



GREENSTEIN DELORME & LUCHS, P.C.

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John Patrick Brown, Jr.  
jpb@gdllaw.com

March 30, 2012

**VIA ELECTRONIC MAIL**

Mr. Matthew LeGrant  
Zoning Administrator  
Department of Consumer and Regulatory Affairs  
1100 4<sup>th</sup> Street, S.W., Third Floor  
Washington, D.C. 20024

**Re: 1255 22<sup>nd</sup> Street, N.W.  
Square 70, Lot 193 ("Property")**

Dear Mr. LeGrant:

This firm is counsel for the Property owner with regard to certain proposed minor improvements to the existing seven-story office building ("Building"). Specifically, we are requesting your review and determination that the following minor improvements to the Building will be permitted as a matter-of-right, including: 1) enclosure of the existing open arcades on the ground level; and 2) enclosure of the existing covered balconies on the third and seventh floors of the Building. The attached current photograph of the Building, Exhibit A, and floors plans, Exhibit B, show the open arcades and covered balconies. In both instances, the newly enclosed areas will be used for office purposes. The enclosure of the open arcades will more importantly eliminate dark areas which have become increasingly plagued by homeless people, loitering, trash and other unsafe and unsightly conditions.

The following history of the Property and Building will facilitate your review and determination. The Property is currently zoned DC/CR. In 1989 when the existing Building was constructed, the DC Overlay had not been established and the Property was zoned CR. Based on the attached Zoning Computation Sheet prepared by your office in 1988, the total permitted gross floor area of the Building was 106,382.5 square feet and the total provided gross floor area was 103,150 square feet. Exhibit C. As a result, after construction of the Building, the Property had approximately 3,232.5 square feet of unused gross floor area. Since its original construction, there have been no changes to the Building which would have increased the total gross floor area of the structure. Also, the Property is not a historic landmark or located in a historic district.



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**Enclosure of Open Arcades:**

Based on the Zoning Computation Sheet, the ground level open arcades were included in the determination of the total gross floor area provided. Additionally, there is no evidence on the Zoning Computation Sheet that the open arcades received any “floor area ratio credit” from the maximum permitted gross floor area then allowed by 11 DCMR § 2515.3. In fact, no credit was necessary given the unused FAR or gross floor area that existed. Section 2515.3 was subsequently repealed and § 2524 was enacted, effective November 26, 2010, to govern the enclosure of existing open arcades. Set forth below are the specific provisions of § 2524 and the proposal’s compliance with the applicable restrictions **in bold type**, including:

**2524 EXCEPTIONS TO DENSITY REGULATIONS FOR ENCLOSING OPEN ARCADES**

2524.1 Notwithstanding the repeal of § 2513.3, a building constructed with the additional gross floor area authorized by that provision remains a conforming structure.

- **Not Applicable. No additional gross floor area was authorized and/or required.**

2524.2 Notwithstanding applicable floor-area-ratio limitations, and subject to §§ 2524.3 and 2524.4, an existing open arcade in a building in the SP, W, CR and C districts, may be enclosed.

- **The Building is located in the CR zone and existing open arcades may be enclosed.**

2524.3 An open arcade area enclosed pursuant to § 2524.2 must be solely devoted to retail, arts, or service uses permitted as a matter of right.

- **The enclosed open arcades are not subject to the use restrictions because the open arcades were not established using additional gross floor area under the former § 2515.3.**

2524.4 An open arcade may not be enclosed if it is located in a building that:

- (a) Is a historic landmark or has been designated as contributing to a historic district; and



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- **The Property and Building are not a historic landmark or located in a historic district.**
- (b) The Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building's historic or architectural significance; or
- **The Property and Building are not located in a historic district.**
- (c) If the floor of the open arcade would not be at the same level and continuous with adjacent sidewalk in public space, or would not connect to an existing, adjoining open arcade adjacent to sidewalk in public space.
- **The open arcade is located on the same level and continuous with the adjacent sidewalk in public space.**

**Enclosure of Existing Covered Balconies:**

The existing covered balconies on the third floor (1,156 square feet) and seventh floor (1,156 square feet) were properly included in the total gross floor area of the Building when originally constructed. There have been no changes to the original Building that would have created new or additional gross floor area. Enclosure of the balconies will not create any new or additional gross floor area and the Building will continue to have approximately 3,232.5 square of unused and available gross floor area.

