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February 1, 2011

VIA HAND DELIVERY

Board of Zoning Adjustment
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Suite 210S
Washington, DC 20001

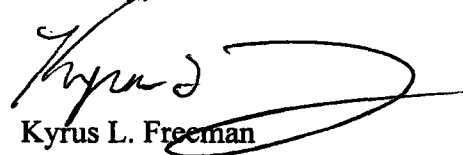
Re: Application No. 18167 - PreHearing Statement of the Applicant

Honorable Members of the Board:

On behalf of Kings Creek LLC (the "Applicant"), enclosed please find one original and twenty copies of the Applicant's prehearing submission in support of its application for interior and exterior modifications to plans approved by BZA Order Nos. 17431, and 17431-A, and an increase in the number of dwelling units from 22 to 31, to allow an addition to and conversion of an existing building for residential use in the RC/R-5-B District at premises 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816).

Thank you for your attention to this application.

Sincerely,



Kyrus L. Freeman

Enclosure

cc: Maxine Brown-Roberts, Office of Planning (Via Hand, with enclosure)
ANC 1C (Via U.S. Mail, with enclosure)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18167
EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 18167
EXHIBIT NO. 26A1

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

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**APPLICATION OF
KINGS CREEK LLC**

**BZA APPLICATION NO. 18167
HEARING DATE: FEBRUARY 15, 2011
ANC 1C**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Kings Creek LLC (the "Applicant"), the owner of property located at 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816) (the "Site"), in support of its application, filed pursuant to Section 3129.7 of the Zoning Regulations, for the approval of modifications to the plans approved by the Board of Zoning Adjustment (the "Board") in Order Nos. 17431 and 17431-A, including exterior design modifications, and an increase in the number of dwelling units from 22 to 31, to allow an addition to and conversion of an existing building for residential use in the RC/R-5-B District at the Site.

**II.
JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the modifications relief requested herein pursuant to Section 3129.7 of the Zoning Regulations.

III.
EXHIBITS IN SUPPORT OF THE APPLICATION

- Exhibit A:** Portions of the Baist and Sanborn Atlas plats showing the Site;
- Exhibit B:** Portion of the Zoning Map showing the Site;
- Exhibit C:** BZA Order Nos. 17431 and 17431-A;
- Exhibit D:** Approved Architectural Plans and Drawings;
- Exhibit E:** Modified Architectural Plans and Drawings;
- Exhibit F:** Outline of Testimony of Dave Cordingley, Kings Creek LLC;
- Exhibit G:** Outline of Testimony of Bill Bonstra, FAIA, Bonstra | Haresign Architects; and
- Exhibit H:** Outline of Testimony of Bobby Meehling, CBRE.

IV.
BACKGROUND

I. Procedural History of this Application

The Applicant filed BZA Application No. 17431 on September 12, 2005. In that case, which was approved on May 2, 2006, the Board granted a special exception under § 1403 to allow a building height of 50 feet in the Reed Cooke Overlay, a variance from subsection 2001.3 to permit an addition to a nonconforming structure, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements of § 406, to allow an addition to, and conversion of, the existing building on the Site for residential use. In Application No. 17431-A, which was approved on November 18, 2008, the Board approved minor modifications to the approved plans. Copies of Order Nos. 17431 and 17431-A are included as Exhibit C of this submission. A copy of the Approved Architectural

Plans and Drawings is attached hereto as Exhibit D. The Applicant requests that the entire record in Application Nos. 17431 and 17431-A be incorporated by reference in this Application.

II. Background Information Regarding the Site

The Site is zoned RC/R-5-B and is located at 2329 & 2335 Champlain Street, N.W. Square 2563 is generally bounded by Kalorama Road on the south, Ontario Road on the east, Euclid Street on the north, and Champlain Street on the west. Lot 103 consists of approximately 9,771 square feet (measured) and is occupied with a two story masonry and stone commercial/industrial building that was developed in 1924 with a footprint of 9,395 square feet. The existing lot occupancy of Lot 103 is approximately 97 percent. The height of the existing structure is 24.5 feet. The total existing building FAR is 1.9. Prior uses of the building have included office, garage, warehouse, and retail. Lot 816 consists of approximately 1,008 square feet of land area and is located directly north of Lot 103 on Champlain Street. Lot 816 is occupied with a small two story commercial building. The combined lot occupancy for Lots 103 and 816 is approximately 92.8%.

III. Description of Proposed Modifications

Subsequent to the Board's approval of the project pursuant to Order No. 17431, and modifications pursuant to Order No. 17431-A, and as reported by numerous economic experts in statements made in the mass media, the District of Columbia and the United States began to suffer one of the most significant

economic downturns since the Great Depression of the 1930's, and the market for new residential developments evaporated. Despite the initial owner's efforts to redesign the project and convert it from condominium to a rental apartment building, and to undertake numerous and significant cost-cutting efforts to reduce construction costs and to make the units affordable to the rental market, the owner was ultimately unable to move forward with the approved project. The owner has determined that the units as originally designed and approved are too large for the current market. Given the improving market conditions, the Applicant is seeking BZA approval to modify the approved plans to make the building's design and unit layout more practical and buildable given current market conditions.

Section 3129.6 of the Zoning Regulations authorizes the Board to grant requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. 11 DCMR §3129.6. Other modifications may be requested per Section 3129.7. The scope of a hearing conducted pursuant to Section 3129.7 is "limited to the impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision." 11 DCMR § 3129.8. Accordingly, the Applicant filed this Application for approval of these modifications. As discussed below, the modifications requested by the Applicant pursuant to this application will have no substantial impact in the overall project as approved by the Board.

As shown on the Modified Architectural Plans and Drawings attached hereto as Exhibit E, these modifications result in the following changes to the approved

plans:

1. Lot Occupancy – The building's lot occupancy will be decreased from 92.80% to 88.22% at the 1st and 2nd floors. This reduction in lot occupancy is due to a slight decrease in the building footprint at the location of the existing frame structure on Lot 816, as well as the elimination of a small previously proposed addition on the rear of the existing structure on Lot 103. The lot occupancy on the 3rd and 4th floors will remain at 60%. These changes decrease the lot occupancy and thus do not require any additional relief from the Board.

2. Revised Design and Increase in Number of Residential Units - In response to market conditions favoring smaller residential units, as well as the Applicant's desire to simplify and rationalize the interior building configuration and exterior façade treatments, the Applicant has modified the prior-approved plans. As shown on the plans included with this application, the Applicant has increased the number of proposed residential units from 22 to 31. In addition, the proposed projections on the Champlain Street façade shown on the approved plans have been eliminated in order to comply with building code requirements, and to simplify the building envelope. Moreover, in order to accommodate both the increased number of residential units and to provide a sufficient number of parking spaces, the interior configuration of the building's core -- including the elevator, egress stairs, and internal corridors -- and the lower level of the parking access ramp have been modified. In addition, the parking garage layout has been revised to accommodate

the revised core and ramp configurations and an adequate number of full-size zoning-compliant parking spaces.

As a result of the increase in number of units, the elimination of the projecting bays, and the reconfigured interior core, the proposed façade elevations have been slightly revised, but have retained the overall aesthetic intent of the approved project. The Applicant has also made changes to the configuration of the penthouse structure to increase the proposed setbacks. The Applicant has also relocated the building's main lobby entry and canopy from the south end of the proposed building to the north end of the building in the slightly set-back new construction extending onto Lot 816. In addition to accommodating the rationalized core configuration needed for the additional units, the revised entry location allows for the elimination of the previous entry/canopy projecting into the Champlain St. R.O.W. from the façade of the existing building on Lot 103. None of these changes require any additional zoning relief from the Board.

3. Parking - As the Board previously noted in Order No. 17431, no parking is required for this proposed use because the parking credits generated by the prior uses on the Site exceed the new residential parking requirement. The record in case No. 17431 indicates that the prior uses on the Site generate a parking credit of 25 spaces. However, if parking were required, the required ratio would be one space for each two dwelling units, or 16 spaces. The Applicant proposes to provide 19 parking spaces in the proposed garage, and one space on the surface at the rear of the building, which is a reduction of one space from the 21 spaces

approved by the Board. The parking garage will continue to be accessed at the rear of the building through the alley and will have no impact on pedestrian passageways along the sidewalk. Given the Site's proximity to the public parking garage directly across Champlain Street, and to several Metro Bus lines, the proposed parking will be sufficient to meet the anticipated parking demand, and as the Board has already found, the development will not cause any objectionable traffic conditions in the immediate area.

In conclusion, the Applicant submits that all of the modifications to the approved plans can be approved by the Board pursuant to its authority under Section 3129.7.

V.

WITNESSES

- A. Dave Cordingley, Kings Creek LLC
- B. Bill Bonstra, FAIA, Bonstra | Haresign Architects
- C. Bobby Meehling, CBRE.

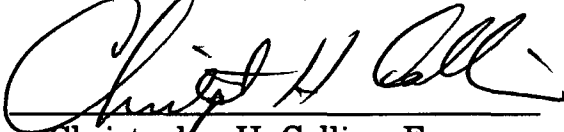
VI.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: 
Christopher H. Collins, Esq.

By: 
Kyrus L. Freeman, Esq.
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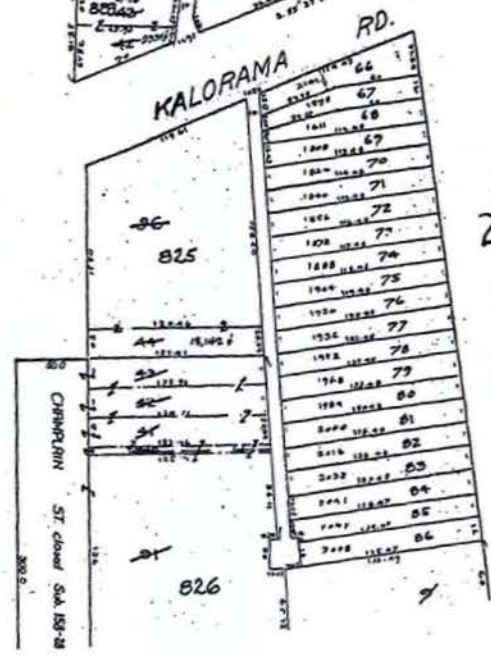
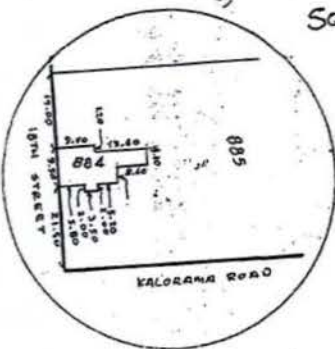
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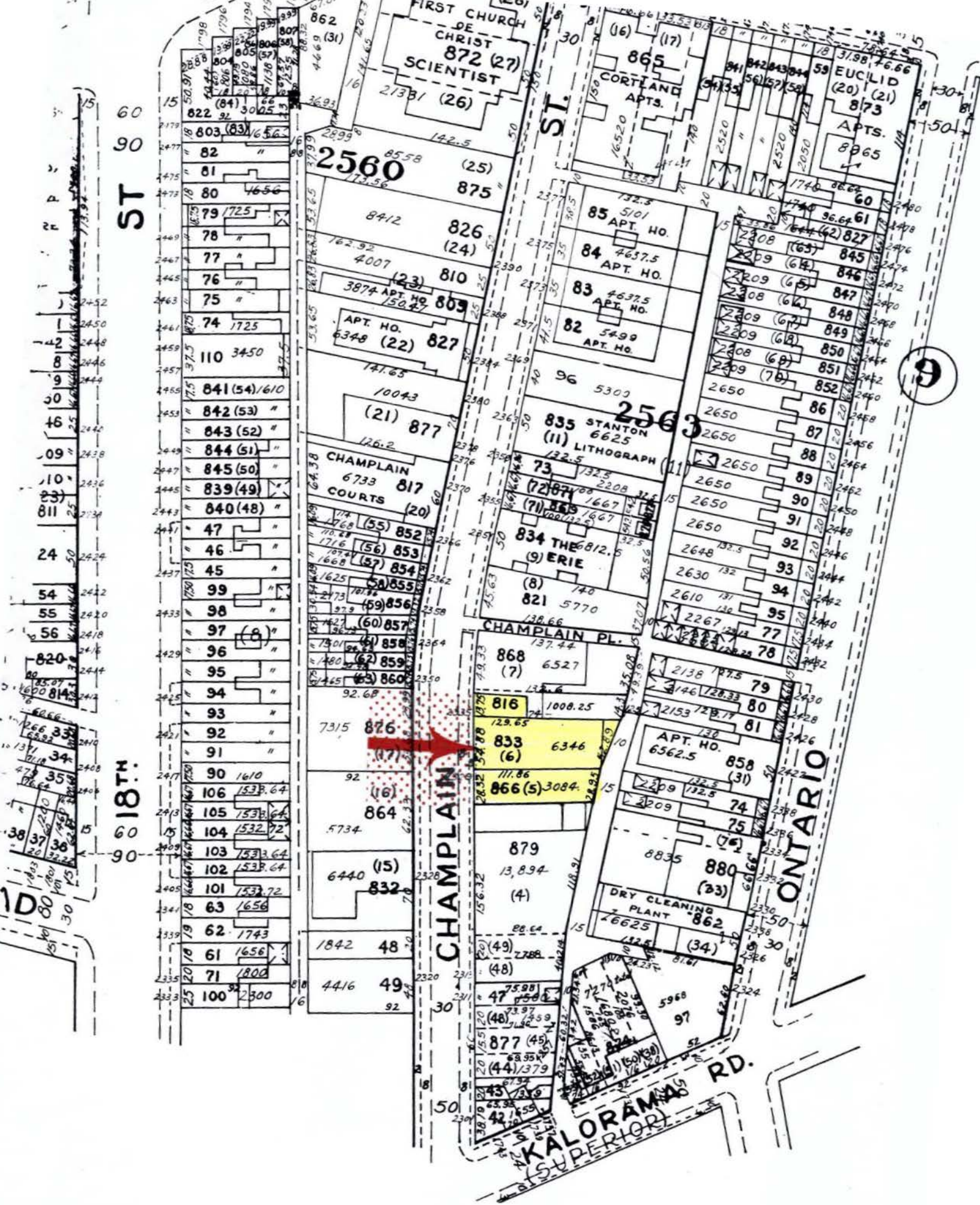


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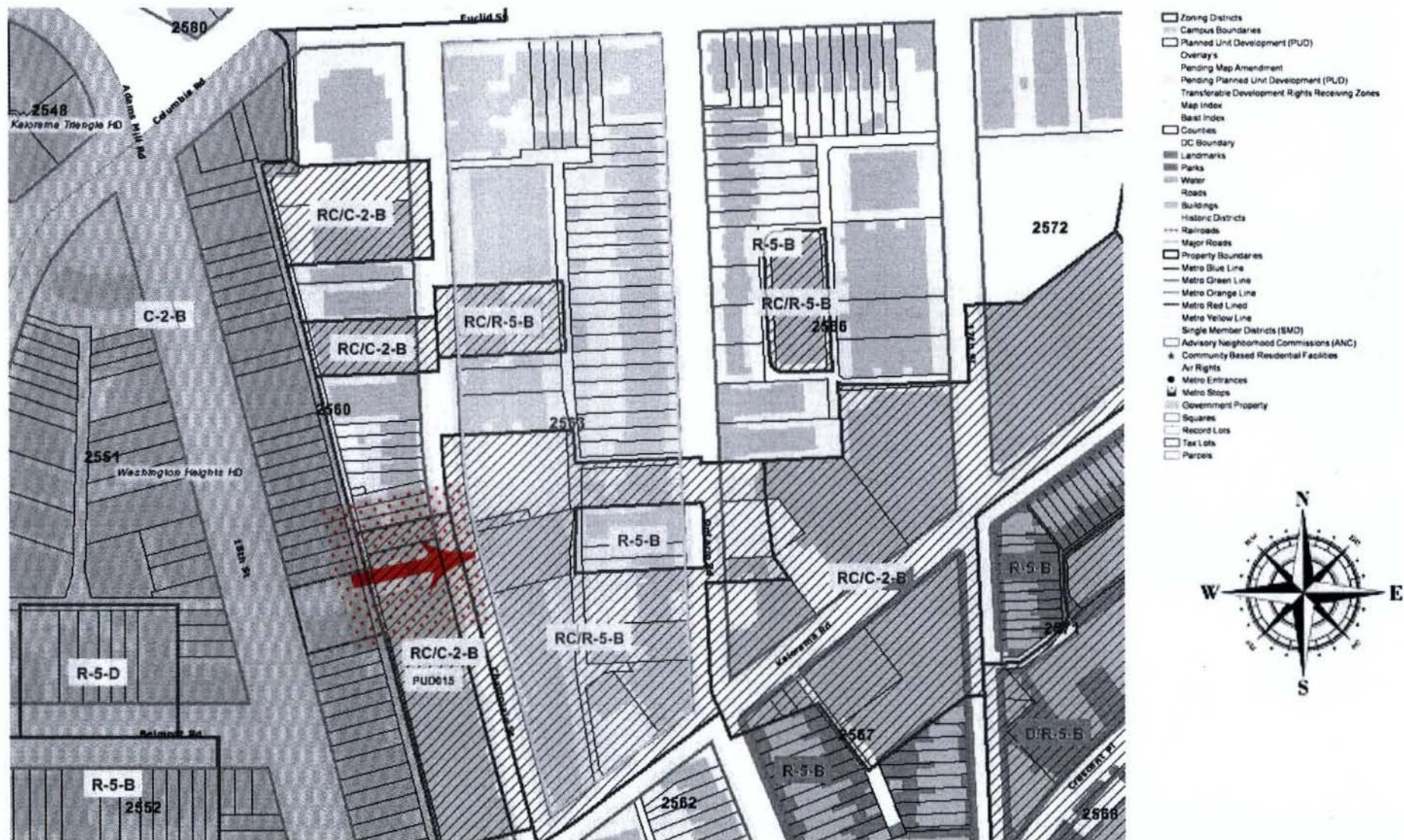
SQ 2562





B

District of Columbia Zoning Map



Note 1: Development restrictions depend on a combination of zoning and overlays. Where overlays are present, refer to the zoning regulations for more detailed information.

C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17431 of King's Creek, L.L.C., pursuant to 11 DCMR § 3104.1 and 3103.2, for a special exception to allow a building height of 50 feet in the Reed Cooke Overlay, under § 1403, and a variance to permit an addition to a nonconforming structure under subsection 2001.3, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements under § 406, to allow an addition to, and conversion of, an existing building, for residential use in the RC/R-5-B district at premises 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816).

HEARING DATE: February 28, 2006 and March 14, 2006
DECISION DATES: May 2, 2006

DECISION AND ORDER

This application was submitted by King's Creek, L.L.C., ("Applicant"), the owner of the property that is the subject of this application ("subject property"). The self-certified application requested a special exception and several variances in order to permit the adaptive reuse of an existing commercial building for residential purposes.

The Board held a public hearing on the application on February 28, 2006, which was continued to, and completed on, March 14, 2006. At the close of the hearing, the Board set a decision date of May 2, 2006. At the decision meeting, the Board voted 3-2-0 to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated September 13, 2005, the Office of Zoning ("OZ") gave notice of the filing of the application to the D.C. Office of Planning ("OP"), the D.C. Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 1C, the ANC within which the subject property is located, the Single Member District member for 1C07, and the Council Member for Ward 1. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing date in the *D.C. Register* and mailed notice of the hearing to the Applicant, ANC 1C, and all owners of property within 200 feet of the subject property.

Requests for Party Status. There were five requests for opposition party status, including one from the Reed-Cooke Neighborhood Association, but only one was granted by the Board. Opposition party status was granted to Mr. John W. Holmes, who is part-owner

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of several nearby properties. The Board determined that he would be uniquely affected if the requested relief were granted.

Applicant's Case. The Applicant presented his own case without the assistance of witnesses. With the aid of his attorney, he presented and explained the architectural renderings and the economic feasibility analysis. He testified concerning all the aspects of both the variance and special exception tests, explaining the uniqueness of the subject property and the practical difficulties arising from it, as well as the lack of harm to the Zone Plan and the benefits to the community resulting from his project.

Government Reports. The Office of Planning submitted a report to the Board dated February 21, 2006, recommending that the lot occupancy¹ and court width variances be granted and that the floor area ratio ("FAR") and expansion of a non-conforming structure variances be denied. OP also stated that it did not support the special exception for the height increase. OP argued that the Applicant had failed to demonstrate any practical difficulty in using the building for residential purposes at its current FAR and height. OP also stated that the Applicant could demolish the building and that the Applicant's submissions did not contain sufficient evidence to support the claim that remediation of late-discovered soil conditions was overly financially burdensome.

ANC Report. The ANC submitted two reports to the Board, the first based on the original application and the second based on a revised set of plans that, according to the ANC, "materially altered certain features of the project." Both ANC reports resulted from properly-noticed meetings with quorums. The first ANC report was dated February 21, 2006, and stated that, at a regularly-scheduled meeting on February 1, 2006, which was continued to February 15, 2006, the ANC decided to take no position with respect to the variances requested, but voted to recommend denial of the special exception to allow a 50-foot height. After reviewing the changed plans at a meeting on March 1, 2006, the ANC submitted its second report, dated March 6, 2006, stating that it now recommended approval of the variances and took no position with respect to the special exception to allow a 50-foot height.

