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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17175
1701 Kalorama Road, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

June 29, 2004

I. Site location and description

A. Location

1. Southeast portion of the square bounded by Kalorama and Ontario Roads and 17th and Euclid Streets, N.W.

2. Project site consists of lot 90 in Square 2566

3. Site located in the Adams Morgan/Reed-Cooke area

B. Size

1. Total site area is approximately 22,428 square feet

2. Frontage of approximately 75 feet on Kalorama Road, 158 feet on 17th Street, 143 feet along an east-west alley and 35 feet along a north-south alley

C. Existing site condition: vacant three story warehouse building

BZA
Case No. 17175
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17175
EXHIBIT NO. 29

II. Description of surrounding area

A. Adams Morgan/Reed-Cooke area

B. Area contains mix of residential, retail and industrial uses and building types

C. Remainder of Square 2562

1. To the north

a. Two story buildings devoted to residential uses

b. Colortone Press building

2. To the west

a. On Kalorama Road: commercial buildings

b. On 17th Street: 4 story apartment houses

D. Uses to the south:

1. Two and three story commercial buildings on the south side of Kalorama Road

2. Residential rowhouse and apartment buildings farther south

E. Uses to the east:

1. Commercial building (former roller skating rink and film production studio) at the northwest corner of 17th Street and Kalorama Road (two stories, with high vaulted roof)

2. Dorchester House high rise apartment building at the northwest corner of the intersection of 16th Street and Kalorama Road

3. Other large apartment buildings on 16th Street

F. Uses to the west:

1. At the corner of Ontario and Kalorama Roads: one story commercial buildings, primarily devoted to automobile repair

2. At the corner of Kalorama Road and Champlain Street: new 68 unit apartment house under construction (variance and special exception relief approved by the BZA)

3. Adams Morgan Lofts, relatively new four story apartment house

4. 18th Street commercial strip

III. Existing zoning: RC/C-2-B

A. C-2-B District

1. Uses (§§721 – 734)

a. Commercial use permitted as a matter-of-right, including retail, service and office use

b. Hotel

c. Residential use permitted as carry-over from Special Purpose and Residential Districts

2. Height - maximum of 65 feet (§770.1)

3. Density - maximum of 3.5 FAR, with nonresidential uses limited to 1.5 FAR (§771.2)

4. Lot occupancy – residential uses limited to 80% (§772.1)

5. Rear yard – minimum of 15 feet (§774.1)

6. Side yard - not required (§775.5)

7. Residential recreation space - minimum area equal to 15% of the gross floor area devoted to residential use (§773.3)

8. Parking for apartment house use: minimum of 1 space for each 3 units (§2101.1)

9. Loading berth: minimum of 1 fifty-five foot berth and 1 service/ delivery loading space for apartment house with 50 or more units

B. Reed-Cooke (RC) Overlay District (Chapter 14)

1. Applies to new buildings, alterations or additions to existing buildings involving more than 50 percent of assessed value of building in any eighteen month period, change in use requiring a new certificate of occupancy or any use that requires a new permit from the Alcoholic Beverage Control Board (§1400.5)

2. Prohibited uses – not applicable to the proposed development (§1401.1)

3. Height:

a. Maximum of 40 feet (§1402.1)

b. In RC/C-2-B, 50 feet allowed with low and moderate income housing (§1402.1)

4. Exceptions allowed with BZA approval (further described below) (§1403.1)

IV. Proposed development

A. Use: apartment house of 48 units

B. Gross floor area of approximately 68,000 square feet (3.03 FAR)

C. Height: 4 stories, 50 feet

D. A total of 41 parking spaces in the first floor and at grade at the rear

V. Relief required

A. Variances

1. Lot occupancy

a. Maximum permitted: 80%

b. Proposed: 96.5% (existing)

c. Variance: 16.5% (new construction complies at 74%)