Based on this analysis, we believe that these proposed minor improvements to the Building are in compliance with the applicable Zoning restrictions. If you agree with this analysis, I would greatly appreciate receiving a letter confirming your determination. For your convenience, I have also enclosed a draft confirmation letter for your review. If you need any additional information, or have any questions, please let me know. Additionally, if you think it would be helpful, I am available to meet with you to review this information.



GREENSTEIN DELORME & LUCHS, P.C.

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Thank you for your assistance in this matter.

Very truly yours,

GREENSTEIN, DELORME & LUCHS, P.C.

A handwritten signature in blue ink, appearing to read "JPB", is written over a horizontal line.

John Patrick Brown, Jr.

Enclosures

cc: Claiborne Williams  
Kathleen Beeton, Deputy Zoning Administrator  
Jacques B. DePuy, Esq.

# EXHIBIT A



# West End Court 102,000 SF Available 1255 22nd S, Washington, DC

Robert Hines | 571-451-0019

David Alperstein | 571-451-0018

FD | STONEWATER

# EXHIBIT B

**WEST END COURT**  
 AT  
 1255 22ND STREET, NW  
 WASHINGTON, DC

**FD | STONEWATER**  
 1255 22nd Street  
 Limited Partnership

03-17-2012 09:20 FOR PROPOSED GA

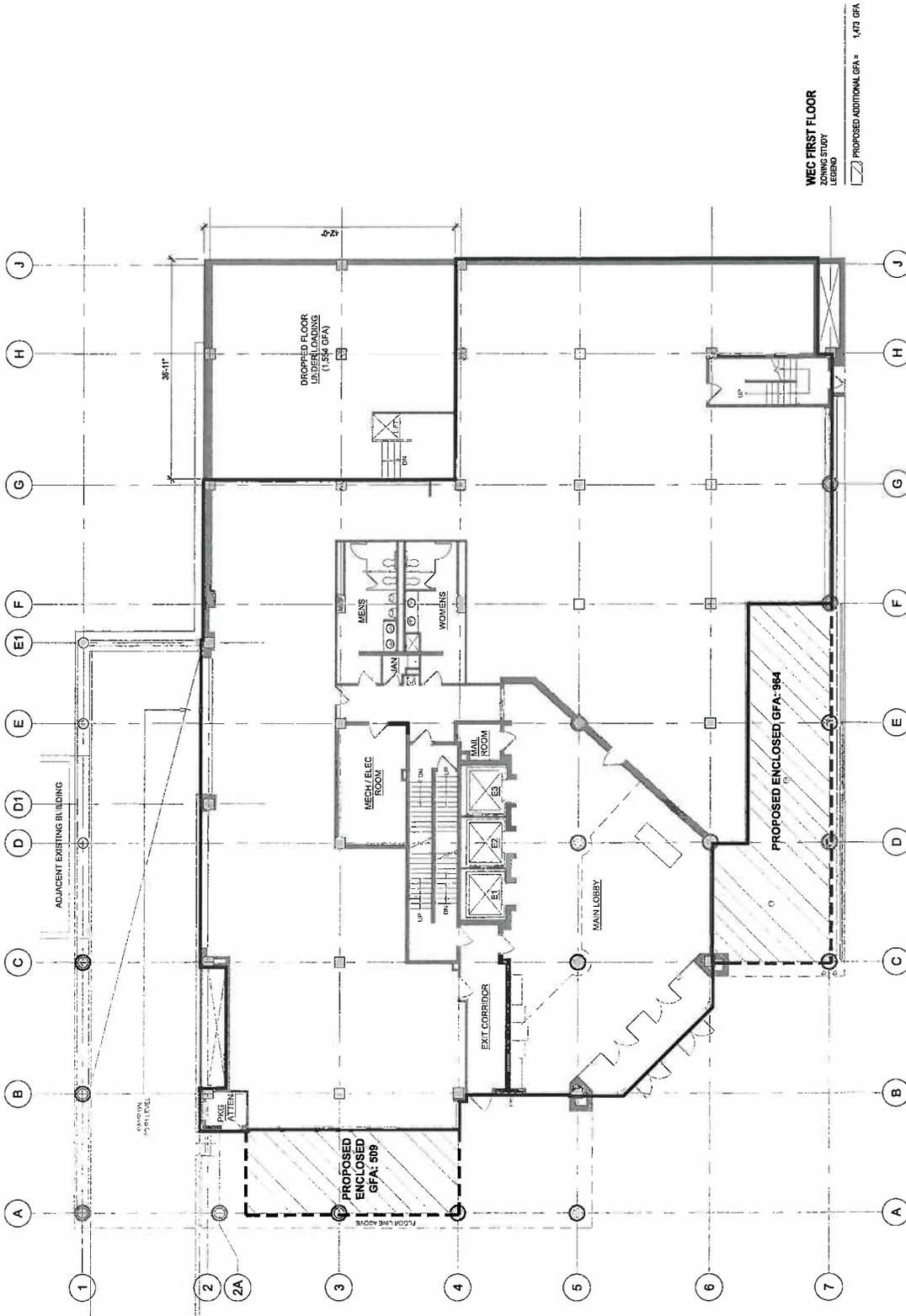
**REVISION HISTORY - THIS SHEET**

**WVBA**  
 ARCHITECTURE & INTERIOR DESIGN  
 WASHINGTON METROPOLITAN ARCHITECTS, LLC  
 1100 K STREET, N.W.  
 WASHINGTON, DC 20004  
 TEL: 202-331-7744 FAX: 202-331-2802