Persons in Support and in Opposition. The Board heard testimony in support and in opposition to the application and received letters expressing support or opposition, including a letter in support from Councilmember Jim Graham.

¹The Office of Planning treated the application as needing a variance from lot occupancy, but the building as it exists is nonconforming as to lot occupancy. No variance is necessary to "permit" or "confer" this nonconforming status. What is necessary is a variance from § 2001.3 because of this nonconformity.

FINDINGS OF FACT

Background

1. The subject property is comprised of two lots, 103 and 816, in Square 2561, at address 2329 and 2335 Champlain Street, N.W. It is located within an R-5-B zone district and within the Reed-Cooke Overlay District.
2. The subject property fronts on Champlain Street and is bounded in the rear by a 15-foot wide public alley.
3. Champlain Street is 50 feet wide at this location.
4. Lot 103 of the subject property is improved with a two-story granite building built in 1924 and used in the past as office space, a warehouse, a garage and auto showroom, and most recently, as a retail establishment. The building is now vacant.
5. The two-story existing building is not a designated landmark or located within an historic district, but it is architecturally unique. It is an attractive building with an unusual stone façade and is prized by the neighborhood.
6. The Applicant was informed by several members of the community that if he attempted to raze the building, they would petition to have it designated an historic landmark by the District of Columbia government.
7. Lot 816 of the subject property is improved with a much smaller two-story building which is attached to the side of the building on Lot 103. This smaller two-story building is also vacant and had also been used in the past for commercial uses.
8. The subject property was located in a C-M-2 (Commercial-Manufacturing) zone district until 1987 when the Reed-Cooke Overlay was adopted and the zoning was changed to RC\R-5-B. Therefore, prior to 1987, the commercial uses in the buildings were permitted as a matter-of-right, but after 1987, they became non-conforming uses.
9. The lot occupancy of the Lot 103 building is approximately 97%, and the combined lot occupancies of the buildings on Lots 103 and 816 is currently 92.8%, both significantly more than the 60% permitted in the R-5-B zone district, but less than the 100% permitted in the former C-M-2 district. *See*, 11 DCMR §§ 403.2 and 842 & 843 (no side yard or rear yard at grade required in a C-M district.)
10. The FAR of the building on Lot 103 is currently 1.9, slightly more than the 1.8 permitted in the R-5-B district, but less than the 4.0 permitted in the former C-M-2 district. *See*, 11 DCMR §§ 402.4 and 841.1.

11. The height of the building on Lot 103 is currently 24.66 feet. The R-5-B zone district permits a maximum height of 50 feet. 11 DCMR § 400.1. The Reed-Cooke Overlay permits a height of only 40 feet, but also authorizes the Board, at 11 DCMR § 1403, to grant a special exception to permit a 50-foot height maximum if certain criteria are met.

The Applicant's proposed project

12. The Applicant proposes to combine Lots 816 and 103 and add a two-story addition on top of the building on Lot 103. The Applicant will demolish the smaller building on Lot 816 and replace it with a 4-story side addition to the Lot 103 building.²
13. The Applicant's project will be wholly residential, in keeping with the R-5-B zone district, and will provide 22 condominium units and 21 below-grade parking spaces, plus four tandem spaces.³
14. The Applicant's proposal will not change the lot occupancy of the building, but will increase the FAR to 2.66.
15. Because the proposed FAR is greater than the 1.9 permitted in the underlying zone, a variance from this limit is required.
16. In addition, because the building is already non-conforming for lot occupancy and FAR, the addition necessitates that the Applicant request a variance from 11 DCMR § 2001.3, which prohibits additions to buildings that do not conform to lot occupancy requirements or that increase an existing nonconformity.
17. The addition of two more floors above the existing building also necessitates that the Applicant request a special exception to permit a height of 50 feet. *See*, 11 DCMR § 1403.
18. In order to ensure light and air to one of the basement-level dwelling units, the Applicant will extend the open court at the rear of the northern-most portion of the building below grade, creating a court with a total height of 60 feet.

²The smaller building on Lot 816 will be razed and the two lots combined. Therefore, from this point on, this Order treats the proposed project as one building, on Lot 103, with one FAR, height, etc.

³No parking is required for the proposed use because the parking credits generated by the prior uses exceed the new residential requirement. If parking were required, the ratio would be one space for each two dwelling units, or 11 spaces.

19. The R-5-B zone requires an open court width of 4 inches per foot of height of the court, thus requiring a court width of 20 feet. The project is providing a court of only 16 feet wide, necessitating that the Applicant request a court-width variance. *See, 11 DCMR § 406.1.*

Variance Relief Under § 3103

Extraordinary situation or condition

20. The subject property is covered by a commercial/warehouse-type structure. The property has valid certificates of occupancy for retail use on the first floor and office use on the second floor, both of which would be permitted only as non-conforming uses in this R-5-B zone.
21. The Applicant has tried to lease the building for these uses, but has been unable to find lessors because the property and its surroundings are all now zoned residentially.
22. With the current R-5-B zone designation, few non-residential uses are permitted in the area and the building on the subject property, constructed and designed, as it was, for commercial/industrial uses, has become outmoded.
23. The building has, in the last few years, become destabilized due to vibrations caused by construction in the area. The Applicant has spent a considerable amount of time, effort, and money to stabilize the crumbling façade and solid granite perimeter walls, including rebuilding deep foundation walls.
24. Efforts to stabilize the building have been complicated and expenses increased by the discovery, during the digging and rebuilding of the foundation walls, of petrochemical soil contamination, which had apparently leaked from the underground storage tanks of a former gas station located to the north of the subject property.
25. At the time of the hearing, approximately 8,000 tons of soil had been removed from the property and remediation was not yet complete.
26. Foundation stabilization and soil remediation, at the time of the hearing, had cost the Applicant approximately \$4.4 million.
27. The open court provided by the project is bounded by property lines to the north and east and by building walls to the south and west, with an opening out to the rear alley.

28. In order to provide light and air to a dwelling unit at the lowest level, this court must remain open to the bottom of the foundation wall bounding the court to the south, which is 17 feet below grade.
29. Neither this foundation wall nor the lot lines can be moved to allow for a greater court width.

Practical Difficulty

30. The building is up to 120 feet deep from front to rear, with 16-inch thick solid granite walls largely on the property lines.
31. The building's north and south facades currently have no windows.
32. Cutting windows through the thick granite walls and supporting them to maintain them will be very expensive.
33. At only two stories, the second floor residential units would be surrounded by taller buildings on two, and potentially three, sides, with many windows on lot lines.
34. The front façade of the building has large showroom-type windows and garage openings located on the property line and facing immediately onto the sidewalk, resulting in reduced privacy and the need for a discounted sales price.
35. With only two floors, the building could only offer traditionally less-desirable "lower floor units" which could not be sold for the cost to develop them, particularly after the cost of foundation stabilization and soil remediation.
36. Residential condominium use of the building at its current size would result in a loss of approximately \$5 million to the Applicant.
37. The extra floors, and thus the extra height and FAR, provide upper floor units which can be sold at a higher rate to offset the costs of the project and the lower rates at which the "lower floor units" will be sold.
38. If the court did not have to extend below-grade, its total height would be reduced and it would substantially comply with the court-width requirements.
39. To achieve this substantial compliance, however, would mean foregoing the provision of light and air to a lower-level unit, or, perhaps, foregoing the unit itself.

No Substantial Detriment

40. This area was previously zoned C-M-2, and many of the buildings in the area have lot occupancies significantly in excess of 60%.
41. The building just to the south of the subject property is 50 feet tall and the building across Champlain Street from the subject property is 55 feet tall. Both these buildings obtained zoning relief to reach these heights.
42. Directly behind the subject property, across the alley, are several lots zoned R-5-B, but not within the Reed-Cooke Overlay. They can therefore be built to a matter-of-right height of 50 feet. *See*, 11 DCMR § 400.1.
43. The two new floors proposed by the Applicant will be set back from the front parapet line, reducing the massing of the building and allowing additional light to reach the street.
44. Retention of the existing structure preserves an architecturally unique building that is valued by many members of the community.
45. Converting the building from past commercial uses to residential use is consistent with the Zone Plan and the purposes of the Reed-Cooke Overlay.
46. The proposed project is providing ample and unobtrusive underground parking and will have little or no impact on traffic and parking in the neighborhood.

Special Exception Relief Under §§ 1403 and 3104

47. The Applicant's project will be 50 feet high with a 10-foot high rooftop penthouse structure, resulting in a 60-foot building, only 1.5 feet higher than a matter-of-right 40-foot building with a matter-of-right 18.5-foot rooftop penthouse. *See*, 11 DCMR §§ 400.1 and 400.7(c).
48. The residential use at the size, intensity, and location proposed furthers the specific goal of the Reed-Cooke Overlay to "provide for the development of new housing." *See*, 11 DCMR § 1400.2(a)(1).
49. Vehicular access to the proposed project will be from the 15-foot-wide public alley at the rear of the property, therefore, no curb cut on Champlain Street will be used and there will be no conflict with pedestrian ways.
50. A below-grade parking garage with sufficient parking will be provided, mitigating any potential impact on street parking in the neighborhood.

51. An open area at the rear of the building adjacent to the alley is available if necessary for the use of a service vehicle.
52. The proposed residential use will not produce any excessive noise and will not have any outdoor materials storage.
53. The proposed building and residential use are in harmony with the R-5-B zone district's "moderate height and density." *See*, 11 DCMR § 350.2.

CONCLUSIONS OF LAW

The Variance Relief

The Board is authorized to grant variances from the strict application of the Zoning Regulations to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of the Zoning Regulations would "result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property." D.C. Official Code § 6-641.07(g)(3) (2001), 11 DCMR § 3103.2. The "exceptional situation or condition" of a property can arise out of the structures existing on the property itself. *See, e.g., Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974). Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2.

An applicant for area variances must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: exceptional condition of the property, that such exceptional condition results in "practical difficulties" to the Applicant, and that the granting of the variances will not impair the public good or the intent or integrity of the Zone Plan and Regulations.

The Applicant has requested three variances, one to permit extra FAR, one to permit a narrower-than-permitted court width, and one to permit an addition to a nonconforming structure. The third variance is necessary as an adjunct to the first two because the subject building is nonconforming as to FAR and lot occupancy, triggering the need for a variance from § 2001.3, which prohibits increasing an existing nonconformity or adding an addition to a structure not conforming to lot occupancy requirements. *See*, 11 DCMR § 2001.3(a) and (b)(2). Because the third variance is "piggybacked" on the first two, if the Applicant meets the variance test for the first two, it also meets the test for the third.

The subject building was constructed as an auto repair garage in 1924, before the enactment of the Zoning Regulations. The property was eventually zoned C-M-2, and the building continued to be viable as a commercial structure. In 1987, the zoning was changed to RC/R-5-B, and the surrounding neighborhood has become mostly residential. The building, as it currently exists however, is unsuited to residential uses. It is a 2-story, warehouse-type structure with thick granite walls, and wide, showroom-style windows and garage openings on the first floor. Both certificates of occupancy extant for the building are for non-residential uses, which would be, at best, non-expandable nonconforming uses. As a commercial structure, the building is now obsolete. However, the structure may be renovated for modern-day residential use in a manner that preserves its distinctive architectural features. Therefore, the Board concludes that the nature of the building and its existence on the lot constitute an exceptional circumstance which the Applicant must contend with and which meets the first prong of the variance test.

The Applicant's practical difficulties with its project, as well as its need for extra height, arise out of the building itself. While the Board recognizes that the Applicant is not currently forced to retain the building due to historic preservation, or other constraints, the Board also recognizes that the Applicant is likely to encounter opposition should he attempt to raze it. The Board notes that individuals in the neighborhood have stated an intent to file an application to have the building designated an historic landmark if the Applicant attempts to demolish it. The filing of such an application would prevent its destruction while the application is pending, and, if designated, permanently thereafter. *See D.C. Official Code § 6-1102 (c)(1) (2001).*

Moreover, the Board does not see the wisdom in potentially forcing the Applicant to raze an attractive and historically-interesting building, which may well be worth designating a landmark, merely because if it does so, new construction *may* not require zoning relief. This is entirely different from the situation where an applicant seeks a variance to undertake alteration that would cost less than matter of right renovations. *Cf. Barbour v. District of Columbia Board of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976) (BZA denial of variance affirmed because applicant failed to demonstrate "that added expense and inconvenience inherent in the alternative methods of expansion are unnecessarily burdensome or rise to the level of 'peculiar and exceptional practical difficulties'").

The Board agrees with the Applicant that retaining the building will cause extra expense in cutting and supporting windows in the thick granite walls. Windows are necessary for residential units. The building as is, or with one additional floor, would still be surrounded by taller buildings on two, and potentially three, sides. Complicating matters still further is the unexpected discovery of the soil contamination and the expense of foundation stabilization and soil remediation. With these costs added to the cost of

construction, the extra height and FAR are necessary to make the project financially viable.

The court-width relief is necessary to provide adequate light and air to one of the lower-level residential units. Because of the 60-foot total height of the court, a court width of 20 feet is necessary. A court of only 16 feet is being provided, but the Applicant cannot move either a foundation wall or a lot line to increase the width. The strict application of the regulations would preclude the ability to provide light and ventilation to the lower-level unit, perhaps precluding the unit itself and resulting in a further financial burden.

All three variances requested can be granted without impairing the public good or the intent and integrity of the Zone Plan, Zoning Regulations or Map. The amount of extra FAR requested, and therefore, the total FAR of the completed building, is not inconsistent with the FARs of other buildings in the area. This extra FAR will be put to residential uses, in harmony with the residential neighborhood and the R-5-B zoning. The somewhat reduced court width will have no negative impact, and at 16 feet, provides sufficient light and air to the building.

The Special Exception Relief

The Board is authorized to grant a special exception where, in its judgment, the special exception will be “in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property.” 11 DCMR § 3104.1. Certain special exceptions must also meet the conditions enumerated in the particular section pertaining to them. In this case, the Applicant had to meet both the requirements of § 3104.1 and § 1403 of the Zoning Regulations.

The first requirement of § 1403 is that the building at the size, location, and intensity proposed will substantially advance the purposes of the Reed-Cooke Overlay. The Applicant’s project meets this requirement by providing new housing (*See*, 11 DCMR § 1400.2(a)(1)) at an appropriate size and intensity of use. The Applicant’s project also advances the Reed-Cooke Overlay goal of protecting adjacent and nearby residences from damaging environmental, social, and aesthetic impacts by renovating and re-using the now-unused building. Potentially damaging environmental impacts will be prevented by the soil clean-up and remediation being undertaken by the Applicant. The stylish design and re-energizing presence of the newly-re-used building will have positive social and aesthetic impacts on the neighborhood.

Section 1403 also requires adequate off-street parking, as well as vehicular access and egress that is safe, efficient, not in conflict with pedestrian ways, and not liable to cause objectionable traffic conditions. These requirements are also met by the Applicant’s project. Although no parking is required due to parking credits generated by previous

uses of the building, the Applicant is providing 21 parking spaces, 10 more than the 11 that would be required by the Zoning Regulations. *See*, 11 DCMR § 2101.1. All the parking spaces will be in an unobtrusive underground garage and will be accessed by an entrance from the alley behind the building. There will be no curb cuts on Champlain Street to access the garage and therefore no interference with pedestrian ways along the street. The parking garage access and design is safe and efficient and the introduction of 22 new residential units into the neighborhood will not create any dangerous or objectionable traffic conditions.

Both sections 1403 and 3104.1 are concerned with noise impacts and general detriment to the health, safety, convenience, and welfare of nearby residents and visitors. The Applicant's project will have no significant noise impacts on the neighborhood and will not affect adversely the use of neighboring property. The project's residential nature is also in harmony with the intent and purpose of the Zoning Regulations and Map, and certainly more so than any continuation of the previous nonconforming uses would be.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning recommended approval of the court width variance, but recommended denial of the FAR and addition to nonconforming structure variances. OP also did not support granting the special exception to permit extra height. The Board agrees with OP insofar as the court width variance, but disagrees with OP as to the other relief requested. OP's report indicates that at least part of its rationale for not supporting the FAR and addition to nonconforming structure variances was because the Applicant has the option to raze the building and, at the time, no documentation had been produced to support the Applicant's claimed costs of foundation stabilization and soil remediation. As explained earlier, the Board finds that there would be practical difficulties associated with razing the building as well as a detrimental impact to the public from the loss of this architecturally valued structure. As to the costs claimed by the Applicant, the Board is now satisfied that they have been documented and that they add to the Applicant's unique situation and practical difficulties in abiding by the Zoning Regulations.

With regard to the special exception for the height, OP was of the opinion that the 40-foot height allowed by the R-5-B zone district was sufficient and that no more height was necessary. The Applicant, however, explained that the extra height was necessary to financially support the project and to make the building more harmonious with neighboring buildings. Part of this explanation is based on the evidence of costs of

foundation stabilization and soil remediation, which, again, was not before OP at the time of its report. Further, the Board concludes that the Applicant meets all the requirements of both §§ 1403 and 3104.1, and therefore, the special exception should be granted. *See, First Baptist Church of Washington v. D.C. Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C.1981). ("If the applicant meets its burden, the Board ordinarily must grant the [special exception] application.")

ANC 1C decided to support the granting of all the variances, a position with which the Board agrees. The ANC took no position with respect to the special exception for the height; therefore, there is no decision to be accorded great weight by the Board.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application for variances pursuant to § 3103.1, to permit an addition to a nonconforming structure under § 2001.3, from the floor area ratio requirements of § 402, and from the court width requirements of § 406, and also with respect to an application for a special exception to allow extra height pursuant to §§ 1403 and 3104. Accordingly, it is therefore **ORDERED** that the application be **GRANTED**.

VOTE: 3-2-0 (Ruthanne G. Miller, John A. Mann II, and Curtis L. Etherly, Jr. to grant; Geoffrey H. Griffis and Gregory N. Jeffries to deny.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

FINAL DATE OF ORDER: NOV 28 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND

REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

LM

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17431

As Director of the Office of Zoning, I hereby certify and attest that on **NOVEMBER 28, 2006**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Thomas J. Carroll, Esquire
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Washington, D.C. 20010

Chairperson
Advisory Neighborhood Commission 1C
PO Box 21009
Washington, D.C. 20009

Single Member District Commissioner 1C07
Advisory Neighborhood Commission 1C
PO Box 21009
Washington, D.C. 20009

John W. Holmes
1228 31st Street, N.W.
Washington, D.C. 20007

Bill Crews
Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
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Washington, D.C. 20002

Councilmember Jim Graham

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PAGE NO. 2

Councilmember Jim Graham
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1350 Pennsylvania Avenue, N.W., Suite 105
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Alan Bergstein
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Jill Stern
General Counsel
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Washington, D.C. 20002

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning 

TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17431-A of King's Creek, L.L.C., pursuant to 11 DCMR § 3104.1 and 3103.2, for a special exception to allow a building height of 50 feet in the Reed Cooke Overlay, under § 1403, and a variance to permit an addition to a nonconforming structure under subsection 2001.3, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements under § 406, to allow an addition to, and conversion of, an existing building, for residential use in the RC/R-5-B district at premises 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816).

HEARING DATE: February 28, 2006 and March 14, 2006

DECISION DATES: May 2, 2006

**DECISION ON MOTION FOR
MINOR MODIFICATION:** November 18, 2008

**ORDER GRANTING MODIFICATION OF APPROVED PLANS
AND EXTENSION OF ORDER IN APPLICATION NO. 17431**

Request for modification of approved plans

On October 31, 2008, the Applicant submitted a letter with the accompanying filing fee requesting a modification to the plans approved in BZA Application No. 17431. Copies of the letter were simultaneously served on the Office of Planning, Advisory Neighborhood Commission 1C, and John Holmes, a party in opposition during the original proceedings. The original Board approval (Application No. 17706) was for a special exception and several variances to permit the adaptive reuse of an existing commercial building for residential purposes, and was granted on November 28, 2006. Under § 3130 of the Zoning Regulations, the Order granting approval was to expire on or about November 28, 2008.

The Applicant also requested that the Board waive the rule under § 3129.3 requiring requests for modification to be filed not later than six (6) months after the date of the final order approving the application. The Applicant contended that since the time of approval, the District's residential real estate market had experienced a severe downturn. As a result, in July 2008, Mr. Kostelac, builder/manager of King's Creek LLC (the original Applicant), signed over the Partnership to the lender, Gourley & Gourley LLC Private Banking. The lender (the current

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BZA APPLICATION NOS. 17431-A
PAGE NO. 2

Applicant) has undertaken a redesign of the project and has spent a considerable amount of time attempting to reduce construction costs and improve the economics of the project, particularly given the downturn of the global economy, the credit freeze in the banking world and the difficult housing market. As a result, the Applicant was unable to file this request within six (6) months of the date on which the order was approved. In light of the above circumstances, the Applicant has demonstrated the good cause necessary to waive the 6 month time limit under § 3129.3. In addition, the Board finds there will be no prejudice by accepting the motion at the current time. Therefore, the Board waives the requirement under § 3129.3 and will consider the Applicant's request for modification.

