Tab V Application for a Variance from to Exceed the Floor Area Ratio Limits Allowed in the RC/C-2-B Zone District

The following materials are submitted should the Zoning Commission conclude that a variance is needed to exceed the Floor Area Ratio limit established for the RC/C-2-B zone district pursuant to §1402.2. As noted in the covering materials and within Tab A, above, the Applicant concludes, as a matter of law, that this interpretation has no merit.

Provided below are the following forms, each executed as required:

Form BZA 120 – BZA Application

Form BZA 135 – Self-Certification and Instructions

The following sets out the Burdens of Proof (per BZA Form 121) that would apply if a variance is needed at all.

☐ 1.) **The physical characteristics of the property:**

- **a) makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – i.e., shape and size of the property, unusual topography or slope, soil problems, etc.**
- **b) creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)**

☐ 2.) **Granting the application will not be of substantial detriment to the public good – i.e. traffic, noise, lighting, etc.**

☐ 3.) **Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.**

Unique Physical Characteristics of the Property

The site, as now developed, is unique and is affected by an exceptional situation or condition.

Originally designed as an armory, the building's unique element and feature is its massive oblong dome with cast concrete arches and roof, this covering about two thirds of the area of the main floor. The building is "one of a kind," certainly within the District of Columbia. Thus, the building, by type alone, is "unique." Moreover, the applicant has been encouraged by the Office of Planning and the Ward's Council Member to retain the existing building.

The building was developed across three floors in 1946-1947; a partial mezzanine was added more recently, covering about twenty percent of the present main floor. From the lowest level up, the building consists of:

- a full cellar level, now and likely always used for parking and storage
- an intermediate level that is partly cellar and partly basement. Within this level is are two vehicular access ramps, but only one remains in service as the other is now blocked by partitions. The balance of the area was reconfigured over time, a portion most recently being a restaurant (a non-conforming use under present zoning rules, now vacant), smaller offices, and several large windowless areas apparently used for storage of one sort or another.

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- a main floor and added mezzanine, used most recently as offices and sound stage, formerly a roller skating rink, public hall, and other uses. Most of this main floor is under a large domed arch with as much as 45 feet to its peak.

Applicant proposes to remove the mezzanine of the existing main floor and convert nearly all of the intermediate level to accessory parking spaces for the uses to be established, supplementing the parking already existing in the lowest "cellar" level. By virtue of the relative height of the ceiling of that level to the adjacent outside grade, much of that level "counts" as gross square feet under zoning rules put into effect more than ten years after The Citadel was first built.

The vast vaulted area is inefficient, requiring significant energy to heat and cool the entire volume for a single main floor. To remedy this, applicant proposes to insert a floor within the domed area, the new upper level to be used for general offices and, possibly, some other uses allowed by right. This floor is designed for general offices, but other uses could be considered as permitted by zoning.

To complete the new floor plate, the project requires 11,178 gross square feet more than would be allowed on a lot of 42,490 square feet if restricted to the maximum floor area ratio ("FAR") allowed the range of non-residential uses contemplated if limited to the standard set in §771.2 of the Zoning Regulations pursuant to §1402.2 in the context of this application for a Planned Unit Development, namely 1.5 times the lot area (63,735 . ft.^{2}).

It is important to note that of this 11,178, 8,055 ft.^{2} is utilized herein to create desirable vehicular parking on the P-1 level, replacing former uses that are far less desirable for the overall project (5,841 ft.^{2}) and continue providing a fully enclosed loading area (2,164 ft.^{2}). Developing a partial new floor plate within the domed area is impractical as it would diminish only space that could be used for offices, but still require the same total area outside that to access it and provide essential services such as bathrooms. Applicant concludes that the area required should allow recovery of the space lost to parking and loading (8,055 ft.^{2}) and the relatively small increment of 3,123 additional gross square feet to develop the full floor above the existing main level – which represents just 0.07 FAR.

No Detriment to the Public Good

Without the relief sought, applicant would be forced to provide the grocer with just one floor of parking, sufficient to satisfy zoning requirements served by a single access aisle. This would mean continued play of headlights from exiting cars on the windows of residences facing the exit at night and would make parking for grocer customers challenging, so much so that the overall operation might not thrive.

Moreover, added office space will provide for a daytime population of professionals and those supporting them with an array of technical skills to add daytime vitality to an area better known for, and suffering from, an image of being a nighttime/entertainment area. Purchases by office professionals and staff from nearby businesses would provide added benefits.

Consistent with the Intent and Purpose of the Zoning Regulations

The variance sought, if needed at all, is small in both percentage and absolute terms. Developing the office floor within a pre-existing domed area is logical and akin to development on a lot of peculiar shape or size, sometimes needing variance or special exception relief.

Other Materials Needed for a Variance Application

Applicant believes that all materials needed for a variance application other than the specific application forms and the photographs of the site are contained elsewhere in the PUD record. The application forms and photographs appear on the following pages.