CDM NO. 328.0006.02  
 SCALE 1/8" = 1'-0"  
 DATE MARCH 12, 2012  
 SHEET NO. C1

**ZONING STUDY**

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**WEST END COURT**  
 AT  
 1255 22ND STREET, NW  
 WASHINGTON, DC

**FD | STONEWATER**  
 1255 22nd Street  
 Limited Partnership

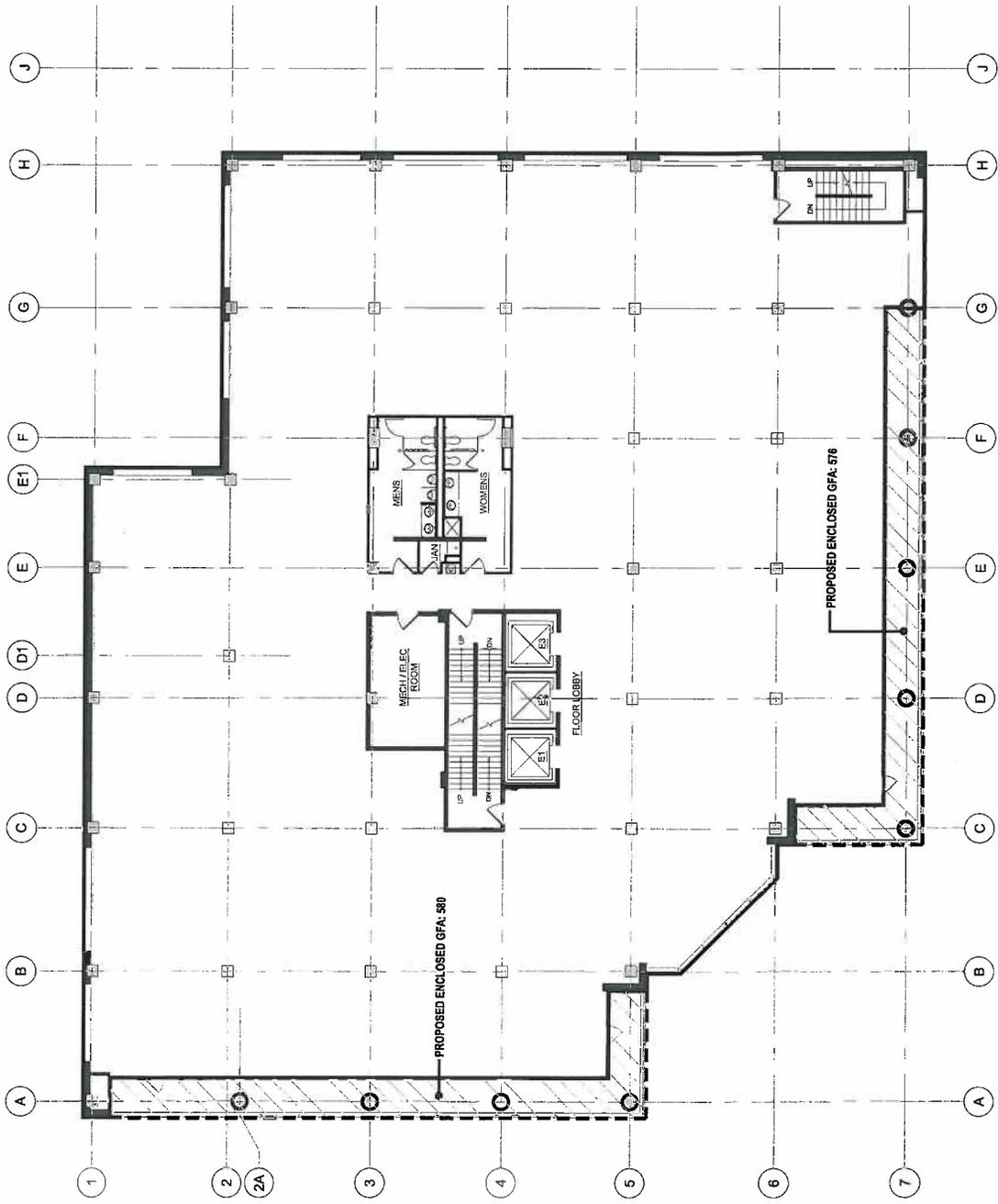
03-12-2012 ISSUED FOR PROPOSED GFA

**REVISION HISTORY - THIS SHEET**

**WBA**  
 ARCHITECTURAL FIRM  
 WASHINGTON ARCHITECTURAL FIRM, LLC  
 1100 K STREET, N.W.  
 WASHINGTON, D.C. 20004  
 PHONE: 202.331.7544 FAX: 202.331.7545

COMM. NO. 5281.005.01  
 SCALE 1/8" = 1'-0"  
 DATE MARCH 12, 2012  
 DRAWN  
 CHECKED

**ZONING STUDY**



**WEC THIRD & SEVENTH FLOORS**  
 ZONING STUDY  
 LEGEND  
 [Hatched Box] PROPOSED ADDITIONAL GFA = 1,186 GFA  
 [Hatched Box] PROPOSED ENCLOSED FLOOR AREA = 2,392 GFA