The proposed modifications

The project approved by the Board in Application Number 17431 was a new apartment building that was designed and planned as a condominium project. Thus, all of the residential units were intended to be offered for sale. However, because the condominium market in the District of Columbia (and nationwide) has stalled and is predicted to not recover for several years, the Applicant has been forced to redesign the project and convert it from condominium to a rental apartment building and to undertake numerous and significant cost-cutting efforts in order to reduce construction costs and make the units affordable to the rental market. Accordingly, the Applicant requests permission to make the following modifications to its plans:

1. All previously approved five (5) rooftop hot tubs for five (5) of the six (6) residential units located on the fourth floor of the building have been eliminated. Although these changes are not visible from the street level, it is believed that the elimination of the private rooftop hot tubs reduces parts of the total bulk of the building.
2. In order to accommodate smaller units more typical of rental apartment building, all previously approved private penthouse levels and rooftop terraces of each of the fourth floor residential units have been eliminated and, instead, the revised penthouse level will be accessible to all residents. Accordingly, all stairs to private rooftop terraces previously located within the fourth floor residential units have also been eliminated. Consequently, stair #2 has been modified to extend to the penthouse level. A new stair (stair #3), allowing a second means of egress, has also been added between fourth floor and the penthouse level. The revised penthouse level houses a resident's lounge, a fitness room and two (2) ADA compliant restrooms and allows residents to access the entire rooftop terrace. The total area of the revised penthouse level has been reduced by four hundred (400) square feet from that previously approved. Although these changes are not visible from the street level, it is believed that the reconfiguration and reduction in size of the penthouse level will enhance the potential economics of the project.
3. As a result of the addition of a new staircase (stair #3) and the elimination of the private rooftop terraces and private penthouse levels, all six (6) fourth floor residential units have undergone floor plan reconfiguration to accommodate the relocation of mechanical units and provide adequate space for circulation within the units.

The ANC's request for a postponement

Advisory Neighborhood Commission ("ANC") IC submitted a letter dated November 12, 2008, (Exhibit 58) to the Board requesting it to postpone the consideration of this motion. The ANC explained in its letter that, while it had met on November 5, 2008 with a quorum present, the ANC needed "sufficient time to allow notice and review by members of the community at large, and to allow full consideration by vote of any proposed alterations, or changes...at the next general session meeting of ANC IC on December 3, 2008". (Exhibit 58). No one appeared on behalf of the ANC at the Board's Decision Meeting¹ on November 17, 2008. However, the Applicant appeared and explained that a time delay in the Board's decision would create an undue financial hardship and effect the viability of the project. The Applicant also explained that the latest revisions to the rooftop terrace were submitted to the Board in direct response to the wishes of the ANC, as expressed to the Applicant at an ANC meeting. After due consideration of the ANC's request, the Board denied the request for postponement, finding that the ANC had not established good cause to postpone and that the Applicant would be prejudiced by a delay. The Board also noted that the ANC had supported the original application.

The request to modify the plans is granted

The Board finds the requested modifications are minor in nature and do not change the material facts that the Board relied upon in approving the application. No additional zoning relief is needed as a result of these minor modifications. The reconfigurations do not affect the exterior design of the building as viewed from street level, nor do they increase the footprint of the building. They do not increase the BZA approved FAR, lot occupancy, building height or any other zoning requirement and do not impact the number of units nor that of the parking spaces provided in the building. (See, OP Supplemental Report, Exhibit 57). The modification request is a direct result of the conversion of the project from a condominium regime to a rental building. Furthermore, the Board agrees with the Applicant that no sacrifices have been made to the aesthetics or quality of the project neither with these requested changes nor with the conversion from a condominium regime to a rental apartment building.

Extension of Order in Application No. 17431

Finally, the Board notes that the original approval will expire on or about November 28, 2006. Although the request for a modification did not expressly request an extension of time, the Board finds that such a request was implicit. As to the merits, the same change in economic climate that led to the modification of the approved plans also justifies the grant of additional time to

¹ The Board's Rules provide that modification requests shall be decided based upon the papers. Thus, no hearing is required. 11 DCMR 3129.5

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complete the project. Thus, the Board extends the approval of Order 17431 for two years following the date of this Order.

It is therefore **ORDERED** that the request for modification of approved plans in Order No. 17431 be **GRANTED** in accordance with Exhibit No. 59B-1- Plans, and Order No. 17431 is extended for two years from the date of this Order.

VOTE (NOVEMBR 28, 2008) ON APPLICATION NO. 17431:

3-0-2 (Ruthanne G. Miller, Marc D. Loud and Shane L. Dettman to Grant, no other Board members participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 02 2008

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN,

BZA APPLICATION NOS. 17431-A
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SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SG

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17431-A

As Director of the Office of Zoning, I hereby certify and attest that on December 2, 2008, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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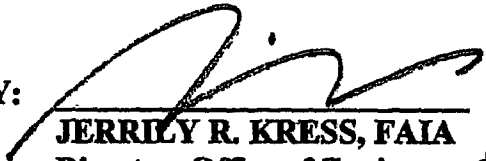
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Bennett Rushkoff, Esq.
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Office of the Attorney General
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Washington, D.C. 20001

rsn

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

D

2329-2335 CHAMPLAIN STREET NW, WASHINGTON DC

D.C. OFFICE OF ZONING

2-1 PM 2:53

Exhibit A

RECEIVED

D.C. OFFICE OF ZONING

2-1 PM 2:01



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(202) 391-6523
(202) 391-6522 • 6443

BZA APPLICATION SET

REVISIONS

ISSUED FOR BZA APPLICATION

DATE: 10/1/2023

BY: [Signature]

FOR: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

OWNER: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

DATE: 10/1/2023

BY: [Signature]

FOR: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

OWNER: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

DATE: 10/1/2023

BY: [Signature]

FOR: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

OWNER: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

DATE: 10/1/2023

BY: [Signature]

FOR: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

OWNER: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

DATE: 10/1/2023

BY: [Signature]

FOR: KING'S CREEK LLC

34TH OAKWOOD TERRACE, NW

WASHINGTON, DC

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RECEIVED

D.C. OFFICE OF ZONING

2329 - 2335

CHAMPLAIN STREET, NW

WASHINGTON, DC

SHEET TITLE
CONTENTS,
ORGANIZATION

SHEET

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 18, 2005

Plat for Building Permit of SQUARE 2563 LOTS 103 & 816

Scale: 1 inch = 20 feet Recorded in Book 181 Page 11 (LOT 103)
Book A&T Page 410 (LOT 816)

Receipt No. 21980

Furnished to: HOLLAND & KNIGHT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

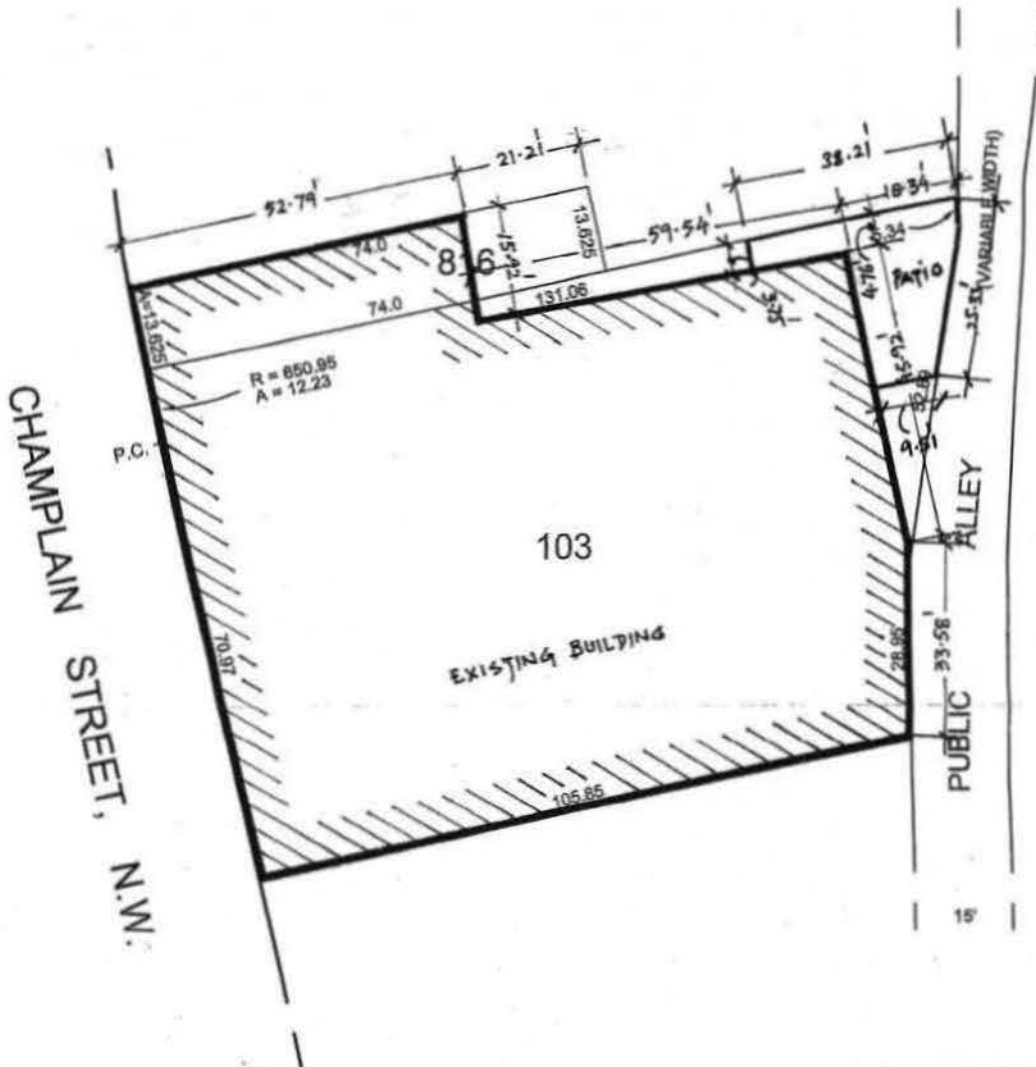
Robert D. Smith
Surveyor, D.C.

By: LMA *[Signature]*

Date: SEPT. 06, 2005

(Signature of owner or his authorized agent)

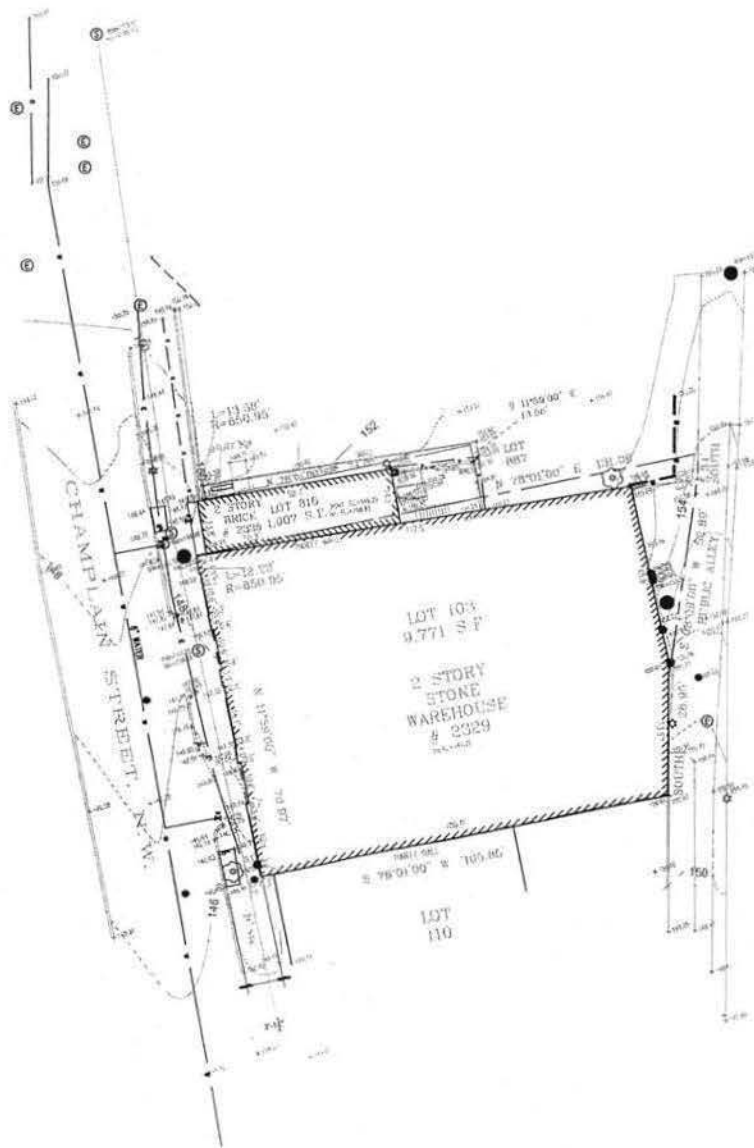
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



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D.C. OFFICE OF THE SURVEYOR
2005 SEP 14 PM 2:03



- LEGEND
- METAL RAIL
 - CHAIN LINK FENCE
 - LIGHT POLE
 - UTILITY POLE
 - ⊙ STORM DRAIN MANHOLE
 - GUY
 - ⊙ SEWER MANHOLE
 - ⊙ WATER METER
 - △ TRANSVERSE CONTROL POINT
 - STORM DRAIN INLET
 - ◇ HYDRANT
 - ⊙ WATER MANHOLE
 - ⊙ WATER VALVE
 - ⊙ TREE/BUZE
 - SIGN
 - x PARKING METER



TOPOGRAPHIC & BOUNDARY
SURVEY



(7) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA
APPLICATION
SET
REVISIONS

ISSUED
DRAWN BZA APPLICATION

OWNER
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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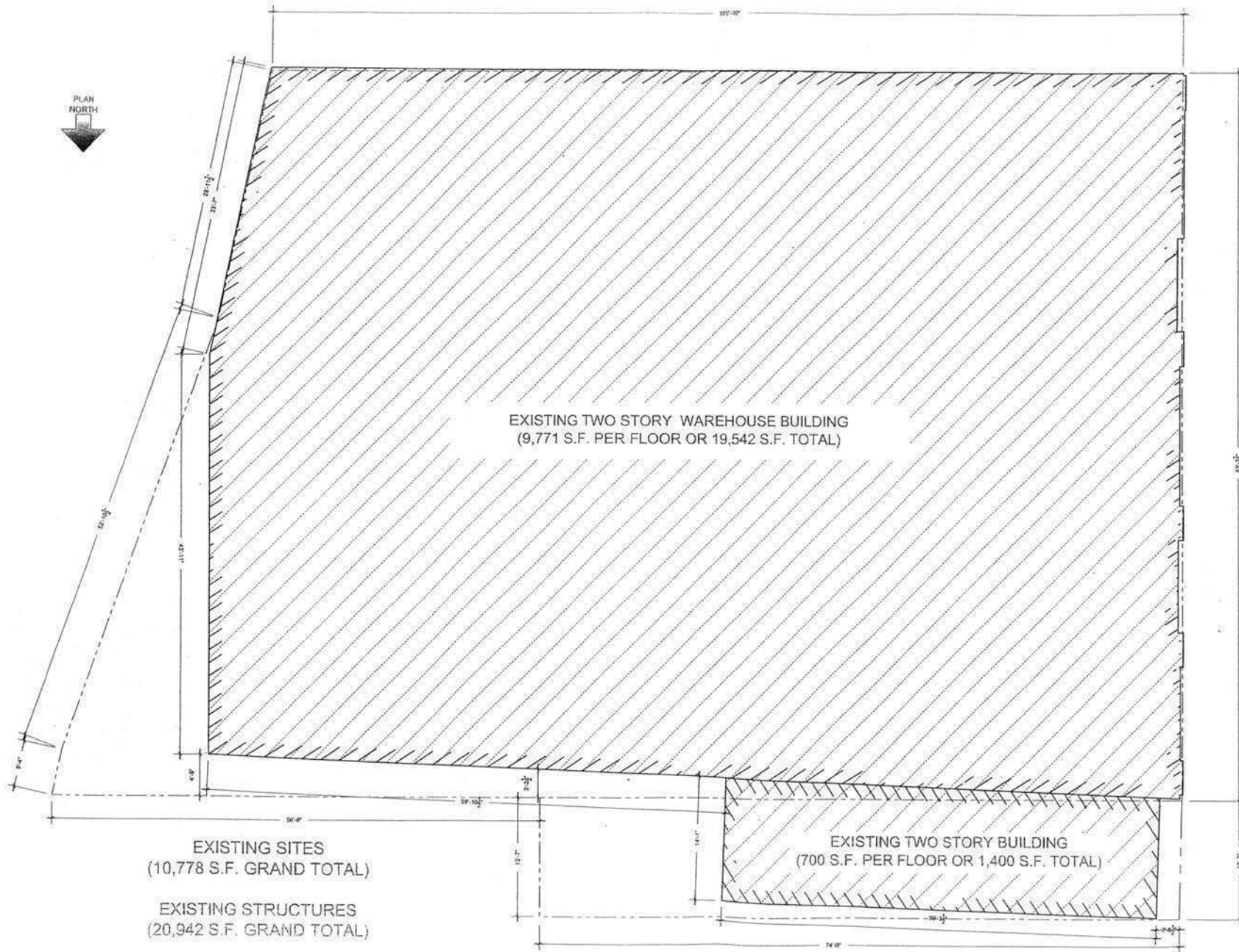
SHEET TITLE
SURVEY / PLAT

SHEET

G-1

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(7) 301 - 652 - 6463

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SHEET TITLE
EXISTING
STRUCTURES

SHEET

G-2

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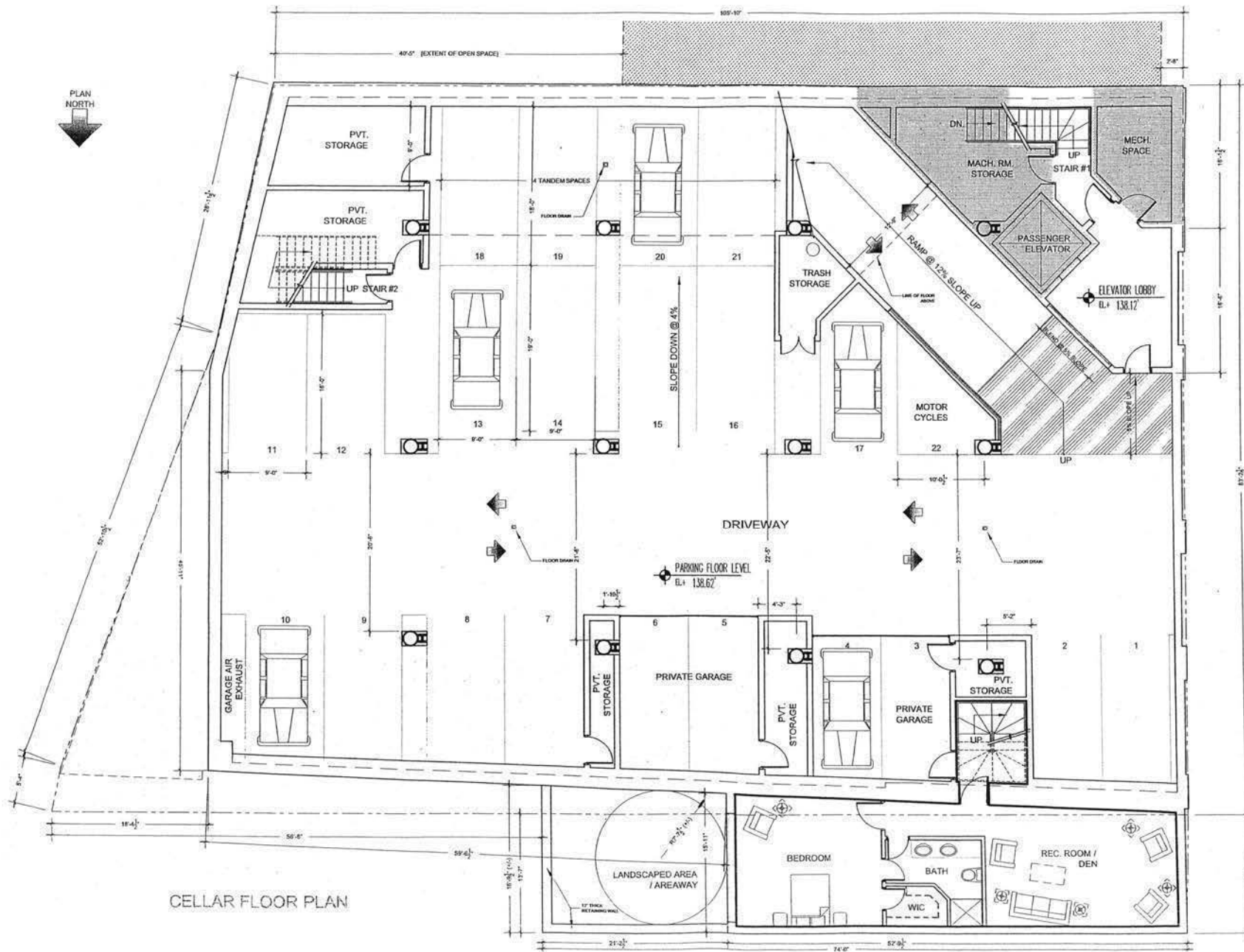
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2007 DEC 14 PM 2:03