2. Side yard

   a. Minimum required: 8 feet, 4 inches

   b. Proposed: 4 feet, 8 inches (existing condition)

   c. Variance: 3 feet, 8 inches feet

3. Residential recreation space

   a. Minimum required: 9,455 square feet

   b. Proposed: 0

   c. Variance: 9,455 square feet

4. Parking drive aisle width

   a. Minimum required: 20 feet

   b. Proposed: between 18 feet, 4 inches and 19 feet, 8 inches (at 4 existing columns)

   c. Variance: 1 foot, 8 inches to 4 inches

B. Special exception

1. Additional height under the Reed-Cooke Overlay (§1402.1)

2. Roof structure relief not required if recreation space not provided on the roof

VI. Standards for a variance (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;

C. Provided, that the 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.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Existing three story warehouse building which covers almost all of the lot and which (as non-residential use) is not subject to a lot occupancy restriction

2. Existing side yard condition (not required but 3 feet, 8 inches less than the minimum if provided)

3. Existing floor-to-floor heights far in excess of that required for residential use

4. Existing column grid on first floor

5. Five sided site

6. Substantial change in grade, approximately 17 feet up from south to north

B. Practical difficulty

1. Compliance with lot occupancy would require removal of more than 3,700 square feet of the building on the first floor; smaller reductions required on the two upper floors

2. Compliance with side yard requirements would require removal of the north wall or a small offset at the top floor, which is structurally difficult and expensive relative to the gain accomplished

3. Existing columns are too narrow to allow complying drive aisle but would require extensive structural work to bring up to 20 foot width

4. Recreation space on the roof requires substantial undertaking for the access (stair and elevator) and adversely impacts on the design of building below (for vents and exhausts)

C. No detriment to the public good

1. Residential uses are favored in the Reed-Cooke Overlay area

2. Greatest extent of lot occupancy relief is required only for lowest level which is predominantly used for parking, partially below grade and cut into the slope of the site

3. New top floor meets the lot occupancy requirement

4. Drive aisle variance is minimal (only 1 foot, 8 inches at maximum) and allows use of full-size spaces which otherwise could not be counted

5. Relatively small building does not have need for internal recreation space; are other recreation opportunities nearby, including Malcolm X (Meridian Hill) Park approximately 900 feet away

VIII. Standards for the special exception for height in the Reed-Cooke Overlay (§1402.1)

A. Appropriate setbacks from the street

B. On-site construction of low and moderate income housing equal to 50% of the additional gross floor area

C. If §1403 applies:

1. Use, building or feature at the size, intensity and location proposed will substantially advance the stated purpose of the overlay

2. Vehicular access and egress minimizes conflicts with pedestrian ways, functions efficiently and creates no dangerous or otherwise objectionable traffic conditions

3. Adequate off-street parking is provided

4. In a C-2-B zone, use shall not be within 25 feet of a Residence District, unless separated by an alley

5. Noise will not adversely affect adjacent or nearby residences

6. No outdoor storage of materials nor outdoor processing, fabricating or repair

7. Use, building or feature at the size, intensity and location proposed will not adversely affect adjacent or nearby property

IX. Compliance with the special exception standards for exception to Reed-Cooke Overlay

A. Top floor is set back 6 feet from the Kalorama Road and 17th Street frontages; not set back on the alley where the grade is higher

B. Additional floor yields 16,698 square feet of additional gross floor area

C. Proposed 7 affordable housing units equal at least 50% of that area (8,349 square feet)

D. If §1403 applies:

1. Residential is one of the most favored uses of the Overlay

2. Redevelopment of current vacant warehouse to be replaced with residential units

3. Garage access is provided through existing curb cut on Kalorama Road, with only 3 spaces accessed from the existing alley

4. Substantially more parking is provided than is required by the Regulations (41 versus 16)

5. Property is separated from R-5-B properties by public alleys

6. Apartments will generate no noise

7. No outdoor storage

8. Property continues to rise to north, meaning that conforming matter-of-right R-5-B building could be higher than proposed building

9. Residential use will anchor southern half of square in comparable fashion other existing and proposed apartment buildings on Kalorama Road

X. Conclusions

A. Subject property is affected by exceptional conditions, because of the nature and location of the existing building, the topography, the shape and the nature of access to the site