# EXHIBIT C

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
ZONING DIVISION

FILE NO. 88-68

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner <u>1255-22nd St L.P.</u>		2. Location <u>1255-22nd St NW</u>		3. Square <u>70</u>																			
4. Lot <u>193</u>	5. Zone <u>C-R</u>	6. Use of Building or Structure <u>OFFICE / Acc Parking</u>		7. <u>New</u> Addition to  Alter existing																			
8. Type of Structure <u>Conforming</u> Nonconforming		9. Use of Structure <u>Conforming</u> Nonconforming	10. Width of Adjacent Streets, <u>22nd St R/W 70'</u> <u>Wood St. R/W 50'</u>		11. Width of Adjacent Alleys <u>30'</u>																		
12. Width of Restriction Lines <u>None</u>		13. Application of Act of June 1, 1920 Height of Bldg. <u>110</u> Excess Height <u>None</u>	14. Type of Lot <u>Corner</u> Through Triangular Alley <u>Interior</u>		15. Number of Dwelling Units <u>None</u>																		
16. Lot Area Required <u>N/A</u> Provided <u>19692.41</u>	17. Lot Occupancy Allowed <u>N/A</u> Provided <u>17,199.5</u> <u>92.2%</u> <u>18,160</u>	18. Gross Floor Area Total <u>103,250</u>	19. Cellar Area Total <u>59,076.4</u> <u>4,069</u> <u>63,144.4</u>	20. Floor Area Ratio <u>3.0 = 59,077.23</u> Allowed <u>Transfer = 49,321.3</u> <u>106,397.5</u> Provided: <u>103,150</u>																			
21. Number of Residential Parking Spaces Required <u>-</u> Provided <u>N/A</u> Open Area <u>-</u> Within Bldg. <u>-</u>		22. Number of Commercial Parking Spaces Required <u>58</u> Provided <u>119</u> [ <u>24</u> Comp. <u>95</u> Standard] Open Area <u>-</u> Within Bldg. <u>✓</u>		23. Number of Loading Berths L.B. <u>2 @ 30'</u> Required <u>40 @ 20'</u> Provided <u>Same</u>																			
24. Height of Bldg. Curb, to first floor <u>90'</u> Allowed <u>125'</u> to high point of roof <u>85'25"</u> Grade, to first floor <u>-</u> to ceiling top story <u>-</u> to high point of roof <u>-</u>		25. Number of Stories Allowed <u>N/L</u> Provided <u>7</u> Basement <u>1</u> Cellar <u>2</u>		26. <table border="1"> <tr><th></th><th>Required</th><th>Provided</th></tr> <tr><td>Rear Yard Depth</td><td><u>None</u></td><td><u>None</u></td></tr> <tr><td>Side Yard Width</td><td><u>None</u></td><td><u>None</u></td></tr> <tr><td>Open Court Width</td><td><u>12.8'</u></td><td><u>23'</u></td></tr> <tr><td>Closed Court Width</td><td><u>-</u></td><td><u>-</u></td></tr> <tr><td>Closed Court Area</td><td><u>-</u></td><td><u>-</u></td></tr> </table>			Required	Provided	Rear Yard Depth	<u>None</u>	<u>None</u>	Side Yard Width	<u>None</u>	<u>None</u>	Open Court Width	<u>12.8'</u>	<u>23'</u>	Closed Court Width	<u>-</u>	<u>-</u>	Closed Court Area	<u>-</u>	<u>-</u>
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Closed Court Width	<u>-</u>	<u>-</u>																					
Closed Court Area	<u>-</u>	<u>-</u>																					

REMARKS:

- ① ~~Check for record fee~~
- ② ~~Check for covenant indicating transfer of PRR~~
- ③ ~~Levy. Tracts. Surveyed and d 8/3/84~~
- ④ ~~Requires 10% Public Space w 1969 P or~~
- ⑤ ~~Roof Structure approval - 9/16/88~~
- ⑥ ~~Topo approval~~
- ⑦ ~~PRR - over by 8974 agent~~
- ⑧ ~~Roof - Street set back~~

B. 172 53.75'  
@ middle of 22nd St

COMPLIES WITH REQUIREMENTS OF ZONING REGULATIONS  
9/16/88 W IMP

-106,397.5

Act: John Paine member of findings to Mr. Paine  
within Price - 229-9300  
5/11/88