

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



April 18, 2011

Mr. Christopher H. Collins, Esquire
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006

Re: 3511 13th Street, NW

Dear Mr. Collins:

As detailed below, this letter confirms that an exterior unenclosed egress stairway may be added to the existing residential building at the above address as a matter of right.

The property is located on the east side of 13th Street, NW, just north of Monroe Street, in the R-4 zone. The property measures 7,770 sq. ft. in land area and is improved with a four story plus basement apartment building, greater than 40 ft. in height, containing 25 apartment units. The units are configured along both sides of an interior central hallway that runs east-west, from front to back. There are two existing interior egress stairways located at the west end of the hallway, across from each other at the front of the building, and both open into the building lobby. The most recent Certificate of Occupancy, No. CO 58590, was issued on 7/21/03, but the building has been vacant for approximately four years, and has been condemned by the District.

The contract purchaser proposes to renovate the building, with an interior reconfiguration of units, but keeping the apartment count at 25. Given the level of deterioration of the building, a Level 2 renovation is required. This in turn requires that the building be brought up to Code. The current Building Code requires two means of egress for apartment buildings, with these means of egress located remotely from each other. The current configuration of the means of egress, with two egress stairways located at one end of the hallway, across from each other, both of which open into the interior lobby space, does not meet the current Building Code.

In order to address this deficiency, a new second means of egress is proposed to be included. Retrofitting the interior of the building with a new enclosed stairway that meets the current Code would be cost-prohibitive. The contract purchaser proposes to remove one of the two existing egress stairways and to extend the east end of the interior hallway out to the north side of the building, between two apartment units. The contract purchaser proposes to connect this hallway extension to a new exterior unenclosed egress stairway on the north side of the building, into an open court, providing direct egress to the rear yard and the public alley to the rear (east) of the building. The footprint of this exterior egress stairway will measure

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approximately 6 ft. by 25 ft. The height of the exterior egress stairway will not extend beyond the height of the floor level of the fourth story, except for a safety railing required by the Building Code.

The building is nonconforming as to height, rear yard and lot occupancy, with a nonconforming apartment house use. My position is that the introduction of an exterior unenclosed egress stairway in the open court is permitted as a matter of right under 11 DCMR Section 2002.4, in that it is an "ordinary repair, alteration and modernization" to the building, as well as a "structural alteration...required by other municipal law or regulation", and a "structural alteration to a lawfully existing nonconforming...apartment house within a Residence district." This egress stairway does not add any occupiable space to the building and is necessary to meet life safety requirements of the Building Code. The egress stairway location will not diminish the width of the existing open court. The open court is irregular in shape, and thus the width of that court is determined by inscribing the largest circle within the court. Such a circle can be inscribed within that open court without intersecting with the footprint of the exterior egress stairway.

Please feel free to contact me if you have any questions.

Sincerely, 

Matthew LeGrant
Zoning Administrator

Attachment

File: Determination Ltr re 3511 13th St NW to Collins 4-18-2011