Intervenor's Case in Chief

Appeal No. 17127-A
5111 Connecticut Avenue NW

Prepared by Pillsbury Winthrop Shaw Pittman LLP

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17127-A
EXHIBIT NO. 36

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Limited Remand

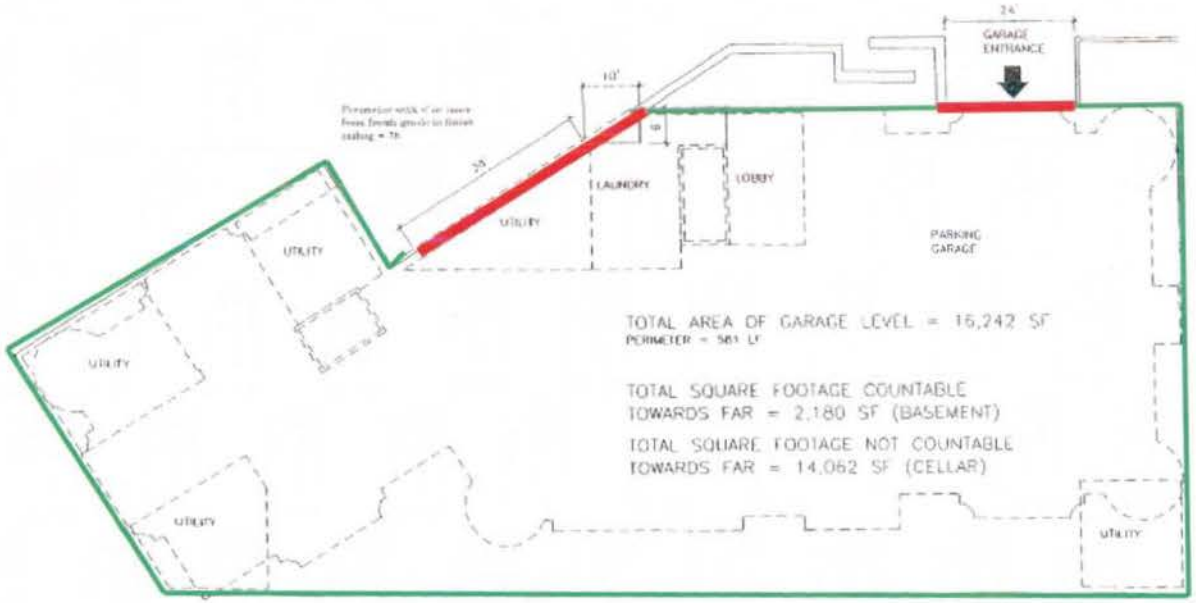
- Impact of trash enclosure relocation on FAR of building
- Impact of trash enclosure relocation on required delivery space

- NOTE: Court affirmed BZA conclusion that trash enclosure was an accessory structure.

History

Permit	Issued	Type of Work	BZA Appeal Outcome	FAR	Perimeter	Reconsideration
B435464	3/8/01	Base Building	Denied by BZA on all issues, incl. FAR, yards, & loading (16716A). BZA makes finding on FAR and perimeter wall affirming Sunrise's calculations.	3.47	11.90%	BZA denied reconsideration and affirmed FAR calculations of ZA (16716B, p 3); ZC reversed in part sua sponte on roof structure issue but does not require a remand.
B442149	1/22/02	Mod. - roof	Denied by BZA on roof structure and FAR issues (16879). BZA notes there "may have been a slight decrease in FAR"	↑ No increase in perimeter or FAR ↓		Denied as untimely (16789A)
B453159	7/15/03	Mod. - elevators	Dismissed by BZA (17127, Tr. 293, 302)			
B454596	8/13/03	Mod.	Dismissed/ Withdrawn (17127, Tr. 294, 302)			
B454523	8/19/03	Mod. - 6th Floor	Withdrawn (17127, Tr. 302)			
B454315	8/25/03	Mod. - 7th Floor	Dismissed by BZA as untimely (17127); affirmed by DCCA			
B454064	9/3/03	Mod. - interior	Withdrawn (17127, Tr. 302)			
B456618	11/7/03	Mod. - Floors G, 1-3	Dismissed by BZA on all issues (17127); DCCA affirms rear yard/accessory structure; remand by DCCA for hearing on FAR and loading only	**No increase**		Remand limited to FAR and loading