Form 135 — Side 1
(Revised 03/15/02)

Case No.

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*
1631 Kalorama Road, NW	2572	36	RC / C-2-B	1C07

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought*	☐ §3103.2 - Use Variance	☑ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections		§771.2 (only if §1402.2 imposes those limits)	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

1. the agent is duly licensed to practice law or architecture in the District of Columbia;
2. the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
3. the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owners Signature		Owner's Name	Douglas Development, Inc.
Agent Signature		Agent Name	Norman M. Glasgow, Jr.

Date*	02/28/2005	DC Bar No.	957381	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ Accepted for filing.

☐ Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.

☐ Rejected for failure to comply with the provisions of

- ☐ DCMR Title 11 §3113.2; or
- ☐ DCMR Title 11 Zoning Regulations.

Explanation

Signature:		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

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Form 135 — Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	**42,490.0**	**none specified**	**none specified**	**42,490**	**nil**
Lot Width (ft. to the tenth)	**158.48 or more**	**none specified**	**none specified**	**158.48 or more**	**nil**
Lot Occupancy (building area/lot	**95.7%**	**none specified**	**100.0 %**	**95.7%**	**nil**
Floor Area Ratio (floor area/lot area)	**1.34**	**none specified**	**1.5 (but 2.0 PUD)**	**1.76**	**17.3%**
Parking Spaces (number)	**about 50**	**64 regular**	**none specified**	**66 regular, 60 other**	**nil**
Loading Berths (number and size	**2 (at 30')**	**2 (1 30' & 1 50')**	**none specified**	**2 (at 41')**	**nil-grandfathered**
Front Yard (ft. to the tenth)	**0**	**none specified**	**none specified**	**0**	**nil**
Rear Yard (ft. to the tenth)	**0**	**15' 0**	**none specified**	**0**	**nil-grandfathered**
Side Yard (ft. to the tenth)	**0**	**0**	**none specified**	**0**	**nil**
Court, Open (width by depth	**2 (both 6' deep and over 100'wide)**	**13' 9**	**none specified**	**2 (both 6' deep and over 100'wide)**	**nil**
Court,	**none exist**	**none apply**	**none apply**	**none proposed**	**nil**

Closed (width by depth					
Height (ft. to the tenth)	**55'**	**none specified**	**40'**	**40' (new construction)**	**nil**

Form 120 — Exhibit 1
(Revised 04/29/02)

Case No. _____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
1631 Kalorama Road, NW	2572	36	RC/C-2-B	Area Variance	1402.2

Present Use of Property:*	Long vacant, former armory, roller skating rink, public garage, warehouse, restaurant, gasoline station, and offices						
Proposed Use of Property:*	main uses: grocery store and general offices; other to be determined, but as allowed by RC/C-2-B						
Owner of Property:*	Douglas Development, Inc.			Telephone No.:*	(202)638-6300		
Address:*	702 H Street, NW, Suite 400	City:*	Washington	State:*	DC	Zip:*	20001

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

Application No. _____ of Douglas Development, Inc., and Faison Enterprises, pursuant to 11 DCMR §3103.2, for a variance to allow development of gross square footage in excess of that allowed on the property known as The Citadel at 1631 Kalorama Road (Lot 36, Square 2572), the site being located in an RC/C-2-B zone district being considered by the Zoning Commission as a Planned Unit Development (ZC Case 04-30) in the event that the Zoning Commission determines that the provisions of §1402.2 establish limits more restrictive as to gross square footage and floor area ratio than those those allowed for the uses proposed for this PUD in the underlying C-2-B zone district under §2405.2, and where those latter limits are not exceeded by the PUD being considered in this proceeding.

Estimated Construction Cost:	$9,600,000.00	Advisory Neighborhood Commission Single-Member District(s)*	1C07
Date:* 02/28/2005	Signature:		

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:*	Norman M. Glasgow, Jr.						
Address:*	2099 Penna. Ave., NW	City:*	Washington	State:*	DC	Zip:*	20006
Phone No.:*	(202)419-2460	Fax No.:	(202)955-5564	E-Mail:	Norman.GlasgowJr@hklaw.com		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

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Views of The Citadel – 1631 Kalorama Road, NW – Washington, DC 20009
Lot 36, Square 2572

From a vantage point above the intersection of Kalorama Road and Seventeenth Streets, NW, looking northeast:



From a vantage point across Kalorama Road looking west, toward Seventeenth Street showing part of the building's eastern side.



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Additional Views of The Citadel – 1631 Kalorama Road, NW – Washington, DC 20009
Lot 36, Square 2572

From a vantage point on opposite side of Seventeenth Street looking north-northeast along same.



From, a vantage point on opposite side of Seventeenth Street north of the property looking southeast at the Seventeenth Street frontage, with existing loading berth doors in field of view.



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