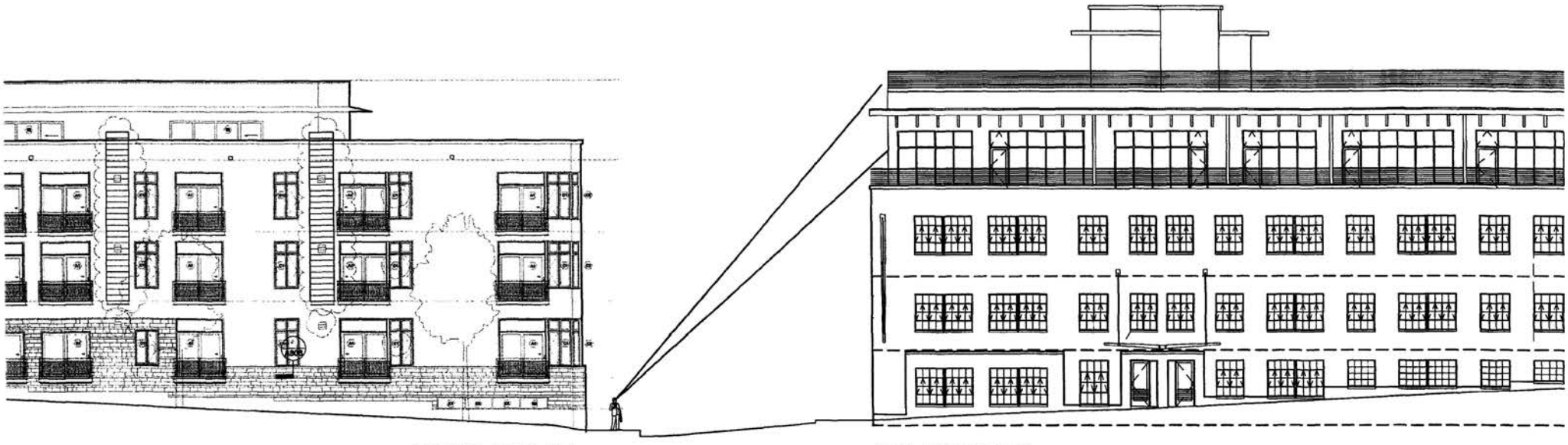
SOUTH EAST ELEVATION - SCHEME 2 WITHOUT ROOF TERRACE REQUIREMENTS

SCALE 1/16"=1'-0"



WALL SECTION - BETWEEN 1ST FLOOR UNITS AND GARAGE

SCALE 1/4"=1'-0"



1700 KALORAMA

1701 KALORAMA

SIGHTLINE STUDY
STREET ELEVATIONS ALONG 17TH STREET
SCALE: 1/16" = 1'-0"



KALORAMA ROAD ELEVATION



17TH STREET



ALLEY VIEW

E

Outline of Testimony of Developer

I. Introduction

II. Development History in District of Columbia

III. Description of Subject Property

IV. Description of Proposed Project

V. Community Support

VI. Conclusion

F

Outline of Testimony of Architect

I. Introduction and Professional Qualifications

II. Site and Location Description

III. Project Description

  A. Design Goals and Constraints

  B. Description of Project Design

IV. Conclusion

G

Outline of Testimony of Land Planner

I. Site Location and Description

II. Description of Surrounding Area

III. Existing Zoning

IV. Proposed Development

V. Analysis of Relief Required

VI. Conclusion