History: Building Perimeter and FAR



78 LF / 655 LF = 11.9%
16,242 SF x 0.119 = 1,933 SF

5111 CONNECTICUT AVENUE
GARAGE LEVEL PLAN

SUNRISE
CONNECTICUT AVENUE, WASHINGTON, DC

History: Building Perimeter and FAR

BZA Appeal No. 16716-A

Floor Area Ratio ("FAR") Calculations

24. FAR for the building was calculated correctly in that the gross floor area calculations included all the portions of the building that are to be counted pursuant to the definition of gross floor area and correctly excluded the areas for which the Zoning Regulations specifically provide exemptions. For example, ventilation and utility shafts and rooftop terraces are excluded, but interior balconies are included.

29. The Zoning Administrator uses a perimeter calculation to determine the ratio of gross floor area that would constitute a basement by applying the definition of basement or cellar and prorating the amount of square footage that is devoted to each function. Testimony of Bello.

30. The portion of the building's lower level that qualifies as basement was correctly counted and included in the building's FAR. The FAR computations correctly excluded a portion of the garage level of the building because only 11.9% of that level constitutes basement space as defined in 11 DCMR §199.1.

31. FAR calculations were based only on the lot area of the R-5-D portion of the split-zoned site.

32. The building's FAR of 3.47 fully complies with the 3.5 limit applicable in the R-5-D zone.

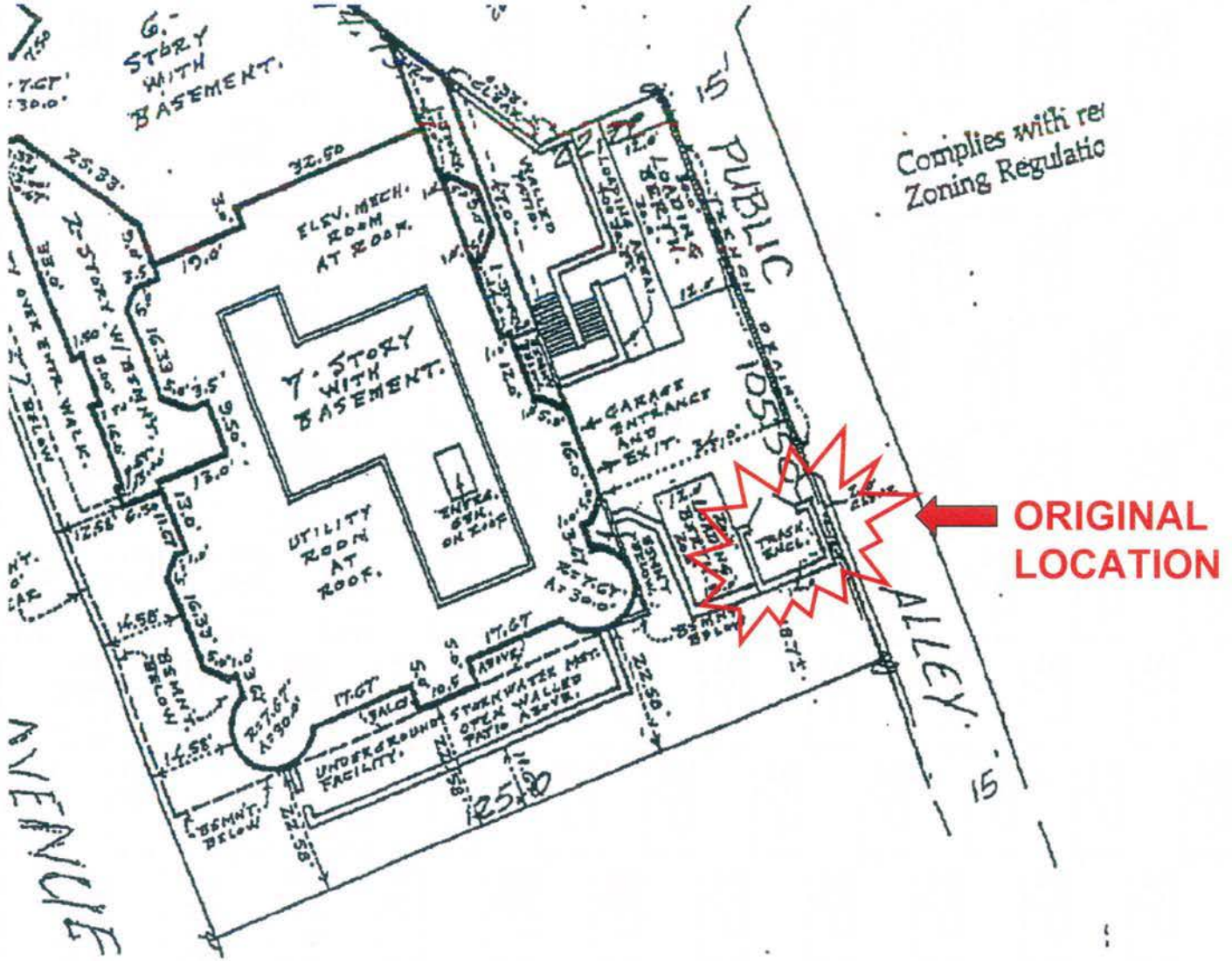
33. Appellants' FAR computations were erroneous in many respects. The computations improperly included rooftop penthouses. The rooftop terrace over the low roof of the second floor was improperly counted toward FAR as if it were an exterior balcony. The appellants did not apply the perimeter wall computation correctly in determining the gross floor area of the lower level of the building in that they incorrectly measured from adjacent finished grade to the underside of the slab rather than the finished ceiling. This error resulted in an overstatement of the basement area and, accordingly, an overstatement of gross floor area.