G-3



CELLAR FLOOR PLAN



(7) 301-652-6263
(7) 301-652-6463

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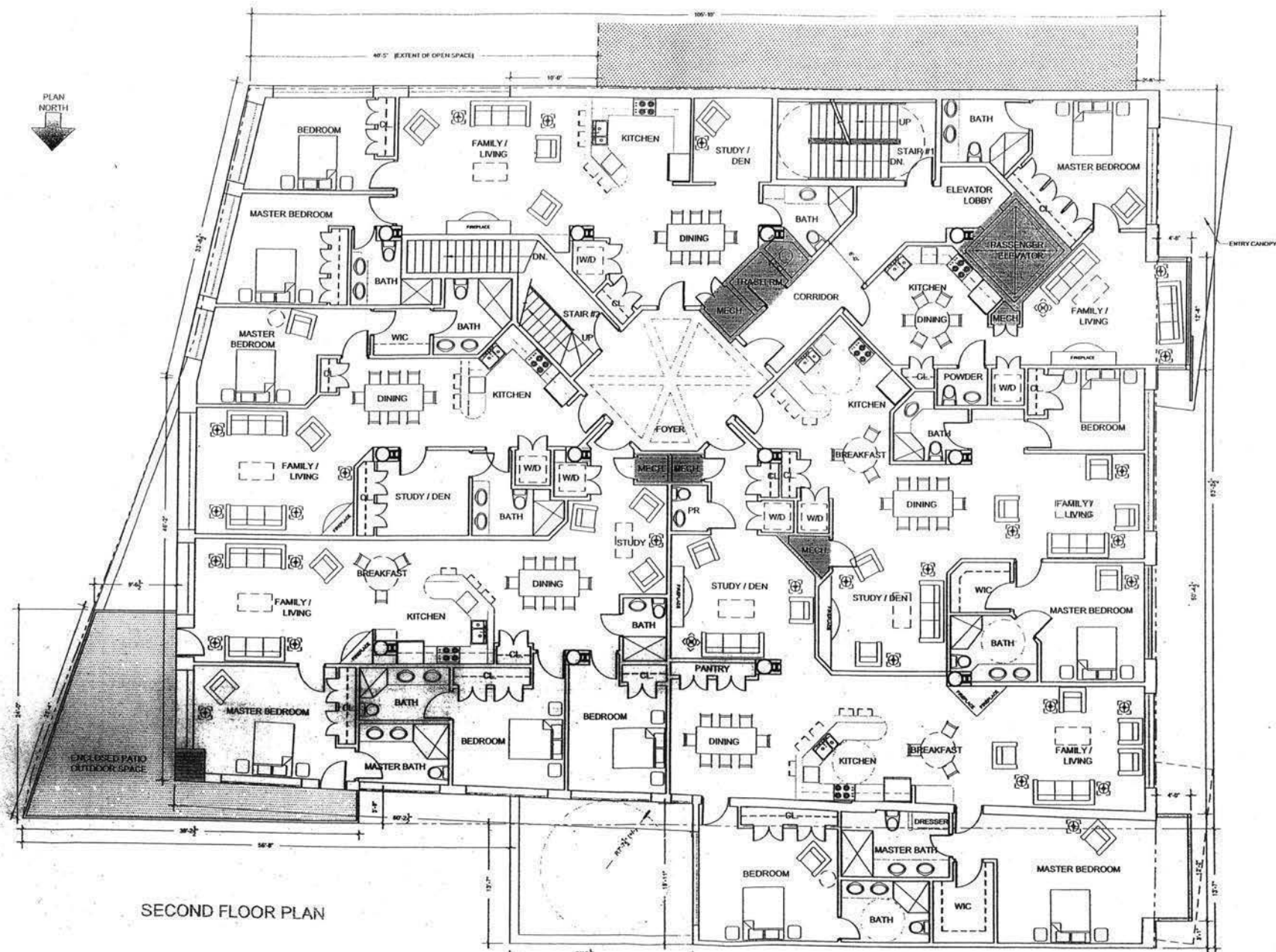
DESIGNED BY: SCA
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FILE
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CELLAR FLOOR PLAN
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SECOND FLOOR PLAN



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 1411 OAKWOOD TERRACE NW
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2329 - 2335
 CHAMPLAIN STREET NW
 WASHINGTON, DC 20007

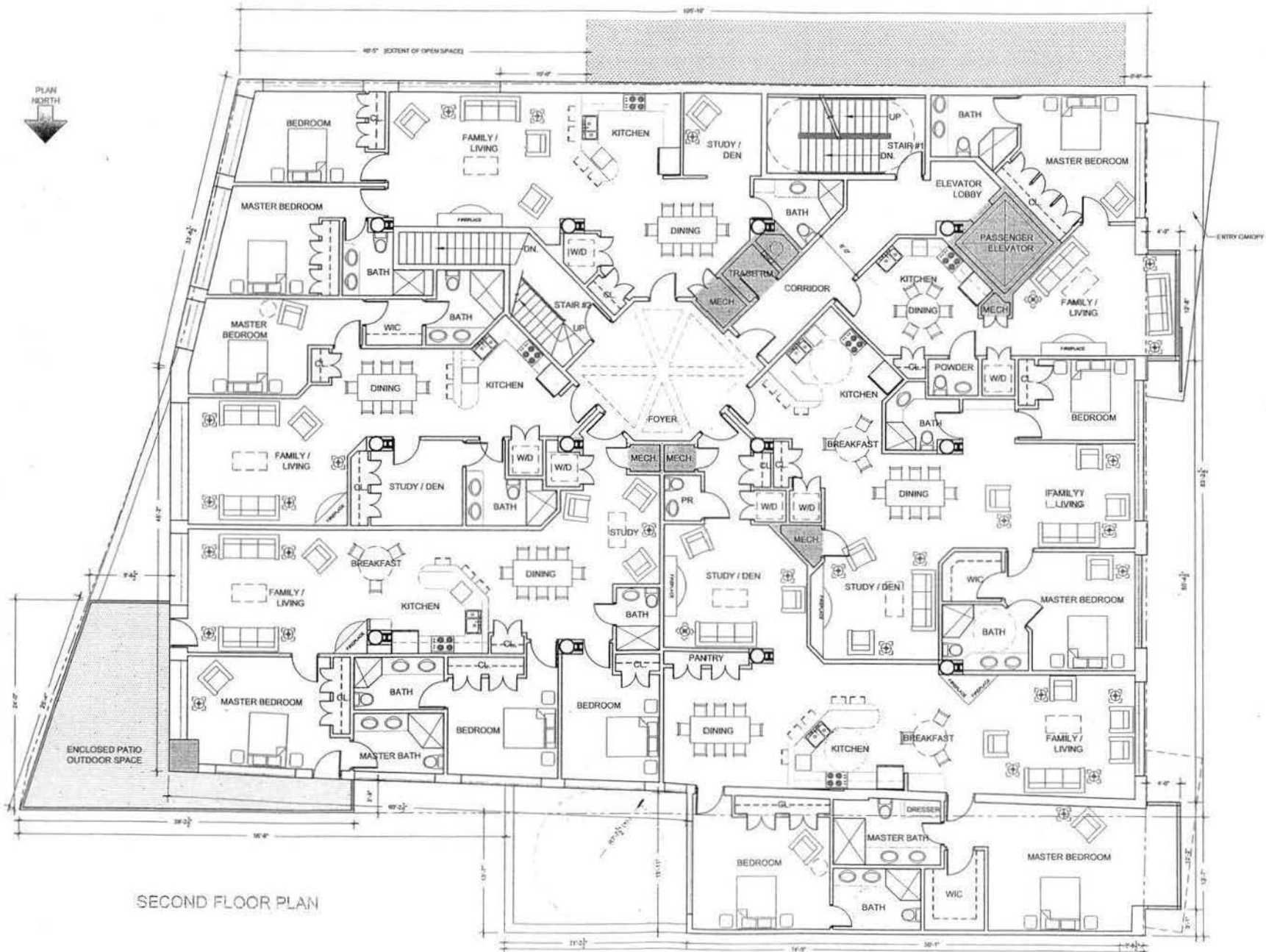
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 SECOND FLOOR PLAN
 SHEET

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SECOND FLOOR PLAN



(310) 301-452 / 4261
(913) 301-652 / 6463

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DATE: 06/14/2011

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KING'S CREEK LLC
1311 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC 20007

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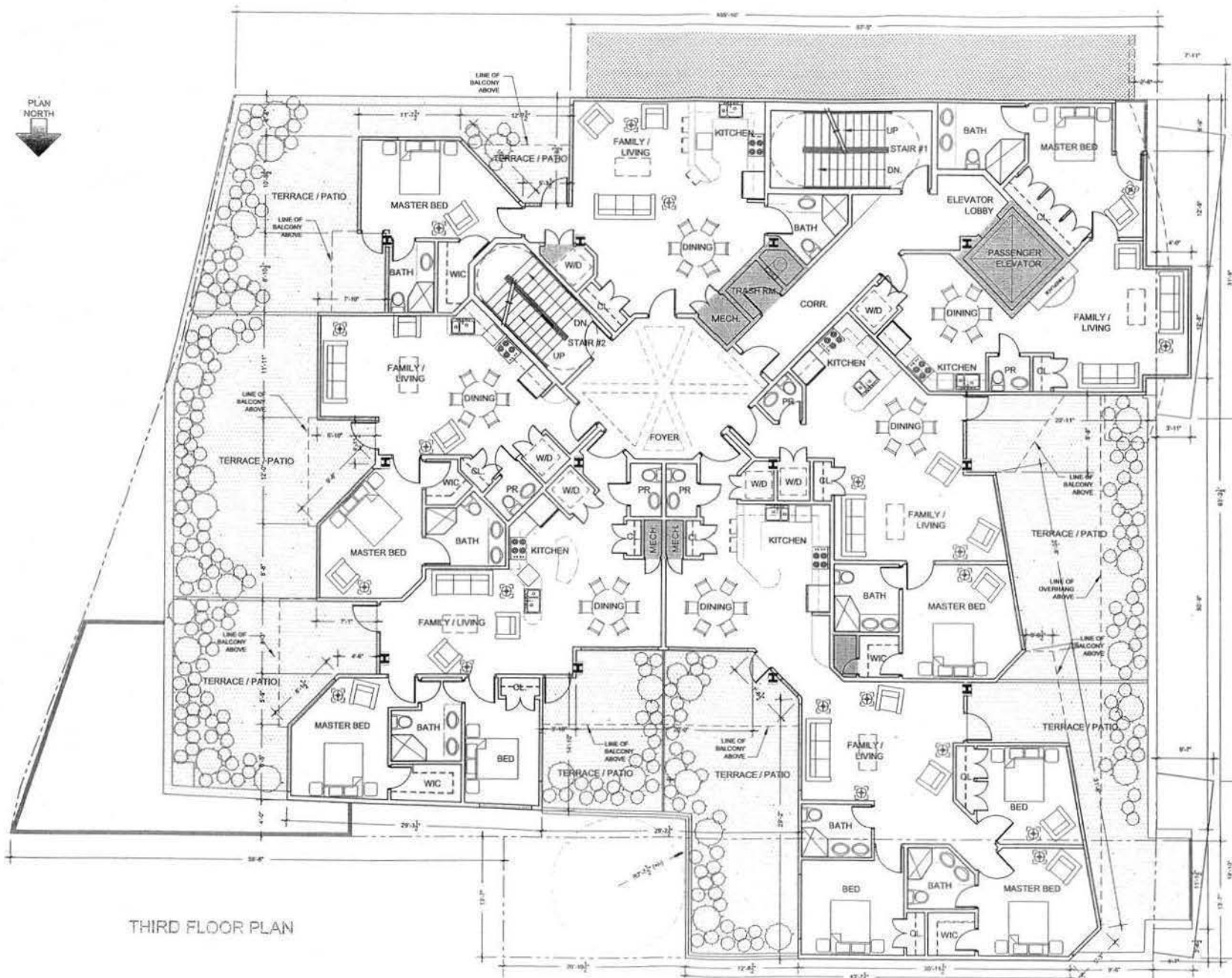
FILE

SHEET TITLE
SECOND
FLOOR PLAN

SHEET

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THIRD FLOOR PLAN



(703) 651-6261
(703) 651-6463

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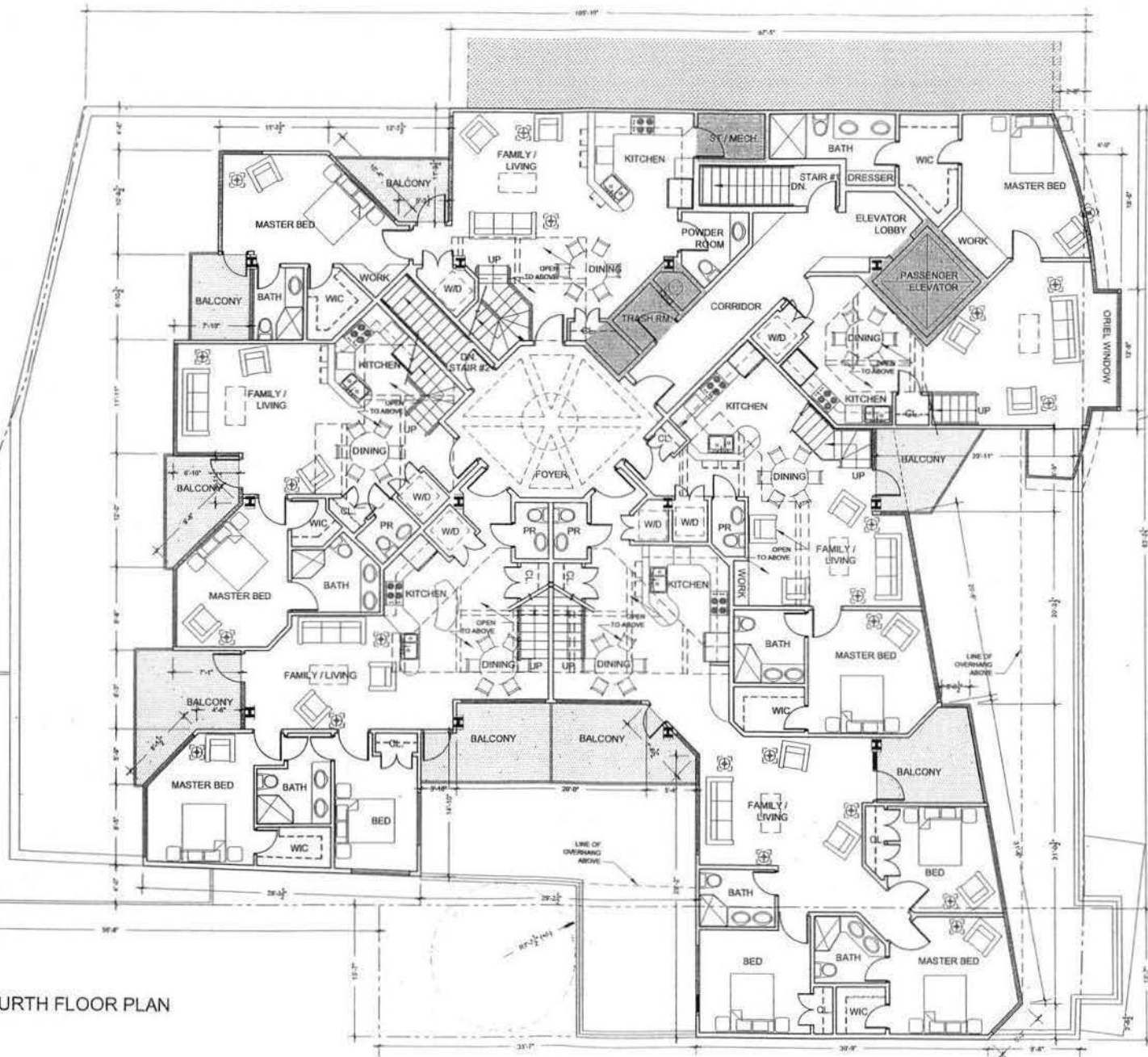
CREATED BY: SGA
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FILE
SHEET TITLE
THIRD FLOOR PLAN
SHEET

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FOURTH FLOOR PLAN



(202) 391-6501
(202) 391-6502

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15568D
ADMINISTRATIVE APPLICATION

OWNER: KING'S CREEK LLC
13411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

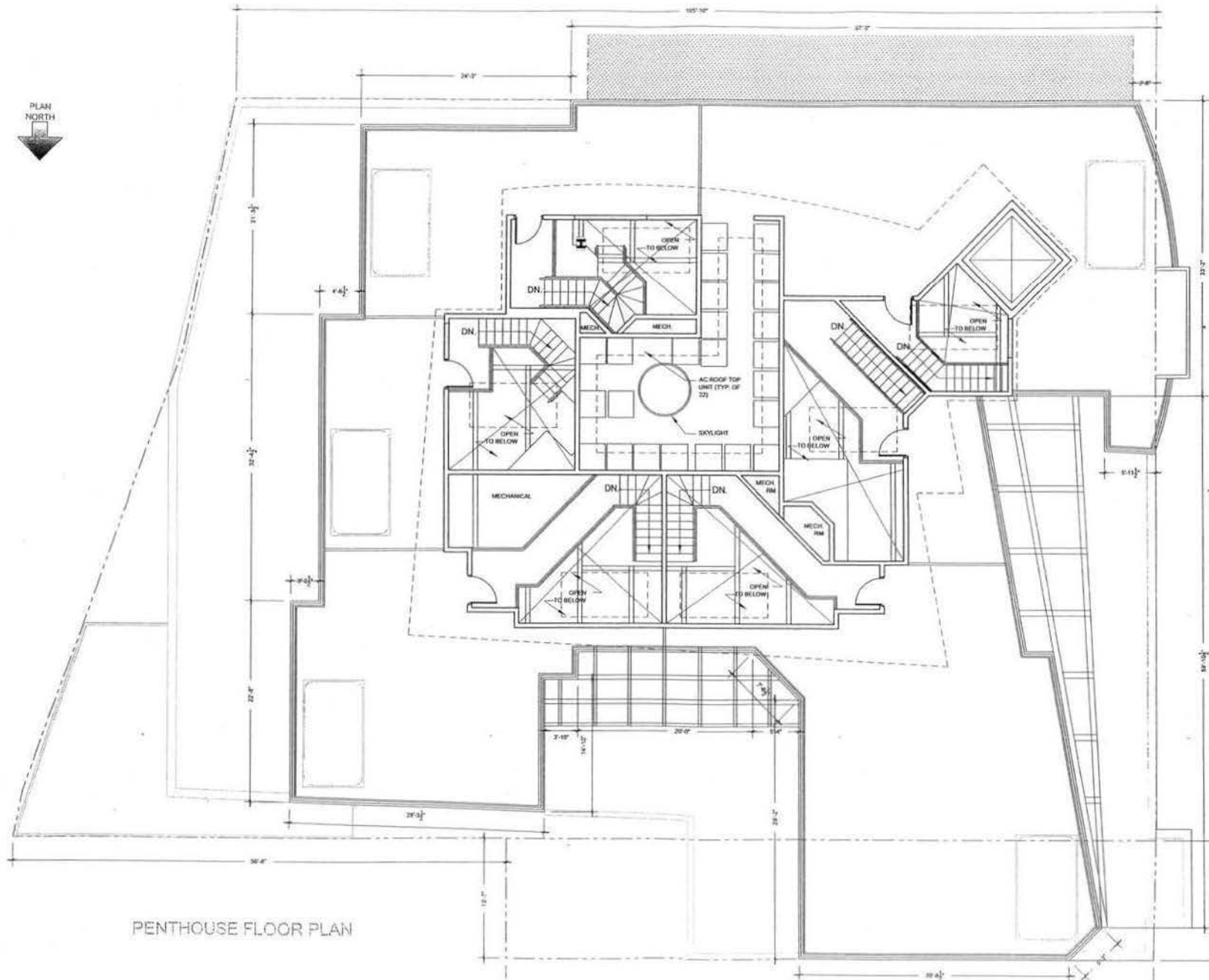
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FILE: [blank]

