

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



November 16, 2011

Christy Moseley Shiker
Holland & Knight LLP
2099 Pennsylvania Avenue, NW - Suite 100
Washington, DC 20006

Re: Brass Knob: 2329 and 2335 Champlain Street, NW (Lots 103 and 816, Square 2563)

Dear Ms. Shiker:

This is to confirm the substance of our discussions on September 12, 2011, regarding the proposed development of the property located as 2329 and 2335 Champlain Street, NW (Lots 103 and 816 in Square 2563) (the "Site"). You requested that I review whether certain revisions could be made to the project previously approved by the Board of Zoning Adjustment ("BZA").

Background

The Site is zoned R-5-B and is located within the Reed Cooke ("RC") Overlay District. The Site is improved with an existing two-story building that is currently vacant. Development of the Site has been contemplated and proposed for many years. Most recently, the BZA approved an application in Order No. 17431, dated November 28, 2006, to permit an addition to and conversion of the existing building to residential use with the following areas of zoning relief: (1) a special exception under § 1404 to allow an increase in height from 40 feet to 50 feet in the RC Overlay; (2) a variance from §2001.3 to allow an addition to a nonconforming structure (including an increase in lot occupancy from 60% to 92.8%); (3) a variance from §402 to allow an increase in FAR from 1.8 to 2.66; and (4) a variance from §406 from the court width requirements. By BZA Order No. 17431-A dated December 2, 2008, the BZA approved a minor modification to the previously approved project to allow changes including a reduction in the size and configuration of the units; the elimination of the penthouses for the 4th floor units and use of space for resident's lounge, fitness room, restrooms and access for all residents; a reduction in the area of the penthouse; and an accommodation of mechanical equipment in each unit.

Subsequently, the ownership of the Site changed and a modification to the approved BZA case was submitted in late 2010. In Case No. 18167/17431-B, the BZA approved an increase in the number of units from 22 to 31, modifications to the interior and exterior façade of the building, reduction in the lot occupancy relief, and reconfiguration of the parking garage

resulting in a reduction of parking spaces from 21 to 20 spaces. Order No. 18167/17431-B also extended the BZA approval through December 12, 2012.

Proposed Development and Areas of Relief

You informed that your client has the Site under contract to purchase. Your client would like to create a more light-filled project, with a central courtyard and slightly reduced size floor plate. The proposed changes include the following: (1) a re-design of the interior unit layout and penthouse to accommodate the central courtyard; (2) a reduction in the number of units from 31 units to 27 units; (3) a reduction in the number of parking spaces from 20 spaces to 18 spaces; and (4) a redesign of the interior unit layout and penthouse to accommodate the central courtyard. The plans you provided to me dated 10/13/11 entitled “Champlain Street Residences” indicate that the general design and architectural treatment of the exterior façade, including the proposed materials, are the same as that approved in BZA Case No. 18167/17431-B. In addition, you explained that there would be no impact on any area of relief previously granted by the Board, as follows:

Special Exception for Height: The Board approved a building having a height of 50 feet in BZA Case Nos. 17431, 17431-A, and 18167/17431-B. The proposed design maintains a maximum height of 50 feet in accordance with the approved plans.

Variance for Non-Conforming Structure § 2001.3/Lot Occupancy § 403: BZA Case No. 17431 and 17431-A approved a lot occupancy of 92.8%. In BZA Case No. 18167/17431-B, the BZA approved a lot occupancy of 88.22% on the first two levels and 60% on the 3rd and 4th levels. The proposed design further reduces the lot occupancy to 80% on the first two levels and maintains 60% on the 3rd and 4th levels.

Variance for FAR § 402: BZA Case Nos. 17431, 17431-A, and 18167/17431-B each approved a maximum FAR of 2.66. The proposed project proposes a slightly reduced FAR of 2.64.

Variance for Courts § 406: In each of the previous BZA cases, variances were granted for courts to different extents. You presented plans to me evidencing that all proposed courts within the project now fully comply with the Zoning Regulations. Thus, this relief is no longer necessary. Specifically, the courts included in the project satisfy the requirements as follows:

Court # and Location	Required and Provided Width (based on height of court)	Required and Provided Area (if applicable)
Court #1 - Central Interior Courtyard - Closed Court	Required Width: 20' 2" Provided Width: 25' 1"	Required Area: 816 sf Provided Area: 861 sf
Court #2 - Rear of Building	Required Width: 6'	Not applicable

starting at 3 rd Floor - Irregularly Shaped Open Court	Provided Width: 18'	
Court #3 - Front of Building starting at 3 rd Floor - Open Court	Required Width: 6' Provided Width: 14' 6"	Not applicable
Court #4 - Auxiliary Interior Courtyard - Closed Court	Required Width: 16' 0" Provided Width: 21' 2"	Required Area: 512 sf Provided Area: 523 sf

In addition to the courts identified above, the project incorporates a court niche at the northwest corner of the building at the primary street entrance. This space is approximately 11 feet, 6 inches by 6 feet and serves as an indentation, recess or decorative architectural treatment of the exterior wall which opens onto a street. No portion of the court niche may be farther than three feet from a point where the court niche is less than three feet, pursuant to Section 406.3 of the Zoning Regulations. This court niche is identical to that shown on the plans approved in BZA Case No. 18167/17431-B.

Proposed Development and Other Zoning Requirements

You informed me that all other aspects of the proposed development comply with the Zoning Regulations. We specifically discussed the following zoning requirements:

Parking: In the R-5-B District, parking is required at a rate of 1 space for each 2 dwelling units. With the 27 units proposed, the total parking required would be 14 parking spaces. However, you informed me, and the BZA Orders confirm, that no parking is required for the Site due to the existence of 25 parking credits.

Loading: No loading is required for apartment houses having less than 50 dwelling units pursuant to Section 2201.1. Because this project will have 27 units, no loading is required.

Roof Structures: The roof structure continues to have a maximum height of 11 feet, 2 inches. The roof structure is set back from each exterior wall a distance at least equal to its height above the roof upon which it is located. Consistent with past interpretations, no set back is required from a party wall or from an interior court yard as neither of those walls constitutes an exterior wall. The proposed use of the roof structure is consistent with that approved by the BZA in Case No. 18167/17431-B.

Inclusionary Zoning: This project is exempt from the requirements of Chapter 26 (Inclusionary Zoning) pursuant to Section 3202.6 of the Zoning Regulations.

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Based on my consideration of the foregoing, I believe that the proposed modifications are within the scope of the plans approved by the BZA. The proposed modifications reduce the extent of the variances approved by the BZA and do not create any other area of nonconformity. Therefore, upon proper presentation of plans, I will approve a building permit application for this proposed development with the modifications described above and as shown on the plans that you presented to me as being in compliance with BZA Order No. 18167/17431-B.

Please let me know if you have any further questions.

Sincerely, 

Matthew Le Grant
Matthew Le Grant
Zoning Administrator