History: Building Perimeter and FAR

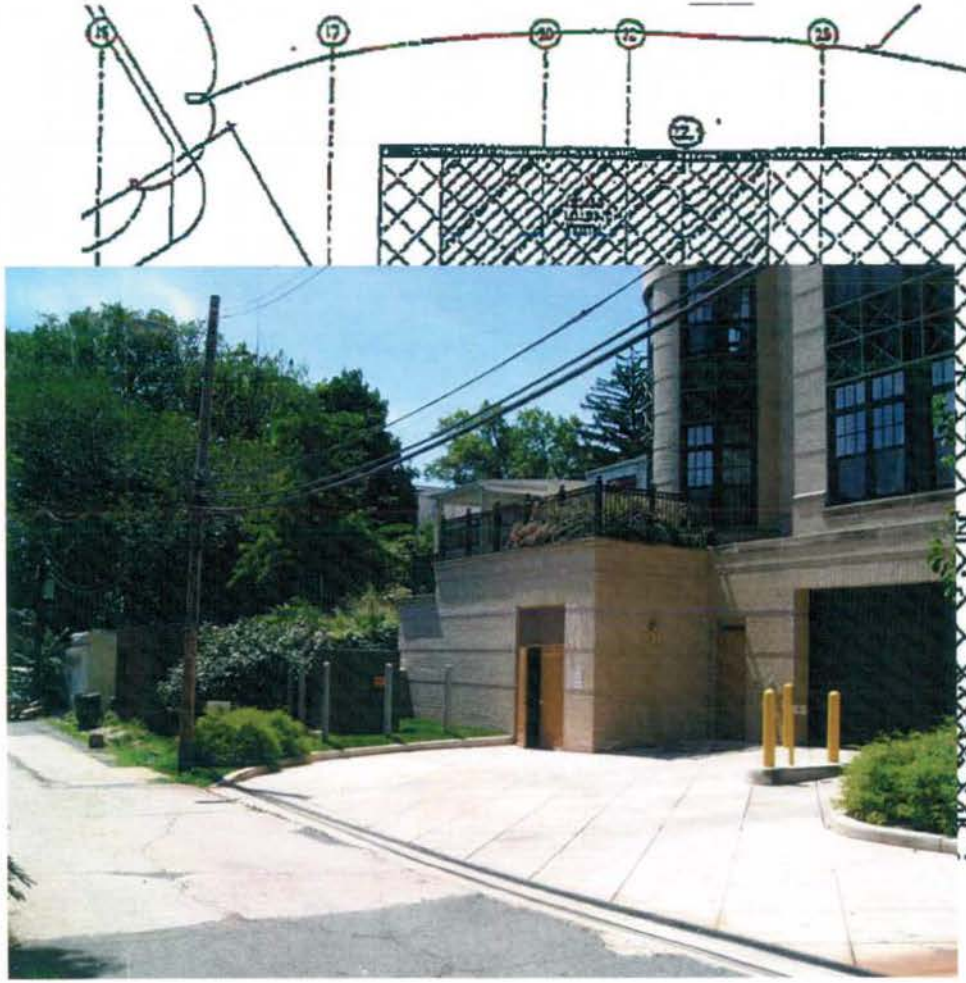
- Original application of perimeter wall test and overall FAR of 3.47, which was affirmed by BZA, is still valid.