SHEET TITLE
FOURTH FLOOR PLAN
SHEET

A-06

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PENTHOUSE FLOOR PLAN



(202) 331-4261
(202) 331-6511

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DRAWING SET APPLICATION

OWNER
KING'S CREEK LLC
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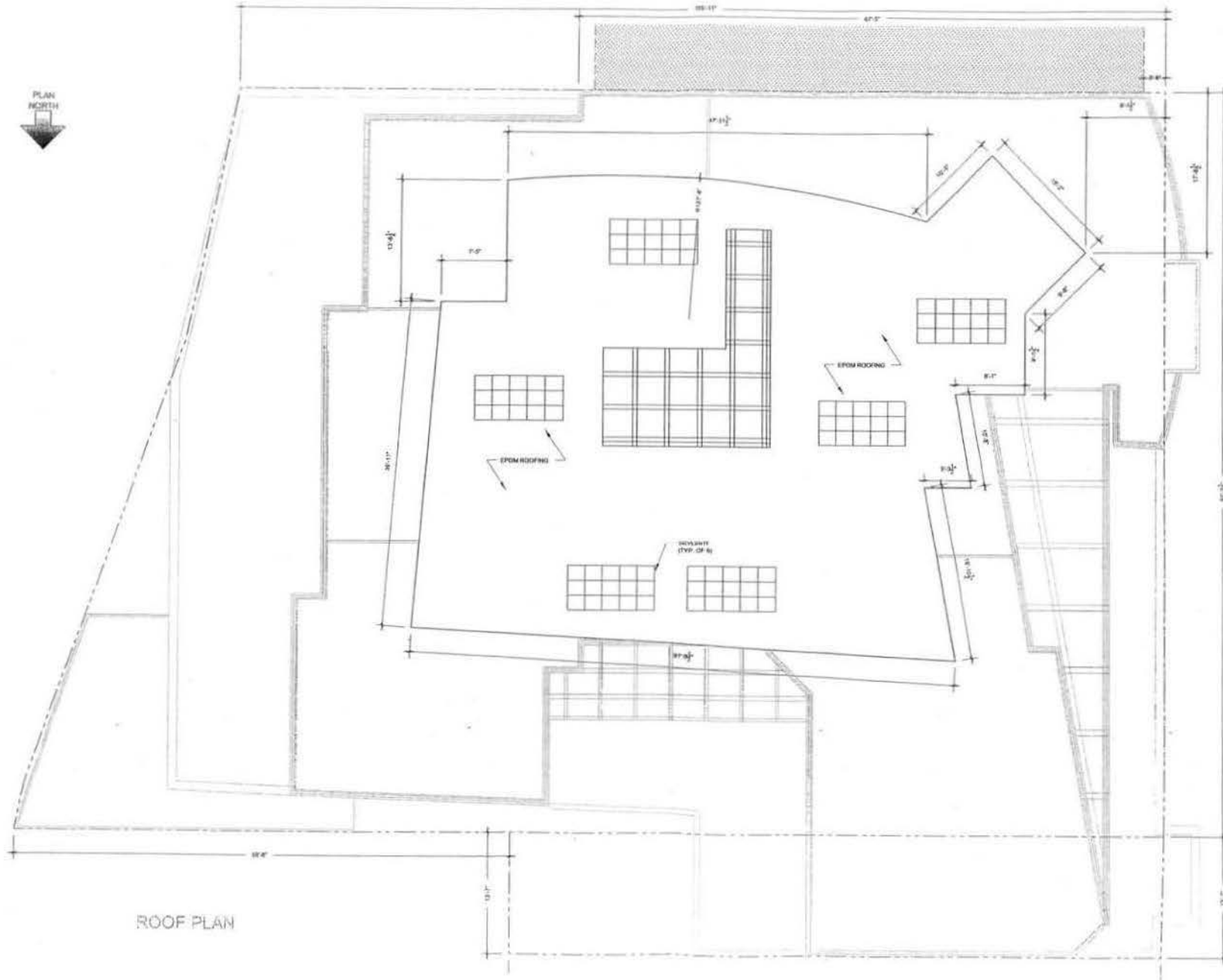
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SCALE: AS NOTED
FILE

SHEET TITLE
PENTHOUSE
FLOOR PLAN

SHEET

A-07

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ROOF PLAN



01 301 - 017 - 001
01 301 - 017 - 001

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LAWRENCE BZA APPLICATION

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KING'S CREEK LLC
1411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC 20007

DATE: 01/11/11
PROJECT: 2329 - 2335
SHEET: 1 OF 1
DRAWN BY: J. G. A.
CHECKED BY: J. G. A.
SCALE: AS NOTED
FILE: 2329 - 2335 - 01
SHEET TITLE: ROOF PLAN
SHEET: A-08

ROOF PLAN
SHEET

A-08

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(G) 301 - 652 - 6463

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03/11/2014 11:22:07

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THESE AGREEMENTS AND THE PROGRESS
OF NEW AGREEMENTS WILL
CONSTITUTE THE USE OF DISCRETION
BY THE FBI AND NOTHING IS AN
IMPERMENT UPON CONSTITUTIONAL
RIGHTS WILL BE SUBJECT TO
PROSECUTION BY PROSECUTOR GENERAL
OF THE LAW
A TIME TO AGREE WITH THE

TRAIN BY	
CHECKED BY	SGA
SCALE	AS NOTED

SHEET TITLE	WEST ELEVATION
-------------	-------------------

SHEET

A-09

OF 0000

SECTION LINE OF ADJACENT
BUILDING (ADAMS ROW)-

T/ STRUCTURE		
±(+)	60'-0"	
		

T/ PENTHOUSE FIN SLAB
±(+) 50'-0"

T/ FOURTH FIN SLAB
±(+) 37'-10"

T/ THIRD FIN SLAB
±(+)-25'-8"

1/ EXIST SLAB
± (+) 24'-8"

T/ SECOND SLAB
(+) 12'-4" 

1/ GROUND SLAB
(+) 0'-0"

FIN C.F. SLAB
(±) 147.22'

T/ CELLAR SLAB
(-) 9'-8"

 FIN GRADE
(±) 137.57'

WEST ELEVATION



(703) 501-652-6263
(703) 501-652-6463

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APPLICATION
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REVISIONS

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OWNER:

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SCALE: AS NOTED
FILE

SHEET TITLE
EAST
ELEVATION

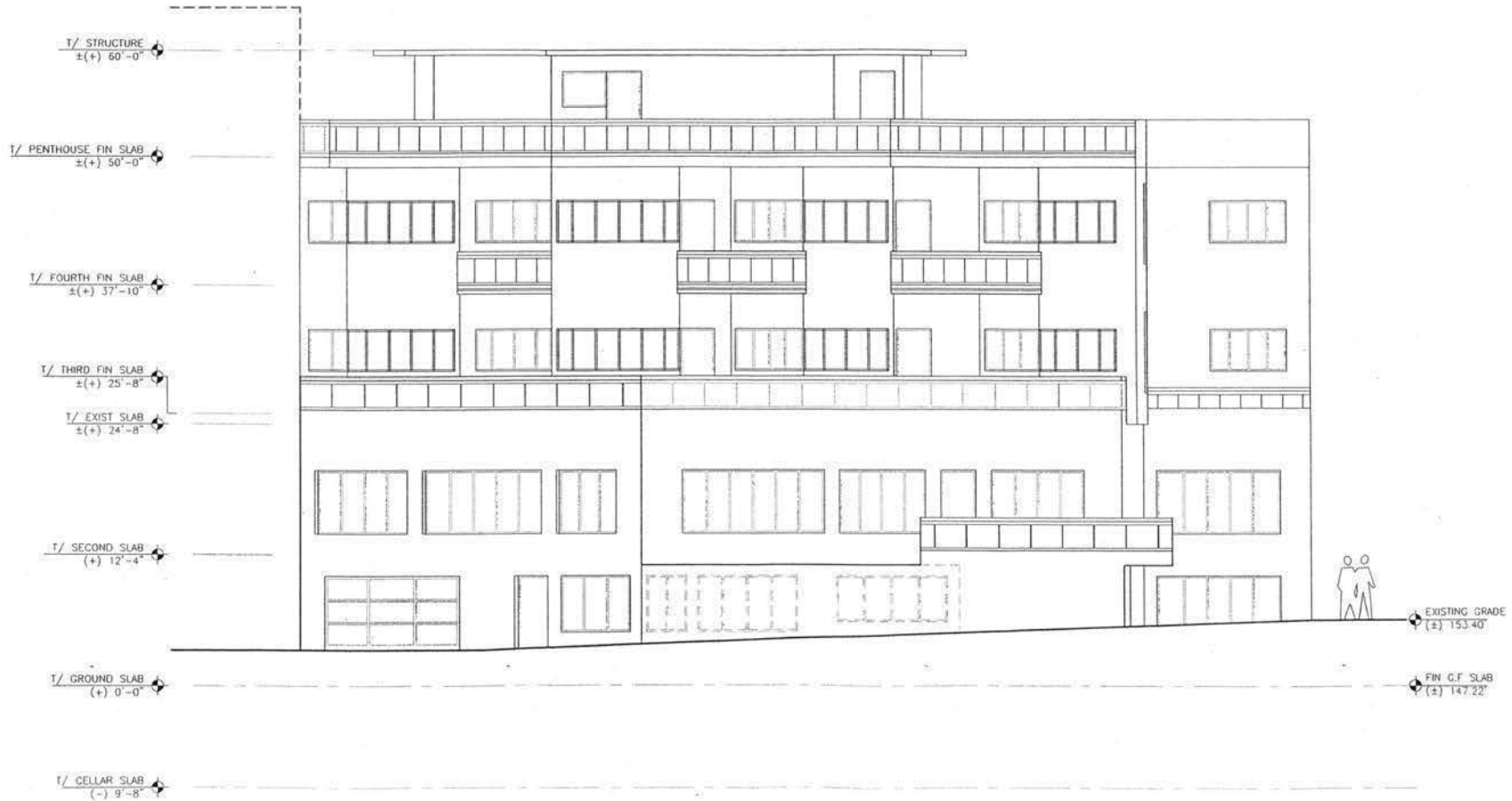
SHEET

A-10

OF 2000

2017 FEB 14 PM 2:07

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EAST ELEVATION



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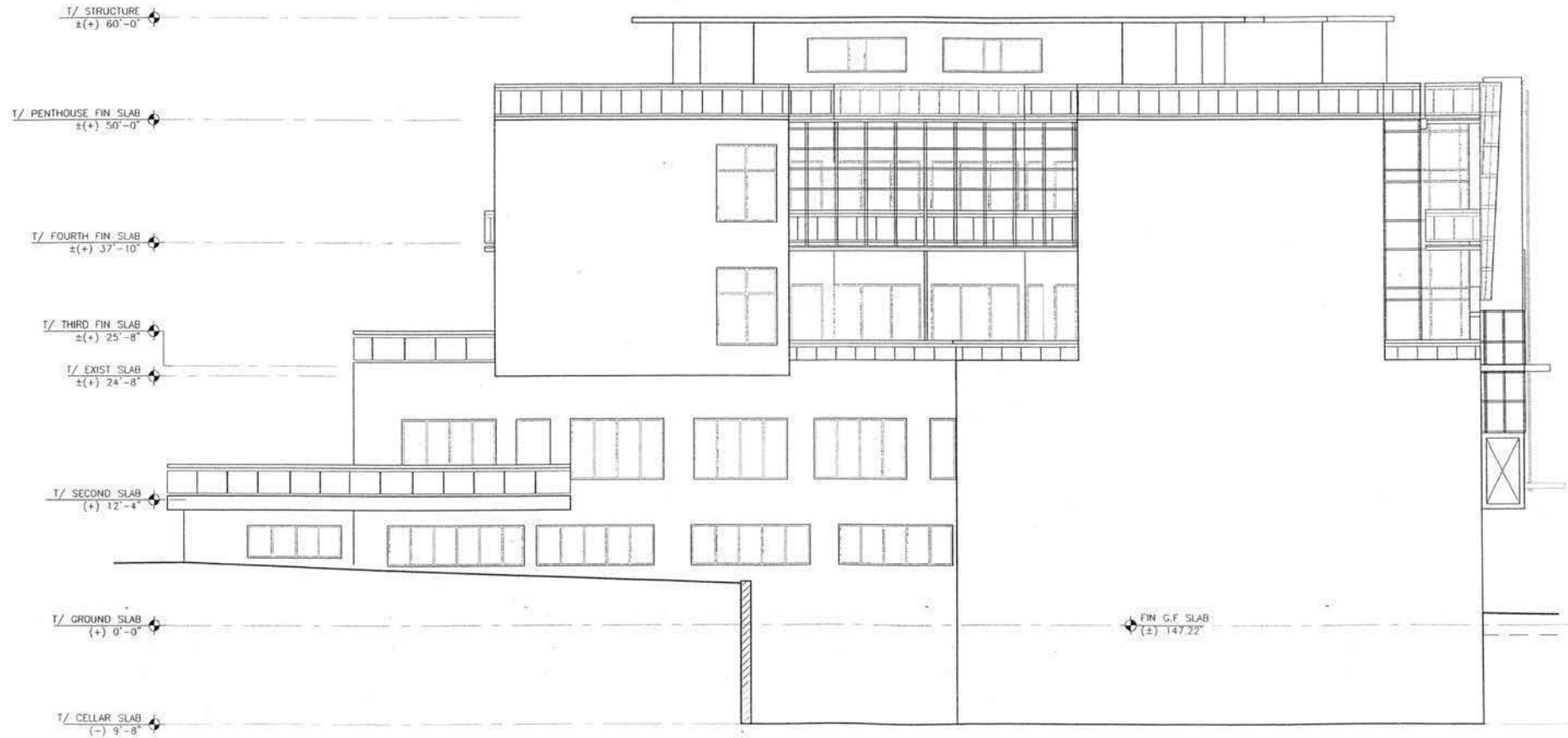
SCALE: AS SHOWN
FILE

SHEET TITLE
NORTH
ELEVATION

SHEET

A-11

OF 0000



NORTH ELEVATION

BZA
APPLICATION
SET

REVISIONS
1

ISSUED	
--------	--

OWNER:

KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
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2024 FEB 14 PM 2:08

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2329 - 2335
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PUNISHED BY THE COURT OF
LAW.
A 1988-89 AGREEMENT

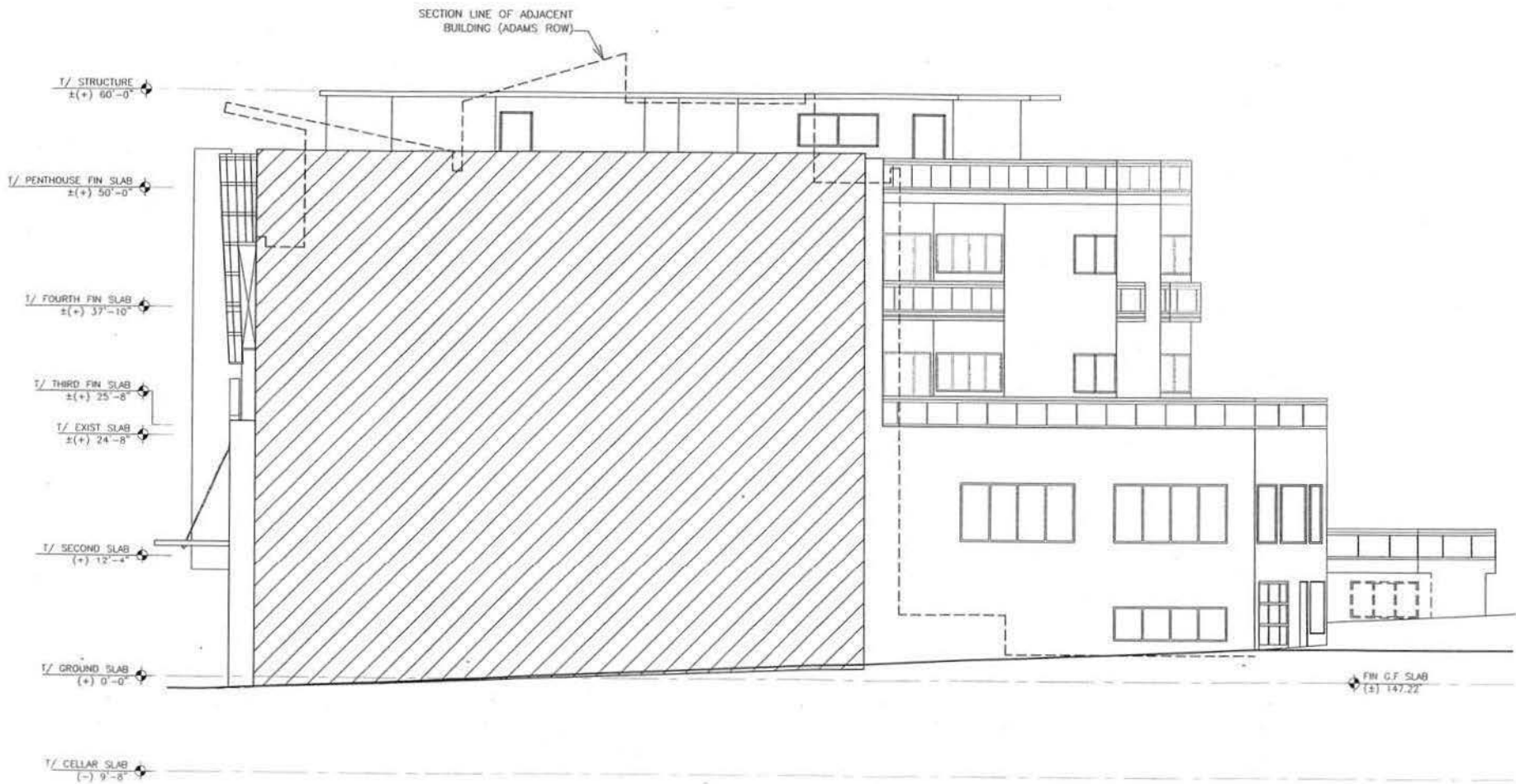
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SCALE	AS NOTED

SHEET TITLE
SOUTH
ELEVATION

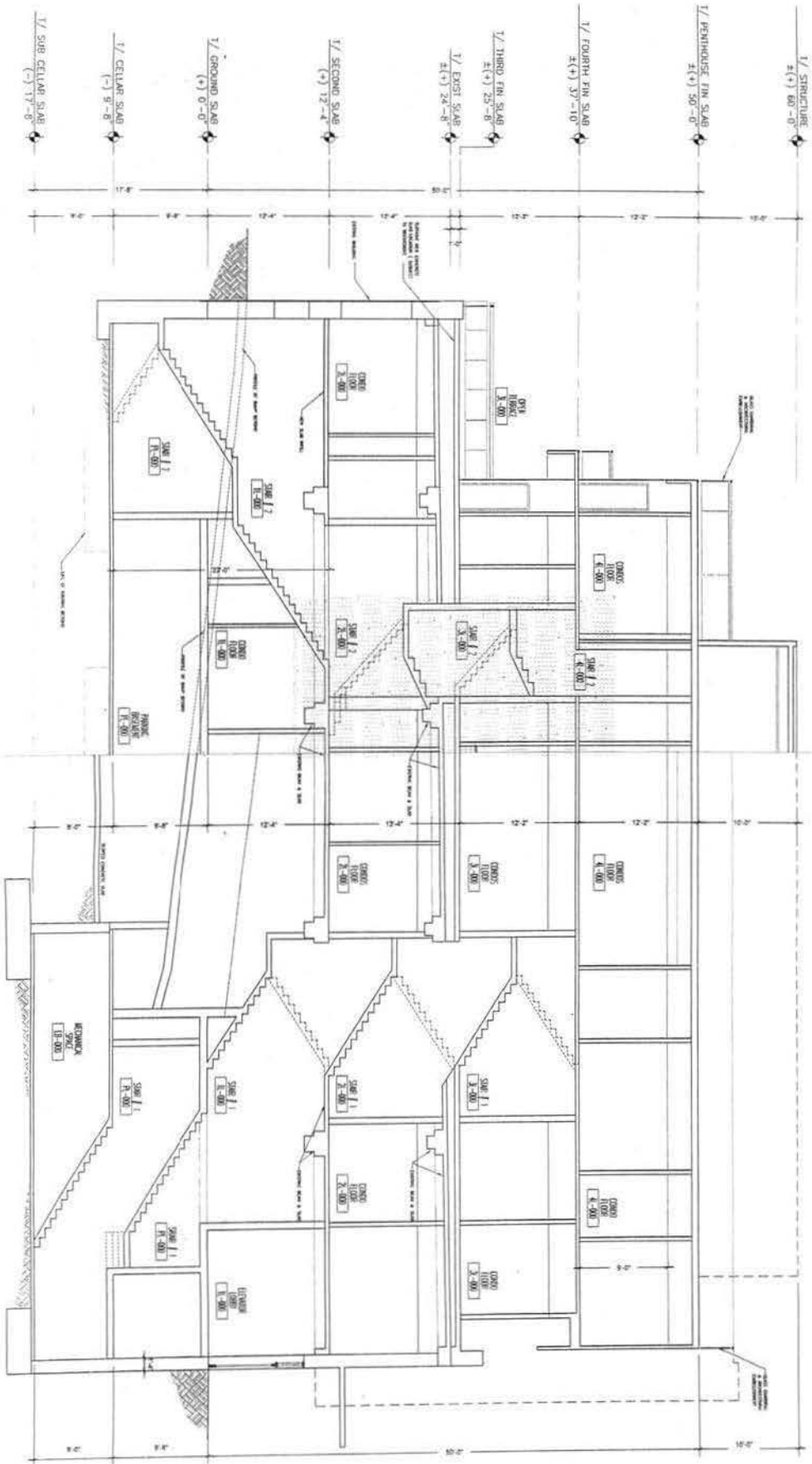
SHEET

A-12

OF 0000



SOUTH ELEVATION



03 301 - 621 - 6661
03 301 - 621 - 6663

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APPLICATION
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DATE: 01/11/14
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SCALE: AS SHOWN
SHEET TITLE:
BUILDING
SECTION

SHEET

A-13

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WORKING



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FILE: [blank]