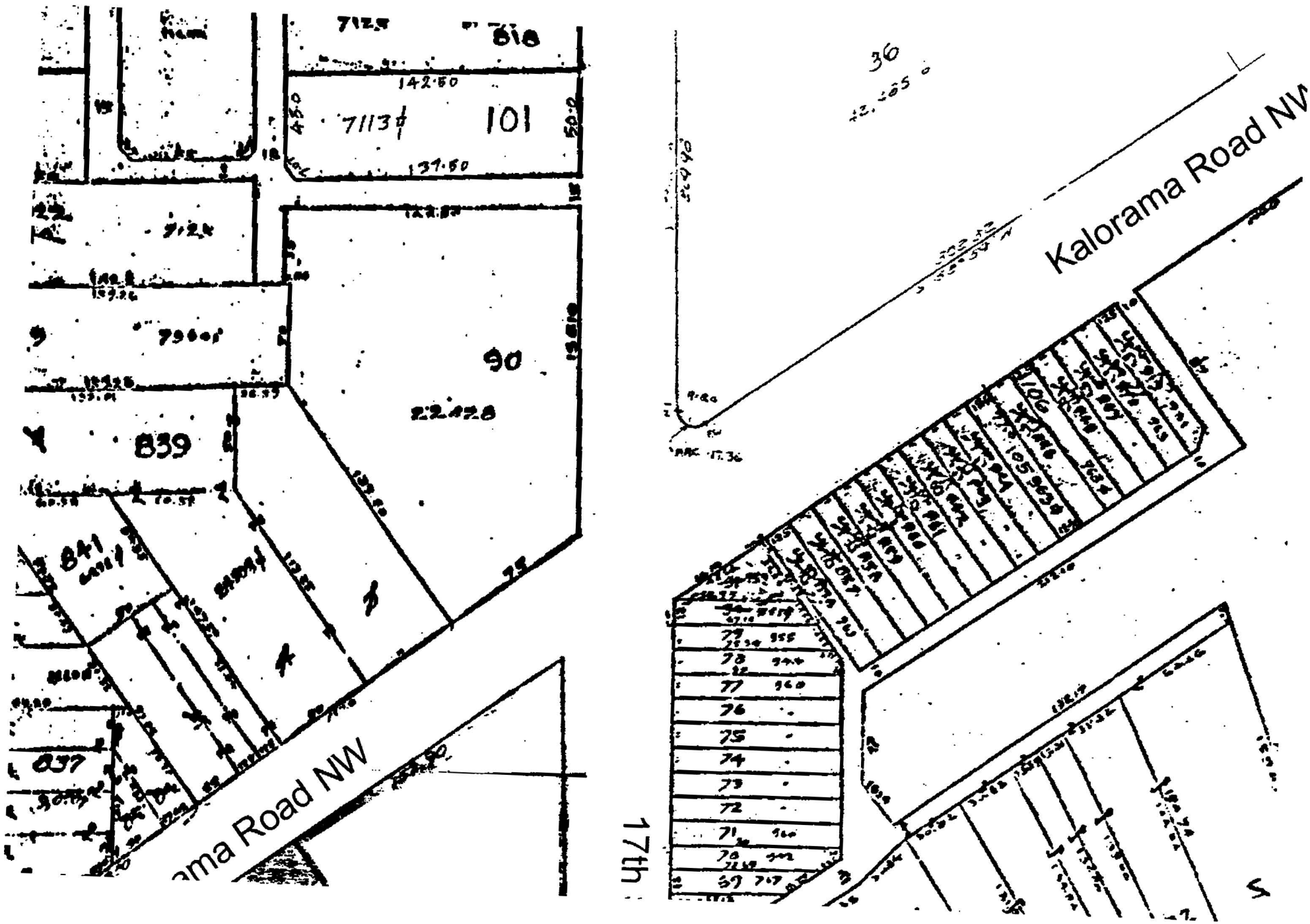
B. Strict application of the Regulations would require substantial structural changes and removal of part of the existing building

C. The variances can be granted without substantial detriment to any surrounding properties

D. Applicant will provide affordable housing in square footage equal to at least 50% of the gross floor area of added top floor

E. Approval of the application would be a significant contribution to city policy of encouraging residential in Reed-Cooke

F. The application should be granted


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17th
90
839
841
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101
818
36

Kaloramma Road NW
17th
MN Pkwy Rd