Issue 1 – Trash Room Relocation

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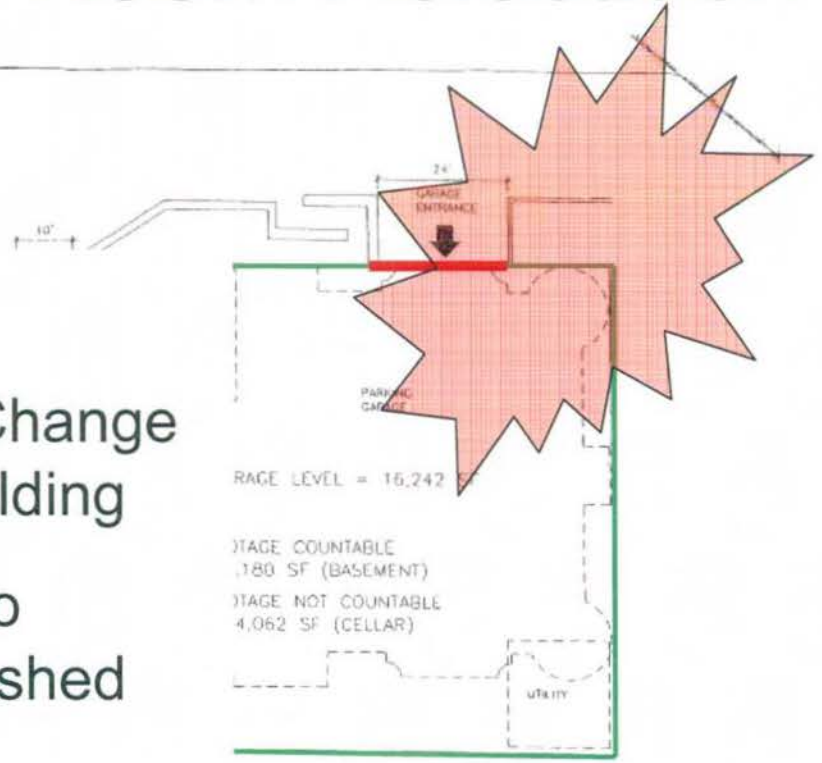
- Trash Room is an Accessory Structure Permitted in the Rear Yard

- Trash Room Does Not Impact FAR:
  - **Structurally Separate**: Does Not Increase Building Perimeter
  - **Built into Retaining Wall**: Does Not Increase the Portion of the Garage Level Considered to Have a Ceiling Four Feet or More Above the Adjacent Finished Grade

Issue 1 – Trash Room Relocation

No Impact on FAR

- Structurally Separate: No Change in Perimeter of the Main Building
- Built into Retaining Wall: No Change in the Adjacent Finished Grade



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16,242 SF x 0.119 = 1,933 SF

5111 CONNECTICUT AVENUE
GARAGE LEVEL PLAN

SUNRISE
CONNECTICUT AVENUE, WASHINGTON, DC

Issue 2 – Delivery Space Relocation

History: Loading
BZA Appeal No. 16716-A

Parking and Loading

68. The proposed loading dock and berth fully satisfy the requirements of the Zoning Regulations.

69. The convenience of use or the exact manner in which the loading facilities will function is beyond the purview of the review of the Zoning Administrator.