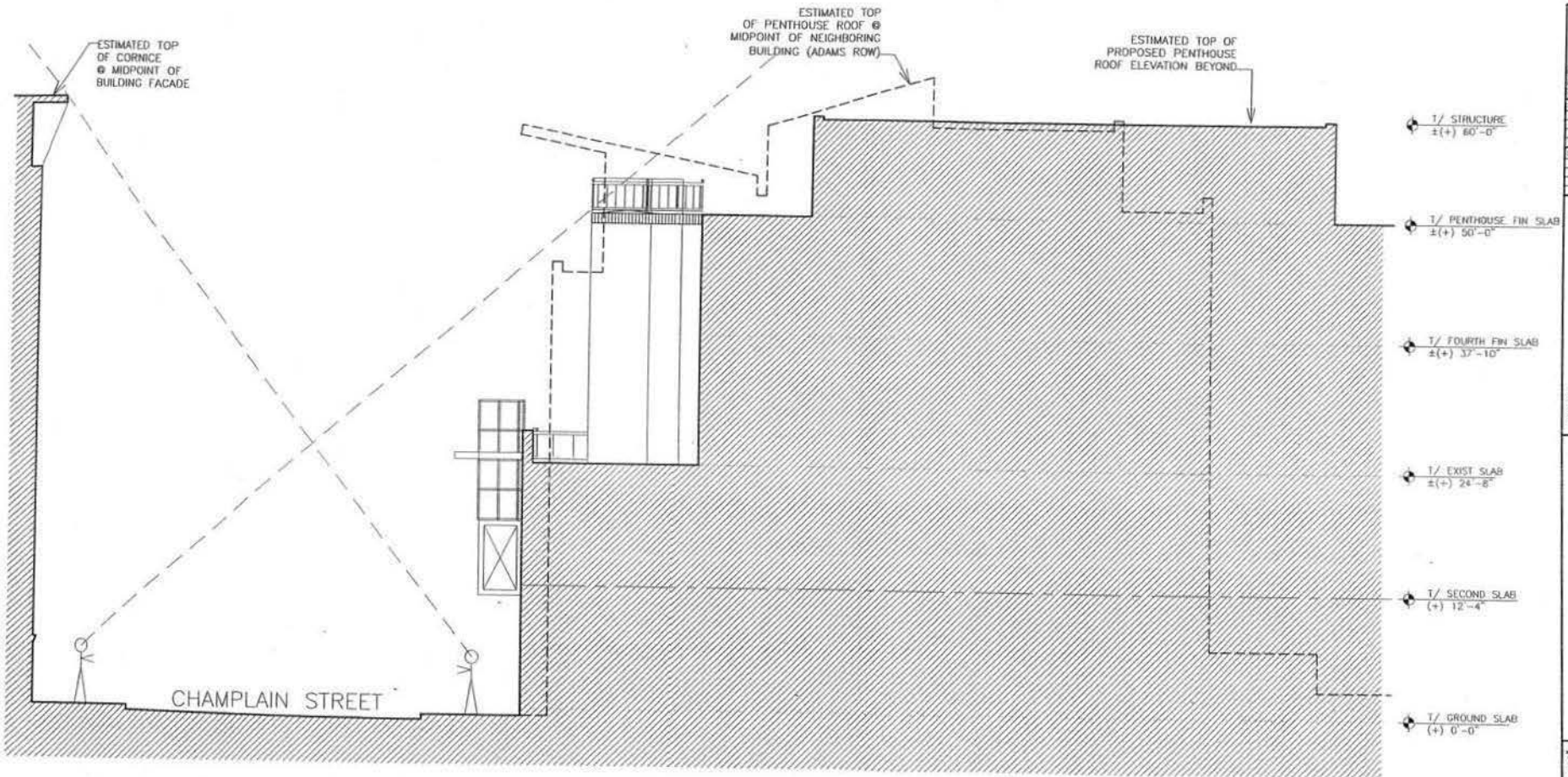
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SIGHT-LINE
STUDY

SHEET

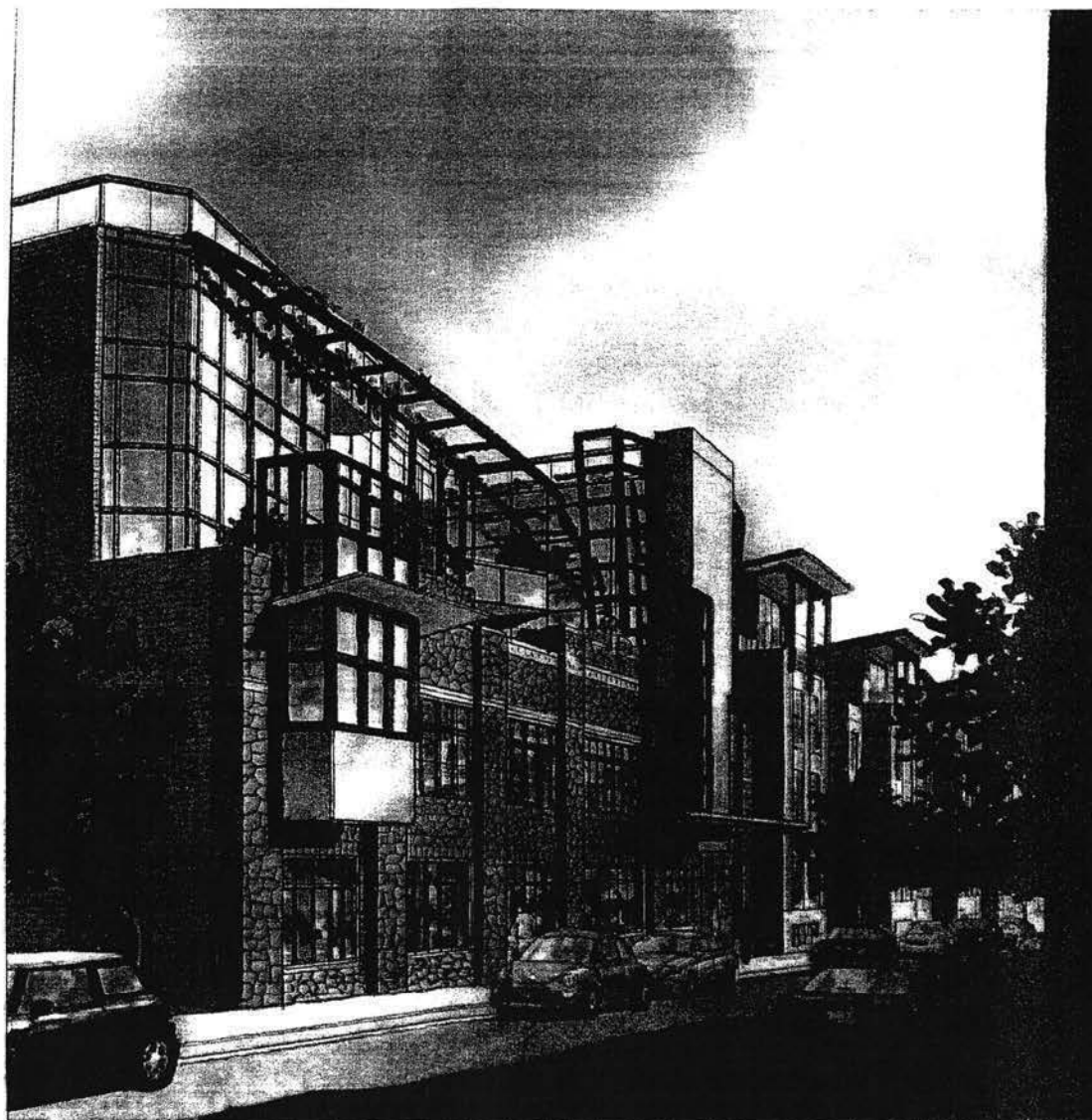
A-15

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BUILDING SECTION @ MIDPOINT OF PROPOSED BUILDING FACADE



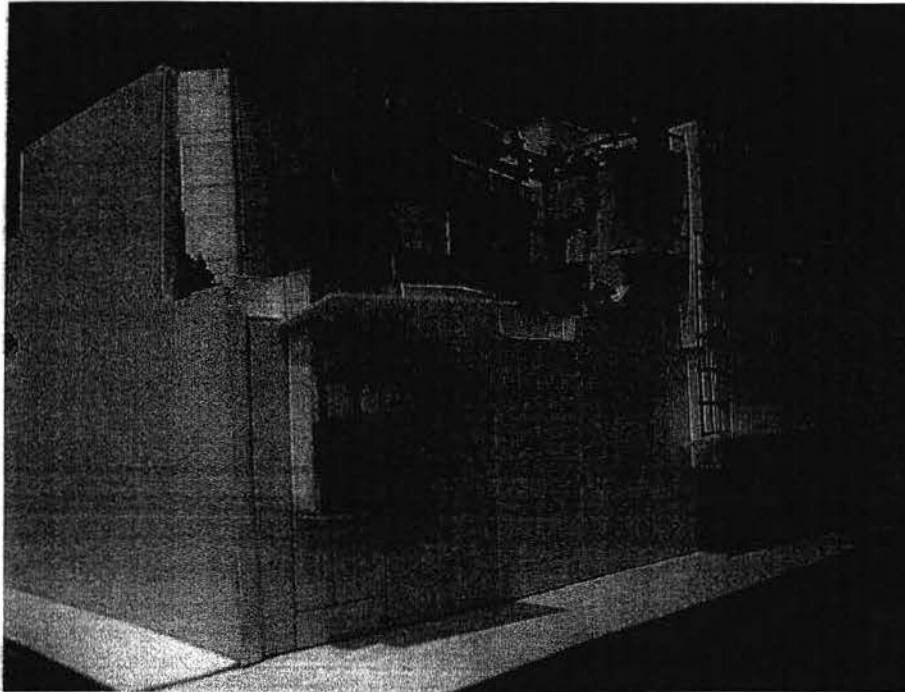
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RENDERING VIEW SOUTH ON CHAMPLAIN STREET

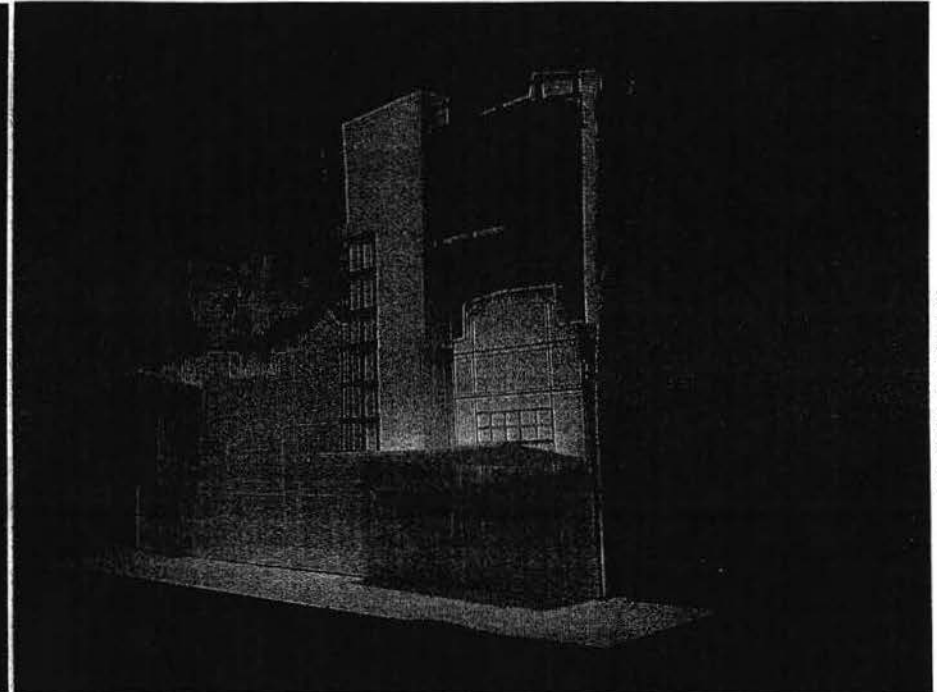


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RENDERING VIEW SOUTH ON CHAMPLAIN STREET

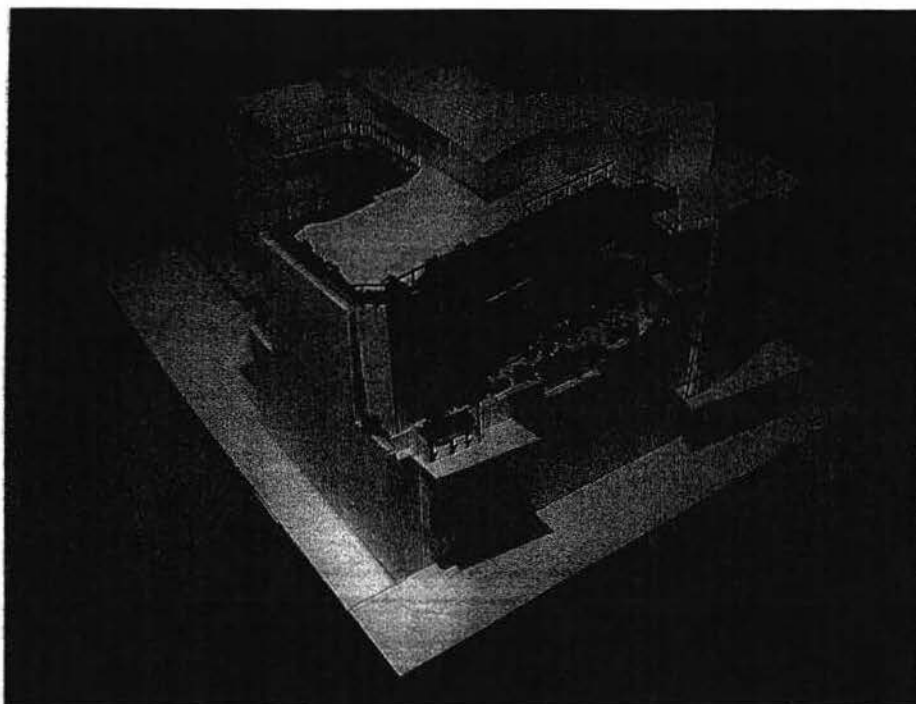


MODEL VIEW SOUTH ON CHAMPLAIN STREET

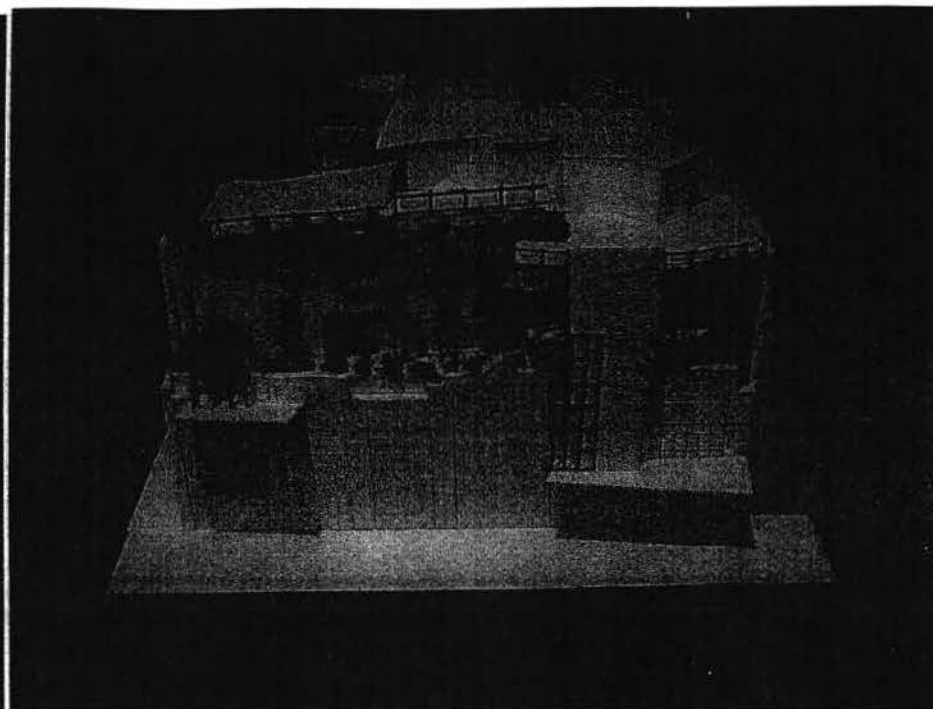


MODEL VIEW NORTH ON CHAMPLAIN STREET

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2014 FEB 14 PM 2:08

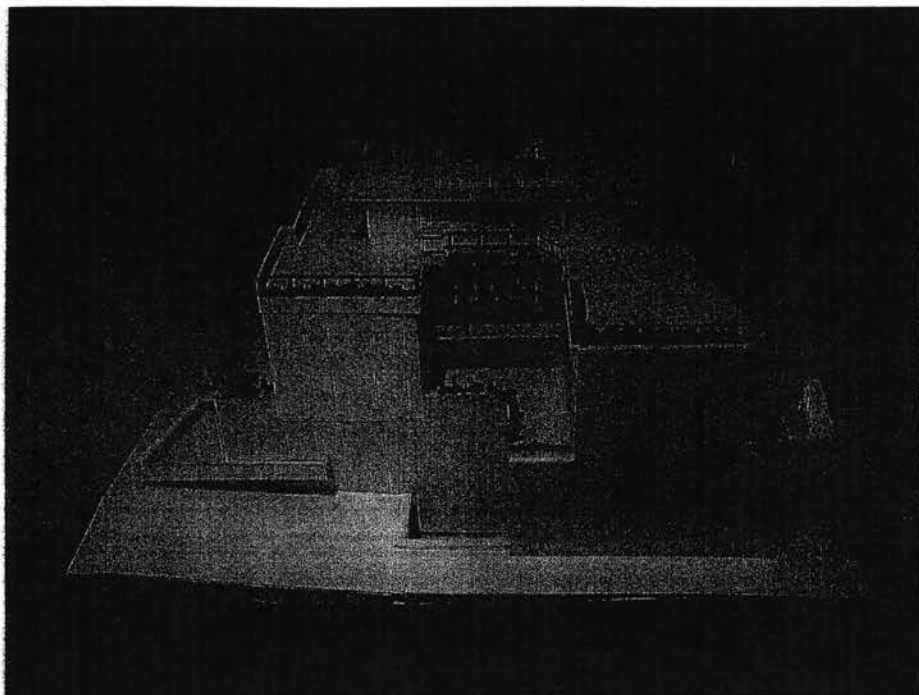


BIRDS EYE VIEW

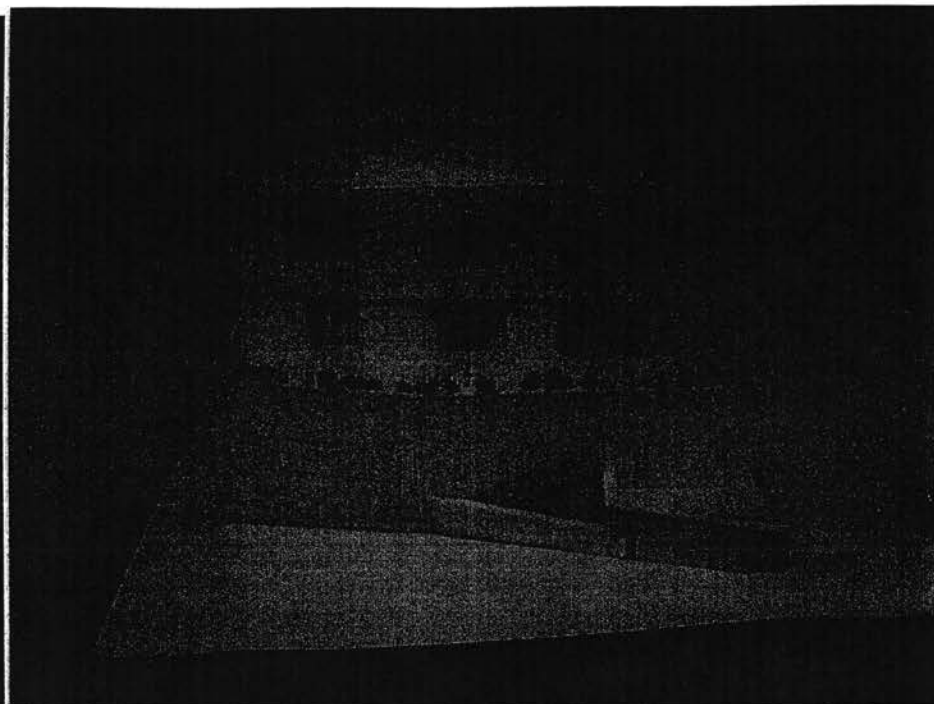


CHAMPLAIN STREET ELEVATION

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NORTH ELEVATION



REAR EAST ELEVATION

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JUN 15 11 AM '09

ZONING ANALYSIS

ZONING: R5B / REED COOKE OVERLAY DISTRICT

TOTAL LOT: 9771.28 SF + 1007.00 SF (DC PLAT)

ALLOWABLE HEIGHT OF STRUCTURE (RC/R-5-B/ SEC.1402)
40'-0" EXCEPT ARCHITECTURAL EMBELLISHMENTS
AND PENTHOUSE.

ACTUAL HEIGHT OF STRUCTURE 50'-0" AT MIDDLE OF
CHAMPLAIN STREET FACADE.

ALLOWABLE # OF STORIES (400.1)
NO LIMIT

ROOF AND PENTHOUSE (400.7C) & (IBC 2000-1509.2)
ROOF STRUCTURE SHALL NOT EXCEED 0.37 OF TOTAL
LOT AREA.

ACTUAL ROOF AREA= 8079 SF
ALLOWABLE PENTHOUSE AREA = 3988 SF

FAR OF 0.37 FOR ROOF STRUCTURES (411.7)
ALLOWABLE PENTHOUSE AREA= 3988 SF
ACTUAL PROVIDED PENTHOUSE AREA= 3988 SF

SET BACK FROM ROOF EDGE EQUAL TO HEIGHT OF
PENTHOUSE.
PENTHOUSE NO HIGHER THAN 18'-6"
ACTUAL PROVIDED PENTHOUSE HEIGHT= 10'-0"
ACTUAL SETBACK FROM ROOF EDGE PROVIDED = 10'-0"

FAR
MAXIMUM PERMITTED FAR (402.4)= 1.8
PROPOSED FAR= 2.66
TOTAL FLOOR AREA WITH CEILING 4'-0" OR MORE ABOVE
GRADE EXCLUDING PENTHOUSE, SHAFTS AND MECH.
ROOMS=28700 SF
ACTUAL PROVIDED FAR= 10778.28 SF / 28700 SF= 2.66

LOT OCCUPANCY
MAX % LOT OCCUPANCY FOR RESIDENTIAL USE (403.2)= 60%
ACTUAL LOT OCCUPANCY = 92.8% (A PRE-58 BUILDING W/ EXISTNG
FIRST & SECOND FLOORS)
CHANGE IN LOT OCCUPANCY = NO CHANGE

REAR YARD
MIN. DEPTH (404.1) 15'-0"
ACTUAL DEPTH = NONE (NOT APPLICABLE)
NONE REQUIRED (AN EXISTING PRE-58 BUILDING)
ACTUAL DEPTH=23'-0" FOR 3RD & 4TH FLOORS

SIDE YARD (405.6-9)
NONE REQUIRED

HEIGHT OF BUILDING
MAX. HEIGHT (400.1)= 50'-0"
(EXCLUDING PENTHOUSE & ARCHITECTURAL
EMBELLISHMENTS)
MAX. HEIGHT 50'-0" PROVIDED

LOADING
NONE REQUIRED

PARKING
RESIDENTIAL REQUIRES 1 PARKING SPACE FOR EVERY
2 DWELLINGS.
22 DWELLINGS= 11 PARKING SPACES REQUIRED
PROPERTY HAS A PARKING CREDIT OF 25 SPACES

COURTS
MIN. WIDTH OF OPEN COURT @ 4" PER FOOT OF
COURT HEIGHT, BUT NOT LESS THAN 10'-0" (406.1),
16'-0" OPEN COURT WIDTH PROVIDED



(7) 301 - 682 - 6263
(7) 301 - 682 - 6463

BZA
APPLICATION
SET

REVISIONS	DATE	BY	DESCRIPTION

ISSUED

OWNER: KING'S CREEK LLC
1411 GARDWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

SEE DRAWING SET TO REPORT
OF THE RESULTS
OF THE ANALYSIS
AND THE RECOMMENDATIONS
OF THE ANALYST
AND THE RECOMMENDATIONS
OF THE ANALYST
AND THE RECOMMENDATIONS
OF THE ANALYST

CHANGED BY: RGA
CHECKED BY: RGA
SCALE: AS NOTED
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ZONING
ANALYSIS

SHEET

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OWNER: KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC 20015
DRAWN BY: J. Z. KING

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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SHEET TITLE
ZONING
ANALYSIS

SHEET

ZA-3

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ACCESSIBILITY

PER 1107.6.2 4 UNITS ARE REQUIRED TO BE TYPE A ACCESSIBLE.
ALL REMAINING UNITS ARE TYPE B ACCESSIBLE
USING OPTION B OF THE BATHROOM REQUIREMENTS.

APPLICABLE CODES

2003 DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLIMENT
2000 INTERNATIONAL BUILDING CODE
2000 INTERNATIONAL PLUMBING CODE
2000 INTERNATIONAL MECHANICAL CODE
2000 INTERNATIONAL FIRE CODE
2000 INTERNATIONAL ENERGY CONSERVATION CODE
1996 NFPA NATIONAL ELECTRIC CODE

EGRESS STAIRS [1003.2.3]

FLOOR	STAIR #1	STAIR #2
PENTHOUSE	15	15
4	17	17
3	17	17
2	25	25
G	-	-
SUB-TOTAL (CONVERGENCE)	74	74
B1	23	23
B2	5	-
TOTAL STAIR LOAD	102	97
REQ. STAIR WIDTH	20.4"	19.4"
DESIGNED STAIR WIDTH	48.0"	48.0"

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS

	2B CONSTRUCTION TYPE [IBC 2003] REQUIREMENTS	DESIGNED AS
STRUCTURAL FRAME INCLUDING CLOUMNS, GIRDERS, TRUSSES	0	0
BEARING WALLS- EXTERIOR AND INTERIOR	0	0
NON BEARING WALLS AND PARTITIONS EXTERIOR	0	0 (NON COMBUSTIBLE)
INTERIOR	0	0
FLOOR CONSTRUCTION INCLUDING SUPPORTING BEAMS AND JOISTS TENANT SEPERATIONS: P-4 4-3 3-2 2-G G-B1 B1-B2	1 1 1 1 1 2 2	1 HR 1 HR 1 HR 1 HR 1 HR 2 HR 2 HR
ROOF CONSTRUCTION INCLUDING SUPPORT BEAMS AND JOISTS	0	0
DWELLING UNIT SEPERATION	1/2 HR (UL #U039)	1 HR
CORRIDOR PARTITION RATING W/ SPRINKLER	1 HR- DOOR RATING 1/3 HR	1 HR
SHAFT ENCLOSURE RATING (STAIRS, ELEVATOR, TRASH CHUTE)	2 HR (STAIRS, ELEVATOR AND TRASH CHUTE- DOOR RATING 1 1/2 HR.	2 HR



(7) 301-652-6263
(7) 301-652-6463

BZA
APPLICATION
SET

REVISIONS

ISSUED

ISSUED FOR BZA APPLICATION

OWNER
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET
WASHINGTON, DC

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CODE REQUIREMENTS

NEW BUILDING

USE GROUP	R-2
# OF R-2 CONDO UNITS	22
TYPE OF CONSTRUCTION	2B
HEIGHT OF BUILDING	50'-0"
NUMBER OF STORIES	4+ PENTHOUSE AND 2 BASEMENTS
FIRE ALARM	YES
BUILDING SPRINKLERED	YES
MAX. EXIT ACCESS DISTANCE	88'-0"
MIN. EXIT ACCESS DOORWAY SEPERATION	1/3 x132-0"=44'-0"

PARTITION LEGEND

- PARTITION (NOT RATED)
PARTITION TYPE #1 U.N.O.
- 2 HR. FIRE RATED WALL.
- 1 HR. FIRE RATED PARTITION

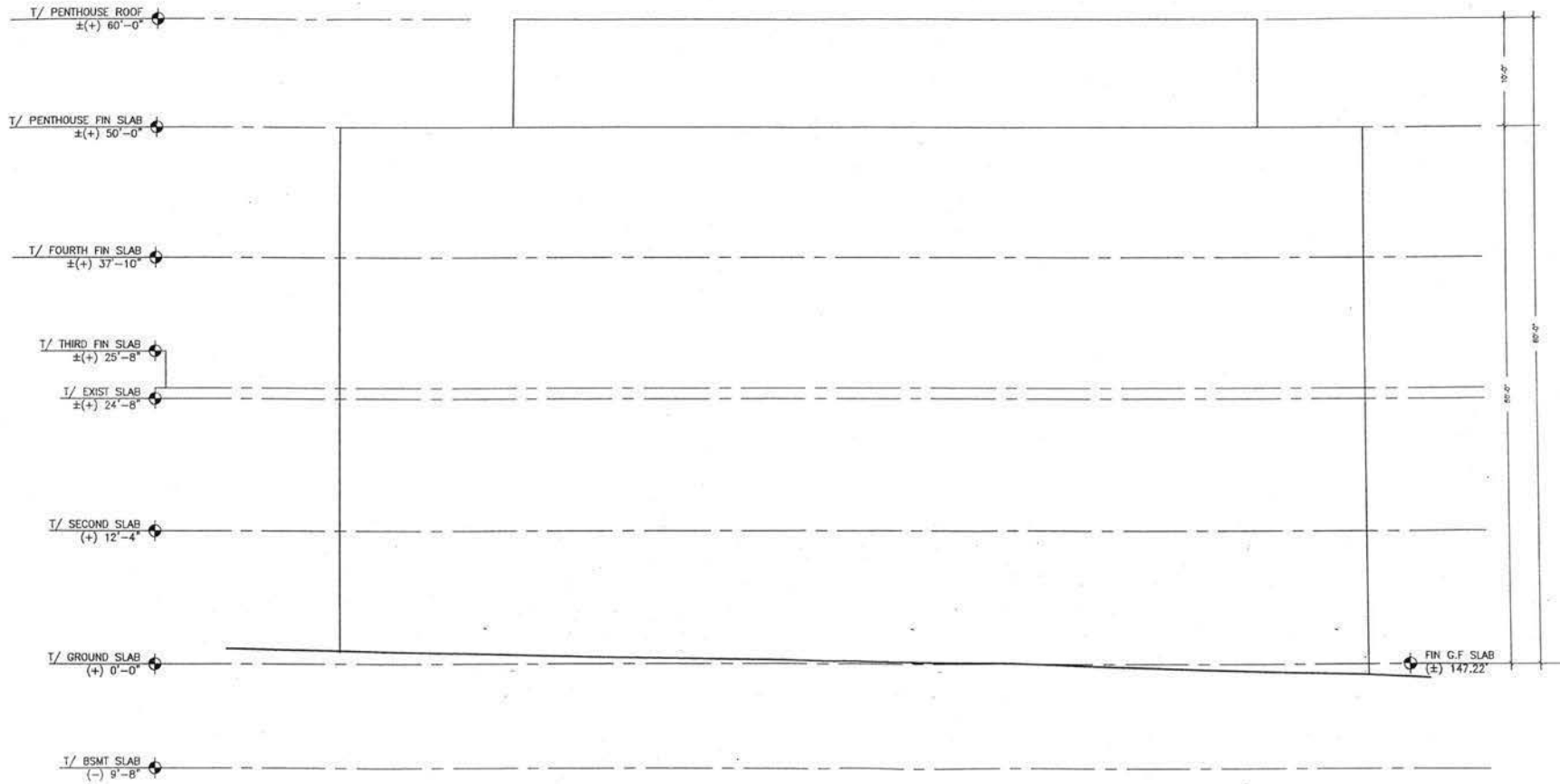
INTERIOR FINISH REQUIREMENTS

VERTICAL EXITS : C
GROUND LEVEL CORRIDORS : B
ALL OTHER CORRIDORS : C
ROOMS : C

OCCUPANCY

FLOOR	USE	AREA	AREA PER OCCUPANT	OCCUPANCY PER USE	OCCUPANCY PER FLOOR
ROOF	REC. AREA	2407	200	13	
PENTHOUSE	MECH. SPACE & ROOF ACCESS	4088.6	300	14	27
4	R-2	6495.6	200	33	33
3	R-2	6539	200	33	33
2	R-2	9930.5	200	50	50
1	R-2	6924.5	200	35	35
	MECH	0000	300	0	
B1	S-2	9782.5	200	49	49
B2	MECH. SPACE	1608	300	5	5

TOTAL BUILDING OCCUPANCY = 232



BUILDING HEIGHT DIAGRAM
CHAMPLAIN STREET
ELEVATION



(7) 301 - 662 - 6261
(7) 301 - 662 - 6463

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REVISIONS

NO.	DATE	DESCRIPTION

ISSUED
DATE: BZA APPLICATION

OWNER
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

DATE: 10/11/11
BY: S.G.A. ARCHITECTS, INC.
FOR: KING'S CREEK LLC

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FILE

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ANALYSIS

SHEET

ZA-5

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(202) 301-6522

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DRAWING BZA APPLICATION

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841 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC
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I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A LICENSED ARCHITECT IN THE DISTRICT OF COLUMBIA. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY.

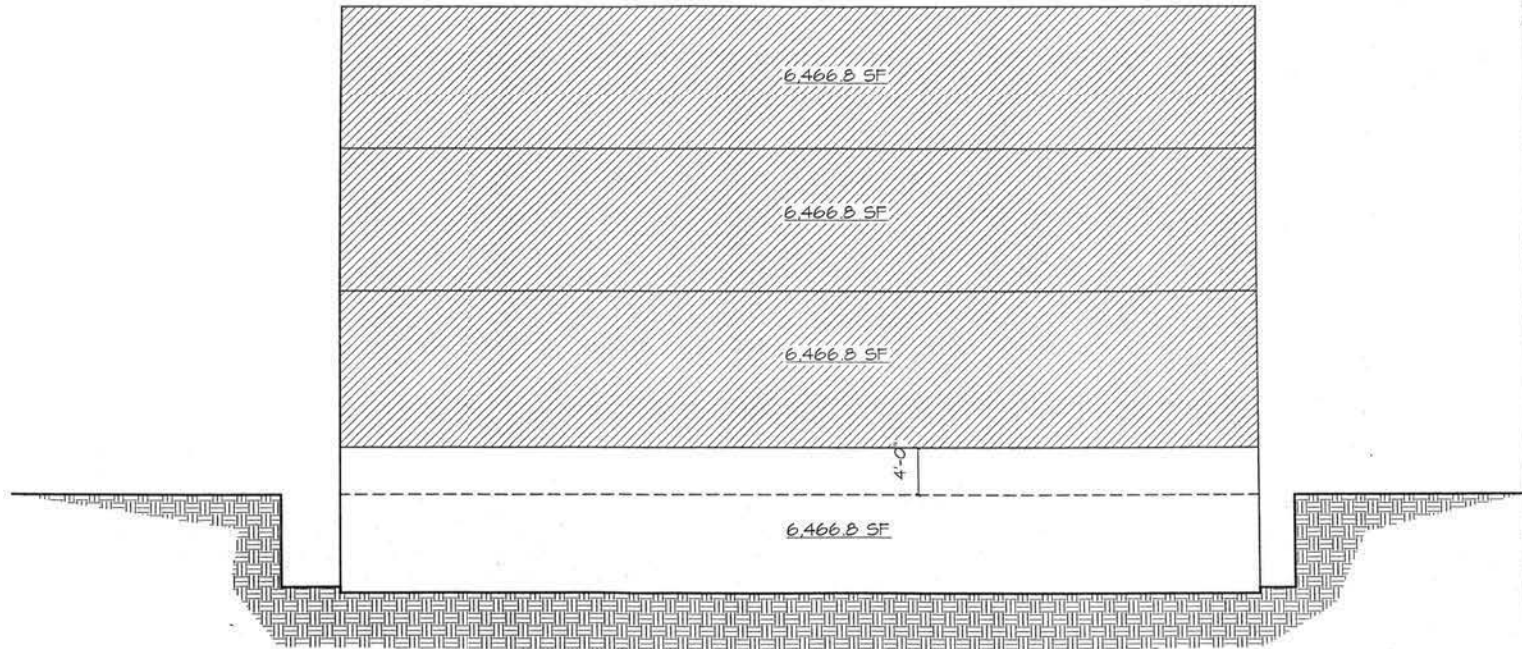
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SCALE: AS NOTED
FILE

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FAR DIAGRAM
BY RIGHT

SHEET

ZA-6

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D.C. OFFICE OF ZONING



FAR 1.8 DIAGRAM - MATTER OF RIGHT
N.T.S.



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SET
REVISIONS

1550ED
THURS, BZA APPLICATION

OWNER: **KING'S CREEK LLC**
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WASHINGTON, DC

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WASHINGTON, DC

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SCALE: **AS NOTED**
FILE

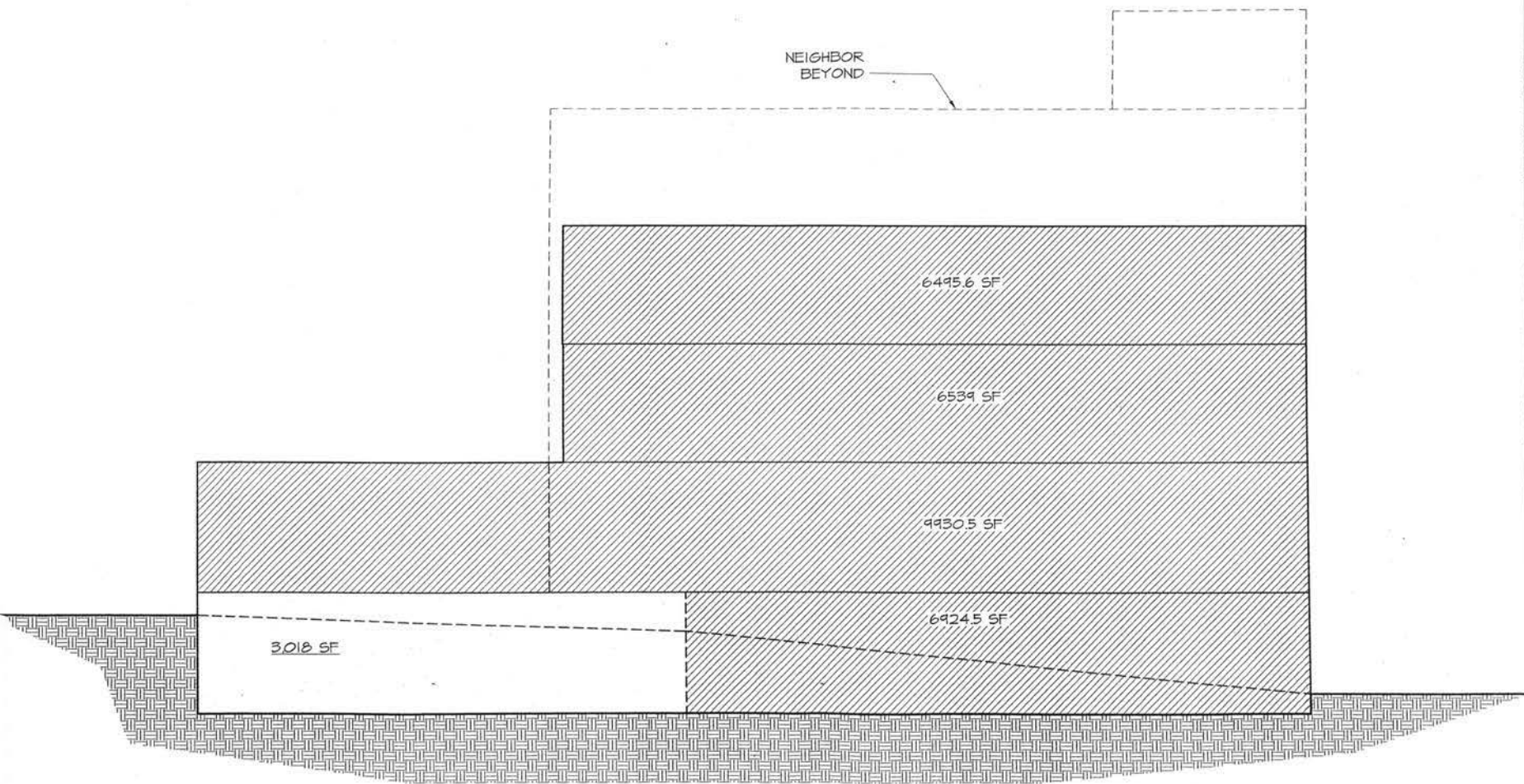
SHEET TITLE
FAR DIAGRAM
PROPOSED

SHEET

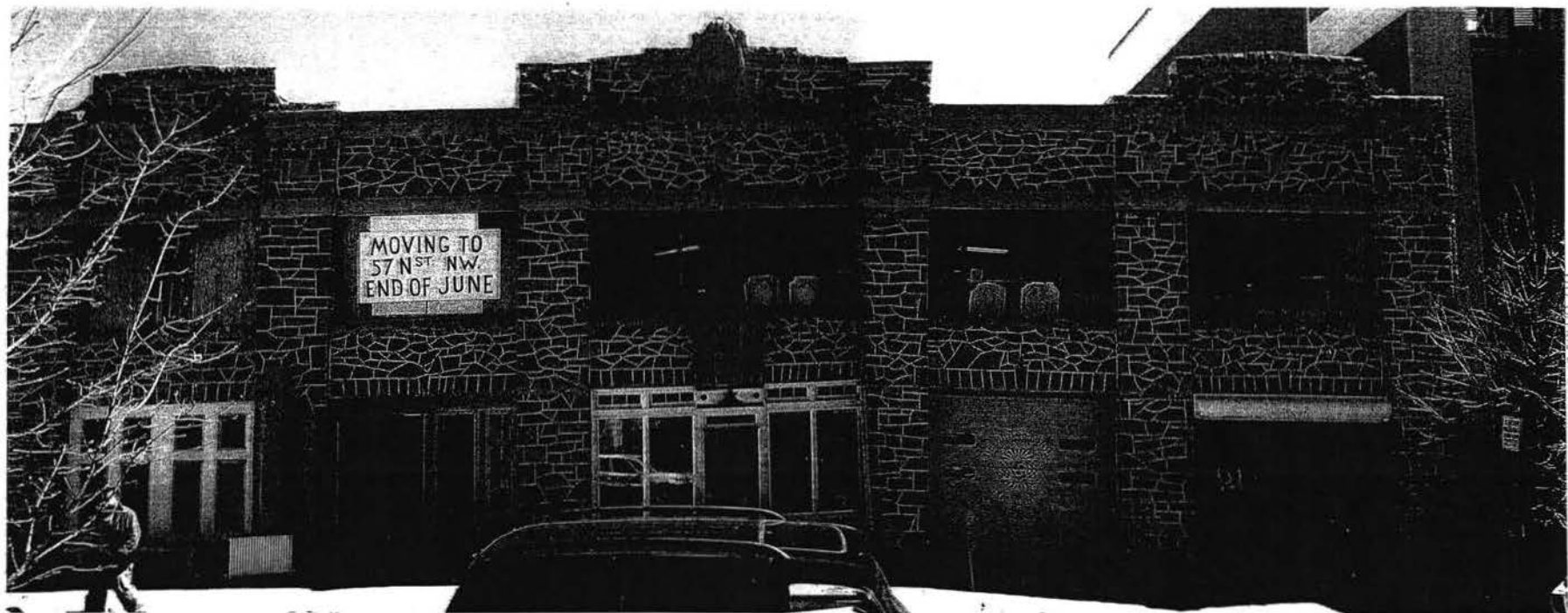
ZA-7

RECEIVED

NEIGHBOR
BEYOND



FAR 2.66 DIAGRAM - CURRENT PROPOSAL
N.T.S.