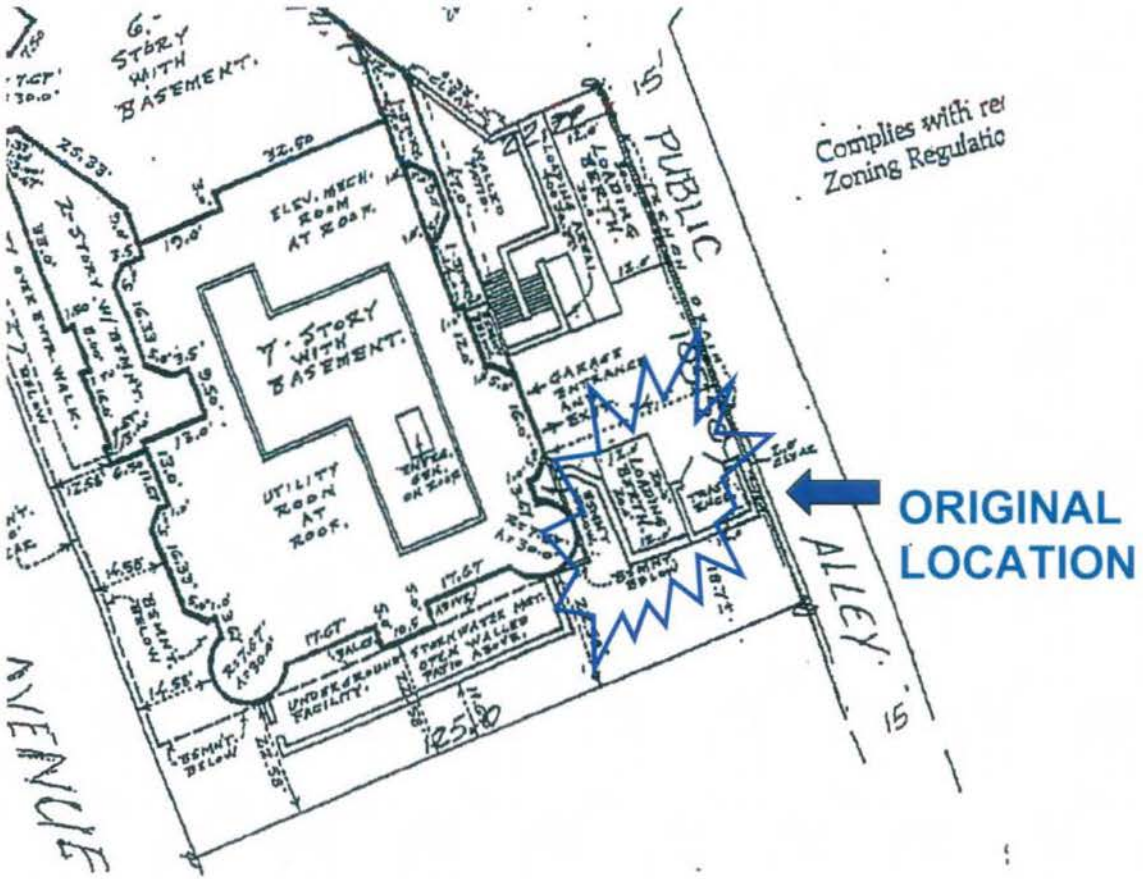
70. The approved plans adequately depict the location of the loading berth, loading platform and service delivery space. The plans show that the loading platform is contiguous to the loading berth and that there is unobstructed access from the berth to the platform.

71. The Zoning Regulations do not provide a ratio for loading spaces. The Zoning Administrator correctly applied the ratio required for any other use in all districts.