DC OFFICE OF ZONING

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FRONT VIEW FROM CHAMPLAIN STREET

P-1



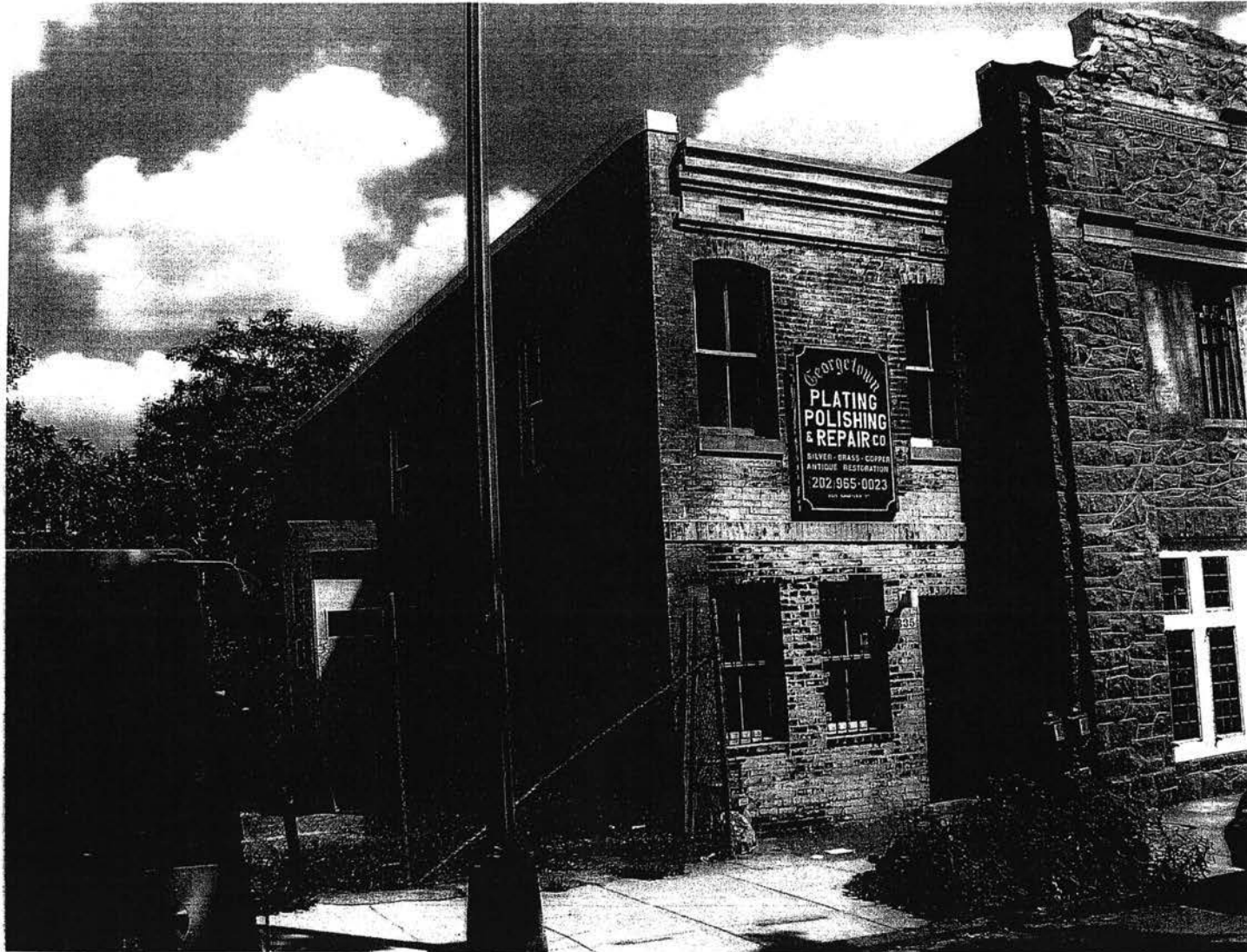
FRONT VIEW FROM CHAMPLAIN STREET

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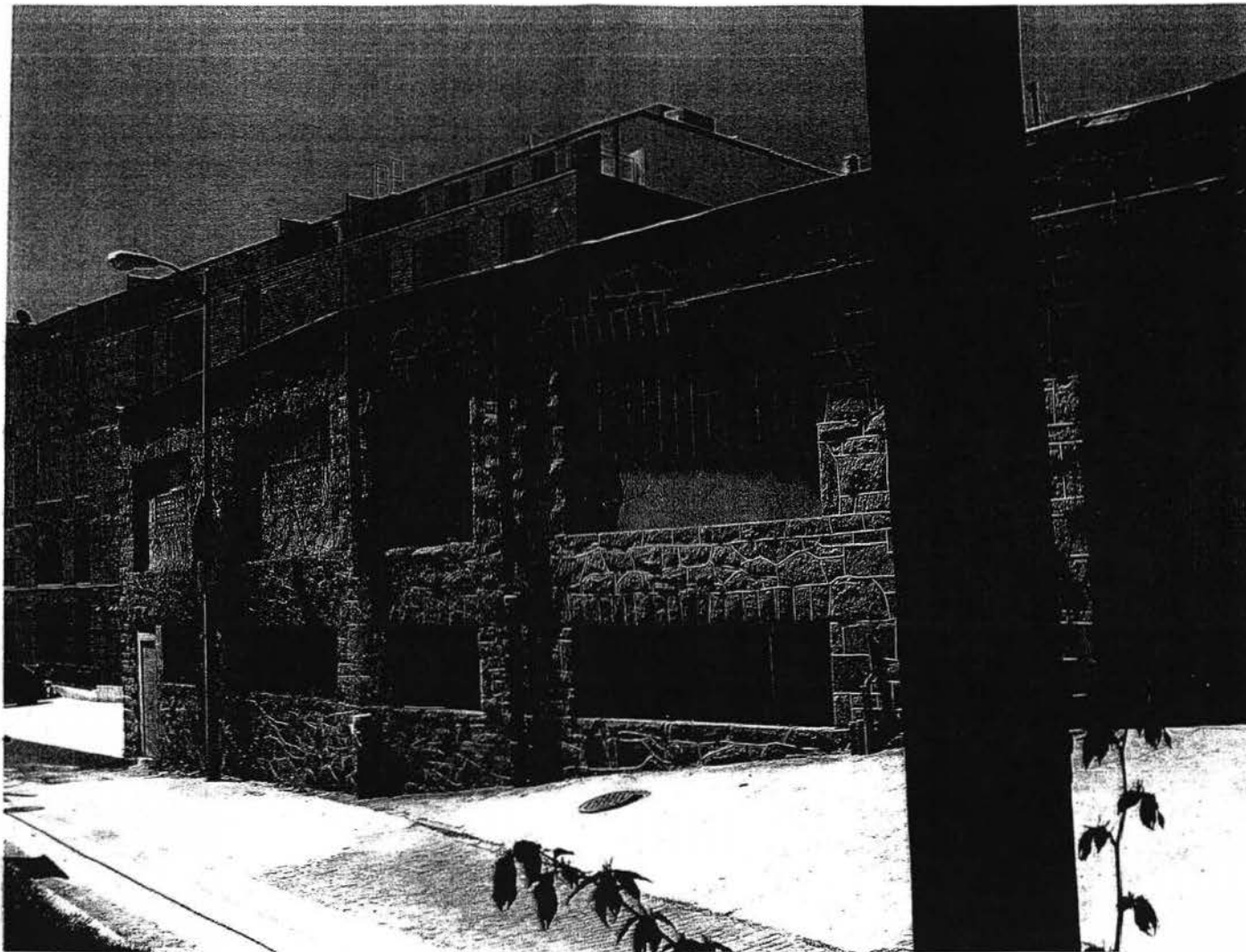
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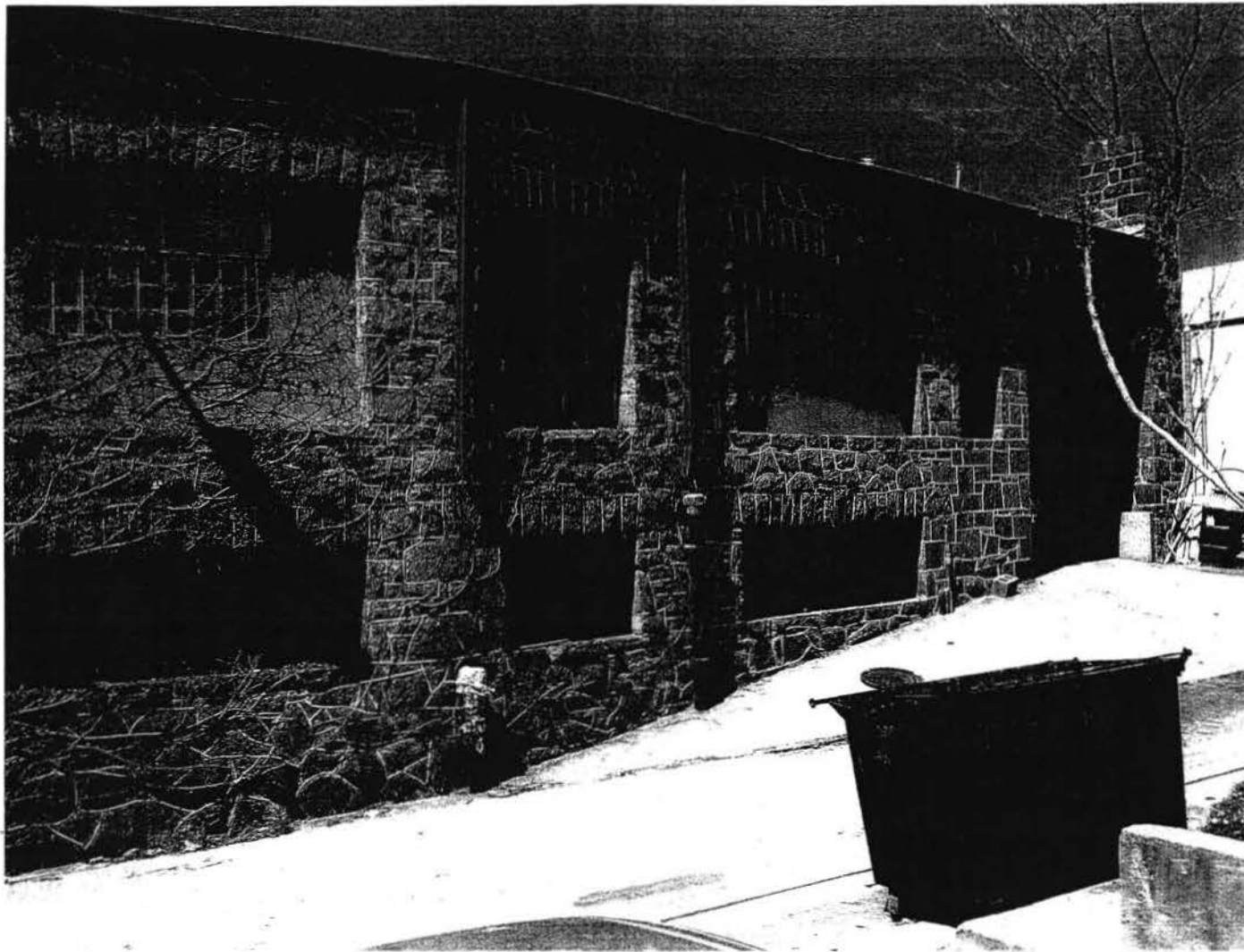
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2006 FEB 14 PM 2:11

SIDE VIEW FROM CHAMPLAIN STREET



VIEW FROM PUBLIC ALLEY

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REAR VIEW

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CORNER VIEW FROM PUBLIC ALLEY



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VIEW SOUTH DOWN CHAMPLAIN STREET

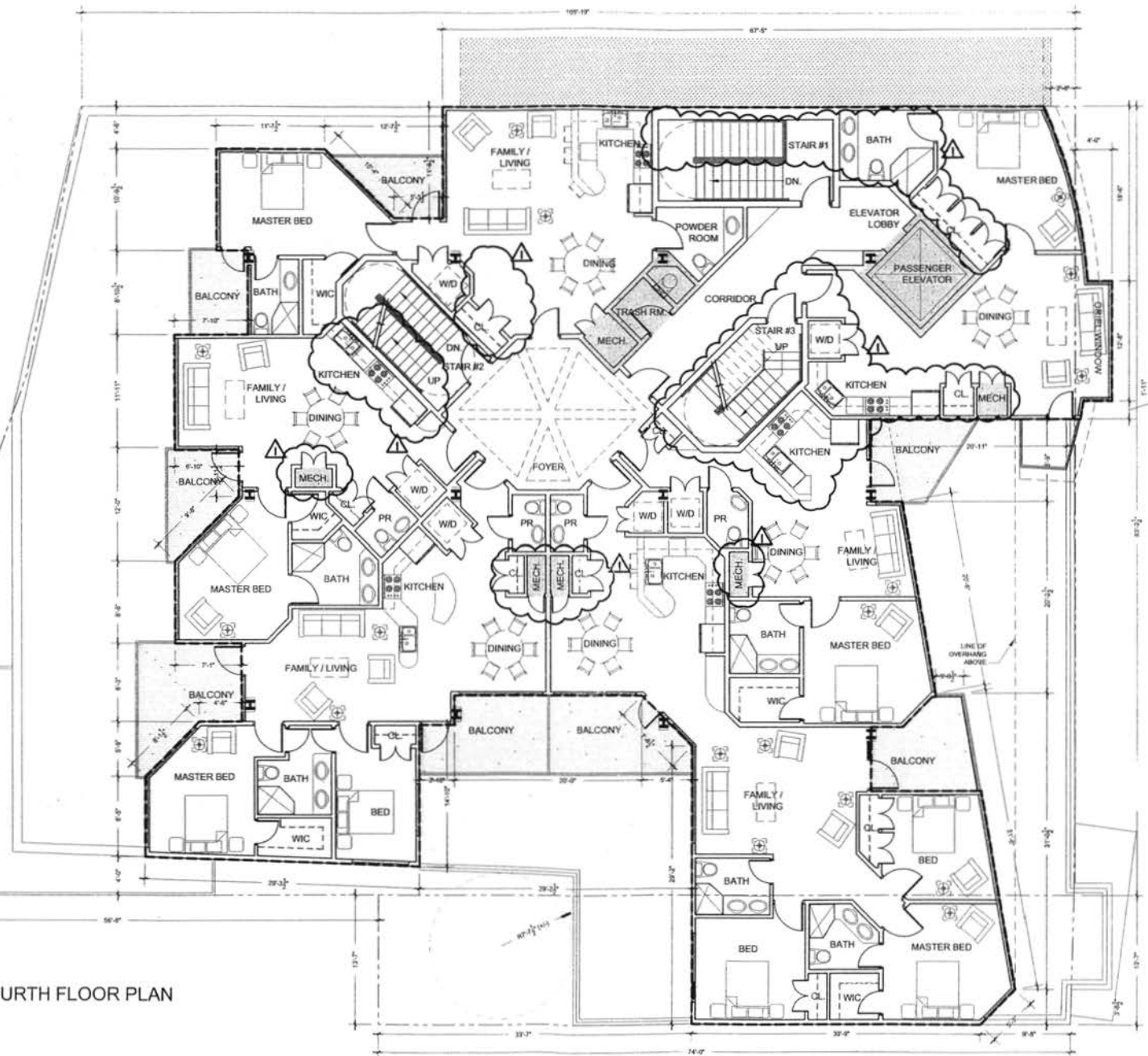


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VIEW SOUTH DOWN CHAMPLAIN STREET



FOURTH FLOOR PLAN



MINOR MODIFICATION APPLICATION
BZA ORDER # 17431

ISSUED
MINOR MODIFICATION APPLICATION

OWNER: KING'S CREEK LLC
8756 LEWINSVILLE RD
MCLEAN, VA 22102

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

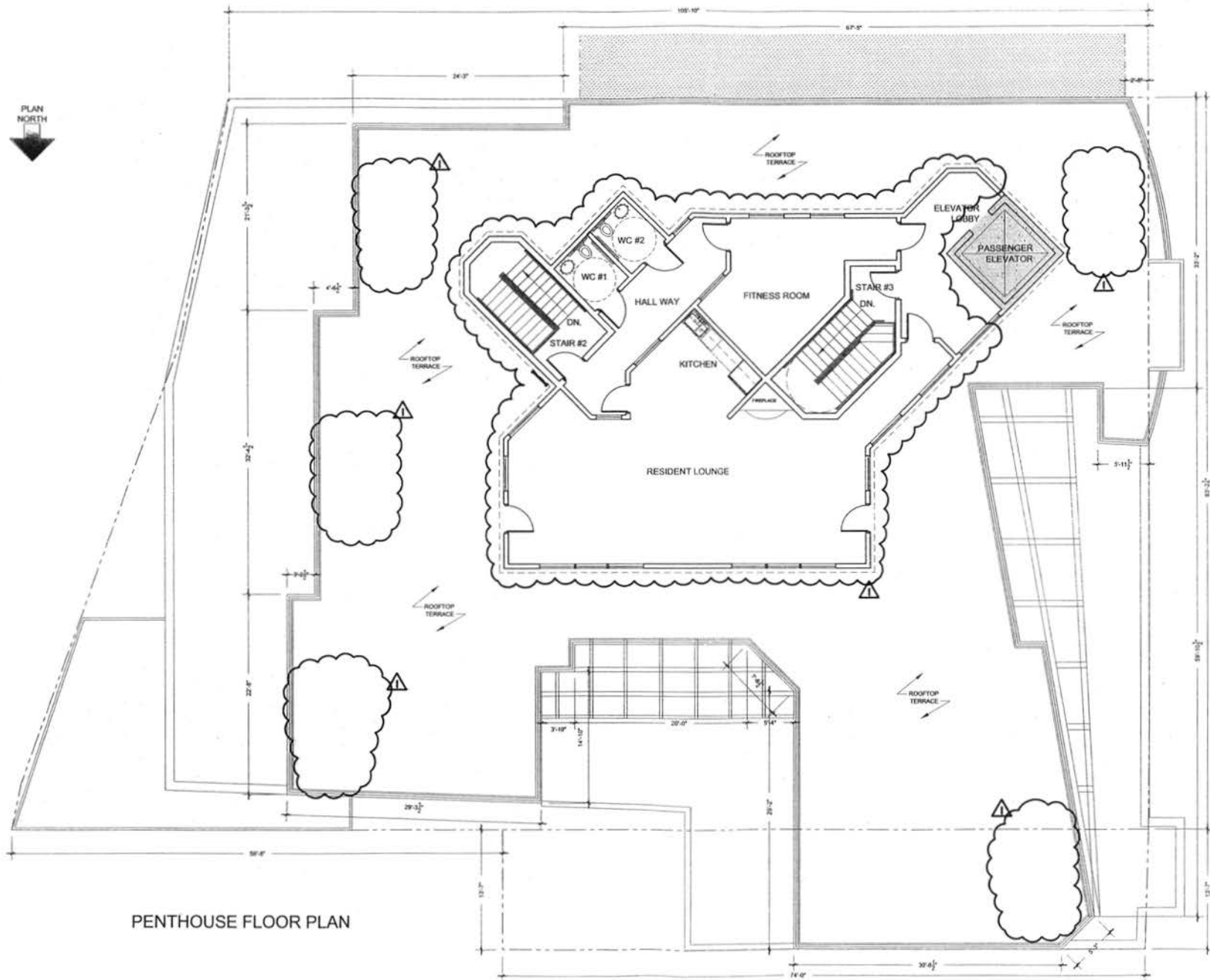
Exhibit B

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FILE: 441-008-13

SHEET TITLE
FOURTH FLOOR PLAN
SHEET

A-06



MINOR
MODIFICATION
APPLICATION
BZA ORDER
17431

REVISIONS	
NUMBER	DATE
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2	12/1/82
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ISSUED
1-14-64 DIA APPLICATION

OWNER:

KING'S CREEK LLC
8756 LEWINSVILLE RD
MCLEAN, VA 22102

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SHEET TITLE
PENTHOUSE
FLOOR PLAN

SHEET

A-07