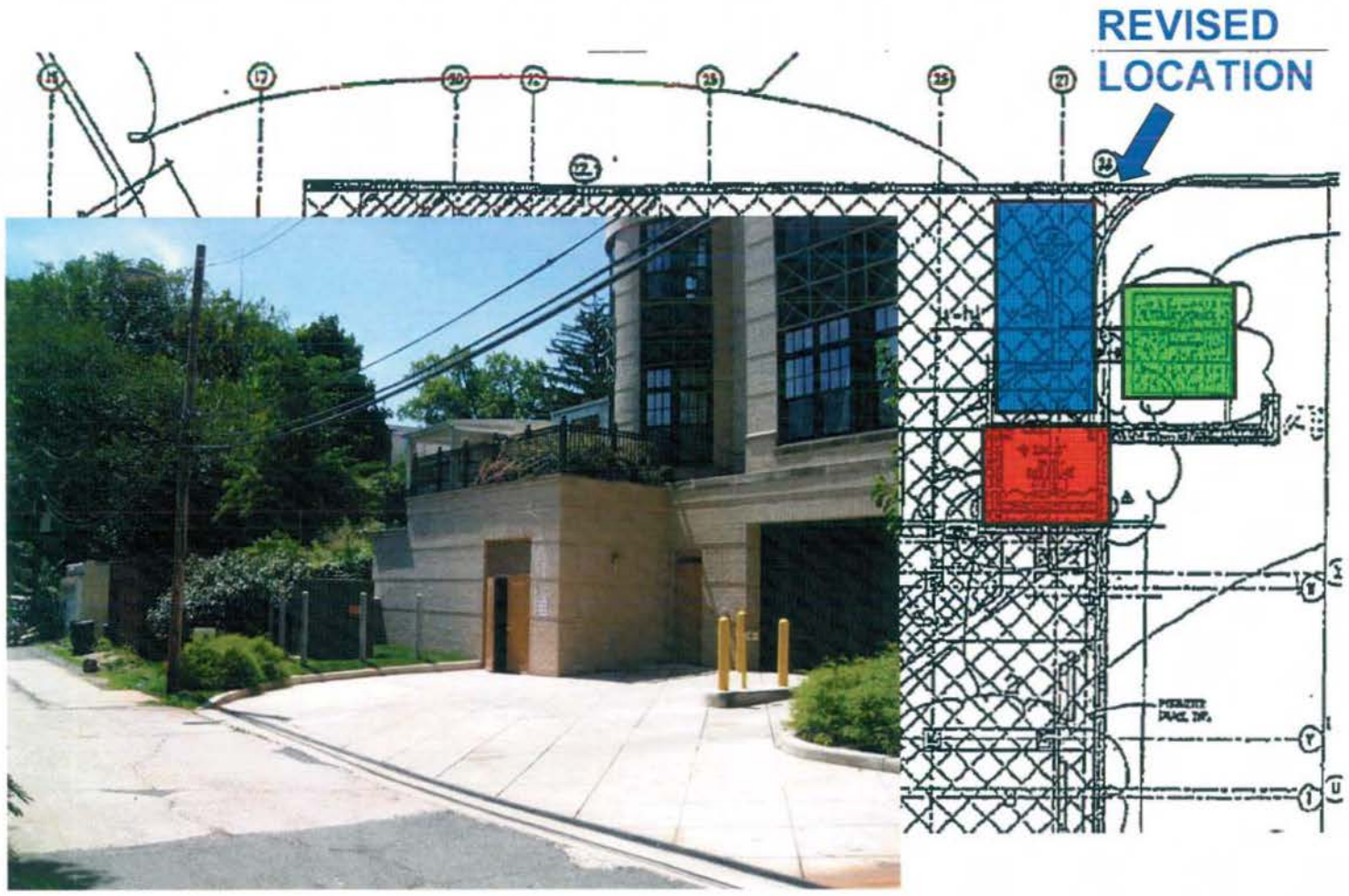
Loading Requirement (all other uses less than 100,000 s.f.)

- One 30-foot loading berth
- One 20-foot delivery space

Issue 2 – Delivery Space Relocation



Issue 2 – Delivery Space Relocation



Issue 2 – Delivery Space Relocation

- Relocation of the trash room caused the 20-foot delivery space to be moved.

- Delivery space was rotated 90 degrees and is now perpendicular to the alley.

Conclusion

- Relocation of trash room did not impact application of perimeter wall test or otherwise increase FAR
- 20-foot delivery space was rotated 90 degrees but is still provided on site.
- **5111 Connecticut Avenue NW complies with the Zoning Regulations.**